

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: S2/27/23

A Bill

SENATE BILL 250

5 By: Senators K. Hammer, Dees, J. English, B. Johnson, M. Johnson, M. McKee, J. Petty, Stone
6 By: Representatives Long, Wing, Achor, Andrews, Barker, Beaty Jr., Beck, Bentley, M. Berry, Breaux,
7 Brooks, K. Brown, M. Brown, Burkes, Joey Carr, C. Cooper, Cozart, Crawford, Evans, C. Fite, L. Fite,
8 Fortner, Furman, Gazaway, Gonzales, Gramlich, Haak, Hawk, D. Hodges, Hollowell, Jean, Ladyman,
9 Lundstrum, Lynch, McAlindon, McClure, McCollum, M. McElroy, McGrew, B. McKenzie, McNair, S.
10 Meeks, Miller, Milligan, K. Moore, Painter, Pearce, Pilkington, Puryear, R. Scott Richardson, Richmond,
11 Rose, Rye, Schulz, Steimel, Tosh, Underwood, Vaught, Womack, Wooldridge, Wooten
12

For An Act To Be Entitled

14 AN ACT TO AMEND THE LAW CONCERNING PAPER BALLOTS; TO
15 AMEND THE LAW CONCERNING MARKING AND COUNTING PAPER
16 BALLOTS; TO AMEND THE LAW CONCERNING THE DECLARATION
17 OF ELECTION RESULTS; TO DECLARE AN EMERGENCY; AND FOR
18 OTHER PURPOSES.
19

Subtitle

22 TO AMEND THE LAW CONCERNING PAPER
23 BALLOTS; TO AMEND THE LAW CONCERNING
24 MARKING AND COUNTING PAPER BALLOTS; TO
25 AMEND THE LAW CONCERNING THE DECLARATION
26 OF ELECTION RESULTS; AND TO DECLARE AN
27 EMERGENCY.
28

29
30 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
31

32 SECTION 1. Arkansas Code § 7-5-601, concerning paper ballots, is
33 amended to add additional subsections to read as follows:

34 (f) Each paper ballot shall be compatible with the electronic vote
35 tabulation devices selection by the Secretary of State under § 7-5-301.

36 (g) A county that chooses to use paper ballots in place of approved



1 voting machines shall be responsible for the cost of the paper ballots and
2 any devices or machines required for the printing and tabulation of paper
3 ballots under this subchapter.

4 (h) The county board of election commissioners of any county that
5 chooses to use paper ballots instead of approved voting machines shall be
6 responsible for compliance with § 7-5-311 and with Pub. L. No. 98-435, the
7 Americans with Disabilities Act, Title II of Pub. L. No. 101-336, and the
8 Help America Vote Act of 2002, Pub. L. No. 107-252 regarding the
9 accessibility of voting locations for voters with disabilities.

10
11 SECTION 2. Arkansas Code § 7-5-602(b) and (c), concerning ballots,
12 number of ballots, marking devices, spoiled ballots, and official ballots,
13 are amended to read as follows:

14 (b) A ballot shall not be received or counted in any election to which
15 this subchapter applies unless it is approved and provided by the county
16 board of election commissioners under this section.

17 (c) At all elections in counties that use paper ballots and in which
18 those ballots are counted by hand, the ballots shall:

19 (1) First be marked using permanent ink; and

20 (2) Be run through an electronic vote tabulation device before a
21 hand count is conducted.

22
23 SECTION 3. Arkansas Code § 7-5-603(1)(A), concerning counting paper
24 ballots at the polling site, is amended to read as follows:

25 (1)(A) In counting the ballots, the ballot box shall be opened
26 and each ballot shall be counted in turn or by counting by offices and issues
27 by first being run through a tabulation device before any hand count is
28 conducted.

29
30 SECTION 4. Arkansas Code § 7-5-603(3), concerning counting paper
31 ballots at the polling site, is amended to read as follows:

32 (3)(A) Upon the close of the polls, the poll workers immediately
33 shall certify and attest the list of voters and continue the count to
34 completion, within twenty-four (24) hours of the close of the polls, and with
35 no significant breaks in the counting process.

36 (B)(1) If a poll worker becomes sick or incapacitated from

1 any other cause, the remaining poll workers shall continue the count until it
2 is completed.

3 (2) The county board of election commissioners shall
4 ensure there is more than one (1) poll worker available to continue the
5 count.

6
7 SECTION 5. Arkansas Code § 7-5-701(a)(3)(A), concerning the
8 declaration of results, and certification, delivery, and custody of returns,
9 is amended to read as follows:

10 (3)(A) As results are received and tabulated on election night
11 for all state and federal elections, the county board of election
12 commissioners shall declare preliminary and unofficial results of the
13 *election as soon as early voting, absentee, or individual precinct results*
14 *are tabulated but no later than twenty-four (24) hours after polls close on*
15 *election night and immediately shall transmit the results by precinct to the*
16 *Secretary of State through the election night reporting interface provided by*
17 *the Secretary of State.*

18
19 SECTION 6. Arkansas Code § 7-5-701(a)(3)(C), concerning the
20 declaration of results, and certification, delivery, and custody of returns,
21 is amended to read as follows:

22 (C) On election night for all state and federal elections,
23 *immediately after the count of the vote is complete but no later than twenty-*
24 *four (24) hours after polls close on election night*, the county board of
25 election commissioners shall:

26 (i) Declare preliminary and unofficial results of
27 the election, including a statement of the number of outstanding:

28 (a) Ballots of voters who requested ballots
29 under the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §
30 20301 et seq.; and

31 (b) Provisional ballots; and

32 (ii) Immediately transmit the results by precinct to
33 the Secretary of State through the election night reporting interface
34 provided by the Secretary of State.

35

36 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the General

1 Assembly of the State of Arkansas that sufficient laws to ensure the
2 integrity of paper ballot elections do not currently exist; that this act is
3 immediately necessary to establish adequate guidelines and requirements to
4 ensure that elections conducted by paper ballot are safe and secure and to
5 fortify the integrity of each and every election conducted within the State
6 of Arkansas; that adequate guidelines are required to ensure elections
7 conducted by paper ballots accommodate disabled Arkansas citizens and are in
8 compliance with the Americans with Disabilities Act; and that the
9 preservation of safe and secure elections is necessary to preserve the public
10 peace, health and safety. Therefore, an emergency is declared to exist, and
11 this act being immediately necessary to preserve the public peace, health and
12 safety shall become effective on:

- 13 (1) The date of its approval by the Governor;
14 (2) If the bill is neither approved nor vetoed by the Governor,
15 the expiration of the period of time during which the Governor may veto the
16 bill; or
17 (3) If the bill is vetoed by the Governor and the veto is
18 overridden, the date the last house overrides the veto.

19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

/s/K. Hammer

APPROVED: 3/21/23