

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 959 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4 By: Senator Faris

As Engrossed: S3/18/09

A Bill

SENATE BILL 813

7 **For An Act To Be Entitled**

8 AN ACT TO AMEND VARIOUS PROVISIONS OF THE
9 ARKANSAS CODE IN ORDER TO CLARIFY AND SIMPLIFY
10 PROVISIONS OF THE ELECTION LAWS; AND FOR OTHER
11 PURPOSES.

12
13 **Subtitle**

14 AN ACT TO AMEND VARIOUS PROVISIONS OF
15 THE ARKANSAS CODE IN ORDER TO CLARIFY
16 AND SIMPLIFY PROVISIONS OF THE ELECTION
17 LAWS.

18
19
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

21
22 SECTION 1. Arkansas Code § 6-13-631(f), concerning the effect of
23 minority population on elections, is amended to read as follows:

24 (f)(1) ~~After each federal decennial census and at~~ At least ninety (90)
25 days before the second annual school election after each federal decennial
26 census, the local board of directors, with the approval of the controlling
27 county board of election commissioners, shall:

28 (A) divide ~~Divide~~ each school district having a ten
29 percent (10%) or greater minority population into single-member zones; and

30 (B)(i) File a copy of the plan with the county clerk of
31 the county where the school district is administratively domiciled.

32 (ii) The plan shall include a map showing the
33 boundaries of the zones and documentation showing the population by race in
34 each zone.

35 (2) The zones shall be based on the most recent federal



1 decennial census information and be substantially equal in population.

2 ~~(2)~~(3) At the annual school election following the rezoning, a
3 new school board of directors shall be elected in accordance with procedures
4 set forth in this section.

5
6 SECTION 2. Arkansas Code § 7-1-101 is amended to read as follows:

7 7-1-101. Definitions.

8 As used in this title, unless the context or chapter otherwise
9 requires:

10 (1) "Administrator" means the administrative head of a long-term care
11 or residential care facility licensed by the state who is authorized in
12 writing by a patient of the long-term care or residential care facility to
13 deliver the application for an absentee ballot and to obtain or deliver the
14 absentee ballot to the county clerk;

15 (2) "Audit log" means an electronically stored record of events and
16 ballot images from which election officials may produce a permanent paper
17 record with a manual audit capacity for a voting system using voting
18 machines;

19 (3) "Authorized agent" means a person who is identified and authorized
20 to deliver the application, obtain a ballot, and deliver the ballot on the
21 day of the election to the county clerk by an applicant who is medically
22 unable to cast a ballot at a polling site due to unforeseen medical necessity
23 as set forth in an affidavit from the administrative head of a hospital or
24 long-term or residential care facility;

25 (4) "Canvassing" means examining and counting the returns of votes
26 cast at a public election to determine authenticity;

27 (5) "Certificate of choice" means a certificate, signed by an
28 executive officer of a political group that submits a petition to place its
29 candidates for President and Vice-President on the ballot, designating the
30 names of its candidates to appear on the ballot;

31 (6) "Constitutional officers of this state" means the offices of the
32 Governor, Lieutenant Governor, Secretary of State, Attorney General, Auditor
33 of State, Treasurer of State, and Commissioner of State Lands;

34 ~~(6)~~(7) "Counting location" means a location selected by the county
35 board of election commissioners with respect to all elections for the
36 automatic processing or counting, or both, of votes;

1 ~~(7)~~(8) “Designated bearer” means any person who is identified and
2 authorized by the applicant to obtain from the county clerk or to deliver to
3 the county clerk the applicant’s ballot;

4 ~~(8)~~(9) “Election official” or “election officer” means a person who is
5 a member of the county board of election commissioners or a person who is a
6 poll worker designated by a county board of election commissioners to be an
7 election clerk, election judge, or election sheriff;

8 ~~(9)~~(10) “Electronic vote tabulating device” means a device used to
9 electronically scan a marked paper ballot for the purpose of tabulation;

10 ~~(10)~~(11) “Fail-safe voting” means the mechanism established under the
11 National Voter Registration Act of 1993 that allows ~~voters~~ a voter who ~~have~~
12 has moved within the same county to vote at ~~their~~ his or her new precinct
13 without having updated ~~their~~ his or her voter registration records;

14 ~~(11)~~(12) “First-time voter” means any registered voter who has not
15 previously voted in a federal election in the state;

16 ~~(12)~~(13) “General or special election” means the regular biennial or
17 annual elections for election of United States, state, district, county,
18 township, and municipal officials and the special elections to fill vacancies
19 therein and special elections to approve any measure. The term as used in
20 this act shall not apply to school elections for officials of school
21 districts;

22 ~~(13)~~(14) “Majority party” means that political party in the State of
23 Arkansas whose candidates were elected to a majority of the constitutional
24 offices of this state in the last preceding general election;

25 ~~(14)~~(15) “Marking device” means any approved device for marking a
26 paper ballot with ink or other substance that will enable the votes to be
27 tabulated by means of an electronic vote tabulating device;

28 ~~(15)~~(16) “Minority party” means that political party whose candidates
29 were elected to less than a majority of the constitutional offices of this
30 state in the last preceding general election or the political party that
31 polled the second greatest number of votes for the office of Governor in the
32 last preceding general election if all of the elected constitutional officers
33 of this state are from a single political party;

34 ~~(16)~~(17) “Party certificate” means a written statement or receipt
35 signed by the secretary or chair of the county committee or of the state
36 committee, as the case may be, of the political party evidencing the name and

1 title proposed to be used by the candidate on the ballot, the position the
2 candidate seeks, payment of the fees, and filing of the party pledge, if any,
3 required by the political party;

4 ~~(17)~~(18)(A) "Political party" means any group of voters that at the
5 last preceding general election polled for its candidate for Governor in the
6 state or nominees for presidential electors at least three percent (3%) of
7 the entire vote cast for the office.

8 (B) ~~No~~ A group of electors shall not assume a name or
9 designation that is so similar in the opinion of the Secretary of State to
10 that of an existing political party as to confuse or mislead the voters at an
11 election.

12 (C) When any political party fails to obtain three percent (3%)
13 of the total votes cast at an election for the office of Governor or nominees
14 for presidential electors, it shall cease to be a political party;

15 ~~(18)~~(19) "Polling site" means a location selected by the county board
16 of election commissioners where votes are cast;

17 ~~(19)~~(20) "Precinct" means the geographical boundary lines dividing a
18 county, municipality, township, or school district for voting purposes;

19 ~~(20)~~(21) "Primary election" means any election held by a political
20 party in the manner provided by law for the purpose of selecting nominees of
21 the political party for certification as candidates for election at any
22 general or special election in this state;

23 ~~(21)~~(22) "Provisional ballot" means a ballot:

24 (A) Cast by special procedures to record a vote when there is
25 some question concerning a voter's eligibility; and

26 (B) Counted contingent upon the verification of the
27 voter's eligibility;

28 ~~(22)~~(23) "Qualified elector" means a person who holds the
29 qualifications of an elector and who is registered ~~pursuant to~~ under Arkansas
30 Constitution, Amendment 51;

31 ~~(23)~~(24) "Sample ballot" means a ballot for distribution to the public
32 or the press marked with the word "SAMPLE" so as to prevent the production of
33 counterfeit ballots;

34 ~~(24)~~(25) "Vacancy in election" means the vacancy in an elective office
35 created by death, resignation, or other good and legal cause, arising prior
36 to election to the office at a general or special election but arising

1 subsequent to the certification of the ballot;

2 ~~(25)~~(26) “Vacancy in nomination” means the circumstances in
3 which the person who received the majority of votes at the preferential
4 primary election or general primary election cannot accept the nomination due
5 to death or notifies the party that he or she will not accept the nomination
6 due to serious illness, moving out of the area from which the person was
7 elected as the party’s nominee, or filing for another office preceding the
8 final date for certification of nominations;

9 ~~(26)~~(27)(A) “Vacancy in office” means the vacancy in an elective
10 office created by death, resignation, or other good and legal cause arising
11 subsequent to election to the office at a general or special election or
12 arising subsequent to taking office and ~~prior to~~ before the expiration of the
13 term of office in those circumstances wherein the vacancy must be filled by a
14 special election rather than by appointment.

15 (B) The phrase “vacancy in office” shall not apply to the
16 election of a person at a general election to fill an unexpired portion of a
17 term of office;

18 ~~(27)~~(28) “Voter-verified paper audit trail” means a
19 contemporaneous paper record of a ballot printed for the voter to confirm his
20 or her votes before the voter casts his or her ballot that:

21 (A) Allows the voter to verify the voter-verified paper
22 audit trail before the casting of the voter’s ballot;

23 (B) Is not retained by the voter;

24 (C) Does not contain individual voter information;

25 (D) Is produced on paper that is sturdy, clean, and
26 resistant to degradation; and

27 (E) Is readable in a manner that makes the voter’s ballot
28 choices obvious to the voter without the use of computer or electronic code;

29 ~~(28)~~(29) “Voting machine” means either:

30 (A) A direct recording electronic voting machine that:

31 (i) Records votes by means of a ballot display
32 provided with mechanical or electro-optical components that may be actuated
33 by the voter;

34 (ii) Processes the data by means of a computer
35 program;

36 (iii) Records voting data and ballot images in

1 internal and external memory components; and

2 (iv) Produces a tabulation of the voting data stored
3 in a removable memory component and on a printed copy; or

4 (B) An electronic device for marking a paper ballot to be
5 electronically scanned; and

6 ~~(29)~~(30) "Voting system" means:

7 (A) The total combination of mechanical,
8 electromechanical, or electronic equipment, including the software, firmware,
9 and documentation required to program, control, and support the equipment
10 that is used to:

11 (i) ~~To define~~ Define ballots;

12 (ii) ~~To cast~~ Cast and count votes;

13 (iii) ~~To report~~ Report or display election results;

14 and

15 (iv) ~~To maintain~~ Maintain and produce any audit
16 trail information; and

17 (B) The practices and documentation used to:

18 (i) Identify system components and versions of
19 components;

20 (ii) Test the system during its development and
21 maintenance;

22 (iii) Maintain records of system errors and defects;

23 (iv) Determine specific system changes to be made to
24 a system after the initial qualification of the system; and

25 (v) Make available any materials to the voter,
26 including, ~~but not limited to,~~ without limitation notices, instructions,
27 forms, or paper ballots.

