

**ARKANSAS SENATE**  
88th General Assembly - Regular Session, 2011  
**Amendment Form**

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**Subtitle of House Bill No. 2074**

TO AMEND ARKANSAS LAW CONCERNING THE TRANSMISSION OF ABSENTEE  
BALLOT APPLICATIONS.

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**Amendment No. 1 to House Bill No. 2074**

Amend House Bill No. 2074 as engrossed, H3/17/11 (version: 03/17/2011 11:43:00 AM)

Page 3, delete lines 16 through 22 and substitute the following:

~~"(c) Citizens of the United States temporarily residing outside the territorial limits of the United States may request the absentee ballot for any one (1) or more elections through the next two (2) regularly scheduled general elections for federal office, including any runoff elections that may occur as a result of the outcome of the general elections, by submitting only one (1) application during that period of time in the manner prescribed by subsection (a) of this section.~~

(c) The following may request an absentee ballot for one (1) or more elections, up to and including the next two (2) regularly scheduled general elections for federal office, including without limitation any runoff elections that may occur as a result of the outcome of the general elections, by submitting one (1) application during that period of time in the manner provided under subsection (a) of this section:

(1) A citizen of the United States temporarily residing outside the territorial limits of the United States;

(2) A member of the uniformed services of the United States while in active duty or service, including his or her spouse or dependent, who by reason of active duty or service of the member is absent from the place of residence where the member, spouse, or dependent is otherwise qualified to vote; and

(3) A member of the Merchant Marine while in active duty or service, including his or her spouse or dependent, who by reason of the active duty or service of the member is absent from the place of residence where the member, spouse, or dependent is otherwise qualified to vote."

AND

Page 3, delete line 26 and substitute the following:

"(2) Facsimile machine.



SECTION 2. Arkansas Code § 7-5-405(b)(3), concerning applications for absentee voting, is amended to read as follows:

(3)~~(A)~~ Persons whose applications would be valid through the next two (2) regularly scheduled general elections for federal office, including any resulting runoff elections.

~~(B) This shall include citizens of the United States temporarily residing outside the territorial limits of the United States.~~

SECTION 3. Arkansas Code § 7-5-406(b) and (c), concerning absentee voting by members of uniformed services and other citizens residing outside the United States, are amended to read as follows:

(b)(1) The ballot or ballots shall be transmitted according to ~~federal regulations~~ state and federal laws, rules, and regulations.

(2) ~~The Secretary of State shall provide the county clerks with copies of these regulations at least ninety (90) calendar days before each general election.~~ The Secretary of State shall establish and transmit to each county clerk and each county board of election commissioners procedures in accordance with state and federal law that:

(A) Allow absent uniformed services voters and absent overseas voters to request, either by mail or electronically, voter registration applications and absentee ballot applications for all elections in the state;

(B) Allow county clerks to send by mail or electronically, in accordance with the preferred method of transmission designated by the absent uniformed services voter or absent overseas voter, voter registration applications and absentee ballot applications;

(C) Allow the absent uniformed services voter or absent overseas voter to designate whether the voter prefers that the voter registration application or absentee ballot application be transmitted by mail or electronically;

(D) Allow the transmission by mail and, to the extent funding is available, electronically of blank absentee ballots to absent uniformed services voters and absent overseas voters for all elections in the state in a manner that expedites the transmission of absentee ballots;

(E) Allow county clerks and county boards of election commissioners to accept and process marked absentee ballots of absent uniformed services voters and absent overseas voters;

(F) Ensure, to the extent practicable, the protection of the security and integrity of the voter registration and absentee ballot request process and the privacy of the identity and other personal data of an absent uniformed services voter or absent overseas voter who requests or is sent a voter registration application, absentee ballot application, or absentee ballot throughout the process of making a request or being sent an application or ballot; and

(G) Establish, to the extent funding is available, a free access system by which an absent uniformed services voter or absent overseas voter may determine whether the absentee ballot of the absent uniformed services voter or overseas voter has been received by the appropriate election official.

(3) The Secretary of State shall:

(A) Provide each county clerk and each county board of election commissioners with written copies of the procedures under

subdivision (b)(2) of this section by February 1 of each even-numbered year;  
and

(B) Promptly notify each county clerk and each county board of election commissioners of changes in relevant laws, rules, regulations, or procedures.

~~(3)(4)~~ Notwithstanding any other provisions in this title, if selected by ~~the United States Department of Defense~~ any grantor, this state or any county in this state may participate in ~~the a~~ a Federal Voting Assistance ~~Program's pilot~~ Program project which allows members of the uniformed services and voters overseas to register to vote and to vote in elections electronically, according to state and federal laws, rules, and regulations, if funds are available.

(c)(1)(A) Except as provided in subdivision (c)(1)(B) of this section, for the qualified electors in the categories named in subsection (a) of this section who are temporarily outside the territorial limits of the United States, the county board of election commissioners shall prepare a special absentee ballot for each preferential primary and general election to be sent to the voter in addition to the regular absentee ballot.

(B) The county board of election commissioners shall not prepare a special absentee ballot for a nonpartisan judicial election.

(2)(A) The special absentee ballot shall contain a list of all offices contested by three (3) or more candidates and the candidates qualifying for the election in each office.

(B) The special absentee ballot shall permit the elector to vote in the general primary election or in a general runoff election by indicating his or her order of preference for each candidate for each office.

(C)(i) To indicate his or her order of preference for each candidate for each office, the voter shall put the number one (1) next to the name of the candidate who is the voter's first choice, the number two (2) for the voter's second choice, and so forth, so that, in consecutive numerical order, a number indicating the voter's preference is written by the voter next to the candidate's name on the ballot.

(ii) However, the voter shall not be required to indicate his or her preference for more than one (1) candidate on the ballot if he or she chooses.

(3) The special absentee ballot shall be marked as a "special runoff ballot".

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

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

By: Senator J. Key  
MBM/BGS - 03/22/11 08:15  
MBM388

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Secretary