

ARKANSAS SENATE
87th General Assembly - Regular Session, 2009
Amendment Form

Subtitle of Senate Bill No. 192

"CONCERNING PENALTIES FOR VIOLATIONS OF ABSENTEE VOTING LAWS."

Amendment No. 1 to Senate Bill No. 192.

Amend Senate Bill No. 192 as originally introduced:

Delete everything following the enacting clause and substitute the following:

SECTION 1. Arkansas Code § 7-1-103(a)(20), concerning certain misdemeanor offenses, is amended to read as follows:

(20) No person shall:

(A) Vote, knowing himself or herself not to be entitled to vote;

(B) Vote more than once at any election or knowingly cast more than one (1) ballot or attempt to do so;

(C) Provide assistance to a voter in marking and casting the voter's ballot at the polls except as provided in § 7-5-310;

~~(C)(D)~~ Alter or attempt to alter any ballot after it has been cast;

~~(D)(E)~~ Add or attempt to add any ballot to those legally polled at any election either by fraudulently introducing it into the ballot box before or after the ballots have been counted or at any other time or in any other manner with the intent or effect of affecting the count or recount of the ballots;

~~(E)(F)~~ Withdraw or attempt to withdraw any ballot lawfully polled with the intent or effect of affecting the count or recount of the ballots; or

~~(F)(G)~~ In any manner interfere with the officials lawfully conducting the election or the canvass or with the voters lawfully exercising their right to vote at the election;

SECTION 2. Arkansas Code § 7-1-104(a), concerning certain felony offenses, is amended to read as follows:

(a) The following offenses shall be deemed felonies punishable as provided in this section:

(1) No person shall falsely make or fraudulently destroy any certificate of nominations or any part thereof, file any certificate of nominations knowing the certificate or any part thereof to be false, suppress any nomination or any part thereof which has been filed, or forge or falsely write the name or initials of any election official on any ballot;



(2) No public official or other person shall in any manner willfully or corruptly permit any person not entitled to register for the purpose of voting to register, nor shall a public official or other person forge or attempt to forge a registration;

(3) No person shall vote in any election in the state unless the person is a qualified elector of this state and has registered to vote in the manner provided by law;

(4) It shall be unlawful for any person to offer, accept, receive, or pay any person any money, goods, wares, or merchandise or solicit any money, goods, wares, or merchandise for the purpose of influencing his or her vote during the progress of any election in this state;

(5) It shall be unlawful for any person to make any threat or attempt to intimidate any elector or the family, business, or profession of the elector;

(6) It shall be unlawful for any person to prevent or to interfere with any qualified elector from voting at any election or to attempt to prevent or interfere with any qualified elector from voting at any election, provided that this subdivision (a)(6) shall not prohibit good faith challenges of ballots or voters according to law by candidates, authorized representatives of candidates, political parties, or ballot issues;

(7) It shall be unlawful for any person to attend any polling site on election day and hand out or give away any campaign cards, placards, or other articles for the purpose of influencing the electors to vote for any candidate, except in the manner now provided by law;

(8)(A) It shall be unlawful for a person, with the intent to defraud a voter or an election official, to possess an absentee ballot issued to another.

(B) The possession by a person of more than ten (10) absentee ballots creates a rebuttable presumption of intent to defraud.

(C) The presumption under subdivision (a)(8)(B) of this section does not apply to:

(i) An employee of the United States Postal Service performing the normal course of the employee's authorized duties;

(ii) A common or contract carrier performing the normal course of the carrier's authorized duties;

(iii) The administrative head of a long-term care or residential care facility licensed by the state authorized by a voter under Arkansas law; or

(iv) An election official acting in his or her official capacity.

~~(8)~~(9) No person shall tamper with a voting machine or fraudulently affect or attempt to affect its results;

~~(9)~~(10) No person may cast a ballot in more than one (1) party primary election on the same day in this state or for candidates for more than one (1) political party;

~~(10)~~(11) No person shall vote in any election more than one (1) vote;

~~(11)~~(12) No person shall vote or attempt to vote other than his or her legal ballot;

~~(12)~~(13) No election official shall knowingly permit any person to vote other than his or her legal ballot in any election;

~~(13)~~(14) No election official or other person shall fraudulently

permit any person to vote illegally, refuse the vote of any qualified elector, or cast up or make a false return of any election;

~~(14)~~(15) No election official or other person shall willfully make a false count of any election ballots or falsely or fraudulently certify the returns of any election;

~~(15)~~(16) No person shall fraudulently change, alter, or obliterate the poll books or books of any election or break any seals upon any ballot box, voting machine, or stub box, except as authorized by law;

~~(16)~~(17) No person shall contrive, alter, forge, counterfeit, detain, mutilate, steal, secrete, or destroy any election returns or election materials for the purpose of hindering or preventing or falsely reporting a tabulation or check of the returns; and

~~(17)~~(18) Any person who violates the provisions of § 7-5-702 or who shall disclose how any voter may have voted unless compelled to do so in a judicial proceeding shall be deemed guilty of a Class D felony and punished as provided in this section.

SECTION 3. Arkansas Code § 7-5-310(b)(4), concerning voter assistance, is amended to read as follows:

(4)(A) If the voter is assisted by one (1) person named by the voter, he or she may assist the voter in marking and casting the ballot according to the wishes of the voter without any comment or interpretation.

(B) No person other than the following shall assist more than four (4) voters in marking and casting a ballot at an election:

(i) A poll worker;

(ii) The county clerk during early voting; or

(iii) A deputy county clerk during early voting.

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

By: Senator Faris

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Secretary