

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4

As Engrossed: S3/7/97 S3/13/97

A Bill

ACT 1092 OF 1997
HOUSE BILL 1778

5 By: House Committee on State Agencies and Governmental Affairs
6
7

For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED [§] 7-5-403 AND [§] 7-
10 5-405 TO CLARIFY AN ABSENTEE VOTER'S USE OF A DESIGNATED
11 BEARER FOR DELIVERY OF AN APPLICATION FOR AN ABSENTEE
12 BALLOT; TO AMEND ARKANSAS CODE ANNOTATED [§] 7-5-407 TO
13 REQUIRE COUNTY BOARDS OF ELECTION COMMISSIONERS TO DELIVER
14 ABSENTEE BALLOTS TO THE COUNTY CLERK NO LATER THAN
15 FOURTEEN (14) DAYS BEFORE A RUNOFF ELECTION OR A GENERAL
16 PRIMARY ELECTION UNLESS CERTIFICATION IS DELAYED; TO AMEND
17 ARKANSAS CODE ANNOTATED [§] 7-5-409 AND [§] 7-5-411 TO CLARIFY
18 AN ABSENTEE VOTER'S USE OF A DESIGNATED BEARER FOR
19 DELIVERY OF AN ABSENTEE BALLOT; TO AMEND ARKANSAS CODE
20 ANNOTATED [§] 7-5-411 TO RAISE THE PENALTY FOR MAKING A FALSE
21 STATEMENT ON AN AFFIDAVIT REQUIRED FOR ABSENTEE VOTING TO
22 A CLASS D FELONY; TO AMEND ARKANSAS CODE ANNOTATED [§] 7-5-
23 413 TO ELIMINATE ABSENTEE VOTING BY VOTING MACHINE AT THE
24 COUNTY CLERK'S OFFICE; TO AMEND ARKANSAS CODE ANNOTATED [§]
25 7-5-415 TO RAISE THE FEE FOR HIRING EXTRA DEPUTIES TO
26 MINIMUM WAGE; TO AMEND ARKANSAS CODE ANNOTATED [§] 7-5-416 TO
27 REQUIRE THE COUNTY BOARDS OF ELECTION COMMISSIONERS TO
28 DESIGNATE A PLACE IN THE COURTHOUSE OTHER THAN THE COUNTY
29 CLERK'S OFFICE FOR COUNTING ABSENTEE BALLOTS; TO AMEND
30 VARIOUS PROVISIONS OF ARKANSAS CODE ANNOTATED [§] 7-5-401, ET
31 SEQ., TO MAKE TECHNICAL CORRECTIONS; AND FOR OTHER
32 PURPOSES."

Subtitle

33
34
35 "TO AMEND VARIOUS PROVISIONS OF A.C.A. [§]
36 7-5-401, ET SEQ. PERTAINING TO ABSENTEE
37 AND EARLY VOTING."

1

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

3

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

6 "7-5-403. Applications for ballots.

7 (a)(1) Applications for absentee ballots must be signed by the
8 applicant or, if sent by facsimile machine transmitted over telephone lines,
9 must bear a verifiable facsimile of the applicant's signature.

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

12 (A) For applications submitted using the form prescribed in
13 § 7-5-405:

14 (i) In person at the office of the county clerk of
15 the county of residence of the voter, no later than the time the county
16 clerk's office regularly closes on the day ~~immediately preceding the day of~~
17 the before election day;

18 (ii) Applications by mail must be received in the
19 office of the county clerk of the county of residence of the voter not later
20 than one (1) day before the election for which the application was made;

21 (iii)(a) ~~A relative or~~ designated bearer may deliver
22 the completed application to the office of the county clerk of the county of
23 residence of the applicant not later than the time the county clerk's office
24 regularly closes on the day before the day of the election.

