

ARKANSAS SENATE

94th General Assembly - Regular Session, 2023 Amendment Form

Subtitle of Senate Bill No. 235

TO CREATE THE ARKANSAS ABSENTEE VOTER INTEGRITY ACT OF 2023; TO AMEND THE LAW CONCERNING COUNTING ABSENTEE BALLOTS; TO AMEND THE LAW CONCERNING ELECTIONS; AND TO AMEND THE LAW CONCERNING THE DUTIES OF THE SECRETARY OF STATE.

Amendment No. 1 to Senate Bill 235

Amend Senate Bill No. 235 as originally introduced:

Page 3, delete lines 7 through 10, and substitute the following:

"(7)(A)(8)(A) The county board of election commissioners shall begin tabulating absentee ballots and early votes before the polls close on election day and continue counting absentee votes until all absentee votes, except for overseas voters as otherwise provided under this section, and early votes are counted and completed before counting or tabulating election day votes. Absentee and early votes shall be counted prior to the closing of the polls on election day as provided under this section."

AND

Page 8, delete lines 24 through 27, and substitute the following:

"(D)(i) An absentee ballot that has been designated provisional shall be cured according to the procedure set out in Arkansas Constitution, Amendment 51, § 13(b)(5)(A) and (B) if, upon a public vote, the county board of election commissioners determines that the absentee ballot:

(a) Does not include the required voter identification with the absentee ballot materials;

(b) Does not include the voter statement with the absentee ballot materials;

(c) Has a signature that does not compare; or

(d) Has an address on the voter statement that is materially and substantially different from either the voting residence address of the voter or the address at which the voter requested to receive the absentee ballot by mail as set forth on the absentee ballot application."

AND

Page 9, line 1, delete "or"



AND

Page 9, delete line 6, and substitute the following:
"voting address, except as set out under subdivision (b)(3)(D)(i) of this section, date of birth, and signature did not compare; or"

AND

Page 9, delete line 10, and substitute the following:
"the information on the voter statement; or
(3) Reviewing the ballot located inside
the inner envelope marked as provisional in a private and independent manner
to verify that the ballot marked as provisional is the ballot submitted by
the voter."

AND

Page 9, delete lines 12 through 16, and substitute the following:
"absentee ballot has been marked provisional and is not cured under either
subdivision (b)(3)(D)(i) or subdivision (b)(3)(D)(ii) of this section."

AND

Page 9, delete lines 29 through 30, and substitute the following:
"of election commissioners determines that the absentee ballot that was
submitted was voted by the person in whose name the absentee ballot was
submitted, after review of that person's address or other information that
was submitted with the absentee ballot, absentee ballot application, voter
statement, voter identification, or other documentation possessed by, on file
with, or available to the county clerk or the county board of election
commissioners."

AND

Page 10, delete line 3 and 4 and substitute the following:
"absentee ballot by email, telephone, and text message as soon as possible
but no later than forty-eight (48) hours after the absentee ballot is
designated as a provisional ballot if the voter's email address or telephone
number is available."

AND

Page 10, delete line 8, and substitute the following:
"by mail as soon as possible but no later than forty-eight (48) hours after
the absentee ballot is designated as a provisional ballot."

AND

Page 10, line 12, delete "(C)" and substitute "(C)(i)"

AND

Page 10, delete lines 15 through 18, and substitute the following:
"counted or tabulated without being designated as provisional, the county board of election commissioners shall, by email, telephone, and text message, if the voter's email address or telephone number is available, notify the voter as soon as possible but no later than forty-eight (48) hours after the absentee ballot is approved that he or she no longer needs to cure his or her ballot."

(ii) If a voter has not provided an email address or telephone number, the county board of election commissioners shall notify the voter by mail as soon as possible but no later than forty-eight (48) hours after the absentee ballot is approved that he or she no longer needs to cure his or her ballot."

AND

Page 10, delete lines 32 and 33, and substitute the following:
"subject to public inspection except as part of a recount or judicial proceeding to contest the election."

AND

Page 11, delete line 13, and substitute the following:
"to mix the ballots in such a way to ensure that the inner envelopes containing the ballots shall be randomized; and"

AND

Page 11, delete lines 17 through 19, and substitute the following:
"election commissioners shall preserve all absentee ballots and shall retain them as election materials for the same length of time after the election as is required for retention of other ballots."

AND

Page 12, line 2, delete "and"

AND

Page 12, delete line 4, and substitute the following:
"agencies in the investigation; and
(iv) Notify all candidates of any affected race."

AND

Page 12, line 9, delete "compare;" and substitute "compare; or"

AND

Page 12, line 10, delete "If a" and substitute "A"

AND

Page 12, line 11, delete "ballot, the" and substitute "ballot, and the"

AND

Page 12, line 13, delete "or"

AND

Page 12, delete line 14, and substitute the following:

"(C) A ballot is not automatically considered fraudulently submitted if the voter's actions did not indicate or evince an intention to violate the election laws of Arkansas or those of the United States government."

AND

Page 12, line 15, delete "(C)" and substitute "(D)"

AND

Page 14, delete line 13, and substitute the following:

"voter materials such that the absentee ballots and voter materials are secured in such a manner that the boxes cannot be opened and the ballots cannot be handled, viewed, or tampered with except by authorized election officials; and"

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

By: Senator C. Tucker

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Secretary