

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative McJunkin**

A Bill

ACT 303 OF 1993
HOUSE BILL 1385

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 7-5-403 TO AUTHORIZE THE
9 COUNTY CLERK, WHERE AVAILABLE, TO SEND APPLICATIONS FOR
10 ABSENTEE BALLOTS AND TO ACCEPT APPLICATIONS FOR ABSENTEE
11 BALLOTS BY FAX MACHINES; TO AMEND ARKANSAS CODE § 7-5-405
12 TO ALLOW A FACSIMILE OF THE PRESCRIBED FORM TO BE USED FOR
13 ABSENTEE BALLOT APPLICATIONS; AND FOR OTHER PURPOSES."

Subtitle

16 **"AN ACT TO AUTHORIZE THE COUNTY CLERK TO SEND**
17 **APPLICATION FORMS FOR ABSENTEE BALLOTS AND TO**
18 **ACCEPT APPLICATIONS FOR ABSENTEE BALLOTS BY FAX**
19 **MACHINE."**

21 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:**

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

24 **"7-5-403. Applications for ballots.**

25 **(a) Applications for absentee ballots must be signed by the applicant or, if sent by**
26 **facsimile machine transmitted over telephone lines, must bear a verifiable facsimile of the**
27 **applicant's signature and may be made in one (1) of the following ways, and in no other**
28 **manner:**

29 **(1) For applications submitted using the form prescribed in § 7-5-405:**

30 **(A) In person at the office of the county clerk of the county of residence**
31 **of the voter;**

32 **(B) Applications by mail must be received in the office of the county**
33 **clerk of the county of residence of the voter not later than one (1) day before the election for**
34 **which the application was made. However, no ballot shall be mailed to any applicant except in**
35 **strict compliance with the**
36 **provisions of Arkansas Constitution, Amendment 51;**

1 **(C) By delivery of the application to the office of the county clerk of the**
 2 **county of residence of the applicant not later than 4:30 p.m. on the day immediately preceding**
 3 **the day of the election. Delivery may be made only by a person related to the applicant up to the**
 4 **third degree of consanguinity, the husband, wife, son, daughter, sister, brother, father, mother,**
 5 **grandparent, grandchild, aunt, uncle, niece, nephew, great-grandparent, or great-grandchild of**
 6 **the applicant, upon proper verification of the signature of the applicant by the county clerk and**
 7 **validation of the identity of the bearer. The elector may deliver the application to the office of**
 8 **the county clerk of the county of his or her residence not later than 4:30 p.m. on the day**
 9 **immediately preceding the day of the election;**

10 **(D) By delivery of the application to the office of the county clerk of the**
 11 **county of residence of the applicant not later than 1:30 p.m. on the day of the election. Delivery**
 12 **may be made by a person as the authorized agent of the applicant who submits to the county**
 13 **clerk an affidavit of the administrative head of a hospital or nursing home located in this state**
 14 **that the applicant is a patient in the hospital or nursing home and is thereby unable to vote on**
 15 **the election day at his or her regular voting place. A copy of the affidavit shall be retained by the**
 16 **county clerk as an attachment to the application for an absentee ballot.**

17 **(2) If the applicant does not use the form prescribed in § 7-5-405, he may make**
 18 **an application for an absentee ballot by letter or postcard if received by the county clerk not**
 19 **later than seven (7) calendar days prior to the date of the election if the letter or postcard**
 20 **contains information sufficient to the county board of election commissioners and the county**
 21 **clerk to accept the letter or postcard in lieu of the application form.**

22 **(3) An**
 23 **application for absentee ballots may be requested by facsimile machine transmission in the**
 24 **county clerks office and the clerk_s office may transmit the applications for absentee ballots by**
 25 **facsimile machine transmission over telephone lines to applicants in the county where the**
 26 **clerk_s office is so equipped. The form prescribed in § 7-5-405 shall be the form transmitted**
 27 **to a person making the request. Delivery of the application to clerk_s office shall be by a**
 28 **method prescribed in subdivision (a)(1) or (a)(2) of this section or by facsimile machine**
 29 **transmission over telephone lines and must be received in the office of the county clerk of the**
 30 **county of residence of the voter not later than seven (7) days before the election for which the**
 31 **application was made. The application for absentee ballot by facsimile transmission shall be**
 32 **accepted only upon verification of the facsimile signature of the applicant by the county clerk.**
 33 **Once verified as a reasonable likeness of the voter_s signature, the signature appearing on a**
 34 **facsimile copy of an application shall be presumed to be authentic until proven otherwise.**

35 **(b) Any person eligible to vote by absentee ballot may request the county clerk to mail**
to an address within the continental United States an

1 application for an absentee ballot for each election thereafter. The request shall remain in
2 effect for one (1) year unless revoked by the voter, and the county clerk shall thereafter
3 automatically mail, no later than thirty (30) days prior to each election, an application for an
4 absentee ballot.

5 (c) Citizens of the United States temporarily residing outside the territorial limits of
6 the United States and the District of Columbia, and their spouses and dependents when
7 residing with or accompanying them, may request the absentee ballot for any one (1) or more
8 elections during any one (1) calendar year by submitting only one (1) application during that
9 calendar year in the manner prescribed by subsection (a) of this section."

10

11 SECTION 2. Arkansas Code § 7-5-405 is hereby amended to read as follows:

12 "7-5-405. Application form.

13 Applications for absentee ballots may be made on a form furnished by the county clerk,
14 and the county clerk shall supply the following form or a electronic facsimile of this form via
15 telephonic transmission on request beginning sixty (60) days before the election:

16 _County ClerkCounty

17

18 Arkansas (1) Because of, I will be absent from
19 my voting precinct on the date of the election(s) to be held on, 19 ...; therefore I am
20 requesting that you provide me with the appropriate absentee ballot(s).

21 (2) (Voter is to indicate (x) one of the following methods for delivery of this
22 application)

23

24 A. I am personally delivering this application.

25

26 B. I am mailing this application.

27

28 C. I hereby authorize my [husband, wife, son, daughter, sister,
29 brother, father, mother, sister-in-law, brother-in-law, father-in-law,
30 mother-in-law, grandparent, grandchild, aunt, uncle, niece, nephew,
31 great-grandparent, or great-grandchild (circle one and insert their name)],

32 to deliver this application.

33

34 D. I hereby authorize as my agent to deliver this application as I am medically
35 unable to deliver it. An affidavit verifying my medical status as unable to deliver the

1 application or to vote on the day of
2 the election is attached.

3

4 E. I am transmitting a signed facsimile of this application by facsimile machine
5 transmission over telephone lines to the office of the county clerk.

6 (3) (Voter is to indicate (x) one of the following methods for receiving the ballot(s))

7

8 A. I will come to the office of the county clerk to receive my
9 ballot(s) by 5:00 p.m. on the day immediately preceding the day of the
10 election.

11

12 B. I authorize the mailing of my ballot(s) to the following address:

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18 C. I authorize the delivery of my ballot(s) to the following
19 person:

20

21 printed or typed name of voter signature of voter

22

23

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25 residence address of voter per date of birth

26 registration card

27

28

29 county of voter precinct of voter_."

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31 SECTION 3. All provisions of this act of general and permanent nature are
32 amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision
33 Commission shall incorporate the same in the Code.

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35 SECTION 4. If any provisions of this act or the application thereof to any person or

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

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SECTION 5. All laws and parts of laws in conflict with this act are hereby repealed.

APPROVED: 03/01/93