25 ~~_____ (b) A voter who is homebound and having no~~
26 ~~relative in the county may designate any qualified elector in the county to~~
27 ~~deliver the application.~~

28 ~~_____ (c) Relative includes husband, wife, son,~~
29 ~~son-in-law, daughter, daughter-in-law, sister, sister-in-law, brother,~~
30 ~~brother-in-law, father, father-in-law, mother, mother-in-law, grandparent,~~
31 ~~grandchild, aunt, uncle, niece, nephew, great-grandparent, or great-grandchild~~
32 ~~of the applicant;~~

33 (iv)(a) A person ~~designated~~ declared as the
34 authorized agent of the applicant may deliver the application to the office of
35 the county clerk of the county of residence of the applicant not later than
36 1:30 p.m. on the day of the election.

1 (b) An authorized agent must submit to the
2 county clerk an affidavit of the administrative head of a hospital or nursing
3 home located in this state that the applicant is a patient ~~in~~ of the hospital
4 or nursing home and is thereby unable to vote on the election day at his or
5 her regular ~~voting place~~ polling site.

6 (c) A copy of the affidavit shall be retained
7 by the county clerk as an attachment to the application for an absentee
8 ballot;

9 (v)(a) An application for absentee ballot may be
10 requested by facsimile machine transmission or other available electronic
11 medium in the county clerk's office, and the clerk's office may transmit the
12 application form by facsimile machine transmission or other available
13 electronic medium over the telephone lines to applicants when the clerk's
14 office is so equipped.

15 (b)(1) The completed facsimile ~~machine~~
16 transmitted application must be received in the office of the county clerk of
17 the county of residence of the voter not later than one (1) day before the
18 election for which the application was made.

19 (2) The completed facsimile ~~machine~~
20 transmitted application will be accepted only upon verification of the
21 facsimile signature of the applicant by the county clerk.

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

25 (B) If the applicant does not use the form prescribed in ⁸
26 7-5-405, he may make an application for an absentee ballot as follows:

27 (i) A letter or postcard must be received in the
28 office of the county clerk not later than one (1) day before the date of the
29 election. The letter or postcard shall contain information sufficient to the
30 county board of election commissioners and the county clerk to accept the
31 letter or postcard in lieu of the application form;

32 (ii) An applicant may transmit a written request for
33 an absentee ballot over the telephone lines which shall contain the voter's
34 signature and other information sufficient for acceptance in lieu of the
35 application form.

36 (b)(1) Any person eligible to vote by absentee ballot may request the

1 county clerk to mail to an address within the continental United States an
2 application for an absentee ballot.

3 (2) The application shall remain in effect for one (1) year
4 unless revoked by the voter, and the county clerk shall thereafter
5 automatically mail, no later than twenty-five (25) days prior to each
6 election, an absentee ballot for each election.

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

13

14 SECTION 2. Arkansas Code Annotated § 7-5-405 is amended to read as
15 follows:

16 "7-5-405. Application form.

17 Applications for absentee ballots may be made on a form furnished by the
18 county clerk, and the county clerk shall supply a form substantially similar
19 to the following form or an electronic facsimile of a substantially similar
20 form via telephonic transmission on request beginning sixty (60) days before
21 the election:

22

23 IF YOU PROVIDE FALSE INFORMATION ON THIS FORM, YOU MAY BE GUILTY OF
24 PERJURY AND SUBJECT TO A FINE OF UP TO \$10,000 OR IMPRISONMENT FOR UP TO 10
25 YEARS.

26

27 Date
28 To: County Clerk
29 County
30, Arkansas

31

32 (1) I am a qualified elector of precinct in
33 (City, Town), County, Arkansas. Because I:

34 [check one]

35 [] Will be unavoidably absent from my ~~voting place~~ polling site on
36 election day, or

1 [] Will be unable to attend the polls on election day because of illness
2 or physical disability,

3

4 I am requesting that you provide me with the appropriate absentee ballot(s)
5 for the following elections:

6

7 [] Preferential Primary [] Democratic [] Republican

8 [] General Primary (Runoff) [] Democratic [] Republican

9 [] Annual School Election _____ [] Run-off School Election

10 [] General Election

11 [] General Runoff

12 [] Special

13 [] All elections for calendar year [designate party]

14 The application shall remain in effect for one (1) year unless cancelled
15 by voter.

16 (2) I am delivering this application by: [check one]

17 [] Personally delivering this application.

