

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

INTERIM STUDY PROPOSAL 2007-145

State of Arkansas

As Engrossed: S3/21/07 S3/28/07

86th General Assembly

A Bill

Regular Session, 2007

SENATE BILL 884

By: Senator Faris

By: Representative E. Brown

Referred to

State Agencies & Gov't Affairs - Senate

by the Arkansas Senate

on 04/02/2007

For An Act To Be Entitled

AN ACT TO AMEND ARKANSAS LAW CONCERNING THE
POWERS AND DUTIES OF ELECTION OFFICIALS AND
ELECTION OFFICERS; AND FOR OTHER PURPOSES.

Subtitle

AN ACT TO AMEND ARKANSAS LAW CONCERNING
THE POWERS AND DUTIES OF ELECTION
OFFICIALS AND ELECTION OFFICERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 2-16-504(b)(1)(A), concerning petitions to establish districts concerning the uncontrolled growth of Johnson grass, is amended to read as follows:

(b)(1)(A) Immediately upon the submission of the petition to the county court or courts, the court or courts shall notify the ~~county board or boards of election commissioners~~ county election coordinators in writing, and the ~~county board or boards of election commissioners~~ county election coordinators shall call a special election to be held not less than thirty (30) days nor more than sixty (60) days after the filing of the petition.

1 SECTION 2. Arkansas Code § 3-9-206(b)(1) and (2), concerning local
2 option referendum elections, is amended to read as follows:

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

7 (2)(A) The ~~county board~~ county election coordinator shall fix
8 the date of the election not less than thirty (30) days nor more than sixty
9 (60) days from the date the election was called pursuant to subdivision
10 (a)(1) or (a)(2) of this section and give notice thereof by publication in a
11 newspaper of general circulation in the city or county by at least two (2)
12 insertions, the last being not less than ten (10) days prior to the election.
13

14 SECTION 3. Arkansas Code § 6-14-102 is amended to read as follows:

15 6-14-102. Annual school election date - Special school election.
16 ~~[Effective January 1, 2006.]~~

17 (a)(1) The annual school election shall be held in each school
18 district of the state on the third Tuesday in September.

19 (2) The annual school election shall only concern issues
20 authorized to be on the ballot by the Arkansas Constitution or by statute,
21 and no other issues shall appear on the ballot.

22 (b) The board of directors of any school district shall have the
23 authority to hold a school election concerning the tax rate or debt issues on
24 a date other than that fixed by law provided that:

25 (1) All constitutional and statutory requirements for the annual
26 school election are met, notwithstanding subdivision (a)(1) of this section;

27 (2) The election is held before the date of the annual school
28 election; and

29 (3) The Commissioner of Education approves the date of the
30 election.

31 (c)(1) In any election year, if no more than one (1) candidate for
32 school district director presents a petition or notice in writing ~~to the~~
33 ~~county board of election commissioners~~ as required by § 6-14-111 and if there
34 are no other ballot issues to be submitted to district electors for
35 consideration, the board of directors of any school district, by resolution
36 duly adopted, may request the ~~county board of election commissioners~~ county

1 election coordinator to reduce the number of polling places or to open no
 2 polling places on election day so that the election can be conducted by
 3 absentee ballot and early voting only.

4 (2) If requested by resolution adopted by the board of directors
 5 of any school district, the ~~county board of election commissioners~~ county
 6 election coordinator may provide that no polling places be open on election
 7 day so that the election can be conducted by absentee ballot and early voting
 8 only, if:

9 (A) No more than one (1) candidate for school district
 10 director presents a petition or notice in writing ~~to the county board of~~
 11 ~~election commissioners~~ as required by § 6-14-111; and

12 (B) There are no other ballot issues to be submitted to
 13 district electors for consideration.

14 (3) In a county that uses voting machines or electronic vote
 15 tabulating devices, the ~~county board of election commissioners~~ county
 16 election coordinator may choose to use paper ballots counted by hand in
 17 combination with voting machines equipped for use by individuals with
 18 disabilities.

19 (d) The board of directors of any school district shall have the
 20 authority to request the ~~county board of election commissioners~~ county
 21 election coordinator to call a special election for the purpose of
 22 considering a rate of tax for additional millages for maintenance and
 23 operations or for debt service as authorized by Arkansas Constitution,
 24 Amendment 74, provided that:

25 (1) All constitutional and statutory requirements for a special
 26 school election are met;

27 (2) The date of the election is approved by the commissioner;
 28 and

29 (3)(A) The special election is held on the second Tuesday of any
 30 month, except as provided in subdivision (d)(3)(B) of this section.

31 (B)(i)(a) Special elections held in months in which a
 32 presidential preferential primary election, preferential primary election,
 33 general primary election, or general election is scheduled to occur shall be
 34 held on the date of the presidential preferential primary election,
 35 preferential primary election, general primary election, or general election.

36 (b)(1)(A) If a special election is held on the

1 date of the presidential preferential primary election, preferential primary
2 election, or general primary election, the issue or issues to be voted upon
3 at the special election shall be included on the ballot of each political
4 party.

5 (B) However, separate ballots
6 containing only the issue or issues to be voted upon at the special election
7 shall be prepared and made available to voters requesting a separate ballot.

8 (2) No voter shall be required to vote
9 in a political party's presidential preferential primary, preferential
10 primary, or general primary in order to be able to vote at the special
11 election.

12 (ii) Special elections scheduled to occur in a month
13 in which the second Tuesday is a legal holiday shall be held on the third
14 Tuesday of the month.

15
16 SECTION 4. Arkansas Code § 6-14-122(d)(1), concerning the
17 consolidation, annexation, or merger of public school districts, is amended
18 to read as follows:

19 (d)(1) The special election on consolidation or annexation shall be
20 held by the same ~~officials~~ officers at the same polling places, and the
21 returns shall be made, canvassed, and published in the same manner as is
22 provided by law for annual school elections.

23
24 SECTION 5. Arkansas Code § 6-53-602 is amended to read as follows:
25 6-53-602. Formation of a proposed district.

26 (a)(1) Upon request of the local board of a technical college or the
27 Arkansas Higher Education Coordinating Board acting as a local board of a
28 technical college, the coordinating board shall determine whether formation
29 of a proposed technical college district is feasible according to criteria
30 established by the coordinating board for the formation of a technical
31 college district.

32 (2) The boundaries of the technical college district are to be
33 determined by the local board or the coordinating board acting as the local
34 board.

35 (b)(1) Within ten (10) calendar days after the coordinating board
36 determines that the formation of a proposed district is feasible, the local

1 board or the coordinating board acting as the local board shall notify the
 2 ~~county board of election commissioners~~ county election coordinator in each
 3 county of which any portion is in the proposed technical college district
 4 that an election will be held to determine whether the district shall be
 5 formed and whether an ad valorem tax shall be levied on property in the
 6 district to fund site acquisition, construction, equipping, and operation of
 7 the college.

8 (2)(A) The local board or acting local board shall set a date
 9 for the election to be held at a time not less than thirty (30) calendar days
 10 after the local board or acting local board notifies the ~~county boards~~ county
 11 election coordinator.

12 (B)(i) The election shall occur on the second Tuesday of
 13 any month, except as provided in subdivision (b)(2)(B)(ii) of this section.

14) (ii)(a)(1) Elections held in months in which a
 15 presidential preferential primary election, preferential primary election,
 16 general primary election, or general election is scheduled to occur shall be
 17 held on the date of the presidential preferential primary election,
 18 preferential primary election, general primary election, or general election.

19 (2)(A)(i) If an election is held on the
 20 date of the presidential preferential primary election, preferential primary
 21 election, or general primary election, the issue or issues to be voted upon
 22 at the election shall be included on the ballot of each political party.

23 (ii) However, separate
 24 ballots containing only the issue or issues to be voted upon at the election
 25 shall be prepared and made available to voters requesting a separate ballot.

26 (B) No voter shall be required to
 27 vote in a political party's presidential preferential primary, preferential
 28 primary, or general primary in order to be able to vote in the special
 29 election.

30 (b) Elections scheduled to occur in a month in
 31 which the second Tuesday is a legal holiday shall be held on the third
 32 Tuesday of the month.

33 (3) The local board or acting local board shall specify the
 34 wording of the ballot to be used for the election utilizing appropriate
 35 language similar to that found in § 6-61-513(c), and the ~~county boards of~~
 36 ~~election commissioners~~ county election coordinator shall conduct the election

1 in the manner provided by law for special elections.

2 (c)(1) Except as provided in subdivision (c)(2) of this section, if
3 the establishment of a proposed technical college district fails because of
4 an adverse vote by a majority of the qualified electors of the proposed
5 district voting thereon at the election, no new election for the
6 establishment thereof shall be held within a period of one (1) year after the
7 date of the election.

8 (2)(A) If the formation of a proposed technical college district
9 fails and the majority of votes cast in one (1) or more counties or cities in
10 a proposed district were against the formation of the district, the local
11 board or acting local board may notify the ~~county boards of election~~
12 ~~commissioners~~ county election coordinator that an election will be held on
13 the issue of forming a proposed district that does not include the county,
14 city, counties, or cities in which the issue failed.

15 (B) The local board or acting local board shall set a date
16 for the election to be held no less than thirty (30) calendar days after the
17 local board or acting local board notifies the ~~county boards~~ county election
18 coordinator.

19 (C) The procedures for an election to form a proposed
20 reconstituted district shall be identical to the procedures for an election
21 to establish a technical college district.

22 (d)(1) If the local board or acting local board of a technical college
23 determines that the question of a tax levy in the technical college district
24 should be submitted to the electors after the district is formed, it shall
25 certify the millage requested to the ~~county board of election commissioners~~
26 county election coordinator of each county of which any portion is in the
27 technical college district.

28 (2) The ~~county boards~~ county election coordinator shall place
29 the question of the levy on the ballot at the next general election if the
30 date of the general election is not less than thirty (30) calendar days after
31 the ~~county boards~~ county election coordinator ~~receive~~ receives certification
32 from the local board or acting local board.

33 (3)(A) In the alternative, the local board or acting local board
34 may set a date for a special election at a time not less than thirty (30)
35 calendar days after the local board or acting local board notifies the ~~county~~
36 ~~boards~~ county election coordinator.

1 spend larger sums of money than the state funds provided for general
2 operation of the community college for whatever reasons consistent with the
3 state law, it shall be lawful for millage to be levied from time to time to
4 provide additional operation funds.

5 (b) The millage can be approved at the election to create the
6 community college district or the question of approving the millage can be
7 submitted to the voters of the district from time to time thereafter at
8 special or general elections.

9 (c)(1) The local board of each community college shall certify, within
10 the time provided by law, to the appropriate tax levying authority of each
11 county or city of the district the aggregate millage to be levied for the
12 district for operating purposes and indebtedness purposes, and the millage
13 shall be levied and collected in the manner provided by law.

14 (2) If the amount of the budget to be supported from taxes
15 levied by the district is in excess of the amount to be produced from taxes
16 then authorized for the district, after allowing for tax proceeds pledged for
17 indebtedness purposes, the local board of the community college shall certify
18 the additional millage required to the ~~county board of election commissioners~~
19 county election coordinator of each county of which any portion is in the
20 community college district. However, millage together with the rate then
21 levied will not exceed ten (10) mills.

