

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 250 of the Regular Session

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009  
4

# A Bill

SENATE BILL 66

5 By: Senator Madison  
6  
7

## For An Act To Be Entitled

9 AN ACT TO MAKE VARIOUS CORRECTIONS TO TITLE 7 OF  
10 THE ARKANSAS CODE OF 1987 ANNOTATED; AND FOR  
11 OTHER PURPOSES.  
12

## Subtitle

13 AN ACT TO MAKE VARIOUS CORRECTIONS TO  
14 TITLE 7 OF THE ARKANSAS CODE OF 1987  
15 ANNOTATED.  
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18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 7-1-101(3) is amended to read as follows to  
22 clarify a reference and change an incorrect title:

23 (3) "Authorized agent" means a person who is identified and authorized  
24 to deliver the application, obtain a ballot, and deliver the ballot on the  
25 day of the election to the county clerk ~~by~~ for an applicant who is medically  
26 unable to cast a ballot at a polling site due to an unforeseen medical  
27 necessity as set forth in an affidavit from the ~~administrative head~~  
28 administrator of a hospital or long-term care or residential care facility;  
29

30 SECTION 2. Arkansas Code § 7-4-101(d)(1) is amended to read as follows  
31 to clarify references:

32 (d)(1) The term on the board of the ~~elected state official~~ Secretary  
33 of State shall be concurrent with ~~the term of the public elected official~~ his  
34 or her term in office.  
35



1 SECTION 3. Arkansas Code § 7-5-101(a)(2)(A) is amended to read as  
 2 follows to conform a term to current Code style:

3 (2)(A)(i) The county board shall ~~fix~~ establish a polling site  
 4 for each election precinct.

5 (ii)(a) Except as provided in subdivision  
 6 (a)(2)(A)(ii)(b) of this section, the ~~fixing establishment of polling sites a~~  
 7 polling site shall be by a unanimous vote of the county board.

8 (b) ~~Polling sites for school elections A~~  
 9 polling site for a school election shall be ~~fixed~~ established by a majority  
 10 of the county board.

11  
 12 SECTION 4. Arkansas Code § 7-5-403(b)(2)(B) is amended to read as  
 13 follows to clarify a term:

14 (B)(i) Except for persons ~~of~~ in long-term care or  
 15 residential care facilities licensed by the state or other persons who are  
 16 voters with disabilities as defined in § 7-5-311(d), for those persons voting  
 17 by absentee ballot who reside within the county in which they are registered  
 18 to vote, the application shall be valid for only one (1) election cycle. ~~The~~  
 19 ~~election cycle shall include any one (1) election and the corresponding~~  
 20 ~~runoff election.~~

21 (ii) The election cycle shall include any one (1) election and the  
 22 corresponding runoff election.

23  
 24 SECTION 5. Arkansas Code § 7-5-405(a)(2)(E) is amended to read as  
 25 follows to correct a reference:

26 (E) A statement indicating whether the voter is in active  
 27 service as a member of the ~~uniformed~~ armed services of the United States;  
 28

29 SECTION 6. Arkansas Code § 7-5-405(a)(2)(H) is amended to read as  
 30 follows:

31 (H) The election in which the voter wishes to cast ~~a~~ an  
 32 absentee ballot.

33  
 34 SECTION 7. Arkansas Code § 7-5-406(a)(1) is amended to read as follows  
 35 to correct a reference:

36 (1) Members of the ~~uniformed~~ armed services of the United States

1 in active service; and

2

3 SECTION 8. Arkansas Code § 7-5-406(c)(4) is amended to read as follows  
4 to correct a technical error:

5 (4) Instructions shall be sent with the special absentee ballot  
6 to the ~~qualified~~ voter explaining the instant runoff voting process.

7

8 SECTION 9. Arkansas Code § 7-5-409(b)(1)-(3) is amended to read as  
9 follows to correct a reference:

10 (1) An official absentee ballot for each election named in the  
11 application;

12 (2) Instructions for voting and returning the official absentee  
13 ballot to the county clerk;

14 (3) A An official absentee ballot secrecy envelope on which  
15 there shall be written or printed the words+ “Ballot Only”;

16

17 SECTION 10. Arkansas Code § 7-5-409(d) is amended to read as follows  
18 to clarify and restructure the section to conform to Code style:

19 (d) The county clerk shall not deliver an absentee ~~ballots~~ ballot to  
20 any person other than the absentee voter unless the person picking up the  
21 ~~ballots~~ ballot provides ~~satisfactory photo~~ current and valid photographic  
22 identification to the county clerk that he or she ~~is the voter’s designated~~  
23 ~~bearer, authorized agent, or the administrator of a long term care or~~  
24 ~~residential care facility licensed by the state.~~ is:

25 (1) The voter’s:

26 (A) Designated bearer; or

27 (B) Authorized agent; or

28 (2) The administrator of a long-term care or residential care  
29 facility licensed by the state in which the voter resides.

