

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999  
4

As Engrossed: S3/3/99 S3/26/99

## A Bill

SENATE BILL 552

5 By: Senator K. Smith  
6  
7

### For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE 7-5-409 TO LIMIT THE  
10 NUMBER OF ABSENTEE BALLOTS AN INDIVIDUAL MAY OBTAIN IN  
11 PERSON FROM THE COUNTY CLERK'S OFFICE; TO AMEND  
12 ARKANSAS CODE 7-5-403 PERTAINING TO WHO MAY USE A  
13 DESIGNATED BEARER; AND FOR OTHER PURPOSES."  
14

### Subtitle

15 "TO AMEND ARKANSAS CODE 7-5-409 TO LIMIT  
16 THE NUMBER OF ABSENTEE BALLOTS A  
17 REGISTERED VOTER MAY OBTAIN IN PERSON  
18 FROM THE COUNTY CLERK'S OFFICE."  
19  
20  
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
23

24 *SECTION 1. Arkansas Code 7-5-409 is amended by adding new subsection to*  
25 *read as follows:*

26 "(g) The county clerk shall not deliver in person, or by any other  
27 means of transmittal, more than five (5) absentee ballots per election to the  
28 individual authorized to receive the absentee ballots unless:

29 (1) There are more than five (5) persons lawfully registered at  
30 the same address as the individual obtaining the absentee ballots, in which  
31 case the individual may only receive the same number of absentee ballots as  
32 persons lawfully registered at the same address; or

33 (2) There are more than five (5) persons lawfully registered at  
34 the address for which the designated bearer or authorized agent is obtaining  
35 the absentee ballots, in which case the designated bearer may only receive the  
36 same number of absentee ballots as persons lawfully registered at the same

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1 address.

2 (h) A designated bearer shall only be allowed to pick up five (5)  
3 absentee ballots from the county clerk per election and shall only be allowed  
4 to do so during the fifteen (15) days prior to a preferential or general  
5 election and seven (7) days prior to a general primary election."

6

7 SECTION 2. Arkansas Code 7-5-403(A)(2) is amended to read as follows:

8 "(2) Delivery of the request for an absentee ballot to the county clerk  
9 may be made in one (1) of the following ways, and in no other manner:

10 (A) For applications submitted using the form prescribed in  
11 § 7-5-405:

12 (i) In person at the office of the county clerk of  
13 the county of residence of the voter, no later than the time the county  
14 clerk's office regularly closes on the day before election day;

15 (ii) Applications by mail must be received in the  
16 office of the county clerk of the county of residence of the voter not later  
17 than ~~one (1) day~~ seven (7) days before the election for which the application  
18 was made;

19 (iii) A designated bearer may deliver the completed  
20 application to the office of the county clerk of the county of residence of  
21 the applicant not later than the time the county clerk's office regularly  
22 closes on the day before the day of the election.

23 (iv)(a) A person declared as the authorized agent of  
24 the applicant may deliver the application to the office of the county clerk of  
25 the county of residence of the applicant not later than 1:30 p.m. on the day  
26 of the election.

27 (b) An authorized agent must submit to the  
28 county clerk an affidavit of the administrative head of a hospital or nursing  
29 home located in this state that the applicant is a patient of the hospital or  
30 nursing home and is thereby unable to vote on the election day at his or her  
31 regular polling site.

32 (c) A copy of the affidavit shall be retained  
33 by the county clerk as an attachment to the application for an absentee  
34 ballot;

35 (v)(a) An application for absentee ballot may be  
36 requested by facsimile machine transmission or other available electronic

1 medium in the county clerk's office, and the clerk's office may transmit the  
 2 application form by facsimile machine transmission or other available  
 3 electronic medium over the telephone lines to applicants when the clerk's  
 4 office is so equipped.

5 The completed facsimile-transmitted application must be received in the  
 6 office of the county clerk of the county of residence of the voter not later  
 7 than ~~one (1) day~~ seven (7) days before the election for which the application  
 8 was made.

9 (2) The completed facsimile-transmitted application will be accepted  
 10 only upon verification of the facsimile signature of the applicant by the  
 11 county clerk.