22 (3) The question of the levy shall be placed on the ballot at
23 the next following general election or a special election called for that
24 purpose as determined by the local board.

25 (d)(1)(A) When the local board of a community college determines that
26 the question of a tax levy in the district should be submitted to the
27 electors of the district at a special election, it shall adopt a resolution
28 to that effect and shall file a certified copy of the resolution with the
29 ~~county board of election commissioners~~ county election coordinator of each
30 county of which any portion is in the district that a special election shall
31 be held in the district and shall set the date of the election, which shall
32 be not less than thirty (30) days nor more than sixty (60) days after the
33 date of the notice to the ~~county board of election commissioners~~ county
34 election coordinator.

35 (B)(i) The special election shall occur on the second
36 Tuesday of any month, except as provided in subdivision (d)(1)(B)(ii) of this

1 section.

2 (ii)(a)(1) Special elections held in months in which
 3 a presidential preferential primary election, preferential primary election,
 4 general primary election, or general election is scheduled to occur shall be
 5 held on the date of the presidential preferential primary election,
 6 preferential primary election, general primary election, or general election.

7 (2)(A)(i) If a special election is held
 8 on the date of the presidential preferential primary election, preferential
 9 primary election, or general primary election, the issue or issues to be
 10 voted upon at the special election shall be included on the ballot of each
 11 political party.

12 (ii) However, separate
 13 ballots containing only the issue or issues to be voted upon at the special
 14 election shall be prepared and made available to voters requesting a separate
 15 ballot.

16 (B) No voter shall be required to
 17 vote in a political party's presidential preferential primary, preferential
 18 primary, or general primary in order to be able to vote in the special
 19 election.

20 (b) Special elections scheduled to occur in a
 21 month in which the second Tuesday is a legal holiday shall be held on the
 22 third Tuesday of the month.

23 (2) ~~The county board of election commissioners~~ county election
 24 coordinator in each county of which any portion is included in a community
 25 college district shall prepare the ballots, furnish the election supplies,
 26 select the election judges and clerks, and make all necessary arrangements
 27 for conducting such elections.

28 (3) All laws applicable to the conduct of general elections,
 29 counting of ballots, and certification of the results thereof, and other
 30 matters relating to the holding of general elections, so far as the laws are
 31 appropriate shall be applicable to special elections held pursuant to the
 32 provisions of §§ 6-61-101 - 6-61-103, 6-61-201 - 6-61-209, 6-61-211
 33 [repealed], 6-61-212 - 6-61-216, 6-61-301 - 6-61-305, 6-61-306 [repealed], 6-
 34 61-401, 6-61-402, 6-61-501 - 6-61-524, 6-61-601 - 6-61-603, and 6-61-604 - 6-
 35 61-612 [repealed].

36 (4) All expenses of conducting special elections held pursuant

1 to the provisions of §§ 6-61-101 - 6-61-103, 6-61-201 - 6-61-209, 6-61-211
 2 [repealed], 6-61-212 - 6-61-216, 6-61-301 - 6-61-305, 6-61-306 [repealed], 6-
 3 61-401, 6-61-402, 6-61-501 - 6-61-524, 6-61-601 - 6-61-603, and 6-61-604 - 6-
 4 61-612 [repealed] shall be paid from funds of the respective community
 5 college districts in which the elections are held.

6 (e) If the proposed additional millage is approved by the majority of
 7 the qualified electors of the district voting on such issue at a general or
 8 special election, the additional millage shall be a continuing levy until
 9 reduced as provided in subsection (f) of this section.

10 (f) Whenever the local board of any college determines that the rate
 11 of tax levied by the district, including the amount thereof pledged for
 12 indebtedness purposes, is greater than is necessary, the local board shall
 13 certify the reduced rate of millage to the appropriate tax levying authority
 14 of each county or city of the district, and the reduced rate of millage shall
 15 be levied and shall be extended on the tax books as the rate of tax due that
 16 community college district until a greater amount of tax shall be certified
 17 by the local board of the college as authorized in this section.

18 (g) In the case of community college districts existing at the time
 19 this law is enacted, existing millages which have been approved by the voters
 20 of the district may continue to be levied by the district at the discretion
 21 of the local board except that upon the petition of voters, as provided in §
 22 6-61-510, or upon request of the local board, an election may be called to
 23 repeal operating millage, reduce operating millage, or authorize the transfer
 24 of operating millage to capital uses.

25
 26 SECTION 8. Arkansas Code § 6-71-105(b)(2)(D), concerning public notice
 27 of passage of a public improvement chapter, is amended to read as follows:

28 (D) The commission shall perform the duties of ~~county~~
 29 ~~election commissioners~~ county election coordinator as nearly as applicable.

30
 31 SECTION 9. Arkansas Code 7-1-101, as amended by Act 224 of the 2007
 32 Regular Session, is amended to read as follows:

33 7-1-101. Definitions.

34 As used in this title, unless the context or chapter otherwise
 35 requires:

36 (1) "Administrator" means the administrative head of a long-term

1 care or residential care facility licensed by the state who is authorized in
 2 writing by a patient of the long-term care or residential care facility to
 3 deliver the application for an absentee ballot and to obtain or deliver the
 4 absentee ballot to the county clerk;

5 (2) "Audit log" means an electronically stored record of events
 6 and ballot images from which election officials may produce a permanent paper
 7 record with a manual audit capacity for a voting system using voting
 8 machines;

9 (3) "Authorized agent" means a person who is identified and
 10 authorized to deliver the application, obtain a ballot, and deliver the
 11 ballot on the day of the election to the county clerk by an applicant who is
 12 medically unable to cast a ballot at a polling site due to unforeseen medical
 13 necessity as set forth in an affidavit from the administrative head of a
 14 hospital or long-term or residential care facility;

15 (4) "Canvassing" means examining and counting the returns of
 16 votes cast at a public election to determine authenticity;

17 (5) "Constitutional officers of this state" means the offices of
 18 the Governor, Lieutenant Governor, Secretary of State, Attorney General,
 19 Auditor of State, Treasurer of State, and Commissioner of State Lands;

20 (6) "Counting location" means a location selected by the county
 21 board of election commissioners with respect to all elections for the
 22 automatic processing or counting, or both, of votes;

23 (7) "Designated bearer" means any person who is identified and
 24 authorized by the applicant to obtain from the county clerk or to deliver to
 25 the county clerk the applicant's ballot;

26 (8) ~~"Election official" or "election~~ "Election officer" means a
 27 person who is ~~a member of the county board of election commissioners or a~~
 28 ~~person who is a poll worker designated~~ appointed ~~by a county board of~~
 29 ~~election commissioners~~ to be an election clerk, election judge, or election
 30 sheriff;

31 (9) "Election official" means the Secretary of State, the State
 32 Board of Election Commissioners, the county clerk, the county board of
 33 election commissioners, and the county election coordinator;

34 ~~(9)~~ (10) "Electronic vote tabulating device" means a device used
 35 to electronically scan a marked paper ballot for the purposes of tabulation;

36 ~~(10)~~ (11) "Fail-safe voting" means the mechanism established

1 under the National Voter Registration Act of 1993 that allows voters who have
2 moved within the same county to vote at their new precinct without having
3 updated their voter registration records;

4 ~~(11)~~(12) "First-time voter" means any registered voter who has
5 not previously voted in a federal election in the state;

6 ~~(12)~~(13) "General or special election" means the regular
7 biennial or annual elections for election of United States, state, district,
8 county, township, and municipal officials and the special elections to fill
9 vacancies therein and special elections to approve any measure. The term as
10 used in this act shall not apply to school elections for officials of school
11 districts;

12 ~~(13)~~(14) "Majority party" means that political party in the
13 State of Arkansas whose candidates were elected to a majority of the
14 constitutional offices of this state in the last preceding general election;

15 ~~(14)~~(15) "Marking device" means any approved device for marking
16 a paper ballot with ink or other substances which will enable the votes to be
17 tabulated by means of an electronic vote tabulating device;

18 ~~(15)~~(16) "Minority party" means that political party whose
19 candidates were elected to less than a majority of the constitutional offices
20 of this state in the last preceding general election or the political party
21 which polled the second greatest number of votes for the office of Governor
22 in the last preceding general election if all of the elected constitutional
23 officers of this state are from a single political party;

24 ~~(16)~~(17) "Party certificate" means a written statement or
25 receipt signed by the secretary or chair of the county committee or of the
26 state committee, as the case may be, of the political party evidencing the
27 name and title proposed to be used by the candidate on the ballot, the
28 position the candidate seeks, payment of the fees, and filing of the party
29 pledge, if any, required by the political party;

30 ~~(17)~~(18)(A) "Political party" means any group of voters which at
31 the last preceding general election polled for its candidate for Governor in
32 the state or nominees for presidential electors at least three percent (3%)
33 of the entire vote cast for the office.

34 (B) No group of electors shall assume a name or
35 designation which is so similar in the opinion of the Secretary of State to
36 that of an existing political party as to confuse or mislead the voters at an

1 election.

2 (C) When any political party fails to obtain three percent
3 (3%) of the total votes cast at an election for the office of Governor or
4 nominees for presidential electors, it shall cease to be a political party;

5 (19) "Poll worker" means an election judge, election sheriff,
6 election clerk, county clerk, and deputy county clerk when conducting early
7 voting;

8 ~~(18)~~(20) "Polling site" means a location selected by the county
9 board of election commissioners where votes are cast;

10 ~~(19)~~(21) "Precinct" means the geographical boundary lines
11 dividing a county, municipality, township, or school district for voting
12 purposes;

13 ~~(20)~~(22) "Primary election" means any election held by a
14 political party in the manner provided by law for the purpose of selecting
15 nominees of the political party for certification as candidates for election
16 at any general or special election in this state;

17 ~~(21)~~(23) "Provisional ballot" means a ballot:

18 (A) Cast by special procedures to record a vote when there
19 is some question concerning a voter's eligibility; and

20 (B) Counted contingent upon the verification of the
21 voter's eligibility;

22 ~~(21)~~(24) "Qualified elector" means a person who holds the
23 qualifications of an elector and who is registered pursuant to Arkansas
24 Constitution, Amendment 51;

25 ~~(22)~~(25) "Vacancy in election" means the vacancy in an elective
26 office created by death, resignation, or other good and legal cause, arising
27 prior to election to the office at a general or special election but arising
28 subsequent to the certification of the ballot;

29 ~~(23)~~(26) "Vacancy in nomination" means the circumstances in
30 which the person who received the majority of votes at the preferential
31 primary election or general primary election cannot accept the nomination due
32 to death or notifies the party that he or she will not accept the nomination
33 due to serious illness, moving out of the area from which the person was
34 elected as the party's nominee, or filing for another office preceding the
35 final date for certification of nominations;

36 ~~(24)~~(27)(A) "Vacancy in office" means the vacancy in an elective

1 office created by death, resignation, or other good and legal cause arising
2 subsequent to election to the office at a general or special election or
3 arising subsequent to taking office and prior to the expiration of the term
4 of office in those circumstances wherein the vacancy must be filled by a
5 special election rather than by appointment.

