

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

A Bill

HOUSE BILL 2022

5 By: Representative Judy
6
7

For An Act To Be Entitled

8
9 AN ACT CONCERNING REVISIONS TO THE ABSENTEE
10 VOTING PROCEDURES; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 AN ACT CONCERNING REVISIONS TO THE
14 ABSENTEE VOTING PROCEDURES.
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16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 7-5-409(b), concerning materials furnished
20 to qualified voters, is amended to read as follows:

21 (b) If the applicant is registered or is otherwise eligible to vote
22 absentee, the county clerk shall deliver or mail to the applicant or deliver
23 pursuant to subsections (d) - (f) of this section to the person who delivers
24 the application to the office of the county clerk pursuant to § 7-5-403 the
25 following materials:

26 (1) An official ballot for each election named in the
27 application;

28 (2) Instructions for voting and returning the ballot to the
29 county clerk;

30 (3) A sealable envelope on which there shall be written or
31 printed the words: "Ballot Only";

32 (4) A sealable envelope upon which shall be printed or written
33 the words: "Return Envelope", the address of the county clerk, the precinct
34 of the voter, and the words: "ABSENTEE BALLOT, ,
35 , ELECTION";
36



1 (5) A blank voter statement in the following form:

2 "I reside at the address indicated on my application.

3 I have enclosed ~~my ballot stub~~ in the Return Envelope; ~~I have enclosed my~~
4 ~~marked ballot in the Ballot Only envelope, which I will place in the Return~~
5 ~~Envelope. I will not vote again in this election.~~

6 (A) My ballot stub;

7 (B) My complete voter statement;

8 (C) A copy of a current and valid photo identification
9 card, or current utility bill, bank statement, government check, paycheck, or
10 other government document that shows my name and address, if I registered to
11 vote for the first time by mail; and

12 (D) The ballot only envelope containing my marked ballot.

13 THE INFORMATION I HAVE PROVIDED IS TRUE TO THE BEST OF MY KNOWLEDGE UNDER
14 PENALTY OF PERJURY. IF I HAVE PROVIDED FALSE INFORMATION, I MAY BE SUBJECT TO
15 A FINE OF UP TO TEN THOUSAND DOLLARS (\$10,000) OR IMPRISONMENT FOR UP TO TEN
16 (10) YEARS, OR BOTH, UNDER FEDERAL OR STATE LAWS.

17

18 signature of voter

19

20 printed name of voter

21

22 address of voter

23

24 date of birth of voter

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26 signature of designated bearer, relative or authorized agent

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28 address of designated bearer, relative or authorized agent."; and

29 (6) An authorized agent authorization form, which may be printed
30 on the back of the voter statement, as follows:

31 "AGENT AUTHORIZATION FORM

32 If applicable, fill out and sign this form and place it in the Return
33 Envelope

34

35 I hereby authorize (insert his or her name) as my authorized agent,
36 to deliver this ballot as I am medically unable to vote on election day. An

1 affidavit verifying my medical status as unable to deliver the application or
2 to vote on the day of the election is attached or has been provided with my
3 application.

4

5 Signature of voter

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7 printed name of voter

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9 date of birth of voter"

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11 SECTION 2. Arkansas Code § 7-5-412 is amended to read as follows:

12 7-5-412. Marking and return of ballots - Delivery of mailed ballots.

13 (a) Upon receiving the blank absentee ballot, voter statement, and
14 envelopes, whether in the office of the county clerk or elsewhere, the voter
15 shall mark the ballot, tear off the lower ballot stub end, and place the
16 ballot in the provided envelope. He or she shall then seal the envelope
17 containing the ballot and place it ~~with his executed statement and the ballot~~
18 ~~stub~~ in the other provided outer envelope, with the following:

19 (1) The executed voter statement;

20 (2) The ballot stub; and

21 (3)(A) A copy of a current and valid photo identification, or a
22 copy of a current utility bill, bank statement, government check, paycheck,
23 or other government document that shows the name and address of the voter,
24 for first time voters who registered by mail.

25 (B) However, this requirement does not apply if:

26 (i) The first time voter registered to vote by mail
27 and provided the identification at that time; or

28 (ii) The first time voter registered to vote by mail
29 and submitted his or her driver's license number or at least the last four
30 (4) digits of his or her social security number at that time, and this
31 information matches the information in an existing state identification
32 record bearing the same number, name, and date of birth as provided in the
33 registration.

34 (b) The envelope containing ballot, ballot stub, identification, if
35 applicable, and voter's statement must be received in the office of the
36 county clerk not later than 7:30 p.m. on the day of the election.

1 (c) Ballots by mail shall be counted if received no later than the
 2 time the polls close on election day. Ballots received by mail on election
 3 day, and before the polls close, shall be delivered promptly by the county
 4 clerk to the election officials designated to canvass and count absentee
 5 ballots.

