

As Engrossed: 1/14/93 3/4/93

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**

A Bill

ACT 430 OF 1993
HOUSE BILL 1058

4 **By: Representatives Flanagin, Mahony and Dietz, Representatives Pryor and Bisbee**

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §7-5-319 TO
9 ESTABLISH A UNIFORM RATE TO BE CHARGED FOR ANY RECOUNT OF
10 ELECTION RESULTS; TO REQUIRE CANDIDATES PETITIONING FOR A
11 RECOUNT TO PAY THE COSTS OF THE RECOUNT IN ADVANCE; AND
12 FOR OTHER PURPOSES."

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Subtitle

15 "TO ESTABLISH A UNIFORM CHARGE FOR RECOUNT OF ELECTION
16 RESULTS; REQUIRE CANDIDATE PETITIONING FOR RECOUNT TO PAY
17 COSTS OF RECOUNT IN ADVANCE."

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

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21 SECTION 1. Arkansas Code §7-5-319 is hereby amended to read as follows:

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"7-5-319. Recount.

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(a) At any time before the county board of election commissioners shall
24 finally complete the canvass of the returns of any election and declare the
25 result, any candidate voted for who may be dissatisfied with the returns from
26 any precinct may have a recount of the votes cast therein if the candidate
27 presents the county board of election commissioners with a petition showing
28 reasonable grounds for believing that the return, as made by the judges of
29 election, does not give a correct statement of the vote as actually cast, as
30 it is shown by the ballots returned with the certificate of the judges.

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(b) Upon the prayer of the petition being granted, the commissioners
32 shall open the package containing the ballots and recount the ballots in the
33 manner prescribed by law for the count to be made by the judges in the first
34 instance. The result as found upon the recount, if it differs from that
35 certified by the judges, shall be included in the canvass as the vote for the
36 particular precinct for which the recount was ordered and made.

1 (c) After the recount is completed, the ballots shall again be sealed
2 and kept as provided by law.

3 (d) The costs for any recount must be borne by the candidate
4 petitioning for it, and payment of the costs must be made to the county board
5 of election commissioners prior to the recount in an amount determined by the
6 board. In the event the outcome of the election is altered by recount, the
7 costs of the recount shall be refunded to the candidate who petitioned the
8 recount.

9 (e) *The cost of any recount shall be based on the actual cost incurred*
10 *to conduct the recount, but in no instance shall the amount charged to conduct*
11 *a recount exceed the rate of twenty-five cents (\$0.25) per vote cast in the*
12 *precincts where the recount is requested, or a total of two thousand five*
13 *hundred dollars (\$2,500) for the entire county whichever is less."*

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15 SECTION 2. All provisions of this act of a general and permanent nature
16 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
17 Revision Commission shall incorporate the same in the Code.

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19 SECTION 3. If any provision of this act or the application thereof to
20 any person or circumstance is held invalid, such invalidity shall not affect
21 other provisions or applications of the act which can be given effect without
22 the invalid provision or application, and to this end the provisions of this
23 act are declared to be severable.

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

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32 /s/Pat Flanagan, et al

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34 APPROVED: 03/10/93