6 (B) The phrase "vacancy in office" shall not apply to the
7 election of a person at a general election to fill an unexpired portion of a
8 term of office;

9 ~~(25)~~(28) "Voting machine" means either:

10 (A) A direct recording electronic voting machine that:

11 (i) Records votes by means of a ballot display
12 provided with mechanical or electro-optical components that may be actuated
13 by the voter;

14 (ii) Processes the data by means of a computer
15 program;

16 (iii) Records voting data and ballot images in
17 internal and external memory components; and

18 (iv) Produces a tabulation of the voting data stored
19 in a removable memory component and in a printed copy; or

20 (B) An electronic device for marking a paper ballot to be
21 electronically scanned;

22 ~~(26)~~(29) "Voter-verified paper audit trail" means a
23 contemporaneous paper record of a ballot printed for the voter to confirm his
24 or her votes before the voter casts his or her ballot that:

25 (A) Allows the voter to verify the voter-verified paper
26 audit trail before the casting of the voter's ballot;

27 (B) Is not retained by the voter;

28 (C) Does not contain individual voter information;

29 (D) Is produced on paper that is sturdy, clean, and
30 resistant to degradation; and

31 (E) Is readable in a manner that makes the voter's ballot
32 choices obvious to the voter without the use of computer or electronic code;
33 and

34 ~~(27)~~(30) "Voting system" means:

35 (A) The total combination of mechanical,
36 electromechanical, or electronic equipment, including the software, firmware,

1 and documentation required to program, control, and support the equipment
2 that is used:

- 3 (i) To define ballots;
4 (ii) To cast and count votes;
5 (iii) To report or display election results; and
6 (iv) To maintain and produce any audit trail
7 information; and
8 (B) The practices and documentation used to:
9 (i) Identify system components and versions of
10 components;
11 (ii) Test the system during its development and
12 maintenance;
13 (iii) Maintain records of system errors and defects;
14 (iv) Determine specific system changes to be made to
15 a system after the initial qualification of the system; and
16 (v) Make available any materials to the voter,
17 including, but not limited to, notices, instructions, forms, or paper
18 ballots.

19

20 SECTION 10. Arkansas Code 7-4-101 is amended to read as follows:

21 7-4-101. ~~State Board of Election Commissioners—Members—Officers—~~
22 ~~Meetings~~ Election officials.

23 ~~(a) The State Board of Election Commissioners shall be composed of the~~
24 ~~following seven (7) persons, with at least one (1) from each district:~~

25 ~~(1) The Secretary of State;~~

26 ~~(2) One (1) person designated by the chair of the state~~
27 ~~Democratic Party;~~

28 ~~(3) One (1) person designated by the chair of the state~~
29 ~~Republican Party;~~

30 ~~(4) One (1) person to be chosen by the President Pro Tempore of~~
31 ~~the Senate;~~

32 ~~(5) One (1) person to be chosen by the Speaker of the House of~~
33 ~~Representatives; and~~

34 ~~(6) Two (2) persons to be chosen by the Governor, one (1) of~~
35 ~~whom shall be a county clerk and one (1) of whom shall have served for at~~
36 ~~least three (3) years as a county election commissioner.~~

1 ~~(b) The Secretary of State shall serve as chair and secretary of the~~
2 ~~board.~~

3 ~~(c) Except for the Secretary of State and the county clerk, no member~~
4 ~~of the board shall be an elected public official.~~

5 ~~(d)(1) The term on the board of the elected state official shall be~~
6 ~~concurrent with the term of the public elected official.~~

7 ~~(2) The county clerk shall hold the office of county clerk when~~
8 ~~appointed to the board and shall be removed as a member of the board if not~~
9 ~~in office.~~

10 ~~(3)(A) Members of the board appointed by the President Pro~~
11 ~~Tempore of the Senate and the Speaker of the House of Representatives shall~~
12 ~~be appointed for terms of two (2) years and shall continue to serve until~~
13 ~~successors have been appointed and taken the official oath.~~

14 ~~(B) All other appointive members shall be appointed for~~
15 ~~terms of four (4) years and shall continue to serve until successors have~~
16 ~~been appointed and taken the official oath.~~

17 ~~(4) No appointive member shall be appointed to serve more than~~
18 ~~two (2) consecutive full terms.~~

19 ~~(5)(A) If a vacancy on the board occurs, a successor shall be~~
20 ~~appointed within thirty (30) days to serve the remainder of the unexpired~~
21 ~~term.~~

22 ~~(B) The appointment shall be made by the official holding~~
23 ~~the office responsible for appointing the predecessor.~~

24 ~~(e)(1) The board shall meet as needed upon call of the chair or upon~~
25 ~~written request to the chair of any four (4) members.~~

26 ~~(2) A majority of the membership of the board shall constitute a~~
27 ~~quorum for conducting business.~~

28 ~~(3) No sanctions shall be imposed without the affirmative vote~~
29 ~~of at least four (4) members of the board.~~

30 ~~(4) Meetings of the board may be chaired and conducted by either~~
31 ~~the chair or a member of the board designated by the chair as acting chair~~
32 ~~for the meeting.~~

33 ~~(f) The board shall have the authority to:~~

34 ~~(1) Publish a candidate's election handbook, in conjunction with~~
35 ~~the office of the Secretary of State and the Arkansas Ethics Commission,~~
36 ~~which outlines in a readable and understandable format the legal obligations~~

1 ~~of a candidate and any other suggestions that might be helpful to a candidate~~
2 ~~in complying with state election law;~~

3 ~~(2) Conduct statewide training for election officials and county~~
4 ~~election commissioners;~~

5 ~~(3) Adopt all necessary rules and regulations regarding training~~
6 ~~referred to in subdivision (f)(2) of this section and develop procedures for~~
7 ~~monitoring attendance;~~

8 ~~(4) Monitor all election law related legislation;~~

9 ~~(5) Formulate, adopt, and promulgate all necessary rules and~~
10 ~~regulations to assure even and consistent application of voter registration~~
11 ~~laws and fair and orderly election procedures;~~

12 ~~(6)(A) Appoint certified election monitors to any county upon a~~
13 ~~signed, written request under oath filed with the board and a determination~~
14 ~~by the board that appointing a monitor is necessary.~~

15 ~~(B) Certified election monitors shall serve as observers~~
16 ~~for the purpose of reporting to the board on the conduct of the election.~~

17 ~~(C) The board may allow for reasonable compensation for~~
18 ~~election monitors;~~

19 ~~(7) Assist the county board of election commissioners in the~~
20 ~~performance of administrative duties of the election process if the board~~
21 ~~determines that assistance is necessary and appropriate;~~

22 ~~(8)(A) Formulate, adopt, and promulgate all necessary rules and~~
23 ~~regulations to establish uniform and nondiscriminatory administrative~~
24 ~~complaint procedures consistent with the requirements of Title IV of the~~
25 ~~federal Help America Vote Act.~~

26 ~~(B) The cost of compliance with Title IV of the federal~~
27 ~~Help America Vote Act shall be paid from the fund established to comply with~~
28 ~~the federal Help America Vote Act;~~

29 ~~(9) Investigate alleged violations, render findings, and impose~~
30 ~~disciplinary action according to § 7-4-118 for violations of election and~~
31 ~~voter registration laws, except as to § 7-1-103(a)(1)-(4), (6), and (7), and~~
32 ~~except for any matters relating to campaign finance and disclosure laws which~~
33 ~~the Arkansas Ethics Commission shall have the power and authority to enforce~~
34 ~~according to §§ 7-6-217 and 7-6-218;~~

35 ~~(10) Examine and approve in accordance with §§ 7-5-503 and 7-5-~~
36 ~~606 the types of voting machines used in any election;~~

1 ~~(11) Administer reimbursement of election expenses to counties~~
 2 ~~in accordance with § 7-7-201(a) for primary elections, statewide special~~
 3 ~~elections, and nonpartisan judicial general elections;~~

4 ~~(12) Appoint third members to county boards of election~~
 5 ~~commissioners in accordance with § 7-4-102(b); and~~

6 ~~(13) Certify candidate names and titles in accordance with § 7-~~
 7 ~~7-305(c).~~

8 ~~(g) The Attorney General shall provide legal assistance to the board~~
 9 ~~in answering questions regarding election laws.~~

10 ~~(h)(1) The board may appoint a director, who may hire a staff.~~

11 ~~(2) The director shall serve at the pleasure of the board.~~

12 ~~(3) The board shall set the personnel policies in accordance~~
 13 ~~with the Regular Salary Procedures and Restrictions Act, § 21-5-101 et seq.,~~
 14 ~~and the Uniform Classification and Compensation Act, § 21-5-201 et seq.~~

15 The following persons shall be election officials:

16 (1) Election judges;

17 (2) Election sheriffs; and

18 (3) Election clerks.

19
 20 SECTION 11. Arkansas Code 7-4-102 is amended to read as follows:

21 7-4-102. ~~County boards of election commissioners—Election of members~~
 22 ~~—Oath~~ Election officers.

23 ~~(a)(1) The county chairman of the county committee of the majority~~
 24 ~~party and the county chairman of the county committee of the minority party~~
 25 ~~shall be members of the county board of election commissioners together with~~
 26 ~~one (1) additional or third member to be appointed by the State Board of~~
 27 ~~Election Commissioners.~~

28 ~~(2)(A) Provided, however, if the county chairman of a county~~
 29 ~~committee of the majority party or the minority party is an elected official~~
 30 ~~or is otherwise ineligible to serve as a member of the county board of~~
 31 ~~election commissioners, he or she shall not serve as a member of the county~~
 32 ~~board, but the county committee shall elect someone to serve in his or her~~
 33 ~~stead.~~

34 ~~(B) No elected official who serves as county party~~
 35 ~~chairman shall participate as a party officer in providing for or conducting~~
 36 ~~a party primary election in which his or her name appears on the ballot as a~~

1 ~~candidate for any office.~~

2 ~~(3) Any county chairman of a county committee of the majority~~
3 ~~party or the minority party may elect not to serve as a member of the county~~
4 ~~board, and the county committee shall appoint someone to serve in his or her~~
5 ~~stead.~~

6 ~~(b)(1) The third member for each of the county boards shall be~~
7 ~~appointed by the state board from a list of five (5) names submitted to the~~
8 ~~state board by the county committee of the majority party.~~

9 ~~(2)(A) The nominees shall be certified to the state board by the~~
10 ~~chairman of the county committee of the majority party.~~

11 ~~(B) The third members for each of the county boards shall~~
12 ~~be elected by a majority vote of the state board from the list of five (5)~~
13 ~~nominees submitted.~~

14 ~~(C) The list of five (5) nominees shall be certified and~~
15 ~~submitted to the state board by the majority party county committee chairman~~
16 ~~subsequent to the primary election but at least sixty (60) calendar days~~
17 ~~before any general election for state, district, or county office.~~

18 ~~(D) The third member of each county board shall be elected~~
19 ~~as aforesaid by the state board at least fifty (50) calendar days before any~~
20 ~~general election for state, district, or county office.~~

21 ~~(3) In the event of the failure of any county chairman of the~~
22 ~~county committee of the majority party to submit five (5) names in nomination~~
23 ~~for the third member of the county board within the time herein stipulated,~~
24 ~~the state board shall nominate and elect by majority vote any resident of the~~
25 ~~county as the third member at any time prior to the general election.~~

26 ~~(4) In the event that the identity of the county chairman of the~~
27 ~~county committee of the majority party is in dispute, the state board shall~~
28 ~~nominate and elect by majority vote the third member at any time prior to the~~
29 ~~general election.~~

30 ~~(5) The result of the state board's election for the third~~
31 ~~member shall be final.~~

32 ~~(c) Notification of the election of the third member of the county~~
33 ~~board shall be made in writing, over the signature of the chairman of the~~
34 ~~state board, and the state board shall mail to each of the elected county~~
35 ~~commissioners at his or her last known address a notice of his or her~~
36 ~~election and, in addition, shall mail to the clerks of the county courts a~~

1 ~~certificate of the appointment of the county commissioners.~~

2 ~~(d) Upon receipt of the certificate of the appointment, it shall be~~
 3 ~~the duty of the county clerk to cause to be sent to each of the county~~
 4 ~~commissioners, by registered mail, notice to appear before the clerk at least~~
 5 ~~thirty (30) days prior to the date of the general election to take and~~
 6 ~~subscribe to the oath prescribed by Arkansas Constitution, Article 19, § 20.~~
 7 ~~The oath shall be endorsed upon the certificate, and, when so endorsed, the~~
 8 ~~certificate shall be filed in the office of the county clerk and a duplicate~~
 9 ~~thereof forwarded to the Secretary of State.~~

10 ~~(e) The county board is deemed to consist of county officials, and its~~
 11 ~~members shall be immune from tort liability pursuant to § 21-9-301.~~

12 The following persons shall be election officers:

13 (1) An election judge;

14 (2) An election sheriff; and

15 (3) An election clerk.

