

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: S3/3/99 S3/26/99

A Bill

Act 1538 of 1999
SENATE BILL 552

5 By: Senator K. Smith
6
7

For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE 7-5-409 TO LIMIT THE
10 NUMBER OF ABSENTEE BALLOTS AN INDIVIDUAL MAY OBTAIN IN
11 PERSON FROM THE COUNTY CLERK'S OFFICE; TO AMEND
12 ARKANSAS CODE 7-5-403 PERTAINING TO WHO MAY USE A
13 DESIGNATED BEARER; AND FOR OTHER PURPOSES."
14

Subtitle

15 "TO AMEND ARKANSAS CODE 7-5-409 TO LIMIT
16 THE NUMBER OF ABSENTEE BALLOTS A
17 REGISTERED VOTER MAY OBTAIN IN PERSON
18 FROM THE COUNTY CLERK'S OFFICE."
19
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 *SECTION 1. Arkansas Code 7-5-409 is amended by adding new subsection to*
25 *read as follows:*

26 "(g) The county clerk shall not deliver in person, or by any other
27 means of transmittal, more than five (5) absentee ballots per election to the
28 individual authorized to receive the absentee ballots unless:

29 (1) There are more than five (5) persons lawfully registered at
30 the same address as the individual obtaining the absentee ballots, in which
31 case the individual may only receive the same number of absentee ballots as
32 persons lawfully registered at the same address; or

33 (2) There are more than five (5) persons lawfully registered at
34 the address for which the designated bearer or authorized agent is obtaining
35 the absentee ballots, in which case the designated bearer may only receive the
36 same number of absentee ballots as persons lawfully registered at the same

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1 address.

2 (h) A designated bearer shall only be allowed to pick up five (5)
3 absentee ballots from the county clerk per election and shall only be allowed
4 to do so during the fifteen (15) days prior to a preferential or general
5 election and seven (7) days prior to a general primary election."

6
7 SECTION 2. Arkansas Code 7-5-403(A)(2) is amended to read as follows:

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

10 (A) For applications submitted using the form prescribed in
11 § 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 ~~one (1) day~~ seven (7) days before the election for which the application
18 was made;

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

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

27 (b) An authorized agent must submit to the
28 county clerk an affidavit of the administrative head of a hospital or nursing
29 home located in this state that the applicant is a patient of the hospital or
30 nursing home and is thereby unable to vote on the election day at his or her
31 regular polling site.

32 (c) A copy of the affidavit shall be retained
33 by the county clerk as an attachment to the application for an absentee
34 ballot;

35 (v)(a) An application for absentee ballot may be
36 requested by facsimile machine transmission or other available electronic

1 medium in the county clerk's office, and the clerk's office may transmit the
 2 application form by facsimile machine transmission or other available
 3 electronic medium over the telephone lines to applicants when the clerk's
 4 office is so equipped.

5 The completed facsimile-transmitted application must be received in the
 6 office of the county clerk of the county of residence of the voter not later
 7 than ~~one (1) day~~ seven (7) days before the election for which the application
 8 was made.

9 (2) The completed facsimile-transmitted application will be accepted
 10 only upon verification of the facsimile signature of the applicant by the
 11 county clerk.

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

15 (B) If the applicant does not use the form prescribed in §
 16 7-5-405, he may make an application for an absentee ballot as follows:

17 (i) A letter or postcard must be received in the
 18 office of the county clerk not later than ~~one (1) day~~ seven (7) days before
 19 the date of the election. The letter or postcard shall contain information
 20 sufficient to the county board of election commissioners and the county clerk
 21 to accept the letter or postcard in lieu of the application form;

22 (ii) An applicant may transmit a written request for
 23 an absentee ballot over the telephone lines which shall contain the voter's
 24 signature and other information sufficient for acceptance in lieu of the
 25 application form."
 26

27 SECTION 3. Arkansas Code 7-5-403(b) and (c) is amended to read as
 28 follows:

29 "(b)(1) Any person eligible to vote by absentee ballot may request the
 30 county clerk to mail to an address within the continental United States an
 31 application for an absentee ballot.

32 (2)(A) The For those persons voting by absentee ballot who reside
 33 outside the county in which they are registered to vote, the application shall
 34 remain in effect for one (1) year unless revoked by the voter, and the county
 35 clerk shall thereafter automatically mail, no later than twenty-five (25) days
 36 prior to each election, an absentee ballot for each election.

1 (B) Except for persons of long-term care or residential
 2 facilities licensed by the state or other persons who are disabled voters as
 3 defined in Arkansas Code 7-5-311(d), for those persons voting by absentee
 4 ballot who reside within the county in which they are registered to vote, the
 5 application shall only be valid for one (1) election cycle. The election
 6 cycle shall include any one (1) election and the corresponding run-off
 7 election."

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 9 SECTION 4. Arkansas Code 7-5-411(a) is amended to read as follows:

10 "(a) Absentee voting may be accomplished in one (1) of the ~~two~~ (2)
 11 following methods, and in no other manner:

12 (1) By ballot cast by mail which must be received in the office
 13 of the county clerk of the county of residence of the voter not later than
 14 7:30 p.m. on election day. However, absentee ballots applied for not later
 15 than thirty (30) days before the election, by qualified electors outside the
 16 United States on election day which are signed, and dated, postmarked and
 17 mailed by the voters no later than the day of the election and received by the
 18 county clerk no later than 5:00 p.m. ten (10) calendar days after the date of
 19 the election. Each absentee ballot shall be mailed separately by the voter
 20 and shall not be included with any other absentee ballot in a bulk mailing
 21 except an administrative head of a nursing home or hospital may mail the
 22 absentee ballots of the patients by bulk mail;

23 (2) By delivery of the ballot to the county clerk of the county
 24 of residence of the voter not later than 7:30 p.m. on election day by a
 25 relative of the voter, the designated bearer, or the authorized agent of the
 26 absentee voter who is medically unable to vote at the regular polling site
 27 upon proper verification of the signature of the voter by the county clerk and
 28 validation of the identity of the authorized agent. The designated bearer,
 29 authorized agent or relative shall sign documentation upon delivery of
 30 absentee ballots to the county clerk. However, no person may deliver absentee
 31 ballots to the clerk's office for more than five (5) persons; or

32 (3) The voter may deliver the ballot to the county clerk of the
 33 county of his or her residence not later than the close of regular business
 34 hours on the day before the election."
 35

36 SECTION 5. All provisions of this Act of a general and permanent nature

1 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
2 Revision Commission shall incorporate the same in the Code.

3

4 SECTION 6. If any provision of this Act or the application thereof to
5 any person or circumstance is held invalid, such invalidity shall not affect
6 other provisions or applications of the Act which can be given effect without
7 the invalid provision or application, and to this end the provisions of this
8 Act are declared to be severable.

9

10 SECTION 7. All laws and parts of laws in conflict with this Act are
11 hereby repealed.

12

/s/ K. Smit

APPROVED: 4/15/1999h