

**ARKANSAS SENATE**  
83rd General Assembly - Regular Session, 2001  
**Amendment Form**

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**Subtitle of House Bill No. 1685**

"TO AMEND ARKANSAS CODE 7-5-701 PERTAINING TO THE DECLARATION OF  
RESULTS."

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**Amendment No. 4 to House Bill No. 1685.**

Amend House Bill No. 1685 as engrossed, S3/12/01:

Page 1, line 26, delete "third" and substitute "~~third~~ tenth"

AND

Page 1, delete lines 29 through 36 and substitute:  
"result of the election to the Secretary of State ~~unless the number of  
absentee ballots is sufficient to affect the election, in which case the  
county board shall declare results of the election no later than the tenth  
calendar day after the election.~~

(2) The county board shall declare preliminary and unofficial  
results of the election, including a statement of the number of outstanding  
absentee ballots of overseas voters, immediately after the count of the vote  
is complete and report the preliminary and unofficial results to the county  
clerk who shall immediately transmit the results to Secretary of State  
electronically."

AND

Page 2, delete lines 1 through 3 and substitute:  
"~~(2) (3)~~ (3) The county board within ~~seven (7)~~ fourteen (14)  
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"~~

AND

Page 2, line 10, delete "hours" and substitute "hours after the election"

AND

Page 2, line 11, delete "three (3)" and substitute "the tenth (10<sup>th</sup>) calendar  
day"

AND

Page 2, delete line 28 and substitute:

"3.

SECTION 2. Arkansas Code 7-7-309 is amended to read as follows:

7-7-309. Canvass and certification of returns.

The county board of election commissioners shall canvass the returns and examine the ballots when demanded. It may hear testimony, if offered, of fraudulent practices and illegal votes, may cast out illegal votes and fraudulent returns, and find the true and legal vote cast for each candidate, and shall certify the result not later than ~~three (3) days following the primary unless there are overseas ballots which will influence the outcome of the election, but in no event shall the certification be later than ten (10)~~ days after the primary.

SECTION 3. Arkansas Code 7-7-203(g) is amended to read as follows:

(g)(1) The county board of election commissioners shall convene, at the time specified in the notice to the members given by the chairman of the board, no later than ~~three (3) days~~ the tenth (10<sup>th</sup>) day after each primary election for the purpose of canvassing the returns and certifying the election results unless the number of absentee votes is sufficient to affect the election, in which case the board shall convene no earlier than the tenth day after each primary election.

(2) If no time is specified for the meeting of the board, the meeting shall be at 5:00 p.m.

SECTION 4. Arkansas Code 7-5-319 is amended to read as follows:

7-5-319. Recount.

~~(a) At any time before the county board of election commissioners shall finally complete the canvass of the returns of any election and certify the result, any candidate voted for who may be dissatisfied with the returns from any precinct shall have a recount of the votes cast therein upon the candidate's presenting the county board with a petition requesting the recount. At the time that the petition requesting the recount is filed, the county board shall provide a copy of the test results on the voting machines performed pursuant to § 7-5-504(20) and § 7-5-611(c) and (d) to the candidate requesting the recount. The county board shall wait at least forty eight (48) hours after the close of the elections to certify the results. However, only one (1) recount per candidate per election shall be permitted. The county board shall certify the results of the last recount. The county board may upon its own motion conduct a recount of the returns from any or all precincts.~~

(a)(1) Any candidate voted for who may be dissatisfied with the returns from any precinct shall have a recount of the votes cast therein upon the candidate's presenting the county board with a petition requesting the recount.

(2) When the number of outstanding absentee ballots of overseas voters is not sufficient to change the results of the election, the candidate must present the petition no later than two (2) days after the county board of election commissioners declares preliminary and unofficial results of the

election, including a statement of the number of outstanding absentee ballots of overseas voters.

(3) When the number of outstanding absentee ballots of overseas voters is sufficient to potentially change the results of the election the candidate must present the petition at any time before the county board finally completes the canvass of the returns of the election and certifies the result.

(b) At the time that the petition requesting the recount is presented, the board shall provide a copy of the test results on the voting machines performed pursuant to § 7-5-504(20) and § 7-5-611(c) and (d) to the candidate requesting the recount. Only one (1) recount per candidate per election shall be permitted. The board shall certify the results of the last recount. The board may upon its own motion conduct a recount of the returns from any or all precincts.

~~(b)(c)~~(1) The county board shall open the package containing the ballots and recount the ballots in the manner prescribed by law for the count to be made by the election officials in the first instance or if there is a determination by the county board that the voting machine or automated tabulating equipment may be malfunctioning, it may recount the ballots by any manner prescribed by law.

(2) The result as found upon the recount, if it differs from that certified by the election officials, shall be included in the canvass as the vote for the particular precinct for which the recount was ordered and made.

~~(c)(d)~~ After the recount is completed, the ballots shall again be sealed and kept as provided by law.

~~(d)(e)~~(1) The costs for any recount must be borne by the candidate petitioning for it, and payment of the costs must be made to the county board prior to the recount in an amount determined by the county board.

(2) In the event that the outcome of the election is altered by recount, the costs of the recount shall be refunded to the candidate who petitioned for the recount.

~~(e)(f)~~ The costs of any recount shall be based on the actual costs incurred to conduct the recount, but in no instance shall the amount charged to conduct a recount exceed the rate of twenty-five cents (\$0.25) per vote cast in the precincts where the recount is requested or a total of two thousand five hundred dollars (\$2,500) for the entire county, whichever is less.

SECTION 5. Arkansas Code 3-9-206(b)(1) is amended to read as follows:

(b)(1) The election shall be held and conducted and the results certified under the supervision of the county board of election commissioners in the manner provided by the election laws of this state.

(2) The county board of election commissioners shall fix the date of the election not less than thirty (30) days nor more than sixty (60) days from the date the election was called pursuant to subdivision (a)(1) or (a)(2) of this section and give notice thereof by publication in a newspaper of general circulation in the city or county by at least two (2) insertions, the last being not less than ten (10) days prior to the election.

(3) The county board of election commissioners shall tabulate the votes and certify the results to the county clerk within ~~three (3)~~ ten (10) days after the election. "

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Senator Mahony  
MG/VJF - 032120011646  
VVF285

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Secretary