16
 17 SECTION 12. Arkansas Code 7-4-103 is amended to read as follows:

18 7-4-103. ~~Vacancies on state and county boards~~ Election duties of the
 19 Secretary of State.

20 ~~(a) In the event of a vacancy or disqualification on the part of any~~
 21 ~~state or county chairman for either the majority or minority parties, the~~
 22 ~~state vice chairman or county vice chairman of the party in which the vacancy~~
 23 ~~occurs shall act as county chairman or state chairman as the case may be for~~
 24 ~~all of the purposes set out in §§ 7-4-101, 7-4-102, and this section until a~~
 25 ~~new county chairman or state chairman is selected by the parties.~~

26 ~~(b) In the event that no county chairman or county vice chairman has~~
 27 ~~been elected in any of the several counties of Arkansas for either the~~
 28 ~~majority party or minority party by the fiftieth calendar day before any~~
 29 ~~general election, then and in that event, the State Board of Election~~
 30 ~~Commissioners shall have authority to elect by majority vote qualified~~
 31 ~~persons from the county committee of the majority or minority party so~~
 32 ~~affected to fill the vacancies whether or not the vacancies are caused by~~
 33 ~~failure to elect or by death, resignation, or disqualification. However, all~~
 34 ~~appointments to fill the vacancies of the county boards of election~~
 35 ~~commissioners shall be terminated immediately upon the election of a county~~
 36 ~~chairman or county vice chairman qualified to serve upon the county board of~~

1 ~~election commissioners as provided in this section.~~

2 ~~(c) In the event of a vacancy or disqualification of any third member~~
3 ~~of a county board who was duly elected by the state board, the chair of the~~
4 ~~county committee of the majority party shall immediately notify the Chairman~~
5 ~~of the State Board of Election Commissioners of the vacancy or~~
6 ~~disqualification. Upon receipt of the notification, the chairman shall call a~~
7 ~~meeting of the state board, which shall fill the vacancy from the list of~~
8 ~~remaining nominees originally submitted by the county committee at any time~~
9 ~~prior to a general election, except that when the county committee did not~~
10 ~~submit the list of nominees at least sixty (60) calendar days before a~~
11 ~~general election, the state board shall nominate and elect by majority vote~~
12 ~~any resident of the county as the third member at any time prior to a general~~
13 ~~election.~~

14 The Secretary of State as chief election official of the State shall:

15 (1) Administer the statewide voter registration system;

16 (2) Prepare and disseminate instructions for the conduct of
17 elections to the county election coordinators;

18 (3) Advise local election officials as to the proper methods of
19 performing their duties;

20 (4) Designate at least one member of his or her staff to become
21 knowledgeable of the election laws as they pertain to elections in the State
22 of Arkansas and to aid the candidates and their agents in filing for
23 election.

24 (5) Prescribe the form of voter registration cards, blanks, and
25 records;

26 (6) Publish and keep up to date an election laws manual and such
27 other material as the Secretary of State may determine to be useful to
28 persons administering the election laws, and prepare condensed materials for
29 the use of election officials and officers;

30 (7) Report to each General Assembly any recommendations for
31 improvements in the election laws or their application;

32 (8) Receive all initiative and referendum petitions on state
33 measures and determine and certify the sufficiency of those petitions;

34 (9) Accept filings of candidates for state, district and federal
35 offices;

36 (10) Certify the names of all duly qualified candidates for

1 office to the county election coordinator for inclusion on the ballot;

2 (11) Require reports from the several county election
 3 coordinators as provided by law, or as the secretary of state considers
 4 necessary;

5 (12) Assist local election officials in fulfilling their duties
 6 if the Secretary of State determines that assistance is necessary and
 7 appropriate;

8 (13)(A) Conduct an annual forum to allow election officials from
 9 the counties to exchange ideas on the administration of elections, including
 10 issues related to cost savings and efficiency in the conduct of elections.

11 (B) The election officials shall be given the opportunity
 12 at the forum to make recommendations on proposed changes in the election
 13 laws; and

14 (14) Develop, implement, and provide a continuing program to
 15 educate voters, election officials, and election officers in the proper use
 16 of voting systems; and

17
 18 SECTION 13. Arkansas Code 7-4-104 is amended to read as follows:

19 ~~7-4-104. Lists of county chairpersons—Notification of vacancies~~
 20 ~~Duties of the State Board of Election Commissioners.~~

21 ~~(a)(1) It shall be the duty of the majority and minority parties to~~
 22 ~~keep on file with their respective state chairperson a complete list of all~~
 23 ~~of their respective county chairpersons.~~

24 ~~(2) It shall be the duty of the respective county chairpersons~~
 25 ~~of both the majority and minority parties to keep on file with the Secretary~~
 26 ~~of State a letter stating the name of the county chairpersons and to notify~~
 27 ~~promptly the Secretary of State of the death, resignation, disqualification,~~
 28 ~~or vacancy in the office of any county chairperson and of the election of a~~
 29 ~~new chairperson to fill the vacancy thus created.~~

30 ~~(b) It shall be the duty of the Secretary of State to keep the letters~~
 31 ~~containing the names of the county chairpersons of the majority and minority~~
 32 ~~parties as public records open at all times to public inspection.~~

33 (a) The State Board of Election Commissioners shall:

34 (1) Publish a candidate's election handbook, in conjunction with
 35 the Secretary of State and the Arkansas Ethics Commission, that outlines in a
 36 readable and understandable format the legal obligations of a candidate and

1 any other suggestions that might be helpful to a candidate in complying with
2 state election law;

3 (2) Conduct statewide training for election officers, county
4 election coordinators and county election commissioners;

5 (3) Adopt all necessary rules regarding training conducted by
6 the board and develop procedures for monitoring attendance;

7 (4) Monitor all election law-related legislation;

8 (5) Formulate, adopt, and promulgate all necessary rules to
9 assure even and consistent application of voter registration laws and fair
10 and orderly election procedures;

11 (6)(A) Appoint certified election monitors to any county upon a
12 signed, written request under oath filed with the State Board of Election
13 Commissioners and a determination by the State Board of Election
14 Commissioners that appointing a monitor is necessary.

15 (B) Certified election monitors shall serve as observers
16 for the purpose of reporting to the State Board of Election Commissioners on
17 the conduct of the election.

18 (C) The State Board of Election Commissioners may allow
19 for reasonable compensation for election monitors;

20 (7) Assist the county board of election commissioners in the
21 performance of administrative duties of the election process if the board
22 determines that assistance is necessary and appropriate;

23 (8)(A) Formulate, adopt, and promulgate all necessary rules to
24 establish uniform and nondiscriminatory administrative complaint procedures
25 consistent with the requirements of Title IV of the federal Help America Vote
26 Act.

27 (B) The cost of compliance with Title IV of the federal
28 Help America Vote Act shall be paid from the fund established to comply with
29 the federal Help America Vote Act;

30 (9) Investigate alleged violations, render findings, and impose
31 disciplinary action for violations of election and voter registration laws,
32 except as to § [7-1-103\(a\)\(1\)-\(4\)](#), [\(6\)](#), and [\(7\)](#), and except for any matters
33 relating to campaign finance and disclosure laws which the Arkansas Ethics
34 Commission may enforce according to §§ [7-6-217](#) and [7-6-218](#);

35 (10) Examine and approve in accordance with §§ [7-5-503](#) and [7-5-](#)
36 [606](#) the types of voting machines and electronic vote tabulating devices used

1 in any election; and

2 (1) Administer reimbursement of election expenses to counties
 3 in accordance with § 7-7-201(a) for primary elections, statewide special
 4 elections, and nonpartisan judicial general elections.

5 (b) The Attorney General shall provide legal assistance to the board
 6 in answering questions regarding election laws.

7 (c)(1) The board may appoint a director, who may hire a staff.

8 (2) The director shall serve at the pleasure of the board.

9 (3) The board shall set the personnel policies in accordance
 10 with the Regular Salary Procedures and Restrictions Act, § 21-5-101 et seq.,
 11 and the Uniform Classification and Compensation Act, § 21-5-201 et seq.

12
 13 SECTION 14. Arkansas Code 7-4-105 is amended to read as follows:

14 ~~7-4-105. County board of election commissioners—Officers—Meetings~~
 15 ~~Election duties of the county clerk.~~

16 ~~(a) The county board of election commissioners shall hold office until~~
 17 ~~their successors are appointed and qualified. The commissioners shall meet at~~
 18 ~~the courthouse at least thirty (30) days prior to the general election and~~
 19 ~~shall organize themselves into a county board of election commissioners by~~
 20 ~~electing one (1) member chairman. Each commissioner shall have one (1) vote.~~
 21 ~~Two (2) commissioners shall constitute a quorum, and the concurring votes of~~
 22 ~~any two (2) shall decide questions before them unless otherwise provided by~~
 23 ~~law.~~

24 ~~(b) The chair of a county board of election commissioners shall notify~~
 25 ~~all commissioners of all meetings. Any meeting of two (2) or more~~
 26 ~~commissioners when official business is conducted shall be public and held~~
 27 ~~pursuant to the Freedom of Information Act of 1967, § 25-19-101 et seq. The~~
 28 ~~county board shall keep minutes of all meetings when official business is~~
 29 ~~conducted, and the minutes shall be filed of record with the county clerk.~~

30 The county clerk as the permanent registrar of voters in his or her
 31 county shall:

32 (1) Register qualified individuals to vote;

33 (2) Maintain the voter registration list for his or her county
 34 pursuant to instructions from the Secretary of State;

35 (3) Conduct early voting as may be required by law;

36 (4) Conduct absentee voting;

1 (5) Provide the Secretary of State with reports as required by
2 law; and

3 (6) Perform other duties required by law.