18 [] Mailing this application.

19 [] Authorizing my ~~husband, wife, son, son-in-law, daughter,~~
20 ~~daughter-in-law, sister, brother, father, mother, sister-in-law,~~
21 ~~brother-in-law, father-in-law, mother-in-law, grandparent, grandchild, aunt,~~
22 ~~uncle, niece, nephew, great-grandparent, or great-grandchild, relative or~~
23 designated bearer (~~circle one and~~ insert their name),,
24 to deliver this application.

25 [] Authorizing (insert their name) as my agent to
26 deliver this application as I am medically unable to deliver it. An affidavit
27 verifying my medical status as unable to deliver the application or to vote on
28 the day of the election is attached.

29 [] Transmitting a signed facsimile of this application by facsimile
30 machine transmission over telephone lines to the office of the county clerk.

31 (3) I will receive my ballot(s) ~~by~~: [check one]

32 [] ~~Coming to~~ In person at the office of the county clerk ~~to receive my~~
33 ~~ballot(s) by~~ the time the county clerk's office regularly closes on the day
34 ~~immediately preceding the day of~~ before the election.

35 [] By Mail. I request that you mail my ballot(s) to the following address:
36

1

2 [] By Bearer (insert name of relative, agent, or
3 designated bearer)

4 The information I have provided is true to the best of my knowledge under
5 penalty of perjury. If I have provided false information, I may be subject to
6 a fine or imprisonment, or both, under federal or state laws.

7

8 Printed or typed name of voter Signature of voter

9

10 Residence address of voter Date of birth

11

12 City or Town, Zipcode Signature of Designated Bearer, Relative,
13 or Authorized Agent. "

14

15 SECTION 3. Arkansas Code Annotated § 7-5-406 is amended to read as
16 follows:

17 "7-5-406. Members of armed forces and merchant marine and citizens
18 residing outside the United States.

19 (a) Any qualified elector of this state in any of the following
20 categories who is absent from the place of his voting residence may make a
21 request for an absentee ballot by submission of a federal postcard application
22 as provided for in the Federal Voting Assistance Act of 1955, as amended, and
23 may vote by absentee ballot, without registering, in any primary, special, or
24 general election held in his election precinct if he is otherwise eligible to
25 vote in that election:

26 (1) Members of the armed forces of the United States while in
27 active service and their spouses and dependents;

28 (2) Members of the merchant marine of the United States and their
29 spouses and dependents;

30 (3) Citizens of the United States temporarily residing outside
31 the territorial limits of the United States and the District of Columbia and
32 their spouses and dependents when residing with or accompanying them.

33 (b) The ballot or ballots shall be transmitted ~~via air mail, and there~~
34 ~~shall be printed across the face of each envelope, two (2) parallel horizontal~~
35 ~~red bars, each one-quarter inch (1/4") wide, extending from one (1) side of~~
36 ~~the envelope to the other side, with an intervening space of one-quarter inch~~

1 ~~(1/4")~~, the top bar to be one and one-quarter inches (1 1/4") from the top of
2 the envelope, and with the words "Official Election Balloting Material - Via
3 Air Mail" or similar language between the bars. There shall be printed in the
4 upper right corner of each envelope, in a box, the words "Free of U.S.
5 Postage, Including Air Mail." All the printing on the face of each envelope
6 mailed to the above referred to categories shall be in red. There shall be
7 printed in red in the upper left corner of each envelope an appropriate
8 inscription or blanks for the return address of the sender according to
9 federal regulations. The Secretary of State shall provide the county clerks
10 with copies of these regulations."

11

12 SECTION 4. Arkansas Code Annotated § 7-5-407 is amended to read as
13 follows:

14 "7-5-407. Preparation and delivery of ballots.

15 (a) The county board of election commissioners shall prepare official
16 absentee ballots and deliver them to the county clerk for mailing to all
17 qualified applicants as soon as practicable ~~before the last day on which the~~
18 ~~ballot will be counted~~ but in any event not ~~less~~ later than twenty-five (25)
19 days before any election, and not later than fourteen (14) days before a
20 runoff election, unless certification is delayed, in which case, not later
21 than seven (7) days before a runoff election.