28
29 SECTION 3. Arkansas Code § 7-5-107 is amended to read as follows:

30 7-5-107. Use of voter registration lists by ~~election officials~~ poll
31 workers.

32 (a) In any election conducted in this state, precinct voter
33 registration lists shall be used by ~~election officials~~ poll workers in each
34 precinct polling place.

35 (b) Precinct voter registration lists shall contain the name, address,
36 including zip code, and date of birth of each registered voter within the

1 precinct, including those who have been designated inactive, the precinct
2 number and county wherein the precinct is located, the name and date of the
3 election, and a space for the voter's signature.

4 (c) The following shall be printed at the top of each page of the
5 precinct voter registration list:

6 "IF YOU SIGN THIS FORM AND YOU ARE NOT A LAWFULLY REGISTERED VOTER, YOU ARE
7 MAKING A FALSE STATEMENT AND MAY BE COMMITTING PERJURY. PERJURY IS PUNISHABLE
8 BY UP TO A \$10,000 FINE AND UP TO 10 YEARS IMPRISONMENT."

9
10 SECTION 4. Arkansas Code § 7-5-204(c), concerning transmittal of an
11 amendment or measure for placement when awaiting a determination as to the
12 sufficiency of the petition, is amended to read as follows:

13 (c)(1) If the Secretary of State has not determined the sufficiency of
14 a petition for an amendment or a measure by the seventieth day before the
15 general election, or if an amendment or a measure has been challenged for any
16 reason in a court of competent jurisdiction, the Secretary of State shall
17 nonetheless transmit the amendment or measure and the ballot title of each
18 amendment and measure to the county election commissions to make any required
19 posting and to place the amendment or measure on the ballot.

20 (2) If the petition for the amendment or measure is subsequently
21 declared insufficient by the Secretary of State or a court of competent
22 jurisdiction, or if held to be invalid for any other reason, no votes
23 regarding the amendment or measure shall be counted or certified.

24
25 SECTION 5. Arkansas Code § 7-5-206 is amended to read as follows:

26 7-5-206. Publication requirements.

27 The county board of election commissioners shall make publication of
28 all nominations ~~filed with it, of all nominations certified to it by the~~
29 ~~Secretary of State~~, of all proposed amendments to the Arkansas Constitution,
30 and of all other measures and questions ~~certified to it by the Secretary of~~
31 ~~State or~~ required by law to be submitted to the electors at any election, by
32 posting a list thereof at the door of the courthouse at least ten (10) days
33 before the day of the election.

34
35 SECTION 6. Arkansas Code § 7-5-207 (b), concerning requirements for
36 printing a person's name on a ballot as a candidate for office, is amended to

1 read as follows:

2 (b) ~~No~~ A person's name shall not be printed upon the ballot as a
3 candidate for any public office in this state at any election unless the
4 person is qualified and eligible at the time of filing, or as otherwise may
5 be provided by law, as a candidate for the office to hold the public office
6 for which he or she is a candidate, except if a person is not qualified to
7 hold the office at the time of filing because of age alone, the name of the
8 person shall be printed on the ballot as a candidate for the office if the
9 person will qualify to hold the office at the time prescribed by law for
10 taking office.

11

12 SECTION 7. Arkansas Code § 7-5-211 is amended to read as follows:

13 7-5-211. Delivery of election supplies.

14 (a) At least one (1) day before any election:

15 (1)(A) The county board of election commissioners shall
16 designate a suitable person or persons and deliver to the person or persons
17 the ballots as set forth in § 7-5-210.

18 (B) The person shall not be an elected official, an
19 elected official's deputy, or a candidate for office; and

20 (2) For each set of ~~election officials~~ poll workers in each
21 polling place, the county board shall deliver to the designated person or
22 persons the following additional election supplies, if applicable:

23 (A) A good and sufficient ballot box with numbered seals;

24 (B) Sufficient list-of-voters forms adequate to record the
25 names of all registered voters who appear to vote in the polling place;

26 (C) A precinct voter registration list;

27 (D) Sufficient tally sheets;

28 (E) Envelopes to seal the ballots and certificates;

29 (F) Separate sheets containing blank forms of certificates
30 prepared to enable the ~~election officials~~ poll workers to properly certify
31 the paper ballot count at the polling site, upon which certificates shall be
32 endorsed a blank form of oath to be taken by the ~~election officials~~ poll
33 workers before entering upon the discharge of their duties;

34 (G) Voter registration application forms for voters using
35 fail-safe voting and other record-keeping supplies necessary to document
36 fail-safe voting procedures; and

1 (H) In those counties in which an optical scanner is used
2 to count paper ballots, the marking instrument recommended by the
3 manufacturer of the optical scanner for proper marking on the ballots shall
4 be provided.

5 (b) The county board shall be responsible for the security of the
6 delivered election materials.

7 (c) The county board shall be responsible for providing ballots and
8 election materials for absentee and early voting to the county clerk ~~prior to~~
9 before the beginning day for absentee and early voting.

10
11 SECTION 8. Arkansas Code § 7-5-301 (b)(1), concerning the requirement
12 that direct recording electronic voting machines include a voter-verified
13 paper audit trail, is amended to read as follows:

14 (b)(1) All direct recording electronic voting machines ~~in use on or~~
15 ~~after January 1, 2006,~~ shall include a voter-verified paper audit trail,
16 except ~~for~~ that those direct recording electronic voting machines in use
17 during the 2004 general election ~~that~~ may include a voter-verified paper
18 audit trail at the discretion of the county election commission.

19
20 SECTION 9. Arkansas Code § 7-5-301 (h), concerning a program to
21 educate voters and election officials in proper use of the voting system, is
22 amended to read as follows:

23 (h)~~(1)~~ The Secretary of State shall be responsible for the
24 development, implementation, and provision of a continuing program to educate
25 voters and election officials in the proper use of the voting system.

26 ~~(2) Each county shall bear the cost, including transportation,~~
27 ~~subsistence, and lodging, incurred by its election and registration officials~~
28 ~~in attending courses taught by or arranged by the Secretary of State for~~
29 ~~instruction in the use of the voting system.~~

30
31 SECTION 10. Arkansas Code § 7-5-304 is amended to read as follows:

32 7-5-304. Opening and closing polls – Time.

33 (a) The polls shall be opened at 7:30 a.m., and they shall remain open
34 continuously until 7:30 p.m.

35 (b) In all counties, when the polls close, all persons who have
36 presented themselves for voting and who are then in line at the polling site

1 shall be permitted to cast their votes.

2 (c)(1) A person who votes in an election as a result of a federal or
3 state court order or any other order extending the time established for
4 closing the polls may vote in that election only by casting a provisional
5 ballot.

6 (2) The ballot shall be separated and held apart from other
7 provisional ballots cast by those not affected by the order.

8

9 SECTION 11. Arkansas Code § 7-5-305 is amended to read as follows:

10 7-5-305. Requirements.

11 (a) Before a person is permitted to vote, the ~~election official~~ poll
12 worker shall:

13 (1) Request the voter to identify himself or herself in order to
14 verify the existence of his or her name on the precinct voter registration
15 list;

16 (2) Request the voter, in the presence of the ~~election official~~
17 poll worker, to state his or her address and state ~~or confirm~~ his or her date
18 of birth;

19 (3) Determine that the voter's date of birth and address are the
20 same as those on the precinct voter registration list;

21 (4) If the date of birth given by the voter is not the same as
22 that on the precinct voter registration list, request the voter to provide
23 identification as the ~~election official~~ poll worker deems appropriate;

24 (5)(A) If the voter's address is not the same as that on the
25 precinct voter registration list, verify with the county clerk that the
26 address is within the precinct.

27 (B) If the address is within the precinct, request the
28 voter to complete a voter registration application form for the purpose of
29 updating county voter registration record files.

30 (C) If the address is not within the precinct:

31 (i) ~~Contact~~ Verify with the county clerk's office ~~to~~
32 ~~determine~~ the proper precinct; and

33 (ii) Instruct the voter to go to the polling site
34 serving that precinct in order for his or her vote to be counted;

35 (6) If the voter's name is not the same as that on the precinct
36 voter registration list, request the voter to complete a voter registration

1 application form for purposes of updating county voter registration record
2 files;

3 (7) Request the voter, in the presence of the ~~election official~~
4 poll worker, to sign his or her name, including the given name, middle name
5 or initial, if any, and last name in the space provided on the precinct voter
6 registration list. If a person is unable to sign his or her signature or make
7 his or her mark or cross, the ~~election official~~ poll worker shall enter ~~the~~
8 ~~voter's~~ his or her initials and the voter's date of birth in the space for
9 the person's signature on the precinct voter registration list;

10 (8)(A) Request the voter for purposes of identification to
11 provide a current and valid photo identification or a copy of a current
12 utility bill, bank statement, government check, paycheck, or other government
13 document that shows the name and address of the voter.

14 (B)(i) If a voter is unable to provide this
15 identification, the ~~election official~~ poll worker shall indicate on the
16 precinct voter registration list that the voter did not provide
17 identification.

18 (ii) A first-time voter who registers by mail
19 without providing identification when registering and desires to vote in
20 person but who does not meet the identification requirements of subdivision
21 (a)(8)(A) of this section may cast a provisional ballot.

22 (iii) Following each election, the county board of
23 election commissioners may review the precinct voter registration lists and
24 may provide the information of the voters not providing identification at the
25 polls to the prosecuting attorney.

26 (iv) The prosecuting attorney may investigate
27 possible voter fraud;

28 (9) Record the voter's name or request the voter to print his or
29 her name on the list-of-voters form;

30 (10) Follow the procedures under §§ 7-5-310, and 7-5-311, ~~and 7-~~
31 ~~5-523 [Repealed]~~ if the person is a voter with a disability and presents
32 himself or herself to vote; and

33 (11) Permit the person to cast a provisional ballot if the
34 person received an absentee ballot according to the precinct voter
35 registration list.

36 (b) A person not listed on the precinct voter registration list may

1 vote only in accordance with § 7-5-306.