4
5 SECTION 15. Arkansas Code 7-4-106 is amended to read as follows:

6 7-4-106. ~~Assistance of prosecuting attorney~~ Duties of county board of
7 election commissioners.

8 ~~(a) The county board of election commissioners, as created by this~~
9 ~~subchapter, may call upon the prosecuting attorney or his deputy for legal~~
10 ~~opinions, advice, or assistance in defending, commencing, or appealing civil~~
11 ~~actions at law and equity.~~

12 ~~(b) The county or prosecuting attorney shall defend any civil lawsuit~~
13 ~~brought against the county board, or its members, if they are sued in regard~~
14 ~~to acts or omissions made during the course of their official duties.~~

15 The county board of election commissioners shall:

16 (1) Employ a county election coordinator and supervise the
17 county election coordinator in his or her election duties;

18 (2) Receive election returns from the various polling places in
19 their respective counties;

20 (3) Canvass the returns, count ballots, and tally the counts
21 from all polling places;

22 (4) Declare preliminary and unofficial results as soon as
23 practicable after all elections;

24 (5) Determine whether the votes of provisional voters should be
25 counted;

26 (6) Certify the final results of all elections;

27 (7) Transmit preliminary and unofficial results and certified
28 results to the county election coordinator;

29 (8) File an affidavit of compliance with the State Board of
30 Election Commissioners fifteen (15) days following any regularly scheduled
31 preferential primary, general, or statewide special election in a form
32 approved by the State Board of Election Commissioners to the effect that all
33 duties and responsibilities of the county election commissioner have been
34 complied with; and

35 (9) Perform other duties required by law.

36

1 SECTION 16. Arkansas Code 7-4-107, as amended by Act 222 of the 2007
2 Regular Session, is amended to read as follows:

3 7-4-107. ~~Duties of county board of election commissioners—Ballot~~
4 ~~boxes—Voting booths—Appointment of election officers~~ Duties of election
5 judges.

6 ~~(a) The county board of election commissioners shall proceed to~~
7 ~~establish and allocate a sufficient number of ballot boxes in each precinct~~
8 ~~or polling site. The county board shall appoint the requisite number of~~
9 ~~election officials at each site where voters present themselves to vote to~~
10 ~~ensure that there is a sufficient number of election officials at each site,~~
11 ~~based upon the votes in the immediately preceding comparable election.~~

12 ~~(b)(1) It shall be the duty of the county board to select and appoint~~
13 ~~a sufficient number of election officials for each polling site as provided~~
14 ~~by subsection (a) of this section and to perform the other duties prescribed~~
15 ~~not fewer than twenty (20) days preceding an election.~~

16 ~~(2) Each polling site shall have a minimum of two (2)~~
17 ~~election clerks, one (1) election judge, and one (1) election sheriff. For~~
18 ~~all regularly scheduled elections, at least one (1) election official at each~~
19 ~~polling site shall have attended election training coordinated by the State~~
20 ~~Board of Election Commissioners within twelve (12) months prior to the~~
21 ~~election. The minority party election commissioner shall have the option to~~
22 ~~designate a number of election officials equal to one (1) less than the~~
23 ~~majority of election officials at each polling site, with a minimum of two~~
24 ~~(2) election officials at each polling site. In the event that the county~~
25 ~~party representatives on the county board fail to agree upon any election~~
26 ~~official to fill any election post allotted to the respective party twenty~~
27 ~~(20) days before the election, the county board shall appoint the remaining~~
28 ~~election officials.~~

29 ~~(c) The county board shall certify to the county court the per diem of~~
30 ~~election officials and the mileage of the election official carrying the~~
31 ~~returns to the county election commissioners' office for allowance.~~

32 ~~(d) The county board may permit election officials to work half-day or~~
33 ~~split shifts at the polls at any election so long as the requisite number of~~
34 ~~election officials is always present.~~

35 ~~(e) Fifteen (15) days following any regularly scheduled preferential~~
36 ~~primary, general, or statewide special election, each county election~~

~~1 commissioner shall file an affidavit with the State Board of Election
2 Commissioners in a form approved by the State Board of Election Commissioners
3 to the effect that all duties and responsibilities of the county election
4 commissioner have been complied with.~~

5 Each election judge shall:

6 (1) Be present at the polling place from the opening of the poll
7 to the close of the poll, and for the exposure of the count of the vote, if
8 voting machines, electronic tabulating devices or hand-counted paper ballots
9 are used at the polling place, and for the preparation of the ballots for
10 transportation to the central counting location if central tabulation is
11 used;

12 (2) Be in charge of and responsible for the management and
13 conduct of the election at the polling place under the direction of the
14 election coordinator; and

15 (3) Perform other duties as assigned or as required by law.

16
17 SECTION 17. Arkansas Code 7-4-108 is amended to read as follows:

18 ~~7-4-108. Absence of election officials—Filling vacancy~~ Duties of
19 election sheriffs.

20 ~~If any election official shall be absent at the time fixed for the~~
21 ~~opening of the polls, then the other election officials shall appoint some~~
22 ~~person or persons having the qualifications prescribed by this act for~~
23 ~~election officials to supply the vacancy; and if all of the officials shall~~
24 ~~be absent, then the voters present shall elect as election officials persons~~
25 ~~having the required qualifications. The county board of election~~
26 ~~commissioners shall be notified of any vacancies and substitutions of~~
27 ~~election officials.~~

28 Each election sheriff shall:

29 (1) Be present at the polling place from the opening of the poll
30 to the close of the poll, and for the exposure of the count of the vote, if
31 voting machines, electronic tabulating devices or hand-counted paper ballots
32 are used at the polling place, and for the preparation of the ballots for
33 transportation to the central counting location if central tabulation is
34 used;

35 (2) Maintain order and ensure enforcement of the election laws
36 under the direction of the election coordinator; and

1 (3) Perform other duties as assigned or as required by law.

2
3 SECTION 18. Arkansas Code 7-4-109 is amended to read as follows:

4 7-4-109. ~~Qualifications of state and county commissioners and other~~
5 ~~election officials~~ Duties of election clerks.

6 ~~(a)(1) The members of the State Board of Election Commissioners, the~~
7 ~~members of each county board of election commissioners, and election~~
8 ~~officials shall be qualified electors of this state, able to read and write~~
9 ~~the English language, and shall not have been found guilty or pleaded guilty~~
10 ~~or nolo contendere to the violation of any election law of this state.~~

11 ~~(2) No election official, as defined in § 7-1-101, shall be a~~
12 ~~candidate for any office to be filled at any election while serving as an~~
13 ~~election official.~~

14 ~~(3) A member of the county board of election commissioners shall~~
15 ~~not be disqualified from serving as a member of the county board by the~~
16 ~~appearance on the ballot as a candidate for a position in his or her~~
17 ~~political party.~~

18 ~~(b) Furthermore, all members of each county board shall be residents~~
19 ~~of the county in which they serve at the time of their appointment or~~
20 ~~election. All election officials shall be residents of the precincts in which~~
21 ~~they serve at the time of their appointment. However, if at the time of~~
22 ~~posting election officials, the county board by unanimous vote shall find~~
23 ~~that it is impossible to obtain qualified election officials from any~~
24 ~~precinct or precincts and shall make certification of that finding to the~~
25 ~~county clerk, then other qualified citizens of the county may be designated~~
26 ~~to serve in the precinct or precincts.~~

27 ~~(c) No person who is a paid employee of any political party or of any~~
28 ~~person running for any office shall be eligible to be a member of a county~~
29 ~~board or an election official.~~

30 ~~(d) No person may serve as an election official if married to or~~
31 ~~related within the second degree of consanguinity to any candidate running~~
32 ~~for office in the current election if objection to his or her service is made~~
33 ~~to the county board within ten (10) calendar days after posting the list of~~
34 ~~officials.~~

35 ~~(e)(1) Prior to the regularly scheduled preferential primary election,~~
36 ~~each member of the county board of election commissioners for each county and~~

1 ~~at least two (2) election officials per polling site designated by the county~~
 2 ~~board for each county shall attend election training coordinated by the state~~
 3 ~~board.~~

4 ~~(2) The state board shall determine the method and amount of~~
 5 ~~compensation for attending the training.~~

6 Each election clerk shall:

7 (1) Be present at the polling place during the hours assigned by
 8 the county election coordinator;

9 (2) Process and facilitate voting as required by law;

10 (3) Count, tally, and tabulate votes as required by law, if so
 11 assigned by the county election coordinator at the request of the county
 12 board of election commissioners; and

13 (4) Perform other duties as assigned or as required by law.

14
 15 SECTION 19. Arkansas Code 7-4-110 is amended to read as follows:

16 7-4-110. ~~Oath of election officers~~ County election coordinator.

17 ~~(a) The election officials, before entering on their duties, shall~~
 18 ~~take, before some person authorized by law to administer oaths, the following~~
 19 ~~oath:~~

20 ~~"I, _____, do swear that I will perform the duties of an~~
 21 ~~election official of this election according to law and to the best of my~~
 22 ~~abilities, and that I will studiously endeavor to prevent fraud, deceit, and~~
 23 ~~abuse in conducting the same, and that I will not disclose how any voter~~
 24 ~~shall have voted, unless required to do so as a witness in a judicial~~
 25 ~~proceeding or a proceeding to contest an election."~~

26 ~~(b) In case there shall be no person present at the opening of any~~
 27 ~~election authorized to administer oaths, it shall be lawful for the election~~
 28 ~~officials to administer the oath to each other, and the election officials~~
 29 ~~shall have full power and authority to administer all oaths that may be~~
 30 ~~necessary in conducting any election.~~

31 (a) Each county shall appoint a county election coordinator.

32 (b)(1) The county election coordinator shall be selected by majority
 33 vote of a committee composed of the county board of election commissioners,
 34 the county judge and the county clerk.

35 (2) The county election coordinator shall serve as county
 36 election coordinator at the pleasure of and under the supervision and

1 direction of the county board of election commissioners.

2 (c) Each county election coordinator shall receive periodic training
3 provided by the State Board of Election Commissioners.

4 (d)(1) A county shall be subject to the sanctions provided in this
5 section after May 1, 2008 unless its county election coordinator is certified
6 in election administration by the State Board of Election Commissioners.

7 (2) The requirement for certification ~~is~~ shall be waived if the:

8 (A) County is required to fill a vacancy in the county
9 election coordinator's position less than three (3) months before a regularly
10 scheduled primary or general election;

11 (B) Person selected to fill the vacancy has not been able
12 to pass the test for certification during that three-month period;

13 (C) County board of election commissioners submits a
14 request for waiver within three (3) days of the election; and

15 (D) Request for waiver contains a plan for filling the
16 vacancy with a certified county election coordinator as soon as possible.

17 (3) A county that employs a county election coordinator who is
18 not certified by the State Board of Election Commissioners shall not receive
19 state funding that may be provided for county election coordinators, unless
20 the requirement for certification is waived by the State Board of Election
21 Commissioners.

22 (4) A county that employs a person as a county election
23 coordinator who is not certified by the State Board of Election Commissioners
24 during a preferential primary election or general primary election shall be
25 responsible for the entire cost of the respective primary election unless the
26 requirement for certification is waived by the State Board of Election
27 Commissioners.