30

31 SECTION 11. Arkansas Code § 7-5-411(a)(1)(B)(ii) is amended to read as  
32 follows to correct a reference:

33 (ii) The absentee ballots of ~~uniformed~~ armed services personnel  
34 serving in active status shall be counted if received by the county clerk no  
35 later than 5:00 p.m. ten (10) calendar days after the date of the election  
36 and if the absentee ballots were executed no later than the date of the

1 election.

2

3 SECTION 12. Arkansas Code § 7-5-411(a)(1)(C) is amended to read as  
 4 follows to correct a reference:

5 (C) Each absentee ballot shall be mailed separately by the  
 6 voter and shall not be included with any other absentee ballot in a bulk  
 7 mailing, except that an ~~administrative head~~ administrator of a long-term care  
 8 or residential care facility licensed by the State of Arkansas or hospital  
 9 may mail the absentee ballots of the residents and patients by bulk mail.  
 10 Absentee ballots in any bulk mailing not otherwise permitted in this  
 11 subsection shall not be counted;

12

13 SECTION 13. Arkansas Code § 7-5-412 is amended to read as follows to  
 14 clarify and correct references:

15 7-5-412. Marking and return of absentee ballots – Delivery of mailed  
 16 absentee ballots.

17 (a) Upon receiving the blank absentee ballot, statement, and  
 18 envelopes, whether in the office of the county clerk or elsewhere, the voter  
 19 shall mark the absentee ballot and place the absentee ballot in the provided  
 20 envelope. He or she shall then seal the envelope containing the absentee  
 21 ballot and place it in the other provided outer envelope with the following:

22 (1) The executed voter statement; and

23 (2) A copy of a current and valid ~~photo~~ photographic  
 24 identification or a copy of a current utility bill, bank statement,  
 25 government check, paycheck, or other government document that shows the name  
 26 and address of the first-time voter, for first-time voters who registered by  
 27 mail. However, this requirement does not apply if:

28 (A) The voter registered to vote by mail and provided the  
 29 identification at that time; or

30 (B) The first-time voter registered to vote by mail and  
 31 submitted his or her driver's license number or at least the last four (4)  
 32 digits of his or her social security number at the time and this information  
 33 matches the information in an existing state identification record bearing  
 34 the same number, name, and date of birth as provided in the registration.

35 (b) ~~An individual~~ A voter who desires to cast an absentee ballot but  
 36 who does not meet the identification requirements of subdivision (a)(2) of

1 this section may cast his or her absentee ballot by mail, and the absentee  
2 ballot shall be considered as a provisional ballot.

3 (c) ~~Ballots~~ Absentee ballots received by mail on election day before  
4 the polls close shall be delivered promptly by the county clerk to the  
5 election officials designated to canvass and count absentee ballots.

6  
7 SECTION 14. Arkansas Code § 7-5-416(b)(1)(F)(iii) is amended to read  
8 as follows to add a necessary term:

9 (iii) If a first-time voter fails to provide the  
10 required identification with the absentee ballot or at the time of mailing  
11 the voter registration application, then the absentee application, absentee  
12 ballot envelope, and voter's statement shall be placed in an envelope marked  
13 "provisional" and the absentee ballot shall be considered a provisional  
14 ballot;

15  
16 SECTION 15. Arkansas Code § 7-5-419(a)(4)(B) is amended to read as  
17 follows for consistency:

18 (B) The designated bearer shall be named on the voter  
19 statement accompanying the absentee ballot.

20  
21 SECTION 16. Arkansas Code § 7-5-419(a)(5) is amended to read as  
22 follows for consistency and clarify:

23 (5) In order to obtain an absentee ballot from the county clerk:

24 (A) The designated bearer shall show a form of current  
25 photographic identification to the county clerk;

26 (B) The county clerk shall print the designated bearer's  
27 name and address beside the voter's name on a register; and

28 (C) The designated bearer shall sign the register under  
29 oath indicating receipt of the voter's absentee ballot.

30  
31 SECTION 17. Arkansas Code § 7-5-419(a)(6) is amended to read as  
32 follows for consistency:

33 (6) Upon delivering an absentee ballot to the county clerk:

34 (A) The designated bearer shall present current and valid  
35 photographic identification to the county clerk;

36 (B) The county clerk shall print the designated bearer's

1 name and address beside the voter's name on a register; and

2 (C) The designated bearer shall sign the register under  
3 oath indicating delivery of the voter's absentee ballot.

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5 SECTION 18. The enactment and adoption of this act shall not repeal,  
6 expressly or impliedly, the acts passed at the regular session of the 87th  
7 General Assembly. All such acts shall have full effect and, so far as those  
8 acts intentionally vary from or conflict with any provision contained in this  
9 act, those acts shall have the effect of subsequent acts and as amending or  
10 repealing the appropriate parts of the Arkansas Code of 1987.

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12 APPROVED: 2/26/2009  
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