6 (d) An individual who desires to cast an absentee ballot but who does
 7 not meet the identification requirements of subdivision (a)(3) of this
 8 section, may cast a ballot by mail and the ballot shall be considered as a
 9 provisional ballot.

10
 11 SECTION 3. Arkansas Code § 7-5-416(b) through (d), concerning counting
 12 absentee ballots, is amended to read as follows:

13 (b)(1) The opening, processing, counting, and canvassing of absentee
 14 ballots shall be conducted as follows:

15 (A) One (1) of the election officials shall open outer
 16 absentee ballot envelopes one (1) by one (1), ~~and, as soon as he opens one~~
 17 ~~(1), he shall read aloud from the statement in the envelope the name of the~~
 18 ~~voter and the voting precinct in which the voter claims to be a legal voter;~~
 19 and verify the contents.

20 (B) If the required materials are properly placed in the
 21 outer absentee ballot envelope, the election official shall proceed to read
 22 aloud from the voter statement the name of the voter and the voting precinct
 23 in which the voter claims to be a legal voter;

24 (C) If the required materials are not properly placed in
 25 the outer absentee ballot envelope, a second election official shall open the
 26 inner absentee ballot envelope to verify the contents;

27 (D) If all required materials are present within one (1)
 28 or the other envelopes, the election officials shall put the materials in the
 29 proper envelopes while preserving the secrecy of the voter's ballot and shall
 30 proceed to read aloud from the voter statement the name of the voter and the
 31 voting precinct in which the voter claims to be a legal voter;

32 ~~(B)-(E)~~ (E) As each outer envelope is opened and the name of
 33 the voter is read, the election officials for the absentee box shall list in
 34 duplicate the name and voting precinct of the voter and shall write on the
 35 stub end of the ballot taken from the outer envelope the number of the voter
 36 taken from this list of voters;

1 ~~(G)~~(F) After the election official reads aloud from the
 2 statement, the election officials shall compare the name, address, date of
 3 birth, and signature of the voter's absentee application and the voter's
 4 statement. If the application and the voter's statement do not compare as to
 5 name, address, date of birth, and signature, the application, absentee ballot
 6 envelope, and statement shall be placed in an envelope marked "challenged".
 7 The election official shall record the reason for the challenge on the
 8 envelope, and it shall be referred to the board. The board shall determine
 9 whether the voter is qualified and whether or not the vote shall be counted;

10 (G) If the absentee voter fails to return the required
 11 materials, the contents of both envelopes shall be placed in an envelope
 12 marked "provisional";

13 (H)(i) The election official shall record the reason for
 14 the challenge on the envelope, and it shall be referred to the board.

15 (ii) The board shall determine whether the voter is
 16 qualified and whether or not the vote shall be counted;

17 (I) Failure of the voter to submit the required absentee
 18 materials in the proper envelopes shall not be grounds for challenging the
 19 ballot;

20 ~~(D)~~(J) If no challenge is made, ~~and if the statement is in~~
 21 ~~proper form,~~ the election official shall, without opening the inner envelope
 22 containing the ballot, remove the inner envelope and place it in the ballot
 23 box without marking it in any way; ~~Proper form shall include the voter's~~
 24 ~~signature;~~

25 ~~(E)~~(K) The ballot stub ends shall be placed in a separate
 26 ballot box designated for them and retained as are other ballot stub ends;

27 ~~(F)~~(L)(i) After all of the outer envelopes have been
 28 opened and a list has been made in duplicate of the name and voting precinct
 29 of the voters, as required in this section, the election officials of the
 30 absentee box shall preserve all the statements of voters and the voters'
 31 identification documents and deliver them to the county clerk, who shall file
 32 and keep them for the same length of time after the election as is required
 33 for retention of other ballots, ~~and the~~

34 (ii) statements Statements shall be made available
 35 for public inspection during regular business hours; ~~.~~

36 (iii) The voters' identification documents shall not

1 be subject to public inspection except as part of a judicial proceeding to
2 contest the election;

3 ~~(G)~~(M) When all of the inner envelopes containing the
4 ballots have been placed in the ballot box and the ballot stub ends have been
5 deposited in a separate box, the ballot box shall be shaken thoroughly to mix
6 the ballots; and

7 ~~(H)~~(N) The ballot box shall be opened and the ballots
8 canvassed and counted.

9 (2) No election results shall be printed or released prior to
10 the closing of the polls.

11 (c) If any person casting an absentee ballot dies before the polls
12 open on election day, his vote shall not be counted.

13 (d) It is the intent of this section to permit the election officials
14 for absentee ballots to meet and process absentee ballots according to this
15 section ~~open the outer envelope and make a list in duplicate of the name and~~
16 ~~voting precinct of each voter casting an absentee ballot, to write on the~~
17 ~~stub end of the ballot taken from the outer envelope the number of the voter~~
18 ~~taken from the list of voters, and to deposit the inner envelope containing~~
19 ~~the ballot in the ballot box and to deposit the ballot stub ends in another~~
20 ~~ballot box~~ prior to the closing of the polls on election day.

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