12 (3) Once verified as a reasonable likeness of the voter's signature,  
 13 the signature appearing on a facsimile copy of an application shall be  
 14 presumed to be authentic until proven otherwise;

15 (B) If the applicant does not use the form prescribed in §  
 16 7-5-405, he may make an application for an absentee ballot as follows:

17 (i) A letter or postcard must be received in the  
 18 office of the county clerk not later than ~~one (1) day~~ seven (7) days before  
 19 the date of the election. The letter or postcard shall contain information  
 20 sufficient to the county board of election commissioners and the county clerk  
 21 to accept the letter or postcard in lieu of the application form;

22 (ii) An applicant may transmit a written request for  
 23 an absentee ballot over the telephone lines which shall contain the voter's  
 24 signature and other information sufficient for acceptance in lieu of the  
 25 application form."  
 26

27 SECTION 3. Arkansas Code 7-5-403(b) and (c) is amended to read as  
 28 follows:

29 "(b)(1) Any person eligible to vote by absentee ballot may request the  
 30 county clerk to mail to an address within the continental United States an  
 31 application for an absentee ballot.

32 (2)(A) The For those persons voting by absentee ballot who reside  
 33 outside the county in which they are registered to vote, the application shall  
 34 remain in effect for one (1) year unless revoked by the voter, and the county  
 35 clerk shall thereafter automatically mail, no later than twenty-five (25) days  
 36 prior to each election, an absentee ballot for each election.

1                   (B) Except for persons of long-term care or residential  
 2 facilities licensed by the state or other persons who are disabled voters as  
 3 defined in Arkansas Code 7-5-311(d), for those persons voting by absentee  
 4 ballot who reside within the county in which they are registered to vote, the  
 5 application shall only be valid for one (1) election cycle. The election  
 6 cycle shall include any one (1) election and the corresponding run-off  
 7 election."

8  
 9           SECTION 4. Arkansas Code 7-5-411(a) is amended to read as follows:

10           "(a) Absentee voting may be accomplished in one (1) of the ~~two~~ (2)  
 11 following methods, and in no other manner:

12           (1) By ballot cast by mail which must be received in the office  
 13 of the county clerk of the county of residence of the voter not later than  
 14 7:30 p.m. on election day. However, absentee ballots applied for not later  
 15 than thirty (30) days before the election, by qualified electors outside the  
 16 United States on election day which are signed, ~~and~~ dated, postmarked and  
 17 mailed by the voters no later than the day of the election and received by the  
 18 county clerk no later than 5:00 p.m. ten (10) calendar days after the date of  
 19 the election. Each absentee ballot shall be mailed separately by the voter  
 20 and shall not be included with any other absentee ballot in a bulk mailing  
 21 except an administrative head of a nursing home or hospital may mail the  
 22 absentee ballots of the patients by bulk mail;

23           (2) By delivery of the ballot to the county clerk of the county  
 24 of residence of the voter not later than 7:30 p.m. on election day by a  
 25 relative of the voter, the designated bearer, or the authorized agent of the  
 26 absentee voter who is medically unable to vote at the regular polling site  
 27 upon proper verification of the signature of the voter by the county clerk and  
 28 validation of the identity of the authorized agent. The designated bearer,  
 29 authorized agent or relative shall sign documentation upon delivery of  
 30 absentee ballots to the county clerk. However, no person may deliver absentee  
 31 ballots to the clerk's office for more than five (5) persons; or

32           (3) The voter may deliver the ballot to the county clerk of the  
 33 county of his or her residence not later than the close of regular business  
 34 hours on the day before the election."  
 35

36           SECTION 5. All provisions of this Act of a general and permanent nature

1 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
2 Revision Commission shall incorporate the same in the Code.

3

4 SECTION 6. If any provision of this Act or the application thereof to  
5 any person or circumstance is held invalid, such invalidity shall not affect  
6 other provisions or applications of the Act which can be given effect without  
7 the invalid provision or application, and to this end the provisions of this  
8 Act are declared to be severable.

9

10 SECTION 7. All laws and parts of laws in conflict with this Act are  
11 hereby repealed.

12

*/s/ K. Smith*