2

3 SECTION 12. Arkansas Code § 7-5-306 is amended to read as follows:

4 7-5-306. Procedure when voter's name is not on the precinct voter
5 registration list.

6 (a) If the voter's name is not on the precinct voter registration
7 list, the ~~election official~~ poll worker shall permit the voter to vote only
8 under the following conditions:

9 (1) The voter identifies himself or herself by stating his or
10 her name and date of birth and is verified by the county clerk as a
11 registered voter within the county and, if the county is divided into more
12 than one (1) congressional district, within the same congressional district;

13 (2) The voter gives and affirms his or her current residence and
14 the ~~election official~~ poll worker verifies with the county clerk that the
15 voter's residence is within the precinct;

16 (3) The voter completes an updated voter registration
17 application form; and

18 (4) The voter signs the precinct voter registration list.

19 (b) If the voter is not listed on the precinct voter registration list
20 and the ~~election official~~ poll worker is unable to verify the voter's
21 registration with the county clerk and the voter contends that he or she is a
22 registered voter in the precinct in which he or she desires to vote and that
23 he or she is eligible to vote, then the voter shall be permitted to cast a
24 provisional ballot.

25

26 SECTION 13. Arkansas Code § 7-5-309 is amended to read as follows:

27 7-5-309. Voting procedure.

28 (a)(1) At general, primary, special, and school elections in counties
29 that use paper ballots, the county board of election commissioners shall
30 provide in each polling site at least one (1) voting booth for each fifty
31 (50) registered electors voting in the last-preceding comparable election.

32 (2) Each voting booth shall be situated so as to permit ~~voters a~~
33 voter to prepare ~~their ballots~~ his or her ballot screened from observation
34 and shall be furnished with any supplies and conveniences as will enable the
35 voter to prepare his or her ballot.

36 (3) The voting booths shall be situated in the polling site in

1 plain view of the ~~election officials~~ poll workers.

2 (4) ~~No~~ A person other than the ~~election officials~~ poll workers
3 and those admitted for the purpose of voting shall not be permitted within
4 the immediate voting area, which shall be considered as within six feet (6')
5 of the voting booths, except by authority of the election ~~officials~~ judge and
6 then only when necessary to keep order and enforce the law.

7 (b) Before giving the voter a ballot, ~~an election official~~ a poll
8 worker shall:

9 (1) Initial the back of the ballot;

10 (2) Remove the ballot stub; and

11 (3) Place the stub into the stub box provided.

12 (c)(1)(A) Upon receiving his or her ballot, the voter shall proceed to
13 mark it by placing an appropriate mark.

14 (B) ~~No~~ A voter shall not be allowed more than five (5)
15 minutes to mark his or her ballot.

16 (2) The voter shall then personally deposit the ballot into the
17 ballot box provided.

18 (d)(1) The voter shall not be required to sign, initial, or in any way
19 identify himself or herself with the ballot, the ballot stub, or the list of
20 voters other than in the manner set forth in this section.

21 (2) However, ~~an election official~~ a poll worker may inspect the
22 back of the ballot before the voter deposits it to see if it has been
23 initialed by an election official.

24 (e) After having voted or having declined to do so, the voter shall
25 immediately depart from the polling site.

26 (f) ~~No~~ A person shall not be permitted to carry a ballot outside of
27 the polling place.

28 (g)(1) If a paper ballot is left at a voting booth or anywhere else in
29 the polling site without being inserted into the ballot box by the voter
30 ~~prior to~~ before departing the polling site, ~~an election officer~~ a poll worker
31 shall:

32 (A) Write "Abandoned" on the face of the paper ballot;

33 (B) Place the paper ballot ~~in~~ into an envelope marked
34 "Abandoned Ballot";

35 (C) Note in writing on the outside of the envelope all
36 circumstances surrounding the abandoned ballot; and

- 1 (D) Preserve the abandoned ballot separately.
- 2 (2) The county board of election commissioners shall not count
3 the ballot.
- 4 (h)(1) If a paper ballot that is fed by a voter into an electronic
5 vote tabulating device at the polling site is rejected by the device but is
6 still in the receiving part of the counter and the voter has not reported to
7 an election officer his or her desire to cancel or replace the ballot ~~prior~~
8 ~~to~~ before departing the polling site, two (2) election officers shall take
9 action to override warnings on the device and complete the process of casting
10 the ballot.
- 11 (2) The ~~election officers~~ poll workers shall document:
- 12 (A) The time;
- 13 (B) The name of the voter;
- 14 (C) The names of the election officers completing the
15 process of casting the ballot; and
- 16 (D) All other circumstances surrounding the abandoned
17 ballot.

18

19 SECTION 14. Arkansas Code § 7-5-310(a), concerning a voter's right to
20 privacy to mark his or her ballot, is amended to read as follows:

21 (a) Each voter shall be provided the privacy to mark his or her
22 ballot. Privacy shall be provided by the poll workers at each polling site
23 ~~each county board of election commissioners~~ or by the county clerk, if the
24 county clerk conducts early voting, to ensure that ~~voters~~ a voter desiring
25 privacy ~~are~~ is not singled out.

26

27 SECTION 15. Arkansas Code §§ 7-5-317 and 7-5-318 are amended to read
28 as follows:

29 7-5-317. Processing and delivery of election materials.

30 (a) After the count of the ballots is completed, all of the election
31 returns shall be processed and delivered in the following manner:

32 (1) The poll workers shall total the number of voters on the
33 list of voters form and certify and attest the form;

34 (2) The list-of-voters form, precinct voter registration list,
35 voter registration application forms, and other recordkeeping supplies shall
36 be delivered to the county clerk;

1 ~~(2)~~(3) Certificates of election results and tally sheets:

2 (A) One (1) copy of the certificate of election results
3 with one (1) copy of the tally sheets shall be delivered to the county clerk;
4 and

5 (B) One (1) copy of the certificate of election results
6 shall be returned with one (1) copy of the tally sheets and reports of
7 challenges of voters, if any, to the county board of election commissioners;

8 ~~(3)~~(4) Ballots:

9 (A) The ~~election officials~~ poll workers shall securely
10 envelope the voted ballots separately from the unused ballots and place the
11 ballots in a container with a numbered seal and then deliver the ballots with
12 the tally sheets and other election materials to the county board of election
13 commissioners; and

14 (B) All cancelled ballots shall be preserved separately
15 from the other ballots and returned to the county board of election
16 commissioners; and

17 ~~(4)~~(5) Stub boxes: Sealed stub boxes shall be delivered to the
18 county treasurer for storage.

19 (b) All of the election materials and returns shall be delivered to
20 the county board of election commissioners by the ~~election officials~~ poll
21 workers immediately after the polls close.

22
23 7-5-318. Failure to deliver materials – Penalty – Messenger to obtain
24 delinquent returns.

25 (a) If the ~~election officials~~ poll workers fail to deliver the
26 ballots, ballot stubs, certification of election, voter lists, and other
27 election returns ~~within the time period and~~ in the manner provided for in §
28 7-5-317, the ~~election officials~~ poll workers shall forfeit the sum of two
29 hundred dollars (\$200) to be recovered by action of debt in the name of the
30 state for the use of the county.

31 (b) Upon failure of delivery of the election returns immediately after
32 the polls close, the county board of election commissioners shall dispatch a
33 peace officer to obtain the election returns, and all expenses incurred by
34 sending the messenger shall be paid by the defaulting ~~election officials~~ poll
35 workers.

36

1 SECTION 16. Arkansas Code § 7-5-403 is amended to read as follows:

2 ~~7-5-403~~ 7-5-404. Applications for ballots.

3 (a)(1) Applications for absentee ballots must be signed by the
4 applicant and verified by the county clerk by checking the voter's name,
5 address, date of birth, and signature from the registration records or, if
6 sent by facsimile machine transmitted over telephone lines, the application
7 must bear a verifiable facsimile of the applicant's signature.

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

10 (A) For applications submitted using the form prescribed
11 in § 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 seven (7) days before the election for which the application was made;

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

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

26 (v) An administrator may deliver the application in
27 person at the office of the county clerk of the county of residence of the
28 voter no later than the time the county clerk's office regularly closes on
29 the day before election day; or

30 ~~(vi)~~(a) Delivery by facsimile machine
31 transmission to the county clerk's office of the county of residence of the
32 voter not later than seven (7) days before the election for which the
33 application was made.

34 (b) The completed facsimile-transmitted
35 application will be accepted only upon verification of the facsimile
36 signature of the applicant by the county clerk.

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

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

6 (i) A letter or postcard must be received in the
7 office of the county clerk not later than seven (7) days before the date of
8 the election. The letter or postcard shall contain information sufficient for
9 the county board of election commissioners and the county clerk to accept the
10 letter or postcard in lieu of the application form; or

11 (ii) An applicant may transmit a written request for
12 an absentee ballot over the telephone lines that shall contain the voter's
13 signature and other information sufficient for acceptance in lieu of the
14 application form.

15 (b)(1) Any person eligible to vote by absentee ballot may request the
16 county clerk to mail to an address within the continental United States an
17 application for an absentee ballot.

18 (2)(A) For those persons voting by absentee ballot who reside
19 outside the county in which they are registered to vote, the application
20 shall remain in effect for one (1) year unless revoked by the voter, and the
21 county clerk shall thereafter automatically mail, no later than twenty-five
22 (25) days ~~prior to~~ before each election, an absentee ballot for each
23 election.

24 (B) Except for persons of long-term care or residential
25 facilities licensed by the state or other persons who are voters with
26 disabilities as defined in § 7-5-311(d), for those persons voting by absentee
27 ballot who reside within the county in which they are registered to vote, the
28 application shall be valid for only one (1) election cycle. The election
29 cycle shall include any one (1) election and the corresponding runoff
30 election.

31 (c) Citizens of the United States temporarily residing outside the
32 territorial limits of the United States may request the absentee ballot for
33 any one (1) or more elections through the next two (2) regularly scheduled
34 general elections for federal office, including any runoff elections that may
35 occur as a result of the outcome of the general elections, by submitting only
36 one (1) application during that period of time in the manner prescribed by

1 subsection (a) of this section.