22 (b) The county ~~central committee~~ board of election commissioners shall
23 prepare official absentee ballots and deliver them to the county clerk for
24 mailing to any qualified applicant as soon as practicable ~~before the last date~~
25 ~~on which the ballot will be counted~~ but in ~~no~~ any event ~~more~~ not later than
26 twenty-five (25) days before the preferential primary election and not later
27 than ~~seven (7)~~ fourteen (14) days before the general primary election, unless
28 certification is delayed, in which case not later than seven (7) days before
29 the general primary election."

30

31 SECTION 5. Arkansas Code Annotated § 7-5-408 is amended to read as
32 follows:

33 "7-5-408. List of applications - Preparation, preservation, and
34 inspection.

35 (a) The county clerk shall make a list of the applications for absentee
36 ballots as the applications are received, and shall keep the list of

1 applications, and retain application forms ~~for six (6) months~~ after the
2 election in which they are to be used for the same period as required for
3 retaining ballots.

4 (b) The list and applications shall be available to public inspection
5 during regular business hours from sixty (60) days prior to the election until
6 they are destroyed ~~not sooner than six (6) months after the election.~~"

7

8 SECTION 6. Arkansas Code Annotated § 7-5-409 is amended to read as
9 follows:

10 "7-5-409. Materials furnished to qualified voters.

11 (a) The county clerk must satisfy himself that the applicant for an
12 absentee ballot is a qualified registered elector in the ward, precinct, or
13 township in which he claims to be a resident or that the applicant is exempted
14 from registration under § 7-5-406.

15 (b) If the applicant is registered or is otherwise eligible to vote
16 absentee, the county clerk shall deliver or mail to the applicant or deliver
17 to the person who delivers the application to the office of the county clerk
18 pursuant to § 7-5-403 the following materials:

19 (1) An official ballot for each election named in the
20 application;

21 (2) A small sealable envelope on which there shall be no
22 identifying marks. ~~This envelope shall have a gummed flap separated by waxed~~
23 ~~paper or other appropriate protective insert from the remaining balloting~~
24 ~~materials;~~

25 (3) A large sealable envelope upon which shall be printed the
26 address of the county clerk and the words: ABSENTEE BALLOT,
27 ~~. ELECTION,, 19....,~~
28 ~~. . . ELECTION~~ ~~This large envelope shall have a gummed flap separated by~~
29 ~~waxed paper or other protective insert from the remaining balloting materials;~~

30 (4) A blank statement in the following form:

31

32 IF YOU PROVIDE FALSE INFORMATION ON THIS FORM, YOU MAY BE GUILTY OF PERJURY
33 AND SUBJECT TO A FINE OF UP TO \$10,000 OR IMPRISONMENT FOR UP TO 10 YEARS.

34

35 I,, do swear that on the date of the election to be held,
36, 19...., I will be unavoidably absent from my voting precinct-

1 ~~because of~~

2 _____.

3 I am a qualified, registered elector of the (ward,
4 precinct, or township) of, Arkansas.

5 I have enclosed my marked ballot, ~~duly marked~~, in a ~~small~~ the envelope
6 provided which I shall place with this statement and my ballot stub in a large
7 envelope. I will not vote again in this election.

8 (Check one)

9 I am personally delivering my ballot.

10 I am mailing this ballot to the county clerk.

11 I am hereby authorizing my ~~[husband, wife, son, son-in-law, daughter,~~
12 ~~daughter-in-law, sister, brother, father, mother, sister-in-law,~~
13 ~~brother-in-law, father-in-law, mother-in-law, grandparent, grandchild, aunt,~~
14 ~~uncle, niece, nephew, great-grandparent, great-grandchild~~ relative or
15 designated bearer (~~circle one and~~ insert his or her name)↓,

16, to deliver
17 this ballot to the county clerk.

18 I am hereby authorizing

19 (insert his or her name) as my authorized agent to deliver this
20 ballot as I am medically unable to vote on election day. An affidavit
21 verifying my medical status as unable to deliver the application or to vote on
22 the day of the election is attached or has been provided with my application.

