

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.

Act 1677 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: H3/17/05 S3/23/05

A Bill

HOUSE BILL 2643

5 By: Representative Saunders
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8 **For An Act To Be Entitled**

9 AN ACT TO CLARIFY VARIOUS LAWS APPLICABLE TO
10 ARKANSAS ELECTIONS; AND FOR OTHER PURPOSES.
11

12 **Subtitle**

13 AN ACT TO CLARIFY VARIOUS LAWS
14 APPLICABLE TO ARKANSAS ELECTIONS.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 7-1-104(a)(6), concerning preventing or
20 interfering with any qualified elector from voting at any election, is
21 amended to read as follows:

22 (6) It shall be unlawful for any person to prevent or to
23 interfere with any qualified elector from voting at any election, or to
24 attempt to prevent or interfere with any qualified elector from voting at any
25 election, provided that this subdivision (a)(6) shall not prohibit good faith
26 challenges of ballots or voters according to law by ~~election officials,~~
27 candidates, ~~or~~ authorized representatives of candidates, political parties,
28 or ballot issues;
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30 SECTION 2. Arkansas Code § 7-4-111(b), concerning compensation for
31 members of the county board of election commissioners, is amended to read as
32 follows:

33 (b) Each member of the county board of election commissioners shall
34 receive for services the sum of not ~~more~~ less than ~~fifty dollars (\$50.00)~~
35 twenty-five dollars (\$25.00) per public meeting when official business is



1 conducted.

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3 SECTION 3. Arkansas Code § 7-5-202, as amended by Act 138 of 2005, is
4 amended to read as follows:

5 7-5-202. Public notice of elections.

6 (a) It shall be the duty of the county board of election
7 commissioners at least twenty (20) days before each preferential primary and
8 general election and at least ten (10) days before the holding of each
9 general primary, general runoff, or special election to give public notice in
10 a newspaper of general circulation in the county of:

- 11 (1) The date of the election;
12 (2) The hours of voting on election day;
13 (3) Polling sites for holding the elections in the county;
14 (4) The candidates and offices to be elected at that time; and
15 (5) The time and location of the opening, processing,
16 canvassing, and counting of absentee ballots.

17 (b) At least five (5) days prior to a preferential primary, general
18 primary, general election, general runoff, or special election, a copy of the
19 public notice may be posted at each polling site fixed for holding the
20 election and shall be published in a newspaper of general circulation in the
21 county.

22 (c) On the day of any election, the following information shall be
23 posted at each polling site and remain posted continuously therein until the
24 polls close:

- 25 (1) The public notice required in subsection (a) of this
26 section;
27 (2) A sample version of the ballot or ballots that will be used
28 for that election;
29 (3) Instructions on how to vote, including how to cast a
30 provisional ballot;
31 (4) General information on voting rights under applicable
32 federal and state laws, including information on the right of an individual
33 to cast a provisional ballot and instructions on how to contact the
34 appropriate officials if these rights are alleged to have been violated; and
35 (5) General information on federal and state laws regarding
36 prohibitions on acts of fraud and misrepresentation.

1 (d) The Secretary of State shall provide to each county board of
2 election commissioners and each county clerk the information to be posted at
3 each polling site according to ~~§ 7-5-202 subdivisions (b)(c)(4)~~ and (5) of
4 this section.

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6 SECTION 4. Arkansas Code § 7-5-208(f)(5), concerning party
7 designations on paper ballots, is amended to read as follows:

8 (5) Beside or adjacent to the name of each candidate in the
9 general election shall be his or her party designation or the name
10 "INDEPENDENT" if he or she represents no officially recognized party.

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12 SECTION 5. Arkansas Code § 7-5-701(a)(3), concerning the delivery of
13 certificates of election, is amended to read as follows:

14 (3) Within ~~fourteen (14)~~ nineteen (19) calendar days after the
15 day of the election, the county board shall deliver a certificate of election
16 to the person having the highest numbers of legal votes for any county
17 office.

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19 SECTION 6. Arkansas Code § 7-9-119 is amended to read as follows:

20 7-9-119. Counting, canvass, and return of votes - Proclamation of
21 result - Effective date.

22 (a) The vote on each measure shall be counted, tabulated, and returned
23 by the proper precinct election officials ~~and to~~ to the county board of election
24 commissioners in each county at the time and in the manner the vote for
25 candidates for state and county officers is tabulated, canvassed, and
26 returned.

27 (b) An abstract of all votes cast on any measure shall be certified by
28 the county board and delivered ~~by the county board~~ or postmarked to the
29 Secretary of State ~~within fifteen (15) days~~ no earlier than forty-eight (48)
30 hours and no later than fifteen (15) calendar days after the election is
31 held.

32 (c) It shall be the duty of the Secretary of State to canvass the
33 returns on each measure not later than ten (10) days thereafter and to
34 certify the result to the Governor and to the State Board of Election
35 Commissioners.

36 (d)(1)(A) The Governor shall thereupon issue a proclamation showing

1 the total number of votes cast, the number cast for, and the number cast
2 against each measure and shall declare the measure adopted or rejected, as
3 the facts appear.

4 (B) If the Governor declares any measure adopted, it shall
5 be in full force and effect thirty (30) days after the election unless
6 otherwise provided in the measure.

7 (2) However, amendments to the Arkansas Constitution shall also
8 be declared adopted or rejected by the Speaker of the House of
9 Representatives, as is provided by the Arkansas Constitution.

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/s/ Saunders

APPROVED: 4/05/2005

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