

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Representative Laverty**

A Bill

ACT 723 OF 1995
HOUSE BILL 1659

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 7-5-701 AND 7-7-203(h) TO
CHANGE THE DATE FOR CERTIFICATION OF ELECTION RESULTS; AND
FOR OTHER PURPOSES."

Subtitle

"TO CHANGE THE DATE FOR CERTIFICATION OF
ELECTION RESULTS"

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

SECTION 1. Arkansas Code 7-5-701 is amended to read as follows:

"7-5-701. Declaration of results - Certification, delivery, and custody
of returns.

(a) As soon as the returns from all the precincts are received, but in
no event later than the third calendar day after the election, the county
board of election commissioners from the certificates and ballots received
from the several precincts shall proceed to ascertain and declare the result
of the election, unless the number of absentee ballots is sufficient to affect
the election, in which case the county board of election commissioners shall
declare results of the election no earlier than the tenth calendar day after
the election. The board, within seven (7) calendar days after the day of the
election, or fourteen (14) calendar days if the number of absentee ballots is
sufficient to affect the election, shall deliver a certificate of election to
any person having the highest numbers of legal votes for any county office.

(b) The commissioners shall also file in the office of the clerk of the
county court a certificate setting forth in detail the result of the election.

(c)(1) Within two (2) days after the comparison and examination of the
returns of any election, the county board of election commissioners shall
deposit certified copies of the abstracts of the returns of the election for

1 members of Congress and all executive, legislative, and judicial officers in
2 the nearest post office on the most direct route to the seat of government
3 directed to the Secretary of State.

4 (2) They shall at the same time enclose in a separate envelope
5 and direct to the Speaker of the House of Representatives, in care of the
6 Secretary of State, at the seat of government, a certified copy of the
7 abstract of votes given for Governor, Lieutenant Governor, Secretary of State,
8 Treasurer of State, Auditor of State, and Attorney General.

9 (d) It is made the duty of the Secretary of State to safely keep the
10 returns addressed to the Speaker of the House of Representatives until they
11 shall be required for the purpose of ascertaining and declaring the result of
12 the election as prescribed in Arkansas Constitution, Article 6, Section 3."
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14 SECTION 2. Arkansas Code 7-7-203(h) is amended to read as follows:

15 "(h) The county committee shall convene, at the time specified in the
16 notice to the members given by the secretary of the county committee, no later
17 than three (3) days after each primary election for the purpose of canvassing
18 the returns and certifying the election results *unless the number of absentee*
19 *votes is sufficient to affect the election, in which case the county committee*
20 *shall convene no earlier than the tenth (10th) day after each primary*
21 *election. If no time is specified for the meeting of the county committee, the*
22 *meeting shall be at 5:00 p.m."*

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24 SECTION 3. All provisions of this act of a general and permanent nature
25 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
26 Revision Commission shall incorporate the same in the Code.

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28 SECTION 4. If any provision of this act or the application thereof to
29 any person or circumstance is held invalid, such invalidity shall not affect
30 other provisions or applications of the act which can be given effect without
31 the invalid provision or application, and to this end the provisions of this
32 act are declared to be severable.

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

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/s/Rep. Lavery

APPROVED: 3-21-95

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