

ARKANSAS SENATE
93rd General Assembly - Regular Session, 2021
Amendment Form

Subtitle of Senate Bill No. 701

TO CREATE THE ARKANSAS ABSENTEE VOTING INTEGRITY ACT OF 2021.

Amendment No. 1 to Senate Bill 701

Amend Senate Bill No. 701 as originally introduced:

Page 2, line 27, delete "circuit clerk" and substitute "county clerk"

AND

Page 4, line 22, delete "shall" and substitute "may"

AND

Page 8, delete lines 16 and 17, and substitute the following:

~~"(7)(A)(8)(A)~~ Absentee and early votes shall be counted prior to the closing of the polls on election day the close of business on the Thursday following election day as provided under this section, except for overseas voters as otherwise provided under this section."

AND

Page 9, delete lines 5 through 27, and substitute the following:

~~"(B) If the required materials are properly placed in the outer absentee ballot envelope, the election official shall proceed to read aloud from the voter statement the name of the voter;~~ The election officials shall:

(i) Read aloud from the voter statement the name of the voter and the voting precinct in which the voter claims to be a legal voter;

(ii) List the name and voting precinct of the voter;

(iii) Compare the voter materials as provided under subdivision (b)(2) of this section; and

(iv) For first-time voters who registered by mail, compare the first-time voter's identification document unless the voter previously provided identification at the time of mailing the voter registration application;



(C) If the required materials are not properly placed in the outer absentee ballot envelope;

(i) a second election official shall open the inner absentee ballot envelope to ~~verify the contents~~ locate the required voter materials no earlier than 8:30 a.m. on election day; and

~~(D)(ii) If all required materials are present within one (1) or the other envelope, the~~ The election officials shall place the absentee ballot materials, while preserving the secrecy of the voter's ballot within the inner absentee envelope, in the proper an envelope while preserving the secrecy of the voter's ballot and marked "provisional", and the absentee ballot shall be considered a provisional ballot; and shall proceed to read aloud from the voter statement the name of the voter and the voting precinct in which the voter claims to be a legal voter;

~~(E) As each outer envelope is opened and the name of the voter is read, the election officials for the absentee box shall list the name and voting precinct of the voter;~~

(D) If the required materials are properly placed in the outer absentee envelope, then the election officials shall compare the voter materials as provided under subdivision (b)(2) of this section."

AND

Page 10, line 4, delete "county clerk" and substitute "voter in the absentee ballot envelope"

AND

Page 10, delete lines 5 through 8, and substitute the following:

"(ii) The election officials shall review the absentee ballot materials to determine whether:

(a) The voter's name, residential voting address, date of birth, and signature are comparable;"

AND

Page 10, delete lines 22 and 23, and substitute the following:

"or administrator delivers the ballot, the name of the designated bearer, authorized agent, or administrator written on the absentee ballot application compares with the information on the voter statement;"

AND

Page 10, delete lines 32 through 36, and substitute the following:

"administrator delivers the ballot, and the name of the designated bearer, authorized agent, or administrator does not compare with the information on the voter statement;"

AND

Page 11, delete line 1 through 10, and substitute the following:

"(iv) If a first-time voter fails to provide the required voter identification with the absentee ballot or at the time of mailing the voter registration application, then the absentee application, absentee ballot envelope, and voter's statement shall be placed in an envelope marked "provisional" and the absentee ballot shall be considered a provisional ballot; or if any other voter fails to provide the required voter identification with the absentee ballot, the election officials shall place the absentee ballot materials including the inner envelope containing the ballot in an envelope marked "provisional", and the absentee ballot shall be considered a provisional ballot;"

AND

Page 11, line 29, delete "(iv)" and substitute "(v)"

AND

Page 11, delete lines 33 through 36, and substitute the following:

"(b) The voter's name, residential voting address, date of birth, and signature compare; and

(c) If a designated bearer, authorized agent, or administrator delivered the ballot, the name of the designated bearer, authorized agent, or administrator written on the absentee ballot application compares with the information on the voter statement;"

AND

Page 12, delete line 1

AND

Page 12, line 2, delete "(v)" and substitute "(vi)"

AND

Page 12, delete lines 9 through 11, and substitute the following:

"(c) If a designated bearer, authorized agent, or administrator delivers the ballot, the name of the designated bearer, authorized agent, or administrator does not compare with the information on the voter statement."

AND

Page 13, delete lines 1 through 13, and substitute the following:

"(c) If a designated bearer, authorized agent, or administrator delivered the ballot, the name of the designated bearer, authorized agent, or administrator written on the absentee ballot application compares with the information on the voter statement.

(ii) The absentee ballot materials and the absentee ballot shall be placed in an envelope marked "provisional" and the absentee

ballot shall be considered a provisional ballot if:

(a) The required absentee ballot materials are incomplete or missing;

(b) The voter's name, residential voting address, date of birth, and signature do not compare; or

(c) If a designated bearer, authorized agent, or administrator delivers the ballot, the name of the designated bearer, authorized agent, or administrator does not compare with the information on the voter statement;"

AND

Page 13, delete lines 17 through 22, and substitute the following:

"(D)(i) An absentee ballot that has been designated provisional for not including the required voter identification with the absentee ballot materials shall be cured according to the procedure set out in Arkansas Constitution Amendment 51, § 13."

AND

Page 13, line 25, delete "the close of business" and substitute "noon"

AND

Page 13, delete lines 27 and 28, and substitute the following:

"(b) In person or in writing to the county clerk, county board of"

AND

Page 14, delete lines 3 through 9, and substitute the following:

"(B) If a designated bearer, authorized agent, or administrator delivered the ballot, and the name of the designated bearer, authorized agent, or administrator did not compare with the information on the voter statement."

AND

Page 14, delete lines 10 through 12, substitute the following:

"(iii) An absentee ballot shall not be counted if:
(a) It has been marked provisional and is not cured under either subdivision (b)(3)(D)(i) or subdivision (b)(3)(D)(ii) of this section; or"

(b) It did not include a voter statement.

AND

Page 14, line 14, delete "bearer" and substitute "bearer, authorized agent, or administrator"

AND

Page 14, line 27, delete "twenty-four (24) hours" and substitute "forty-eight (48) hours"

AND

Page 14, line 25, delete "believes" and substitute "determines"

AND

Page 15, line 3, delete "twenty-four (24) hours" and substitute "forty-eight (48) hours"

AND

Page 16, delete line 23, and substitute the following:
"materials, and the county clerk shall provide any relevant absentee ballot materials in their possession; and"

AND

Page 16, delete lines 26 through 30, and substitute the following:

"(B) A ballot is not automatically considered fraudulently submitted merely because it was not counted because:

(i) Not all the required voter materials were included;

(ii) The voter materials did not compare;

(iii) If a designated bearer, authorized agent, or administrator delivered the ballot, the name of the designated bearer, authorized agent, or administrator did not compare with the information on the voter statement; or

(iv) For another innocuous reason."

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

By: Senator C. Tucker

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Secretary