23

24 The information I have provided is true to the best of my knowledge under
25 penalty of perjury. If I have provided false information, I may be subject to
26 a fine or imprisonment, or both, under federal or state laws.

27

28

29 signature of voter

30 signature of designated

31 bearer, relative or authorized agent

32

33 address.

34

35 (c)(1) Except for absentee ballots mailed to an address outside the
36 county in which the applicant is registered, an absentee ballot shall be

1 mailed to the address that appears on the applicant's registration record or
2 absentee ballot application if the voter is temporarily at a different
3 address.

4 (2) The county clerk shall not mail more than five (5) absentee
5 ballots to the same address unless:

6 (A) The address is outside the territorial limits of the
7 United States and the District of Columbia;

8 (B) The address is for a long-term care or residential care
9 facility licensed by the state;

10 (C) There are more than five (5) persons lawfully
11 registered at the same address."

12

13 SECTION 7. Arkansas Code Annotated § 7-5-411 is amended to read as
14 follows:

15 "7-5-411. Methods of voting absentee.

16 (a) Absentee voting may be accomplished in one (1) of the ~~three (3)~~ two
17 (2) following methods, and in no other manner:

18 ~~_____ (1) On ballots cast in the office of the county clerk in the~~
19 ~~county of residence of the voter during regular business hours of any day not~~
20 ~~earlier than the fifteenth day before election day and not later than on the~~
21 ~~day before election day at the time the county clerk's office regularly~~
22 ~~closes;~~

23 ~~_____ (2)(1)~~ By ballot cast by mail which must be received in the
24 office of the county clerk of the county of residence of the voter not later
25 than 7:30 p.m. on election day. However, absentee ballots applied for not
26 later than thirty (30) days ~~immediately preceding~~ before the election, by
27 qualified electors outside the United States on election day which are signed
28 and dated by the voters no later than the day of the election and received by
29 the county clerk no later than 5:00 p.m. ten (10) calendar days after the date
30 of the election;

31 ~~_____ (3)(2)~~ By delivery of the ballot to ~~the office of~~ the county
32 clerk of the county of residence of the voter not later than 7:30 p.m. on
33 election day by a ~~person related to~~ relative of the voter, ~~which includes the~~
34 ~~husband, wife, son, daughter, sister, brother, father, mother, sister-in-law,~~
35 ~~brother-in-law, father-in-law, mother-in-law, grandparent, grandchild, aunt,~~
36 ~~uncle, niece, nephew, great-grandparent, or great-grandchild of the voter, the~~

1 designated bearer, or the authorized agent of the absentee voter who is
2 medically unable to vote at the regular ~~place of voting~~ polling site upon
3 proper verification of the signature of the voter by the county clerk and
4 validation of the identity of the ~~bearer~~ authorized agent. The designated
5 bearer, authorized agent or relative shall sign documentation upon delivery of
6 absentee ballots to the county clerk. However, no person may deliver absentee
7 ballots to the clerk's office for more than ~~two (2)~~ five (5) persons.

8 (3) The voter may deliver the ballot to the ~~office of the county~~
9 clerk of the county of his or her residence not later than ~~5:30 p.m.~~ the close
10 of regular business hours on the day ~~immediately preceding the date of~~ before
11 the election.

12 (b) Any person who knowingly makes a false statement on an affidavit
13 required by this section shall be guilty of ~~a Class B misdemeanor~~ perjury and
14 subject to a fine of up to ten thousand dollars (\$10,000) or imprisonment for
15 up to ten (10) years."

16

17 SECTION 8. Arkansas Code Annotated § 7-5-412 is amended to read as
18 follows:

19 "7-5-412. Marking and return of ballots - Delivery of mailed ballots.

20 (a) Upon receiving the blank ballot, statement, and envelopes, whether
21 in the office of the county clerk or elsewhere, the voter shall mark the
22 ballot, tear off the lower ~~one inch (1")~~ ballot stub end, and place the ballot
23 in the ~~small unmarked~~ provided envelope. He shall then seal the ~~small~~ envelope
24 containing the ballot and place it with his executed statement, ~~duly executed,~~
25 and the ~~one inch (1")~~ ballot stub in the ~~large~~ other provided envelope.