2

3 SECTION 17. Arkansas Code § 7-5-410 is amended to read as follows:

4 7-5-410. Instructions and notice included with voting materials –

5 Other enclosures prohibited.

6 It shall be unlawful for any person to place any notice, advertising
7 material, or other advice with the material delivered or mailed to the
8 applicant, other than instructions as to the method of casting an absentee
9 ballot including a procedure to be followed by absentee voters such as, ~~in~~
10 ~~instances of adhesion of the balloting materials, a notation of the fact on~~
11 ~~the back of the envelope duly signed by the voter and witnessing officer;~~
12 express information covering the type or types of writing instruments which
13 may be used to mark the absentee ballot, preferably pen or indelible pencil,
14 , the consequences of voting for more than one (1) candidate for a particular
15 office, and notice of the last day on which the ballot may be received and
16 counted. The instructions and notice shall not be signed by the name of any
17 person.

18

19 SECTION 18. Arkansas Code § 7-5-414 is amended to read as follows:

20 7-5-414. Appointment of ~~special election officials~~ election clerks –

21 Qualifications — ~~Compensation.~~

22 (a) The county board of election commissioners shall appoint ~~election~~
23 ~~officials~~ election clerks to process, count, and canvass the absentee voters'
24 ballots in all elections.

25 (b)(1) The ~~election officials~~ election clerks who are to canvass the
26 absentee ballots shall be appointed in the same manner and at the same time
27 the ~~election officials~~ poll workers are selected to serve at the regular
28 voting precincts.

29 (2) The ~~election officials~~ election clerks shall possess the
30 same qualifications as the ~~election officials~~ poll workers who serve at the
31 regular voting precincts.

32 (c) The processing, counting, and canvassing of the absentee ballots
33 shall be under the supervision and at the direction of the county board of
34 election commissioners.

35

36 SECTION 19. Arkansas Code § 7-5-416(b)(1)(B), concerning the reading

1 of the voter statement, is amended to read as follows:

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

6
7 SECTION 20. Arkansas Code § 7-5-416(b)(1)(F)(ii), concerning the
8 comparison of an absentee voter application and the voter's statement, is
9 amended to read as follows:

10 (ii) If the county board of election commissioners
11 determines that the application and the voter's statement do not compare as
12 to name, address, date of birth, and signature, the absentee ballot shall not
13 be counted.

14

15 SECTION 21. Arkansas Code § 7-5-418 is amended to read as follows:
16 7-5-418. Early voting.

17 (a)(1)(A) Except as provided in subdivision (a)(1)(B) of this section,
18 early voting shall be available to any qualified elector who applies to the
19 county clerk's designated early voting location, beginning fifteen (15) days
20 before a preferential primary or general election between the hours of 8:00
21 a.m. and 6:00 p.m. Monday through Friday and 10:00 a.m. and 4:00 p.m.
22 Saturday and ending at 5:00 p.m. on the Monday before the election.

23 (B) Early voting shall not be available on state or county
24 holidays.

25 (2) However, on all other elections, including presidential
26 preferential primary, general primary, and general runoff elections, early
27 voting shall be available to any qualified elector who applies to the county
28 clerk during regular office hours, beginning seven (7) days before the
29 election and ending on the day before the election day at the time the county
30 clerk's office regularly closes.

31 (b)(1)(A) The county board of election commissioners may decide to
32 hold early voting at additional polling sites outside the offices of the
33 county clerk on any of the days and times provided for in subsection (a) of
34 this section, if it so chooses.

35 (B) The county board shall determine by unanimous vote the
36 location of additional polling sites for early voting.

1 (2) The county board shall appoint the election officials for
2 the additional early voting polling site or sites in the same manner as
3 election officials are appointed for election day.

4 (3)(A) The county board shall notify the county clerk of its
5 decision to hold early voting at additional polling sites outside the office
6 of the county clerk within ten (10) days of the decision.

7 (B)~~(i)~~ If the county board decides to hold early voting ~~at~~
8 ~~additional polling sites outside the office of the county clerk~~ at one (1) or
9 more conveniently located polling sites on the days and times under
10 subsection (a) of this section, the county clerk may choose not to hold early
11 voting within the office of the county clerk. The county clerk shall notify
12 the county board within ten (10) days of the receipt of notice from the
13 county board regarding early voting at additional polling sites.

14 ~~(ii) If the county clerk decides not to hold early~~
15 ~~voting within the office of the county clerk as provided in subdivision~~
16 ~~(b)(3)(B)(i) of this section, the county board shall hold early voting at one~~
17 ~~(1) or more conveniently located polling sites on the days and times provided~~
18 ~~in subsection (a) of this section.~~

19 (4) The early voting election official shall record the date on
20 all pages of the early voting roster or early voting request form and keep a
21 daily record of the number of early ballots cast.

22 (5) All voted ballots and unvoted ballots and all related
23 election materials at each additional early voting polling site shall be
24 stored in a secure location in the county courthouse or in a secure location
25 as determined by the county board of election commissioners immediately after
26 the close of the additional polling sites each day that early voting is
27 conducted there.

28 (c) Before a person is permitted to cast an early vote, the county
29 clerk or election official shall:

30 (1) Request the voter to identify himself or herself by stating
31 his or her name, date of birth, and address in order to verify his or her
32 registration;

33 (2) If the voter's name or address is not the same as that in
34 the county voter registration record files, request the voter to complete an
35 updated voter registration application form;

36 (3) Request the voter to sign an early voting roster or early

1 voting request form that identifies his or her name, address, date of birth,
2 and the date on the roster or form; and

3 (4) Enter the voter's precinct number on the early voting roster
4 or early voting request form.

5 (d) If the voter is not listed in the county voter registration record
6 files and the county clerk is unable to verify the voter's registration and
7 if the voter contends that he or she is eligible to vote, then the voter may
8 vote a provisional ballot that shall be counted only upon verification of the
9 voter's registration status.

10 (e) The county clerk or county board shall furnish voting locations
11 that adequately allow the early voter to personally and secretly execute his
12 or her ballot.

13 ~~(f) Upon casting his or her ballot, the voter shall then deposit the~~
14 ~~ballot in the appropriate box in the same manner as for votes cast on the day~~
15 ~~of the election.~~

16 ~~(g)~~(f) Except as provided in this section, early voting shall be
17 conducted in the same manner as voting on election day. Conduct that is
18 prohibited or restricted on election day shall be subject to the same
19 prohibitions and restrictions on the days on which early voting is conducted.

20

21 SECTION 22. Arkansas Code § 7-5-419 is amended to read as follows:

22 ~~7-5-419~~ 7-5-403. Designated bearers, authorized agents, and
23 administrators.

24 (a)(1) A designated bearer may ~~deliver applications for absentee~~
25 ~~ballots to the county clerk and~~ obtain absentee ballots from the county clerk
26 for not more than two (2) voters.

27 (2) At no time shall a designated bearer have more than two (2)
28 absentee ballots in his or her possession.

29 (3)(A) A designated bearer receiving an absentee ballot from the
30 county clerk for a voter shall deliver the absentee ballot directly to the
31 voter.

32 (B) A designated bearer receiving an absentee ballot from
33 a voter shall deliver the absentee ballot directly to the county clerk.

34 (4)(A) A designated bearer may deliver to the county clerk the
35 absentee ballots for not more than two (2) voters.

36 (B) The bearer shall be named on the voter statement

1 accompanying the absentee ballot.

2 (5) In order to obtain an absentee ballot from the county clerk:

3 (A) The designated bearer shall show a form of current
4 photographic identification to the clerk;

5 (B) The clerk shall print the bearer's name and address
6 beside the voter's name on a register; and

7 (C) The bearer shall sign the register under oath
8 indicating receipt of the voter's ballot.

9 (6) Upon delivering an absentee ballot to the clerk:

10 (A) The designated bearer shall present current
11 photographic identification to the clerk;

12 (B) The clerk shall print the bearer's name and address
13 beside the voter's name on a register; and

14 (C) The bearer shall sign the register under oath
15 indicating delivery of the voter's ballot.

16 (b)(1) ~~On the day of an election, an~~ An authorized agent may deliver
17 applications for absentee ballots to the county clerk and obtain absentee
18 ballots from the county clerk for not more than two (2) voters who cannot
19 cast a ballot at the appropriate polling place on election day because the
20 voter is a patient in a hospital or long-term care or residential care
21 facility licensed by the state.

22 (2) At no time shall an authorized agent have more than two (2)
23 absentee ballots in his or her possession.

24 (3)(A) An authorized agent receiving an absentee ballot from the
25 county clerk for a voter shall deliver the absentee ballot directly to the
26 voter.

27 (B) An authorized agent receiving an absentee ballot from
28 a voter shall deliver the absentee ballot directly to the county clerk.

29 (4)(A) In order for an authorized agent to obtain a ballot from
30 the county clerk, the authorized agent shall submit to the county clerk an
31 affidavit from the administrative head of a hospital or long-term care or
32 residential care facility licensed by the state that the applicant is a
33 patient of the hospital or long-term care or residential care facility
34 licensed by the state and is thereby unable to vote on the election day at
35 his or her regular polling site.

36 (B) A copy of the affidavit shall be retained by the

1 county clerk as an attachment to the application for an absentee ballot.

2 (5) In order to obtain an absentee ballot from the county clerk,
3 the:

4 (A) Authorized agent shall present current photographic
5 identification to the clerk;

6 (B) Clerk shall print the authorized agent's name and
7 address beside the voter's name on a register; and

8 (C) Authorized agent shall sign the register under oath
9 indicating receipt of the voter's ballot.

10 (6) Upon delivering an absentee ballot to the county clerk, the:

11 (A) Authorized agent shall show some form of current
12 photographic identification to the clerk;

13 (B) Clerk shall print the authorized agent's name and
14 address beside the voter's name on a register; and

15 (C) Authorized agent shall sign the register under oath
16 indicating delivery of the voter's ballot.

17 (c)(1) The county clerk shall keep a register of designated bearers
18 and authorized agents.

19 (2) The designated bearer and authorized agent register shall
20 contain the following oath on each page: "IF YOU PROVIDE FALSE INFORMATION ON
21 THIS FORM, YOU MAY BE GUILTY OF PERJURY AND SUBJECT TO A FINE OF UP TO TEN
22 THOUSAND DOLLARS (\$10,000) OR IMPRISONMENT FOR UP TO TEN (10) YEARS, OR BOTH,
23 UNDER FEDERAL AND STATE LAWS."

