

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: H3/8/99

# A Bill

Act 918 of 1999  
HOUSE BILL 1710

5 By: Representatives White, Carson, Courtway, Davis, Dees, Green, Jacobs, G. Jeffress, C. Johnson,  
6 Judy, J. Lewellen, Oglesby, Prater, Salmon, Scrimshire, T. Steele, W. Walker, Wilkins, Willis  
7

## For An Act To Be Entitled

10 "AN ACT TO AMEND ARKANSAS CODE 7-5-405 PERTAINING TO  
11 THE FORM FOR APPLICATIONS FOR ABSENTEE BALLOTS; TO  
12 AMEND ARKANSAS CODE 7-5-409 TO REQUIRE COUNTY CLERKS  
13 TO CHECK AND RECORD THE IDENTITY OF PERSONS WHO PICK  
14 UP ABSENTEE BALLOTS FOR OTHER PERSONS; AND FOR OTHER  
15 PURPOSES. "

### Subtitle

16  
17  
18 "TO REQUIRE COUNTY CLERKS TO CHECK AND  
19 RECORD THE IDENTITY OF PERSONS WHO PICK  
20 UP ABSENTEE BALLOTS FOR OTHER PERSONS. "  
21  
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
24

25 SECTION 1. Arkansas Code 7-5-405 is amended to read as follows:

26 "7-5-405. Application form.

27 Applications for absentee ballots may be made on a form furnished by the  
28 county clerk, and the county clerk shall supply a form substantially similar  
29 to the following form or an electronic facsimile of a substantially similar  
30 form via telephonic transmission on request ~~beginning~~ beginning at least sixty (60) days  
31 before the election:

32 "IF YOU PROVIDE FALSE INFORMATION ON THIS FORM, YOU MAY BE GUILTY OF  
33 PERJURY AND SUBJECT TO A FINE OF UP TO \$10,000 OR IMPRISONMENT FOR UP TO 10  
34 YEARS.

35 ..... Date

36 To: County Clerk

1 ..... County  
2 ....., Arkansas .....

3 (1) I am a qualified elector of precinct ..... in .....  
4 (City, Town), ..... County, Arkansas. Because I:

5 [check one]

6 [ ] Will be unavoidably absent from my polling site on election day, or

7 [ ] Will be unable to attend the polls on election day because of illness  
8 or physical disability,

9

10 I am requesting that you provide me with the appropriate absentee ballot(s)  
11 for the following elections (check only one (1) political party):

12 [ ] Preferential Primary [ ] Democratic [ ] Republican

13 [ ] General Primary (Runoff) [ ] Democratic [ ] Republican

14 [ ] Annual School Election

15 [ ] General Election

16 [ ] General Runoff

17 [ ] Special [ ] School Runoff or

18 [ ] All elections for calendar year ..... [designate party](I understand  
19 that if I select all elections for the calendar year that the absentee ballots  
20 will be delivered to me only by mail.)

21 *The application shall remain in effect for ~~one (1)~~ the current calendar*  
22 *year unless ~~cancelled~~ revoked by voter.*

23 ~~(2) I am delivering this application by: [check one]~~

24 ~~[ ] Personally delivering this application.~~

25 ~~[ ] Mailing this application.~~

26 ~~[ ] Authorizing my relative or designated bearer (circle one and insert~~  
27 ~~their name), ....., to deliver this application.~~

28 ~~[ ] Authorizing ..... (insert their name) as my agent to~~  
29 ~~deliver this application as I am medically unable to deliver it. An affidavit~~  
30 ~~verifying my medical status as unable to deliver the application or to vote on~~  
31 ~~the day of the election is attached.~~

32 ~~[ ] Transmitting a signed facsimile of this application by facsimile~~  
33 ~~machine transmission over telephone lines to the office of the county clerk.~~

34 ~~(3)~~(2) I will receive my ballot(s): [check one]

35 [ ] Coming By coming to the office of the county clerk by the time the  
36 county clerk's office regularly closes on the day before the election.

1 [ ] By mail. I request that you mail my ballot(s) to the following address:

2 .....  
3 .....

4 [ ] By bearer ..... (insert name of relative, agent, or  
5 designated bearer)

6 The information I have provided is true to the best of my knowledge under  
7 penalty of perjury. If I have provided false information, I may be subject to  
8 a fine of up to ten thousand dollars (\$10,000) or imprisonment for up to ten  
9 (10) years, or both, under federal or state laws.

10 .....  
11 .....

12 Printed or typed name of voter Signature of voter

13 .....  
14 .....

15 Residence address of voter Date of birth

16 .....  
17 .....

18 City or Town, Zipcode Signature of Designated Bearer,  
19 Relative, or Authorized Agent.

20

21 (3) Any person may distribute blank applications for absentee ballots."

22

23 SECTION 2. Arkansas Code 7-5-409 is amended to read as follows:

24 "7-5-409. Materials furnished to qualified voters.