26 (b) The ~~large~~ envelope containing ballot, ballot stub, and statement
27 must be received in the office of the county clerk not later than 7:30 p.m. on
28 the day of the election.

29 (c) Ballots by mail shall be counted if received no later than the time
30 the polls close on election day. Ballots received by mail on election day, and
31 before the polls close, shall be delivered promptly by the county clerk to the
32 ~~judges and clerks~~ election officials designated to canvass and count absentee
33 ballots."

34

35 SECTION 9. Arkansas Code Annotated § 7-5-413 is amended to read as
36 follows:

1 "7-5-413. Voting machines - Discretionary use - Related duties.

2 (a) In any election in which voting machines are to be used in all or
3 part of the election precincts, the appropriate authority charged with holding
4 the election shall, within its discretion, determine by proper resolution or
5 order whether or not voting machines shall be used for ~~absentee or~~ early
6 voting by personal appearance at the election.

7 (b) If it is determined by that authority that voting machines shall be
8 used for ~~absentee or~~ early voting by personal appearance, a voting machine or
9 machines shall be placed in the office of the clerk who is to conduct the
10 ~~absentee or~~ early voting for the election in accordance with this subchapter.
11 The clerk shall follow the legal requirements for voting set forth in Arkansas
12 Constitution, Amendment 51, insofar as applicable to ~~absentee or~~ early voting.
13 Those persons entitled under the law to vote ~~absentee or~~ early by personal
14 appearance at the clerk's office shall cast their votes on voting machines
15 under the laws applicable to ~~absentee or~~ early voting, and the clerk shall
16 enter on a list the name of each voter at the time he votes.

17 (c) After the regular business hours, the clerk shall seal the machines
18 at the close of each day's voting in the presence of authorized poll watchers,
19 if any, and the seal shall be broken by the clerk in the presence of the
20 authorized watchers, if any, the following morning when the voting begins.
21 Voting ~~absentee or~~ early by machine will be concluded on the day before
22 election day at the time the county clerk's office regularly closes. When
23 ~~absentee or~~ early voting is concluded, the clerk shall lock and seal the
24 machines.

25 (d) At the time designated by law for the closing of the polls on
26 election day, a set of ~~judges and clerks~~ election officials for the machines
27 used for ~~absentee or~~ early voting shall open the machines and canvass the vote
28 in the manner provided for regular polling ~~places~~ sites. After the canvass has
29 been made, the machines shall be locked and sealed and shall remain locked
30 against voting for the same period as required for other machines used in the
31 election. The results of the canvass shall be returned to the ~~appropriate~~
32 ~~authority~~ county board of election commissioners to be tabulated and canvassed
33 with and in the same manner as the returns of other election precincts.

34 (e) Any candidate or political party may be present in person or by
35 representative designated in writing during the progress of ~~absentee or~~ early
36 voting and at the canvass of the results in any election for the purpose of

1 determining whether or not the votes in any election are fairly and accurately
2 cast and counted."

3

4 SECTION 10. Arkansas Code Annotated § 7-5-414 is amended to read as
5 follows:

6 "7-5-414. Appointment of special ~~judges and clerks~~ election officials -
7 Qualifications - Compensation.

8 (a) The county board of election commissioners shall appoint ~~judges and~~
9 ~~clerks of election officials~~ to count and canvass the absentee voters' ballots
10 in all elections. ~~However, the county committee shall appoint judges and~~
11 ~~clerks to count and canvass the absentee voters' ballots in primary elections.~~

12 (b) The ~~judges and clerks~~ election officials who are to canvass the
13 absentee ballots shall be appointed in the same manner and at the same time
14 the ~~judges and clerks~~ election officials are selected to serve at the regular
15 voting precincts. The ~~judges and clerks~~ election officials shall possess the
16 same qualifications, have the same power and duties, and receive the same
17 compensation as the ~~judges and clerks~~ election officials who serve at the
18 regular voting precincts."