24 (d)(1) An administrator may deliver to the county clerk an application
25 for an absentee ballot for any voter who is a patient of a long-term care or
26 residential care facility licensed by the state and who names the
27 administrator on his or her application as the administrator of the facility
28 where the voter resides.

29 (2) An administrator may receive absentee ballots for as many
30 qualified residents of the facility as apply for absentee ballots upon
31 presentation of photographic identification to the county clerk.

32 (3)(A) An administrator may deliver the absentee ballot to the
33 county clerk for any voter who names the administrator on his or her
34 application and voter statement.

35 (B) Absentee ballots may be delivered to the county clerk
36 in person by the administrator or by mail.

1 (4) An administrator shall submit to the county clerk an
2 affidavit, signed and dated by the administrator, stating:

3 (A) That he or she is the administrative head of a long-
4 term care or residential care facility licensed by the state;

5 (B) The name and address of the facility; and

6 (C) That he or she has been authorized by the voters of
7 his or her facility who named him or her in their applications for absentee
8 ballot and voter statement to deliver their absentee ballots.

9 (e) Any person who knowingly makes a false statement on an affidavit
10 required by this section shall be guilty of perjury and subject to a fine of
11 up to ten thousand dollars (\$10,000) or imprisonment of up to ten (10) years.
12

13 SECTION 23. Arkansas Code § 7-5-510 is amended to read as follows:

14 7-5-510. Forms for complaints about function of voting machine -
15 Investigation.

16 (a) At each polling place at which voting machines are used, the
17 county board of election commissioners shall provide forms that voters may
18 use for complaints about the function of a voting machine. The complaint form
19 shall include space for the following information:

20 (1) The name, address, and telephone number of the person making
21 the complaint;

22 (2) The identification number of the voting machine;

23 (3) The complaint; and

24 (4) Such other information concerning the complaint as the State
25 Board of Election Commissioners determines to be appropriate to carry out the
26 intent of this section.

27 (b) A voter may file a complaint form with ~~an election official~~ a poll
28 worker who shall forward the complaint form to the county board of election
29 commissioners. It shall be the duty of the county board of election
30 commissioners to investigate complaints regarding the function of a voting
31 machine.
32

33 SECTION 24. Arkansas Code § 7-5-516 is amended to read as follows:

34 7-5-516. Notice to candidates of preparation - Rules and statutes
35 unaffected.

36 ~~(a)~~ Before the county board of election commissioners begins the

1 preparation of the machines for any election, it shall ~~mail a notice in due~~
2 ~~time to candidates or any representatives designated by candidates~~ publish a
3 notice in a newspaper of general circulation in the county stating:

4 (1) The time and place the machines will be prepared for the
5 election; and

6 (2) A time at which one (1) representative of each candidate may
7 inspect to see that the machines are in proper condition for use in the
8 election.

9 ~~(b) Nothing herein shall change, alter, or amend any party primary~~
10 ~~rule or statute with reference to drawing by the candidates for position on~~
11 ~~the ballot, write in candidates, or determining the amount of ballot fees.~~
12

13 SECTION 25. Arkansas Code § 7-5-518 is amended to read as follows:

14 7-5-518. Machines inactivated until polls open – Adjustment of
15 counters.

16 (a) The voting machine shall remain inactivated against voting until
17 the polls are formally opened and shall not be operated except by voters for
18 voting.

19 (b) If any counter is found not to register zero (000), the ~~election~~
20 ~~officials~~ poll workers shall immediately notify the county board of election
21 commissioners, who shall cause the counters to be adjusted at zero (000).

22 (c)(1) The ~~election officials~~ poll workers shall produce one (1)
23 printout from each machine showing whether the candidate and question
24 counters register zero (000) and shall sign and post the printout upon the
25 wall of the polling room, where it shall remain throughout the election day.

26 (2) The certified printout shall be filed with the election
27 returns.
28

29 SECTION 26. Arkansas Code §§ 7-5-521 and 7-5-522 are amended to read
30 as follows:

31 7-5-521. Arrangement of polling place.

32 (a) The exterior of the voting machine and every part of the polling
33 place shall be in plain view of the ~~election officials~~ poll workers.

34 (b) The machine shall be placed so that no person can see or determine
35 how the voter casts his or her vote.

36 (c) After the opening of the polls, the ~~election officials~~ poll

1 workers shall not allow any person to pass to the part of the room where the
2 machine is situated, except for the purpose of voting.

3
4 7-5-522. Voting procedure.

5 (a)(1) When a voter presents himself or herself for the purpose of
6 voting, the ~~election officials~~ poll workers shall ascertain whether he or she
7 is properly qualified and registered ~~pursuant to~~ under § 7-5-305.

8 (2) In preparing the machines, the ~~election official~~ poll worker
9 shall ensure that each voter will have access only to the proper ballot.

10 (b) Only one (1) voter at a time shall be permitted to approach a
11 voting machine. Having cast his or her vote, the voter shall at once move
12 away from the voting machine and leave the polling room by the exit provided.

13 (c) ~~No voter after~~ A voter having left the voting machine shall not be
14 permitted to return to the voting machine except to complete the voting
15 process.

16 (d) If a voter leaves an electronic ballot on a voting machine on
17 which the voter has either made some or no selections and has failed to
18 complete the process of casting the ballot and failed to notify ~~an election~~
19 ~~officer~~ a poll worker of his or her desire to cancel the ballot ~~prior to~~
20 before departing the polling site, two (2) ~~election officers~~ poll workers
21 shall take action to complete the process of casting the ballot and shall
22 document:

23 (1) The time;

24 (2) The name of the voter, if known;

25 (3) The names of the ~~election officers~~ poll workers completing
26 the process of casting the ballot; and

27 (4) All other circumstances surrounding the abandoned ballot.
28

29 SECTION 27. Arkansas Code §§ 7-5-526 and 7-5-527 are amended to read
30 as follows:

31 7-5-526. Closing of polls – Securing machines – ~~Election officials'~~
32 Poll workers' certificate.

33 (a) At the official time for closing the polls and upon termination of
34 the voting, the ~~election officials~~ poll workers shall announce that the polls
35 have closed and in the presence of all persons authorized to be present shall
36 remove the activation packs or devices from the voting machines to make them

1 inaccessible to further voting.

2 (b) At the same time, the ~~election officials~~ poll workers shall sign a
3 certificate provided by the county board of election commissioners stating
4 that the machines were made inaccessible to further voting and giving the
5 exact time and the number of votes shown on the public counters.

6

7 7-5-527. Exposure of count – Verification – Return record – Official
8 signatures.

9 (a) The ~~election officials~~ poll workers shall then expose the count in
10 the presence of all persons authorized to be present.

11 (b) It is the intention of this section to accord a full, complete,
12 and public view of the count from each voting machine to all ~~election~~
13 ~~officials~~ poll workers and designated watchers for the candidates or parties.

14 (c)(1) The ~~election official~~ poll worker shall proceed to produce the
15 return record in a minimum of three (3) copies.

16 (2)(A) The return record shall be deemed the official count for
17 that machine.

18 (B) One (1) copy of the completed return record for that
19 machine shall be posted upon the wall of the polling room for all to see.

20 (d) The ~~election officials~~ poll workers shall sign the machine return
21 record produced by the device.

22 (e)(1) The activation pack or device used to collect votes from each
23 voting machine and all certified return records shall be placed in a package
24 that shall be sealed and signed by all the ~~election officials~~ poll workers
25 and any watchers that may desire to affix a signature.

26 (2)(A) The sealed package shall be immediately returned to the
27 county board of election commissioners by one (1) of the ~~election officials~~
28 poll workers selected for this purpose, accompanied by those other ~~election~~
29 ~~officials~~ poll workers and watchers who desire to join the ~~election official~~
30 poll worker.

31 (B) The ~~election official~~ poll worker shall obtain a
32 receipt for the sealed package.

33

34 SECTION 28. Arkansas Code § 7-5-532(e), concerning recount in an
35 election using a voter-verified paper audit trail, is amended to read as
36 follows:

1 (e)(1) ~~For any recount of an election in which ballots are cast using~~
2 ~~a direct recording electronic voting machine with a voter verified paper~~
3 ~~audit trail, the voter verified paper audit trail shall serve as the official~~
4 ~~ballot to be recounted.~~

5 ~~(2)~~ Voter-verified paper audit trails shall be preserved in the
6 same manner and for the same time period as ballots and certificates are
7 preserved under § 7-5-702.

8
9 SECTION 29. Arkansas Code § 7-5-611(b), concerning a certified
10 printout from the vote tabulating device prior to the opening of the polls,
11 is amended to read as follows:

12 (b)(1) Before the opening of the polls, the ~~election officials~~ poll
13 workers shall generate a printout from the electronic vote tabulating device
14 or devices to verify that the candidates and measures are correct for the
15 location and that no votes are recorded on the electronic vote tabulating
16 device or devices.

17 (2) The ~~election officials~~ poll workers shall sign and post the
18 printout upon the wall of the polling room where it shall remain throughout
19 the election day.

20 (3) The certified printout shall be filed with the election
21 returns.

22
23 SECTION 30. Arkansas Code §§ 7-5-613 and 7-5-614 are amended to read
24 as follows:

25 7-5-613. Counting ballots and write-in votes.

26 In precincts where an electronic vote tabulating device is used, as
27 soon as the polls are closed:

28 (1) The ~~election officials~~ poll workers shall compare the total
29 number of voters indicated by the electronic vote tabulating device with the
30 list of voters to ensure that the number recorded by the tabulator is the
31 same as the number of voters shown on the list of voters who received a
32 ballot at the polling site. If the totals are different, this fact shall be
33 reported in writing to the county board of election commissioners with the
34 reasons, if known; and

35 (2) The ~~election officials~~ poll workers shall count the write-in
36 votes and prepare a return of the votes on forms provided for that purpose.

1
2 7-5-614. Locations for vote tabulation – Procedures.