28 (5) A county that employs a person as a county election
29 coordinator who is not certified by the State Board of Election Commissioners
30 during a general election shall be responsible for the entire cost of the
31 next ensuing regularly scheduled preferential primary election unless the
32 requirement for certification is waived by the State Board of Election
33 Commissioners.

34 (e)(1) The county election coordinator shall be:

35 (A) A full-time employee of the county whose primary duty
36 is the administration of elections in the county;

1 (B) A part-time employee of the county whose primary duty
 2 is the administration of elections in the county; or

3 (C) A contractor engaged to administer elections in the
 4 county.

5 (2) If the county clerk approves, the county election
 6 coordinator may be a deputy county clerk whose primary duty is the
 7 administration of elections and who is supervised by the county board of
 8 election commissioners with regard to the administration of elections.

9 (f) The county may employ additional staff or utilize existing county
 10 employees to assist the county election coordinator and the county clerk or
 11 any of the members of the county board of election commissioners may assist
 12 the county election coordinator.

13
 14 SECTION 20. Arkansas Code 7-4-111 is amended to read as follows:

15 7-4-111. ~~Compensation of board members~~ Duties of county election
 16 coordinators.

17 ~~(a) The State Board of Election Commissioners may receive expense~~
 18 ~~reimbursement and stipends in accordance with § 25-16-901 et seq.~~

19 ~~(b) Each member of the county board of election commissioners shall~~
 20 ~~receive for services the sum of not less than twenty-five dollars (\$25.00)~~
 21 ~~per public meeting when official business is conducted.~~

22 (a) Each county election coordinator shall carry out the election
 23 policies of the county board of election commissioners and shall be
 24 supervised in his or her election duties by the county board of election
 25 commissioners.

26 (b) The county election coordinators shall:

27 (1) Conduct all elections in his or her county;

28 (2) Conduct early voting when required by law;

29 (3) Provide for polling places and appoint election officers for
 30 the polling places;

31 (4) Provide for ballots and for the distribution of ballots to
 32 the polling places;

33 (5) Keep, maintain and provide for programming for all voting
 34 machines, counting and tabulating devices, and other election-related devices
 35 and materials;

36 (6) If requested by the board, provide assistance to the county

1 board to count and tally votes and certify the election;

2 (7) Obtain a suitable space for the county board to canvass the
3 returns;

4 (8) Transmit preliminary and unofficial election results and the
5 certification of elections to the Secretary of State when required by law;

6 (9) Provide the Secretary of State and the county board of
7 election commissioners with reports as may be required by law or by request
8 of the Secretary of State or county board of election commissioners;

9 (10) Be the single point of contact for election-related
10 communications from state and federal election officials and administrators
11 to county election officials;

12 (11) File an affidavit of compliance with the State Board of
13 Election Commissioners fifteen (15) days following any regularly scheduled
14 preferential primary, general, or statewide special election in a form
15 approved by the State Board of Election Commissioners to the effect that all
16 duties and responsibilities of the county election coordinator have been
17 complied with; and

18 (12) Perform other duties as assigned or may be required by law.

19 (b)(1) The county board of election commissioners shall meet whenever
20 necessary for the county election coordinator to report to the county board
21 of election commissioners and to the county clerk regarding all
22 communications, rules, regulations and instructions the county election
23 coordinator may receive from state or federal election agencies.

24 (2)(A) The county board of election commissioners shall
25 designate an alternate contact to serve as the single point of contact when
26 the county election coordinator cannot be contacted by state or federal
27 election officials or administrators.

28 (B) The alternate contact may be the county clerk or a
29 deputy county clerk, if approved by the county clerk.

30 (C) The alternate contact shall be a full-time county
31 employee.

32 (c) Not later than ten (10) days after a county election coordinator
33 is employed or designated by the election commission, the commission shall
34 provide to the Secretary of State and the State Board of Election
35 Commissioners a written document stating:

36 (1) The name of the county election coordinator;

- (2) The county election coordinator's address;
- (3) Any telephone numbers, including fax numbers;
- (4) The county election coordinator's email address;
- (5) Alternate contact information; and
- (6) Emergency and after-business hours contact information.

SECTION 21. Arkansas Code 7-4-112 is amended to read as follows:

~~7-4-112. Compensation of election officials~~ Qualifications of members of State Board of Election Commissioners, county board of election commissioners, election judges, election sheriffs, and election clerks.

~~(a) The election officials shall receive a minimum of the prevailing federal minimum wage for holding an election, or such greater amount as may be appropriated.~~

~~(b) In addition, each election official carrying election materials to and from the polling sites shall be allowed mileage at such rate as may be appropriated but not to exceed the rate prescribed for state employees in state travel regulations.~~

A member of the State Board of Election Commissioners, county boards of election commissioners, election judges, election sheriffs, and election clerks shall:

- (1) Be a registered voter in the county where he or she serves;
- (2) Be able to read and write the English language;
- (3) Not be a candidate for a civil office to be filled at any election while serving as ~~an~~ election officials and officers; ~~and~~
- (4) Not be a paid employee of any political party or of any person running for any civil office; and
- (5) Not have been found guilty or pleaded nolo contendere to the violation of any election laws of this state.

SECTION 22. Arkansas Code 7-4-113 is amended to read as follows:

~~7-4-113. Record of funds and expenditures~~ Qualifications of election coordinators.

~~The county board of election commissioners of each county shall maintain a record of all funds the county board receives and all expenditures of the county board. These records shall be open to the public under the provisions of the Freedom of Information Act of 1967, § 25-19-101 et seq.~~

1 A county election coordinator shall:

2 (1) Be able to read and write the English language;

3 (2) Not be a candidate for any civil office to be filled at any
4 election while serving as an election official;

5 (3) Not be a paid employee of any political party or of any
6 person running for any civil office, except the county clerk; and

7 (4) Be certified by the State Board of Election Commissioners as
8 a county election coordinator as required by law.

9
10 SECTION 23. Arkansas Code 7-4-114 is amended to read as follows:

11 7-4-114. ~~Filling vacancy of an elected office—Effect~~ Disqualification
12 by relation of county election coordinators, election officers, and county
13 board members related to candidates.

14 ~~Any member of a county board of election commissioners may be appointed~~
15 ~~to fill a vacancy in an elected office without vacating his seat on the~~
16 ~~county board. The member shall not be eligible for reelection to the office~~
17 ~~when the term expires.~~

18 (a)(1) A county election coordinator, election officer or county board
19 member who is the spouse, parent, father-in-law, mother-in-law, child, son-
20 in-law, daughter-in-law, grandparent, grandchild, brother, sister, brother-
21 in-law, sister-in-law, uncle, aunt, nephew, or niece of a candidate or
22 declared write-in candidate to be voted for at the election in that precinct
23 shall be disqualified if challenged by any registered voter of the county.

24 (2)(A) No later than fifteen (15) days before the election, the
25 county election coordinator shall file with the county clerk, and the county
26 clerk shall post in a public place in the county clerk's office the list of
27 all election judges, election sheriffs, election clerks, the county election
28 coordinator and members of the county board.

29 (B) The document containing the list shall also include
30 notice of the procedure for challenging the qualifications of the election
31 officials and officers included on the list.

32 (3) The challenge of an election officer shall be delivered in
33 writing to the county election coordinator no later than the close of
34 business of the clerk's office five (5) days after the list of election
35 officials is posted at the county clerks office.

36 (b) Upon determination by the county election coordinator that the

1 challenged election officer is disqualified, the county election coordinator
 2 shall revoke the appointment of the disqualified election officer and, if
 3 necessary, appoint an additional qualified election officer if needed for the
 4 efficient administration of the election.

5 (c) The challenge of a member of the county board or the election
 6 coordinator shall be delivered in writing to the county clerk, no later than
 7 the close of business of the county clerk's office five (5) days after the
 8 list of election officials and officers is posted at the county clerk's
 9 office, and the clerk shall immediately notify the challenged board member or
 10 election coordinator and the prosecuting attorney of the challenge.

11 (d)(1) This section disqualifies a person whose relationship to the
 12 candidate is the result of birth, marriage, or adoption.

13 (2) This section does not disqualify a person if the candidate
 14 to whom the person is related is an unopposed candidate.

15 (3) For purposes of this section, an "unopposed candidate"
 16 includes an individual whose nomination to an office at a primary election is
 17 unopposed by any other candidate within the same political party.

18
 19 SECTION 24. Arkansas Code 7-4-115 is amended to read as follows:

20 7-4-115. Legislative intent Training of election officials and
 21 officers.

22 ~~Due to the recent United States Eighth Circuit Court of Appeals ruling~~
 23 ~~in Jones v. Conway County, Arkansas, 143 F.3d 417 (8th Cir. 1998), the status~~
 24 ~~of county election commissioners as either county officials or state~~
 25 ~~officials has become unclear. Because of this lack of clarity, there has been~~
 26 ~~much confusion as to whether or not county election commissioners should have~~
 27 ~~been or currently are immune from suit under the state's policy of tort~~
 28 ~~immunity. It is the intent of the General Assembly to clarify the official~~
 29 ~~status of county election commissioners. Prior to July 30, 1999, county~~
 30 ~~election commissioners were state officials and, as such, were immune from~~
 31 ~~suit pursuant to Arkansas Constitution, Article 5, § 20, and § 19-10-305.~~
 32 ~~Upon July 30, 1999, county election commissioners are hereby deemed to be~~
 33 ~~county officials and are immune from suit pursuant to § 21-9-301.~~

34 (a) The State Board of Election Commissioners shall establish a
 35 program to train county boards of election commissioners, county election
 36 coordinators, and election officers in the administration of elections in

1 this state.

2 (b) The state board shall provide curriculum materials to county
3 election coordinators to train election officers regarding their duties.

4 (c) At least one (1) election officer at each polling place shall have
5 attended training coordinated by the state board.

6
7 SECTION 25. Arkansas Code §§ 7-4-116 – 7-4-118 are repealed.