19

20 SECTION 11. Arkansas Code Annotated § 7-5-415 is amended to read as
21 follows:

22 "7-5-415. Compensation of clerk for extra deputy.

23 ~~— The county clerk shall be paid not less than ten dollars (\$10.00) nor~~
24 ~~more than forty dollars (\$40.00) per day, not to exceed twenty (20) days, for~~
25 ~~an extra deputy hired for the purpose of carrying out the requirements of this~~
26 ~~act. The fee shall be established and paid by the county, city, or other~~
27 ~~political subdivision, the representatives of which call the election, or in~~
28 ~~the case of a primary, by the party conducting the primary. In the regular~~
29 ~~general election, the fee shall be established and paid by the county. The~~
30 county clerk's budget shall be paid not less than minimum wage for a period
31 not to exceed twenty (20) days, for hiring one (1) extra deputy for the
32 purpose of carrying out the requirements of this subchapter. The fee for this
33 one (1) extra deputy shall be established and paid by the county, city, or
34 other political subdivision, the representatives of which call the election,
35 or in the case of a primary, by the State Board of Election Commissioners.
36 Any additional deputies beyond the one (1) extra deputy may be hired as

1 necessary to carry out the purposes of early voting and absentee voting, if
2 approved and paid by the Quorum Court of the county. In the regular general
3 election, the fee for the one (1) extra deputy or additional deputies shall be
4 paid by the county."

5

6 SECTION 12. Arkansas Code Annotated § 7-5-416 is amended to read as
7 follows:

8 "7-5-416. Counting of absentee ballots.

9 (a) The ~~judges and clerks~~ election officials for absentee ballots shall
10 meet ~~in the office of the county clerk in the courthouse in a place designated~~
11 by the county board of election commissioners on election day for the purpose
12 of processing absentee ballots. No election results may be printed or
13 released prior to ~~thirty (30) minutes after~~ the close of the polls. The
14 county board of election commissioners shall post at the county clerks office
15 the time and location of opening, canvassing, and counting of absentee
16 ballots. Candidates may be present in person at any election, and in general
17 or special elections candidates and political parties may be present by
18 representative, designated in writing, during the opening, canvassing, and
19 counting of the absentee ballots as herein provided.

20 (b) The opening, counting, and canvassing shall be conducted as
21 follows:

22 (1) One (1) of the ~~judges~~ election officials shall open ~~large~~
23 outer absentee ballot envelopes one-by-one, and as soon as he opens one (1),
24 he shall read aloud from the statement in the ~~larger~~ envelope the name of the
25 voter and the voting precinct in which the voter claims to be a legal voter;

26 (2) As each ~~large outer~~ envelope is opened and the name of the
27 voter is read, the ~~clerks~~ election officials for the absentee box shall list
28 in duplicate the name and voting precinct of the voter and shall write on the
29 stub end of the ballot taken from the ~~large outer~~ envelope the number of the
30 voter taken from this list of voters;

31 (3) If no challenge is made and the statement is in proper form,
32 the ~~judge~~ election official shall, without opening the ~~small inner~~ envelope
33 containing the ballot, remove the ~~small inner~~ envelope and place it in the
34 ballot box without marking it in any way;

35 (4) The ~~one inch (1")~~ ballot stub ends shall be placed in a
36 separate ballot box designated for them and retained as are other ballot stub

1 ends;

2 (5) After all of the ~~large outer~~ envelopes have been opened and a
3 list has been made in duplicate of the name and voting precinct of the voters,
4 as required herein, the ~~judges and clerks~~ election officials of the absentee
5 box shall preserve all the statements of voters and deliver them to the county
6 clerk who shall file and keep them for ~~six (6) months~~ the same length of time
7 after the election as required for retention of other ballots, and the
8 statements shall be made available for public inspection during regular
9 business hours;

10 (6) When all of the ~~small inner~~ envelopes containing the ballots
11 have been placed in the ballot box and the ~~one inch (1")~~ ballot stub ends have
12 been deposited in a separate box, the ballot box shall be shaken thoroughly so
13 as to mix the ballots-;

14 (7) The ballot box shall be opened and the ballots canvassed and
15 counted. No election results shall be printed or released prior to the close
16 of the polls.