3 For the tabulation of votes of a precinct by electronic vote tabulating
4 devices at a central counting location:

5 (1)(A) The ~~election officials~~ poll workers shall place all
6 ballots that have been cast in the container provided for that purpose.

7 (B) The container shall be sealed and delivered to the
8 county board of election commissioners forthwith by the ~~election officials~~
9 poll workers together with the unused, void, and defective ballots; and

10 (2)~~(A)~~ All proceedings at the counting location shall be under
11 the direction of ~~at least two (2) election officials named by~~ the county
12 board of election commissioners with respect to all elections.

13 ~~(B) In all elections, when possible, the election~~
14 ~~officials shall represent the majority party and the minority party.~~

15
16 SECTION 31. Arkansas Code § 7-5-702 is amended to read as follows:

17 7-5-702. Preservation of ballots, stubs, ~~and~~ certificates, and other
18 election materials.

19 (a) After the election has been finally certified by the county board
20 of election commissioners, The the county board of election commissioners
21 shall retain the custody of and safely keep in a sealed container
22 appropriately marked in a secure location in the county courthouse or other
23 county storage facility all ballots and certificates returned to it from the
24 several precincts for a period of twenty (20) days, after which time the
25 ballots and certificates shall be stored in a secure location in the county
26 courthouse or other county storage facility for a period of two (2) years
27 from the date of the election, unless the county board of election
28 commissioners shall be sooner notified in writing that:

29 (1) The election of some person voted for at the election and
30 declared to have been elected has been contested; or

31 (2) Criminal prosecution has begun before a tribunal of
32 competent jurisdiction against any officer of election or person voting
33 thereat for any fraud in the election.

34 (b) If the county board of election commissioners is notified as
35 provided in subsection (a) of this section, then so many of the ballots and
36 certificates as may relate to matters involved in the contest or any

1 prosecution shall be preserved for use as evidence in the contest or
2 prosecution.

3 (c) During the time the ballots may be retained or stored, the package
4 containing them shall not be opened by anyone unless directed to do so by
5 some competent tribunal before which an election contest or prosecution is
6 pending in which the ballots are to be used as evidence.

7 (d) For a period of twenty (20) days, the county treasurer shall
8 retain the custody of and safely keep all ballot stubs in a sealed container
9 appropriately marked which are delivered to him or her from the several
10 precincts, after which time they shall be stored unless an election contest
11 has been filed or a criminal prosecution has been initiated in connection
12 with the election.

13 (e) After a period of two (2) years, all marked ballots may be
14 destroyed in the following manner:

15 (1) The county board shall enter an order directing the
16 destruction of marked ballots;

17 (2) The county board shall make and retain a record of marked
18 ballots destroyed; and

19 (3) The county board shall file the order and record pertaining
20 to marked ballots and ballot stubs destroyed with the county clerk.

21 ~~(f)(1) Except as provided in subdivision (f)(2) of this section, after~~
22 ~~a period of thirty (30) days following certification of the election, all~~
23 ~~ballot stubs which were previously attached to marked ballots and all~~
24 ~~unmarked ballots may be destroyed as provided for the destruction of marked~~
25 ~~ballots in subsection (e) of this section.~~

26 ~~(2) If an election contest has been filed, all ballot stubs which~~
27 ~~were previously attached to marked ballots may be destroyed thirty (30) days~~
28 ~~following the final judicial resolution of the election contest.~~

29

30 SECTION 32. Arkansas Code § 7-5-704 is amended to read as follows:

31 7-5-704. Votes for legislative, judicial, and executive officers – Tie
32 vote.

33 (a). It shall be the duty of the Secretary of State, in the presence
34 of the Governor, within thirty (30) days after the time allowed in this
35 subchapter to make returns of elections by the county board of election
36 commissioners, or sooner, if all the returns have been received, to cast up

1 and arrange the votes from the several counties for each person ~~voted for~~ who
2 received votes for any legislative, judicial, or executive office, except the
3 offices named in Arkansas Constitution, Article 6, § 3. The persons who have
4 received the greatest number of legal votes for Justice of the Supreme Court
5 and Commissioner of State Lands, within the state; judges of the Court of
6 Appeals and of the circuit courts, and prosecuting attorneys, in their
7 respective districts or circuits; judges of the county and probate courts,
8 circuit clerk, county clerk, sheriff, coroner, surveyor, and assessor, in
9 their respective counties; and all other officers required by law, shall be
10 ~~immediately~~ commissioned by the Governor.

11 (b)(1) If two (2) or more persons have an equal number of votes for
12 the same office and a higher number than any other person, the names of the
13 two (2) candidates receiving the highest number of votes for any legislative,
14 ~~judicial~~, or executive office, except those officers named in Arkansas
15 Constitution, Article 6, § 3, and constables, shall be certified to a special
16 runoff election which shall be held three (3) weeks from the day on which the
17 general election is held. The special runoff election shall be conducted in
18 the same manner as is now provided by law, and the election results thereof
19 shall be canvassed and certified in the manner provided by law.

20 (2) Subdivision (b) of this section shall not apply to the
21 offices of Justice of the Supreme Court, Judge of the Court of Appeals,
22 circuit judge, or district judge.

23
24 SECTION 33. Arkansas Code § 7-5-707 is amended to read as follows:

25 7-5-707. Vote certification - ~~Affidavit of compliance~~ - Report -
26 Checklist.

27 (a) For all state and federal elections, the county board of election
28 commissioners shall transmit the certified results for each polling place to
29 the county clerk, who shall immediately transmit the results to the Secretary
30 of State through the Internet website interface provided by the Secretary of
31 State.

32 (b) At the time that the county board certifies the vote to the
33 Secretary of State, the county board shall submit to the State Board of
34 Election Commissioners a written report of:

- 35 (1) The total number of persons who voted in the election;
36 (2) The total number of early votes cast by voting machine;

- 1 (3) The total number of votes cast by voting machine on election
2 day;
- 3 (4) The total number of absentee ballots, including without
4 limitation:
- 5 (A) The total number of nonprovisional absentee ballots
6 cast;
- 7 (B) The total number of provisional absentee ballots cast;
- 8 (C) The total number of provisional absentee ballots
9 counted; and
- 10 (D) The total number of provisional absentee ballots
11 disqualified;
- 12 (5) The total number of early votes cast by paper ballot,
13 including without limitation:
- 14 (A) The total number of nonprovisional early paper ballots
15 cast;
- 16 (B) The total number of provisional early ballots cast;
- 17 (C) The total number of provisional early ballots counted;
18 and
- 19 (D) The total number of provisional early ballots
20 disqualified;
- 21 (6) The total number of paper ballots cast on election day,
22 including without limitation:
- 23 (A) The total number of nonprovisional paper ballots cast
24 on election day;
- 25 (B) The total number of provisional ballots cast on
26 election day;
- 27 (C) The total number of provisional election day ballots
28 counted; and
- 29 (D) The total number of provisional election day ballots
30 disqualified;
- 31 (7) The total number of spoiled ballots;
- 32 (8) The total number of unused ballots; ~~and~~
- 33 (9) The total number of ballots printed; and
- 34 (10) Other information at the request of the Secretary of State
35 as may be required by federal law or regulation.
- 36 (c) The county board shall post a copy of the written report submitted

1 to the state board in a public place in the county clerk's office for twenty
2 (20) days and file a copy with the clerk's office.

3 (d) The county board shall transmit the number of overvotes and
4 undervotes cast in each race and issue in the election to the county clerk,
5 who shall enter and transmit it to the state board through the Secretary of
6 State's Internet website interface.

7 (e) Fifteen (15) days following any regularly scheduled preferential
8 primary election, general election, or statewide special election, each
9 county election commissioner shall file ~~an affidavit, under the signature of~~
10 ~~all three (3) commissioners or individually, with the state board in a form~~
11 ~~approved by the state board to the effect that all duties and~~
12 ~~responsibilities of the county election commissioner have been complied with~~
13 a statement with the State Board of Election Commissioners in the form of a
14 checklist provided by the State Board of Election Commissioners showing
15 compliance with all duties and responsibilities of the county election
16 commissioner.

17
18 SECTION 34. Arkansas Code § 7-7-102 is amended to read as follows:

19 7-7-102. Party nominees certified at primary election.

20 ~~(a)~~ Nominees of any political party for United States Senate, United
21 States House of Representatives, or state, district, ~~or~~ county, township, or
22 applicable municipal office to be voted upon at a general election shall be
23 certified as having received a majority of the votes cast for the office, or
24 as an unopposed candidate, at a primary election held by the political party
25 in the manner provided by law.

26 ~~(b) Nominees of any political party for township or municipal office~~
27 ~~shall be declared by certification of a primary election as provided in~~
28 ~~subsection (a) of this section.~~

29
30 SECTION 35. Arkansas Code § 7-7-202 is amended to read as follows:

31 7-7-202. Preferential and general primaries – When required – Common
32 polling places.

33 (a) Whenever any political party shall select by primary election
34 party nominees as candidates at any general election for any United States,
35 state, district, county, township, or municipal office, there shall be held a
36 preferential primary election and a general primary election, if required, on

1 the respective dates provided in § 7-7-203(a) and (b).

2 (b) A general primary election for a political party shall not be held
3 if there are no races in which three (3) or more candidates qualify for the
4 same office or position as provided in subsection (c) of this section unless
5 a general primary election is necessary to break a tie vote for the same
6 office or position at the preferential primary.

7 (c) If there are no races in which three (3) or more candidates
8 qualify for the same office or position, only the preferential primary
9 election shall be held for the political party. If all nominations have been
10 determined at the preferential primary election or by withdrawal of
11 candidates as provided in § 7-7-304(a) and (b), the general primary election
12 shall not be held.

13 (d) The county board of election commissioners shall establish common
14 polling places for the joint conduct of the primary elections of all
15 political parties.

16
17 SECTION 36. Arkansas Code § 7-7-203 is amended to read as follows:
18 7-7-203. Dates.

19 (a) The general primary election shall be held on the second Tuesday
20 in June preceding the general election.

21 (b) The preferential primary election shall be held on the Tuesday
22 three (3) weeks ~~prior to~~ before the general primary election.