8 ~~7-4-116. Election poll workers program for high school students.~~

9 ~~(a)(1) The county board of election commissioners may conduct a~~
10 ~~special election day program for high school students in one (1) or more~~
11 ~~polling places designated by the county board.~~

12 ~~(2) The high school students shall be selected by the county~~
13 ~~board in cooperation with the local high school principal, the local 4-H~~
14 ~~club, the local Boy Scout club, the local Girl Scout club, or any other local~~
15 ~~organization for youth designated by the county board.~~

16 ~~(3)(A) A high school student selected for this program who has~~
17 ~~not reached his or her eighteenth birthday by the election day in which he or~~
18 ~~she is participating shall be called an election page.~~

19 ~~(B) A high school student selected for this program who~~
20 ~~has reached his or her eighteenth birthday by the election day in which he or~~
21 ~~she is participating and meets the qualifications in § 7-4-109 may be an~~
22 ~~election official.~~

23 ~~(b) The program shall:~~

24 ~~(1) Be designed to stimulate the students' interest in elections~~
25 ~~and registering to vote;~~

26 ~~(2) Provide assistance to the officers of election; and~~

27 ~~(3) Assist in the safe entry and exit of elderly voters and~~
28 ~~voters with disabilities from the polling place.~~

29 ~~(c)(1) Each student selected as an election page shall:~~

30 ~~(A) Be excused from school while working as an election~~
31 ~~page;~~

32 ~~(B) Serve under the direct supervision of the election~~
33 ~~officials at his or her assigned polling place; and~~

34 ~~(C) Observe strict impartiality at all times.~~

35 ~~(2) An election page may observe the electoral process and seek~~
36 ~~information from the election officers but shall not handle or touch ballots.~~

1 ~~voting machines, or any other official election materials or enter any voting~~
2 ~~booth.~~

3 ~~(3) An election page shall be in a volunteer position and shall~~
4 ~~not receive any compensation for performing his or her duties.~~

5 ~~(4) Before beginning any duties, an election page shall take,~~
6 ~~before an election official, the following oath:~~

7
8 ~~"I, _____, do swear that I will perform the duties of an election page~~
9 ~~of this election according to law and to the best of my abilities, and that I~~
10 ~~will studiously endeavor to prevent fraud, deceit, and abuse, and that I will~~
11 ~~not disclose how any voter shall have voted, unless required to do so as a~~
12 ~~witness in a judicial proceeding or a proceeding to contest an election."~~

13 ~~(d)(1) Each student selected to be an election official shall:~~

14 ~~(A) Take the oath of the election officials in § 7-4-110;~~

15 ~~(B) Serve under the supervision of the appropriate county~~
16 ~~board of election commissioners;~~

17 ~~(C) Observe strict impartiality at all times; and~~

18 ~~(D) Be excused from school while working as an election~~
19 ~~official.~~

20 ~~(2) A high school student selected to be an election official~~
21 ~~may be compensated according to § 7-4-112 if the county board of election~~
22 ~~commissioners determines that the high school students selected to be~~
23 ~~election officials should be compensated.~~

24

25 ~~7-4-117. Election poll workers program for college students.~~

26 ~~(a)(1) The county board of election commissioners may conduct an~~
27 ~~election day program for college students in one (1) or more polling places~~
28 ~~designated by the county board.~~

29 ~~(2)(A) The college students shall be selected by the county~~
30 ~~board from any two-year or four-year college or university in the state.~~

31 ~~(B) The county board shall work in cooperation with the~~
32 ~~student government associations of the colleges and universities in selecting~~
33 ~~the students for the program and conducting seminars concerning election~~
34 ~~procedures for students interested in the program.~~

35 ~~(3)(A) A college student selected for this program who has not~~
36 ~~reached his or her eighteenth birthday by the election day in which he or she~~

1 ~~is participating shall be called an election page.~~

2 ~~(B) A college student selected for this program who has~~
 3 ~~reached his or her eighteenth birthday by the election day in which he or she~~
 4 ~~is participating and meets the qualifications in § 7-4-109 shall be an~~
 5 ~~election official.~~

6 ~~(b) The program shall:~~

7 ~~(1) Be designed to stimulate the students' interest in elections~~
 8 ~~and in registering to vote;~~

9 ~~(2) Provide assistance to the officers of the election; and~~

10 ~~(3) Assist in the safe entry and exit of elderly voters and~~
 11 ~~voters with disabilities from the polling place.~~

12 ~~(c)(1) Each student selected as an election page shall:~~

13 ~~(A) Serve under the direct supervision of the election~~
 14 ~~officials at his or her assigned polling place; and~~

15 ~~(B) Observe strict impartiality at all times.~~

16 ~~(2) An election page may observe the electoral process and seek~~
 17 ~~information from the election officers but shall not handle or touch ballots,~~
 18 ~~voting machines, or any other official election materials or enter any voting~~
 19 ~~booth.~~

20 ~~(3) An election page shall be in a volunteer position and shall~~
 21 ~~not receive any compensation for performing his or her duties.~~

22 ~~(4) Before beginning any duties, an election page shall take,~~
 23 ~~before an election official, the following oath:~~

24
 25 ~~"I, _____, do swear that I will perform the duties of an election page~~
 26 ~~of this election according to law and to the best of my abilities, and that I~~
 27 ~~will studiously endeavor to prevent fraud, deceit, and abuse, and that I will~~
 28 ~~not disclose how any voter shall have voted unless required to do so as a~~
 29 ~~witness in a judicial proceeding or a proceeding to contest an election."~~

30 ~~(d)(1) Each student selected to be an election official shall:~~

31 ~~(A) Take the oath of the election officials in § 7-4-110;~~

32 ~~(B) Serve under the supervision of the appropriate county~~
 33 ~~board of election commissioners; and~~

34 ~~(C) Observe strict impartiality at all times.~~

35 ~~(2) A college student selected to be an election official shall~~
 36 ~~be compensated according to § 7-4-112.~~

1

2 ~~7-4-118. Complaints of election law violations.~~3 ~~(a)(1) The State Board of Election Commissioners may investigate~~
4 ~~alleged violations, render findings, and impose disciplinary action according~~
5 ~~to this subchapter for violations of election and voter registration laws,~~
6 ~~except:~~7 ~~(A) For the provisions in § 7-1-103(a)(1)-(4), (6), and~~
8 ~~(7); and~~9 ~~(B) For any matters relating to campaign finance and~~
10 ~~disclosure laws that the Arkansas Ethics Commission shall have the power and~~
11 ~~authority to enforce according to §§ 7-6-217 and 7-6-218.~~12 ~~(2) For purposes of subdivision (a)(1), the board may file a~~
13 ~~complaint.~~14 ~~(3) A complaint must be filed with the board in writing within~~
15 ~~thirty (30) days of the alleged violation.~~16 ~~(4) A complaint must clearly state the alleged election~~
17 ~~irregularity or illegality, when and where the alleged activity occurred, the~~
18 ~~supporting facts surrounding the allegations, and the desired resolution.~~19 ~~(5) A complaint must be signed by the complainant under penalty~~
20 ~~of perjury.~~21 ~~(6)(A) Filing of a frivolous complaint is considered a violation~~
22 ~~of this subchapter.~~23 ~~(B) For purposes of this section, "frivolous" means~~
24 ~~clearly lacking any basis in fact or law.~~25 ~~(b)(1) Upon receipt by the board of a complaint stating facts~~
26 ~~constituting violation of election or voter registration laws under its~~
27 ~~jurisdiction signed under penalty of perjury, the board shall proceed to~~
28 ~~investigate the alleged violation.~~29 ~~(2) The board may determine that:~~30 ~~(A) The complaint can be disposed of through documentary~~
31 ~~submissions; or~~32 ~~(B) An investigation is necessary.~~33 ~~(3) The board may forward the complaint, along with the~~
34 ~~information and documentation as deemed appropriate, to the proper authority.~~35 ~~(4)(A) If the board determines that an investigation is~~
36 ~~necessary, the board shall provide a copy of the complaint with instructions~~

1 ~~regarding the opportunity to respond to the complaint to the party against~~
2 ~~whom the complaint is lodged.~~

3 ~~(B) The board may administer oaths for the purpose of~~
4 ~~taking sworn statements from any person thought to have knowledge of any~~
5 ~~facts pertaining to the complaint.~~

6 ~~(C) The board may request the party against whom the~~
7 ~~complaint is lodged to answer allegations in writing, produce relevant~~
8 ~~evidence, or appear in person before the board.~~

9 ~~(D) The board may subpoena any person or the books,~~
10 ~~records, or other documents relevant to an inquiry by the board that are~~
11 ~~being held by any person and take sworn statements.~~

12 ~~(E) The board shall provide the subject of the subpoena~~
13 ~~with reasonable notice of the subpoena and an opportunity to respond.~~

14 ~~(F) The board shall advise in writing the complainant and~~
15 ~~the party against whom the complaint is lodged of the final action taken.~~

16 ~~(c) If the board finds that probable cause exists for finding a~~
17 ~~violation of election or voter registration laws under its jurisdiction, the~~
18 ~~board may determine that a full public hearing be called.~~

19 ~~(d) If the board finds a violation of election or voter registration~~
20 ~~laws under its jurisdiction, then the board may do one (1) or more of the~~
21 ~~following:~~

22 ~~(1) Issue a public letter of caution, warning, or reprimand;~~

23 ~~(2) Impose a fine of not less than twenty-five dollars (\$25.00)~~
24 ~~nor more than one thousand dollars (\$1,000) for each negligent or intentional~~
25 ~~violation;~~

26 ~~(3) Report its findings, along with the information and~~
27 ~~documents as it deems appropriate, and make recommendations to the proper law~~
28 ~~enforcement authorities; or~~

29 ~~(4) Assess costs for the investigation and hearing.~~

30 ~~(e)(1) The board shall adopt rules governing the imposition of the~~
31 ~~finer in accordance with the provisions of the Arkansas Administrative~~
32 ~~Procedure Act, § 25-15-201 et seq.~~

33 ~~(2)(A) The board may file suit in the Pulaski County Circuit~~
34 ~~Court or in the circuit court of the county in which the debtor resides or,~~
35 ~~according to the Small Claims Procedure Act, § 16-17-601 et seq., in the~~
36 ~~small claims division of any district court in the State of Arkansas to~~

1 ~~obtain a judgment for the amount of any fine imposed according to its~~
 2 ~~authority.~~

3 ~~(B) The action by the court shall not involve further~~
 4 ~~judicial review of the board's actions.~~

5 ~~(C) The fee normally charged for the filing of a suit in~~
 6 ~~any of the circuit or district courts in the State of Arkansas shall be~~
 7 ~~waived on behalf of the board.~~

8 ~~(3) All moneys received by the board in payment of fines shall~~
 9 ~~be deposited in the State Treasury as general revenues.~~

10 ~~(f)(1) The board shall complete its investigation of a complaint filed~~
 11 ~~according to this section and take final action within one hundred eighty~~
 12 ~~(180) days of the filing of the complaint.~~

13 ~~(2) However, if a hearing under subsection (c) of this section~~
 14 ~~is conducted, all action on the complaint by the board shall be completed~~
 15 ~~within two hundred forty (240) days.~~

16 ~~(3) Any final action of the board under this section shall~~
 17 ~~constitute an adjudication for purposes of judicial review under § 25-15-212.~~

18 ~~(g)(1) The board shall keep a record of all inquiries, investigations,~~
 19 ~~and proceedings.~~

20 ~~(2) Records relating to investigations by the board are exempt~~
 21 ~~from the Freedom of Information Act of 1967, § 25-19-101 et seq., until a~~
 22 ~~hearing is set or the director's investigation is closed.~~

23 ~~(3) The board may disclose, through its members or staff,~~
 24 ~~otherwise confidential information to proper law enforcement officials,~~
 25 ~~agencies, and bodies as may be required to conduct its investigation.~~

26

27 SECTION 26. Arkansas Code Title 7, Chapter 4, Subchapter 1 is amended
 28 to add additional sections to read as follows:

29 7-4-119. State Board of Election Commissioners.

30 (a) The State Board of Election Commissioners shall be composed of the
 31 following seven (7) persons, with at least one (1) from each congressional
 32 district:

33 (1) The Secretary of State;

34 (2) One (1) person designated by the chair of the state
 35 Democratic Party;

36 (3) One (1) person designated by the chair of the state

1 Republican Party;

2 (4) One (1) person to be chosen by the President Pro Tempore of
3 the Senate;

4 (5) One (1) person to be chosen by the Speaker of the House of
5 Representatives; and

6 (6) Two (2) persons to be chosen by the Governor, one (1) of
7 whom shall be a county clerk and one (1) of whom shall have served for at
8 least three (3) years as an election commissioner.