17 (c) If any person casting an absentee ballot dies before the polls open
18 on election day, his vote shall not be counted.

19 (d) It is the intent of this section to permit the ~~judges and clerks~~
20 election officials for absentee ballots to meet and open the ~~large outer~~
21 envelope and make a list in duplicate of the name and voting precinct of each
22 voter casting an absentee ballot, to write on the stub end of the ballot taken
23 from the ~~large outer~~ envelope the number of the voter taken from the list of
24 voters, and to deposit the ~~small inner~~ envelope containing the ballot in the
25 ballot box and to deposit the ~~one inch (1")~~ ballot stub ends in another ballot
26 box, prior to the closing of the polls on election day.

27 (e) Absentee votes may be cast on paper ballots or ballot cards, or
28 both methods may be used.

29 (1) The ballots shall first be counted for write-in votes by the
30 election officials. Then, the ballots may be either hand counted or
31 automatically counted on an electronic system, whichever is most convenient.

32 (2) Election officials may make a true copy of absentee paper
33 ballots on ballot cards which, after being verified in the presence of
34 witnesses, shall be counted in the same manner as other ballot cards."

35

36 SECTION 13. Arkansas Code Annotated § 7-5-417 is amended to read as

1 follows:

2 "7-5-417. Challenge of absentee votes.

3 (a) When the name and voting precinct of a voter is read by the ~~judge~~
4 ~~of~~ election official, any ~~person-qualified pollwatcher, candidate, or~~
5 candidates representative may challenge the vote in the manner provided by
6 law for personal voting challenges, and the ~~judges~~ election officials shall
7 receive the evidence or testimony to establish the challenge.

8 (b) ~~If it is proved to the satisfaction of the judges that the person~~
9 ~~challenged was not entitled to vote in the precinct in which he claims to be a~~
10 ~~resident, if~~ the statement is not in proper form, or if for any other legal
11 reason the vote should not be counted, the ballot shall be ~~rejected~~
12 challenged, but it shall be preserved together with the stub, statement, and
13 ~~large~~ envelope for the same period of time that the statements are preserved.

14 (c) If the ~~judges of election determine~~ county board of election
15 commissioners determine that the challenged voter is qualified and that the
16 vote should be counted, it shall be handled in the same manner as challenged
17 ballots in a regular voting precinct."
18

19 SECTION 14. Arkansas Code Annotated § 7-5-418 is amended to read as
20 follows:

21 "7-5-418. Early voting.

22 (a) Early voting shall be available to any qualified elector who
23 ~~applies at the office of~~ to the county clerk during regular office hours,
24 beginning fifteen (15) days before an election and ending on the day before
25 election day at the time the county clerk's office regularly closes.

26 (b) Before a person is permitted to cast an early vote, the county
27 clerk shall:

28 (1) Request the voter to identify himself by stating his name,
29 date of birth, and address in order to verify his registration;

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

33 (3) Request the voter to sign an early voting roster or early
34 voting request form ~~and print~~ which identifies his name, address, date of
35 birth, and the date on the roster or form; and

36 (4) Enter the voter's precinct number on the early voting roster

1 or early voting request form.

2 (c) If the voter is not listed in the county voter registration record
3 files and the county clerk is unable to verify the voter's registration and
4 the voter contends that he or she is eligible to vote, then the voter may vote
5 a challenged ballot which shall only be counted upon verification of the
6 voter's registration status.

7 (d) The county clerk shall furnish voting locations that adequately
8 allow the early voter to personally and secretly execute his or her ballot.

9 (e) Upon casting his or her ballot, the voter shall then deposit the
10 ballot and the stub in the appropriate box in the same manner as for votes
11 cast on the day of the election.

12 (f) Early votes shall be maintained in the same manner and counted at
13 the same time as ~~votes cast on the day of the election~~ absentee ballots."

14

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

18

19 SECTION 16. 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.

24

25 SECTION 17. All laws and parts of laws in conflict with this act are
26 hereby repealed.

27

/s/Stalnakar et al

28

29

APPROVED:4-03-97

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