23 (c)(1) Party pledges, if any, shall be filed and any filing fees of a
24 political party, if any, shall be paid during regular office hours in the
25 period beginning at 12:00 noon on the first weekday in March and ending at
26 12:00 noon on the seventh day thereafter before the preferential primary
27 election.

28 (2) A party certificate and the political practice pledge for
29 primary elections shall be filed with the county clerk or the Secretary of
30 State, as the case may be, during regular office hours in the period
31 beginning at 12:00 noon on the first weekday in March and ending at 12:00
32 noon on the seventh day thereafter before the preferential primary election.

33 (3) The name of a candidate who fails to file a party
34 certificate by the filing deadline with the Secretary of State or county
35 clerk, as the case may be, shall not appear on the ballot.

36 (4) Party pledges, if any, shall be filed, filing fees, if any,

1 shall be paid, and party certificates and political practice pledges shall be
2 filed for special primary elections on or before the deadline established by
3 proclamation of the Governor.

4 (d)(1) At least seventy (70) days before the preferential primary
5 election, the Secretary of State shall certify ~~the ballot~~ to the various
6 county committees and to the various county boards of election commissioners
7 ~~with a list of~~ the names of all candidates who have ~~qualified with the state~~
8 ~~committee for election by filing the party pledge and paying the filing fees~~
9 ~~of the political party~~ filed party certificates with the Secretary of State
10 within the time required by law.

11 (2) At least seventy (70) days before the preferential primary
12 election, the county clerk shall certify to the county committees and to the
13 county board of election commissioners a list of the names of all candidates
14 who have filed party certificates with the county clerk within the time
15 required by law.

16 (e)(1) The county board shall convene, at the time specified in the
17 notice to the members given by the chair of the board, no later than the
18 tenth day after each primary election for the purpose of canvassing the
19 returns and certifying the election results.

20 (2) If no time is specified for the meeting of the county board,
21 the meeting shall be at 5:00 p.m.

22 (f) The county convention of a political party holding a primary
23 election shall be held on the first Monday following the date of the general
24 primary election.

25 (g)(1) The county board of election commissioners shall certify to the
26 county clerk and the county committee a list of all nominated candidates for
27 county, township, and municipal offices, and the political parties' county
28 committee members and delegates.

29 (2) At the same time, the county board of election commissioners
30 shall certify to the Secretary of State and the secretary of the state
31 committee the results of the contests for all United States, state, and
32 district offices. Immediately after ascertaining the results for all United
33 States, state, and district offices, the Secretary of State shall certify to
34 the state committee a list of all nominated candidates for the offices.

35 (h)(1)(A) The Secretary of State shall at least one hundred (100) days
36 ~~prior to~~ before the date of the general election notify by registered mail

1 the chair and secretary of the state committee of the respective political
2 parties that a certificate of nomination is due for all nominated candidates
3 for United States, state, and district offices in order that the candidates'
4 names be placed on the ballot of the general election.

5 (B)(i) The state committee shall issue certificates of
6 nomination to all nominated candidates for United States, state, and district
7 offices, who shall file the certificates with the Secretary of State at least
8 ninety (90) days ~~prior to~~ before the general election.

9 (ii) However, if the chair and secretary of the
10 state committee of the respective political parties are not properly notified
11 as directed by subdivision (h)(1)(A) of this section, the failure of a
12 candidate to file a certificate of nomination by the deadline shall not
13 prevent that candidate's name from being placed on the ballot of the general
14 election.

15 (2)(A) Each county clerk shall at least ninety (90) days ~~prior~~
16 ~~to~~ before the date of the general election notify by registered mail the
17 chairs and secretaries of the county committees of the respective political
18 parties that a certified list of all nominated candidates for county,
19 township, and municipal offices is due and shall be filed with ~~the county~~
20 ~~board of election commissioners and~~ the county clerk in order that the
21 candidates' names be placed on the ballot for the general election.

22 (B)(i) Each county committee shall issue the certified
23 list on behalf of those nominated candidates and submit the certified list to
24 ~~the county board of election commissioners and~~ the county clerk at least
25 eighty (80) days ~~prior to~~ before the general election.

26 (ii) However, if the chairs and secretaries of the
27 county committees of the respective political parties are not properly
28 notified as directed by subdivision (h)(2)(A) of this section, the failure of
29 a certified list to be filed by the deadline shall not prevent any
30 candidate's name from being placed on the ballot of the general election.

31
32 SECTION 37. Arkansas Code § 7-7-205(a)(2), concerning the number of
33 signature required at a petition for certification of a new political party,
34 is amended to read as follows:

35 (2) The petition shall contain at the time of filing the
36 signatures of ~~qualified electors of this state equal in number to the~~

1 ~~signatures of~~ at least ten thousand (10,000) registered voters in the state.

2
3 SECTION 38. Arkansas Code § 7-7-303 is amended to read as follows:

4 7-7-303. Precincts - Boundaries — ~~Policing.~~

5 ~~(a)~~ The election precincts in all political party primary elections
6 shall be the same as established by the county board of election
7 commissioners for general elections.

8 ~~(b)(1) The county board shall provide for the preservation of order at~~
9 ~~all primary election precincts and shall allow no crowd to collect at the~~
10 ~~polling place nearer than authorized by law.~~

11 ~~(2) No person charged with the duty of preserving order at the~~
12 ~~polling place shall in any manner influence or endeavor to influence any~~
13 ~~person in casting his or her vote.~~

14 ~~(3) No person who is a public officer, candidate for~~
15 ~~office, or deputy of a public officer shall be eligible to serve as an~~
16 ~~officer to keep order at any primary election polling place.~~

17 ~~(4) Persons appointed as election sheriffs to keep order at~~
18 ~~polling places in primary elections shall have the authority of police~~
19 ~~officers in keeping order and enforcing the laws of this state with respect~~
20 ~~to polling places in primary elections.~~

21
22 SECTION 39. Arkansas Code §§ 7-7-305 and 7-7-306 are amended to read
23 as follows:

24 7-7-305. Printing of ballots - Form.

25 (a) The ballots of the primary election shall be provided by the
26 county board of election commissioners. The form of the ballots shall be the
27 same as is provided by law for ballots in general or special elections in
28 this state. A different color ballot may be used to distinguish between
29 political parties.

30 (b) The order in which the names of the respective candidates,
31 ~~including candidates for federal, state, and local offices and including~~
32 ~~persons nominated for committee members and delegates to the county~~
33 ~~convention, and the order in which issues and measures are to appear on the~~
34 ballots at all preferential and general primary elections shall be determined
35 by lot at the public meeting of the county board of election commissioners
36 held not later than sixty-five (65) days before the preferential primary

1 election. The county board shall give at least ten (10) days' written notice
2 of the time and place of the meeting to the chairs of the county committee
3 committees, if the chairs are not members of the board, and shall, at least
4 three (3) days before the meeting, publish notice of the time and place of
5 holding the meeting in some newspaper of general circulation in the county.

6 (c)(1)(A) Any person who shall file for any elective office in this
7 state may use not more than three (3) given names, one (1) of which may be a
8 nickname or any other word used for the purpose of identifying the person to
9 the voters, and may add as a prefix to his or her name the title or an
10 abbreviation of an elective public office the person currently holds.

11 (B) A person may only use as the prefix "Judge",
12 "Justice", or "Chief Justice" the title of a judicial office in an election
13 for a judgeship if the person is currently serving in a judicial position to
14 which the person has been elected.

15 (C) A nickname shall not include a professional or
16 honorary title.

17 (2) The names and titles as proposed to be used by each
18 candidate on the political practice pledge or, if the political practice
19 pledge is not filed by the filing deadline, then the names and titles that
20 appear on the party certificate shall be reviewed no later than one (1)
21 business day after the filing deadline by the Secretary of State for state
22 and district offices and by the county board of election commissioners for
23 county, township, school, and municipal offices.

24 (3)(A) The name of every candidate shall be printed on the
25 ballot in the form as certified by either the Secretary of State or the
26 county board.

27 (B) However, the county board of election commissioners
28 may substitute an abbreviated title if the ballot lacks space for the title
29 requested by a candidate.

30 (C) The county board of election commissioners shall
31 immediately notify a candidate whose requested title is abbreviated by the
32 county board of election commissioners.

33 (4) ~~No~~ A candidate shall not be permitted to change the form in
34 which his or her name will be printed on the ballot after the deadline for
35 filing the political practices pledge.

36

1 7-7-306. Partisan and nonpartisan judicial general ballots ~~only~~.

2 (a) At each party primary and nonpartisan judicial general election
 3 each county board of election commissioners shall furnish separate ballots
 4 for each political party containing:

5 (1) The names of persons seeking offices to be voted on as a
 6 nominee or candidate of that political party; ~~and~~

7 (2) The names of all qualified candidates for the general
 8 election to nonpartisan judicial offices ~~pursuant to~~ under § 7-10-101; and

9 (3) All measures and questions, if any, to be decided by the
 10 voters.

11 (b) The county board of election commissioners shall also furnish a
 12 separate nonpartisan ballot containing the names of all qualified candidates
 13 for the general election to nonpartisan judicial offices and all measures, if
 14 any, to be decided by the voters.

15
 16 SECTION 40. Arkansas Code § 7-7-308 ~~are~~ is amended to read as follows:

17 7-7-308. ~~Determination of right to vote—Precinct registration lists~~
 18 Voting procedure and requirements.

19 ~~(a) Before a person is permitted to vote, an election official shall:~~
 20 The procedure for voting in primary elections is the same as for general
 21 elections.