25 (a) The county clerk must satisfy himself that the applicant for an  
26 absentee ballot is a qualified registered elector in the ward, precinct, or  
27 township in which he claims to be a resident or that the applicant is exempted  
28 from registration under § 7-5-406.

29 (b) If the applicant is registered or is otherwise eligible to vote  
30 absentee, the county clerk shall deliver or mail to the applicant or deliver  
31 pursuant to subsections (d) through (f) of this section to the person who  
32 delivers the application to the office of the county clerk pursuant to § 7-5-  
33 403 the following materials:

34 (1) An official ballot for each election named in the  
35 application;

36 (2) A sealable envelope on which there shall be no identifying

1 marks;

2 (3) A sealable envelope upon which shall be printed the address  
3 of the county clerk and the words: 'ABSENTEE BALLOT, ..... 19 .....,  
4 ELECTION";

5 (4) A blank statement in the following form:

6 IF YOU PROVIDE FALSE INFORMATION ON THIS FORM, YOU MAY BE GUILTY OF PERJURY  
7 AND SUBJECT TO A FINE OF UP TO \$10,000 OR IMPRISONMENT FOR UP TO 10 YEARS.

8 'I, .....,  
9 do swear that on the date of the election to be held, ....., 19 .....,  
10 I will be unavoidably absent from my voting precinct.

11 I am a qualified, registered elector of the  
12 ..... (ward, precinct, or township) of  
13 ....., Arkansas.

14 I have enclosed my marked ballot in the envelope provided which I shall  
15 place with this statement and my ballot stub in a large envelope. I will not  
16 vote again in this election.

17 (Check one)

18 ..... I am personally delivering my ballot.

19 ..... I am mailing this ballot to the county clerk.

20 ..... I am hereby authorizing my relative or designated bearer (insert  
21 his or her name), ....., to deliver this ballot to the county clerk.

22 ..... I am hereby authorizing ..... (insert his or her name) as my  
23 authorized agent to deliver this ballot as I am medically unable to vote on  
24 election day. An affidavit verifying my medical status as unable to deliver  
25 the application or to vote on the day of the election is attached or has been  
26 provided with my application.

27 The information I have provided is true to the best of my knowledge under  
28 penalty of perjury. If I have provided false information, I may be subject to  
29 a fine of up to ten thousand dollars (\$10,000) or imprisonment for up to ten  
30 (10) years, or both, under federal and state laws.

31 .....

32 signature of voter

33 .....

34 signature of designated bearer, relative or authorized agent

35 .....

36 address.'

1 (c)(1) Except for absentee ballots mailed to an address outside the  
2 county in which the applicant is registered, an absentee ballot shall be  
3 mailed to the address that appears on the applicant's registration record or  
4 absentee ballot application if the voter is temporarily at a different  
5 address.

6 (2) The county clerk shall not mail more than five (5) absentee  
7 ballots to the same address unless:

8 (A) The address is outside the territorial limits of the  
9 United States and the District of Columbia;

10 (B) The address is for a long-term care or residential care  
11 facility licensed by the state;

12 (C) There are more than five (5) persons lawfully  
13 registered at the same address.

14 (d) The county clerk shall not deliver absentee ballots to any person  
15 other than the absentee voter unless the person picking up the ballots  
16 provides satisfactory photo identification to the county clerk that he or she  
17 is the person authorized by the absentee voter to pick up the ballots.

18 (e) The county clerk shall require the person picking up absentee  
19 ballots for another person to sign a register under oath to be maintained by  
20 the county clerk. The designated bearer register shall contain the following  
21 information: printed name of designated bearer, address of designated bearer,  
22 printed name of voter, and signature of designated bearer. The register shall  
23 contain the following oath on each page: IF YOU PROVIDE FALSE INFORMATION ON  
24 THIS FORM, YOU MAY BE GUILTY OF PERJURY AND SUBJECT TO A FINE OF UP TO TEN  
25 THOUSAND DOLLARS (\$10,000) OR IMPRISONMENT FOR UP TO TEN YEARS, OR BOTH, UNDER  
26 FEDERAL AND STATE LAWS.

27 (f) The county clerk shall not provide more than five (5) absentee  
28 ballots per election to any designated bearer nor shall the county clerk  
29 accept delivery of more than five (5) absentee ballots per election from any  
30 designated bearer."

31  
32 SECTION 2. All provisions of this act of a general and permanent nature  
33 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
34 Revision Commission shall incorporate the same in the Code.

35  
36 SECTION 3. If any provision of this act or the application thereof to

1 any person or circumstance is held invalid, such invalidity shall not affect  
2 other provisions or applications of the act which can be given effect without  
3 the invalid provision or application, and to this end the provisions of this  
4 act are declared to be severable.

5

6 SECTION 4. All laws and parts of laws in conflict with this act are  
7 hereby repealed.

8

*/s/ White, et a*

*APPROVED: 3/29/1999*