22 ~~(1) Request the voter to identify himself or herself in order to~~
 23 ~~verify the existence of his or her name on the precinct voter registration~~
 24 ~~list;~~

25 ~~(2) Request the voter, in the presence of the election official,~~
 26 ~~to state his or her date of birth and address;~~

27 ~~(3) Determine that the voter's date of birth and address are the~~
 28 ~~same as those on the precinct voter registration list;~~

29 ~~(4) If the date of birth given by the voter is not the same as~~
 30 ~~that on the precinct voter registration list, request the voter to provide~~
 31 ~~identification as the election official deems appropriate;~~

32 ~~(5)(A) If the voter's address is not the same as that on the~~
 33 ~~precinct voter registration list, verify with the county clerk that the~~
 34 ~~address is within the precinct.~~

35 ~~(B) If the address is within the precinct, request the~~
 36 ~~voter to complete a voter registration application form for the purpose of~~

1 ~~updating county voter registration record files.~~

2 ~~(C) If the address is not within the precinct;~~

3 ~~(i) Contact the county clerk's office to determine~~
4 ~~the proper precinct; and~~

5 ~~(ii) Instruct the voter to go to the polling site~~
6 ~~serving that precinct in order for his or her vote to be counted;~~

7 ~~(6) If the voter's name is not the same as that on the precinct~~
8 ~~voter registration list, request the voter to complete a voter registration~~
9 ~~application form for purposes of updating county voter registration record~~
10 ~~files;~~

11 ~~(7) Request the voter, in the presence of the election official,~~
12 ~~to sign his or her name, including his or her given name, his or her middle~~
13 ~~name or initial, if any, and his or her last name in the space provided on~~
14 ~~the precinct voter registration list. If a person is unable to sign his or~~
15 ~~her signature or make his or her mark or cross, the election official shall~~
16 ~~enter his or her initials and the voter's date of birth in the space for the~~
17 ~~person's signature on the precinct voter registration list; and~~

18 ~~(8) Record the voter's name on or request the voter to print his~~
19 ~~or her name on the list of voters form.~~

20 (b) At the same time that the voter identifies himself or herself and
21 the party primary or other election in which he or she intends to vote, the
22 election official shall mark next to the voter's name on the precinct voter
23 registration list the party primary or other election in which the voter
24 chooses to vote.

25 ~~(c) If a voter's name does not appear on the precinct voter~~
26 ~~registration list, the election official shall permit the voter to vote only~~
27 ~~under the following conditions:~~

28 ~~(1) The voter identifies himself or herself by stating his or~~
29 ~~her name and date of birth and is verified by the county clerk as a~~
30 ~~registered voter within the county and, if the county is divided into more~~
31 ~~than one (1) congressional district, within the same congressional district;~~

32 ~~(2) The voter gives and affirms his or her current residence,~~
33 ~~and the election official verifies with the county clerk that the voter's~~
34 ~~residence is within the precinct;~~

35 ~~(3) The voter completes an updated voter registration~~
36 ~~application form; and~~

1 ~~(4) The voter signs the precinct voter registration list.~~
2 ~~(d) If the voter is not listed on the precinct voter registration list~~
3 ~~and the county clerk is unable to verify the voter's registration but the~~
4 ~~voter contends that he or she is eligible to vote, then the voter may vote a~~
5 ~~provisional ballot that shall only be counted upon verification of the~~
6 ~~voter's registration status.~~

7 ~~(e) The election officials shall make and retain a separate list of~~
8 ~~all voters who cast a provisional ballot.~~

9 ~~(f) After the polls close, the election official shall total the~~
10 ~~number of voters on the list of voters form.~~

11 ~~(g) The precinct registration lists shall at all times be available to~~
12 ~~public inspection.~~

13
14 SECTION 41. Arkansas Code § 7-7-310 is repealed.

15 ~~7-7-310. Filing and preservation of returns, ballots, and other~~
16 ~~documents.~~

17 ~~(a) The county board of election commissioners, immediately upon~~
18 ~~having canvassed the returns and, when demanded, examined the ballots and~~
19 ~~upon having certified the results of the primary as required in this~~
20 ~~subchapter, shall store in a secure location in the county courthouse or~~
21 ~~otherwise designated county storage facility all ballots and other election~~
22 ~~materials received from the election officials.~~

23 ~~(b) All voter lists, precinct voter registration lists, affidavits,~~
24 ~~and other voter registration documents shall be returned to the county clerk,~~
25 ~~who shall preserve them for a period of two (2) years, subject to the orders~~
26 ~~of any court of competent jurisdiction or if a contest is pending, until the~~
27 ~~contest is determined.~~

28
29 SECTION 42. Arkansas Code § 7-8-302(5), concerning placing the name of
30 a political party's candidates for President and Vice President on the
31 ballot, is amended to read as follows:

32 (5)(A)(i) In order to have the name of a political party's
33 candidates for President and Vice President printed on the ballot, a
34 political party shall hold a presidential preferential primary election.

35 (ii) A new political party formed ~~pursuant to~~ under
36 the petition process may nominate by convention if the presidential election

1 is the first general election after certification as a party by the Secretary
2 of State.

3 (B) A political group desiring to have the names of its
4 candidates for President and Vice President printed on the ballot shall file
5 a petition with the Secretary of State by noon on the first Monday of August
6 of the year of the election. The petition shall contain at the time of filing
7 the names of one thousand (1,000) qualified electors of the state declaring
8 their desire to have printed on the ballot the names of their candidate for
9 President and Vice President. The Secretary of State shall verify the
10 sufficiency of the petition within ten (10) days from the filing of the
11 petition. If the petition is determined to be insufficient, the Secretary of
12 State shall notify in writing the political group through its designated
13 agent and shall set forth his or her reasons for so finding.

14 (C) Any challenges to the certification of the Secretary
15 of State shall be filed in the Pulaski County Circuit Court.

16 (D) ~~By September 1 in the year of~~ No later than seventy
17 (70) days before the election, a political group that qualifies by petition
18 to place its candidate on the ballot shall submit a certificate of choice
19 stating the names of its candidates for President and Vice President, signed
20 under oath by either the chair, vice chair, or secretary of the political
21 group's convention.

22 ~~(E) By September 15 in the year of the election, a~~
23 ~~political group which qualifies by petition to place its candidate on the~~
24 ~~ballot shall submit a certificate of choice stating the names of its~~
25 ~~candidates for President and Vice President, signed under oath by either the~~
26 ~~chair, vice chair, or secretary of the political group's convention; and~~

27
28 SECTION 43. Arkansas Code § 7-8-302(6)(C), concerning certification of
29 independent candidates who qualify by petition to be on the ballot, is
30 amended to read as follows:

31 (C) By September ~~1~~ 15 in the year of the election,
32 independent candidates who qualify by petition to be on the ballot shall
33 certify to the Secretary of State the total list of electors together with
34 electors at large. The filing of the certificate with the Secretary of State
35 shall be deemed and taken to be the choice and selection of the electors of
36 this state, if the independent candidate is successful at the polls, as

1 provided in this subchapter.

2
3 SECTION 44. Arkansas Code § 7-10-102(c), concerning the requirement to
4 receive a majority of votes to be elected to a nonpartisan judicial office,
5 is amended to read as follows:

6 (c)(1) ~~No~~ A person shall not be elected to a nonpartisan judicial
7 office without receiving a majority of the votes cast at the election for the
8 office.

9 (2) In any nonpartisan judicial election in which no
10 person receives a majority of the votes cast, the two (2) candidates
11 receiving the highest and next highest number of votes shall be certified to
12 a runoff election which shall be held on the same date and at the same times
13 and places as the November general election.

14 (3) The names of the candidates in a nonpartisan judicial runoff
15 election shall be placed on the same ballots as used for the November general
16 elections.

17
18 SECTION 45. Arkansas Code § 7-10-103 is amended to add a new
19 subsection to read as follows:

20 (f)(1)(A) A candidate for nonpartisan judicial office may not use more
21 than three (3) given names, one (1) of which may be a nickname or any other
22 word used for the purpose of identifying the candidate to the voters.

23 (B)(i) A candidate for nonpartisan judicial office
24 may add as a prefix to his or her name the title or an abbreviation of an
25 elective public office the candidate currently holds.

26 (ii) A candidate may only use as the prefix the
27 title of a judicial office in an election for a judgeship if the candidate is
28 currently serving in a judicial position to which the candidate has been
29 elected.

30 (C) A nickname shall not include a professional or
31 honorary title.

32 (2) The names and titles as proposed to be used by each
33 candidate on the political practice pledge shall be reviewed no later than
34 one (1) business day after the filing deadline by the Secretary of State for
35 Supreme Court, Court of Appeals, and circuit court positions and by the
36 county board of election commissioners for district court positions.

1 (3)(A) The name of every candidate shall be printed on the
2 ballot in the form as certified by either the Secretary of State or the
3 county board of election commissioners.

4 (B) However, the county board of election commissioners
5 may substitute an abbreviated title if the ballot lacks space for the title
6 requested by a candidate.

7 (C) The county board of election commissioners shall
8 immediately notify a candidate whose requested title is abbreviated by the
9 county board of election commissioners.

10 (4) A candidate shall not be permitted to change the form in
11 which his or her name will be printed on the ballot after the deadline for
12 filing the political practices pledge.

13
14 SECTION 46. Arkansas Code § 6-14-102(c), concerning no polls school
15 elections, is amended to read as follows:

16 (c)(1) In any election year, if no more than one (1) candidate for
17 school district director presents a petition or notice ~~in writing to the~~
18 ~~county board of election commissioners~~ as required by § 6-14-111 and if there
19 are no other ballot issues to be submitted to school district electors for
20 consideration, with the exception of the local tax rate if that rate is not
21 being changed or restructured, the board of directors of any school district,
22 by resolution, may request the county board of election commissioners to
23 reduce the number of polling places or to open no polling places on election
24 day so that the election can be conducted by absentee ballot and early voting
25 only.

26 (2)(A) If requested by proper resolution adopted by the board of
27 directors of any school district, the county board of election commissioners
28 may provide that no polling places be open on election day so that the
29 election can be conducted by absentee ballot and early voting only, ~~if+~~

30 ~~(A) No more than one (1) candidate for school district~~
31 ~~director presents a petition or notice in writing to the county board of~~
32 ~~election commissioners as required by § 6-14-111; and~~

33 ~~(B) There are no other ballot issues to be submitted to~~
34 ~~school district electors for consideration, with the exception of the local~~
35 ~~tax rate if that rate is not being changed or restructured.~~

36 ~~(3)(B)~~ In a county that uses voting machines or electronic vote

1 tabulating devices, the county board of election commissioners may choose to
2 use paper ballots counted by hand ~~in combination with voting machines~~
3 ~~equipped for use by individuals with disabilities~~ and may provide that no
4 voting machines shall be used in the election, notwithstanding any other
5 provision in the Arkansas Code.

6
7 /s/ Faris

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9 APPROVED: 4/6/2009

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