9 (b) The Secretary of State shall serve as chair and secretary of the
10 board.

11 (c) Except for the Secretary of State and the county clerk, a member
12 of the board shall not be an elected public official.

13 (d)(1) The term on the board of the elected state official shall be
14 concurrent with the term of the public elected official.

15 (2) The county clerk shall hold the office of county clerk when
16 appointed to the board and shall be removed as a member of the board if not
17 in office.

18 (3)(A) Members of the board appointed by the President Pro
19 Tempore of the Senate and the Speaker of the House of Representatives shall
20 be appointed for terms of two (2) years and shall continue to serve until
21 successors have been appointed and taken the official oath.

22 (B) All other appointive members shall be appointed for
23 terms of four (4) years and shall continue to serve until successors have
24 been appointed and taken the official oath.

25 (4) An appointive member shall not be appointed to serve more
26 than two (2) consecutive full terms.

27 (5)(A) If a vacancy on the board occurs, a successor shall be
28 appointed within thirty (30) days to serve the remainder of the unexpired
29 term.

30 (B) The appointment shall be made by the official holding
31 the office responsible for appointing the predecessor.

32 (e)(1) The board shall meet as needed upon call of the chair or upon
33 written request to the chair of any four (4) members.

34 (2) A majority of the membership of the board shall constitute a
35 quorum for conducting business.

36 (3) A sanction shall not be imposed without the affirmative vote

1 of at least four (4) members of the board.

2 (4) Meetings of the board may be chaired and conducted by either
3 the chair or a member of the board designated by the chair as acting chair
4 for the meeting.

5 (f) The State Board of Election Commissioners may receive expense
6 reimbursement and stipends in accordance with 25-16-901, et. seq.

7
8 7-4-120. County Board of Election Commissioners.

9 (a)(1)(A)(i) The following shall be members of the county board of
10 election commissioners:

11 (i) The county chair of the county committee of the
12 majority party;

13 (ii) The county chair of the county committee of the
14 minority party; and

15 (iii) A third member selected by the county
16 committee of the majority party.

17 (B) If the county chair of a county committee of the
18 majority party or the minority party is an elected official or is otherwise
19 ineligible to serve as a member of the county board, he or she shall not
20 serve as a member of the county board, but the county committee shall select
21 a qualified resident of the county to serve in his or her stead.

22 (C)(i) A county chairman of a county committee of the
23 majority party or the minority party may elect not to serve as a member of
24 the county board.

25 (ii) The county committee shall select a qualified
26 resident of the county to serve in his or her stead.

27 (D) If there is a vacancy on the board of election
28 commissioners, and the appropriate county chair or committee has not filled
29 the vacancy by five (5) days before the election, the chair of the state
30 committee of the affected party shall appoint a qualified resident of the
31 county to fill the vacancy, and the appointee shall serve until such time as
32 the county committee selects a qualified resident of the county to fill the
33 vacancy.

34 (2)(A) In the event of a vacancy or disqualification of a third
35 member that occurs less than fifteen (15) days before any election, the
36 county chair of the majority party shall appoint a qualified person to fill

1 the vacancy.

2 (B) All appointments by the county chairman to fill a
3 vacancy in the third member's, position shall be terminated immediately upon
4 the selection of a new third member by the county committee of the majority
5 party.

6 (b) Between January 1 and January 31 of each year:

7 (1) The chair of the majority party for the county shall file
8 with the county clerk and the Secretary of State a notice stating the names,
9 addresses and telephone numbers of the majority party's designated members of
10 the county board; and

11 (2) The chair of the minority party for the county shall file
12 with the county clerk and the Secretary of State a notice stating the name,
13 addresses and telephone numbers of the minority party's member of the county
14 board.

15 (c) Upon receipt of the notice required in subsection (b), the county
16 clerk shall send to each commissioner by registered mail notice to appear
17 before the clerk within thirty (30) days to take and subscribe to the oath
18 prescribed by Article 19, Section 20 of the Arkansas Constitution, said oath
19 to be filed with the county clerk and a duplicate thereof forwarded to the
20 Secretary of State.

21 (d) The prosecuting attorney shall bring an action in an appropriate
22 court to remove from office any member of the county board who is not
23 qualified to hold his or her position on the board.

24 (e) The county board is deemed to consist of county officials, and its
25 members shall be immune from tort liability pursuant to § [21-9-301](#).

26
27 7-4-121. County board of election commissioners – Officers – Meetings.

28 (a) The county board of election commissioners shall meet on election
29 day and as many days thereafter as necessary to:

30 (1) Count and tabulate the votes;

31 (2) Declare preliminary and unofficial results;

32 (3) Determine the status of provisional ballots;

33 (4) Conduct recounts;

34 (5) Certify the vote; and

35 (6) Perform whatever other tasks are necessary to fulfill its
36 duties in the election.

1 (b) The county board may meet at least twenty (20) days before each to
2 review and approve or alter the appointment of election clerks by the county
3 election coordinator.

4 (c) The county board of election commissioners shall meet at least
5 sixty-five (65) days before each election to review and approve or alter
6 precinct boundaries and polling sites established by the county election
7 coordinator.

8 (d) The county board of election commissioners shall meet from time to
9 time as necessary to review and supervise the work of the county election
10 coordinator.

11 (e) At the first meeting in each calendar year, the county board of
12 election commissioners shall elect one (1) member chair.

13 (f)(1) Each county election commissioner shall have one (1) vote.

14 (2) Two (2) county election commissioners shall constitute a
15 quorum.

16 (3) The concurring votes of any two (2) members shall decide
17 questions before them, unless otherwise provided by law.

18 (g)(1) The chair shall notify all county election commissioners of
19 meetings.

20 (2) Any meeting of two (2) or more county election commissioners
21 when official business is conducted shall be public and held pursuant to the
22 Arkansas Freedom of Information Act, § 25-19-101 et seq.

23 (3) The county board of election commissioners shall keep
24 minutes of all meetings when official business is conducted, and the minutes
25 shall be filed of record with the county clerk.

26 (h)(1) The county board of election commissioners of each county shall
27 maintain a record of all funds the county board receives and all expenditures
28 of the county board of election commissioners.

29 (2) These records shall be open to the public under the Arkansas
30 Freedom of Information Act, § [25-19-101](#) et seq.

31
32 7-4-122. Appointment of election officers.

33 (a) The member of the county board of election commissioners who is
34 the chair of the county committee of the majority party or the chair's
35 designated replacement on the board may appoint one (1) election officer for
36 each polling site and the minority party member of the board may appoint one

1 election officer for each polling site.

2 (b)(1) The county election coordinator shall appoint one (1) election
3 judge and one (1) election sheriff for each polling site, and as many
4 additional election clerks as are necessary for the efficient administration
5 of elections at each polling site.

6 (2) The election judges and sheriffs may be the election
7 officers appointed by the party chairs or their designees on the board.

8 (3)(A) The position of election judge and election sheriff may be
9 combined and held by one (1) person.

10 (B) When the positions of election judge and election
11 sheriff are combined, at least two (2) additional election clerks shall be
12 appointed for the polling site.

13 (c) The member of the county board of election commissioners who is
14 the county chair of the majority party or the chair's designated replacement
15 on the board shall, at least twenty (20) days before the election, send to
16 the coordinator a list of qualified persons for each polling place where the
17 chairman elects to appoint an election officer.

18 (d) The minority party member of the board shall, at least twenty (20)
19 days before the election, send to the county election coordinator a list of
20 qualified persons for each polling place where the chairman elects to appoint
21 an election officer.

22 (e) The county election coordinator shall assign the election officers
23 appointed by the board members, if any, to the various polling places as
24 designated by the board members.

25 (f) If an election officer appointed by a board member fails to appear
26 at his or her designated polling place at the time designated by the county
27 election coordinator on election day, the county election coordinator may
28 appoint a qualified person to replace the absent election officer.

29 (g) If an election judge or sheriff fails to appear at his or her
30 polling place at the time designated by the county election coordinator on
31 election day, the county election coordinator may designate one of the
32 election clerks at the polling place as election judge or sheriff, as the
33 case may be, or the county election coordinator may appoint another qualified
34 person as an election officer to serve as the judge or sheriff.

35 (h) An election clerk may work half-day or split shifts at the polls
36 at any election so long as a sufficient number of election officers is always

1 present.

2

3 7-4-123. Appointment of election clerks for counting and tabulating
4 votes.

5 (a) The county election coordinator and the staff of the county
6 election coordinator, if any, shall, if requested by the county board of
7 election commissioners, assist the county board of election commissioners in
8 canvassing, counting, tabulating and certifying the vote.

9 (b) The county board may appoint as many election clerks as it deems
10 necessary to assist it in the administration of its duties relating to
11 canvassing, counting, tabulating and certifying the vote.

12 (c) If requested by the county board, deputy county clerks who are not
13 county election coordinators may also assist the county board in canvassing,
14 counting, tabulating and certifying the vote, if approved by the county
15 clerk.

16

17 7-4-124. Complaints of election law violations.

18 (a)(1) The State Board of Election Commissioners may investigate
19 alleged violations, render findings, and impose disciplinary action according
20 to this subchapter for violations of election and voter registration laws,
21 except:

22 (A) For the provisions in § [7-1-103\(a\)\(1\)-\(4\)](#), [\(6\)](#), and
23 [\(7\)](#); and

24 (B) For any matters relating to campaign finance and
25 disclosure laws that the Arkansas Ethics Commission may enforce according to
26 §§ [7-6-217](#) and [7-6-218](#).

27 (2) For purposes of subdivision (a)(1) of this section, the
28 board may file a complaint.

29 (3) A complaint shall be filed with the board in writing within
30 thirty (30) days of an alleged voter registration violation or the election
31 associated with the complaint.

32 (4) A complaint shall clearly state the alleged election
33 irregularity or illegality, when and where the alleged activity occurred, the
34 supporting facts surrounding the allegations, and the desired resolution.

35 (5) A complaint shall be signed by the complainant under penalty
36 of perjury.

1 (6)(A) Filing of a frivolous complaint is considered a violation
2 of this subchapter.

3 (B) As used in this section, "frivolous" means clearly
4 lacking any basis in fact or law.

5 (b)(1) Upon receipt by the board of a written complaint signed under
6 penalty of perjury stating facts constituting a violation of election or
7 voter registration laws under its jurisdiction signed under penalty of
8 perjury, the board shall proceed to investigate the alleged violation.

9 (2) The board may determine that:

10 (A) The complaint can be disposed of through documentary
11 submissions; or

12 (B) Further investigation is necessary.

13 (3) The board may forward the complaint, along with the
14 information and documentation as deemed appropriate, to the proper
15 authority.

16 (4)(A) If the board determines that an investigation is
17 necessary, the board shall provide a copy of the complaint with instructions
18 regarding the opportunity to respond to the complaint to the party against
19 whom the complaint is lodged.

20 (B) The board may administer oaths for the purpose of
21 taking sworn statements from any person thought to have knowledge of any
22 facts pertaining to the complaint.

23 (C) The board may request the party against whom the
24 complaint is lodged to answer allegations in writing, produce relevant
25 evidence, or appear in person before the board.

26 (D) The board may subpoena any person or the books,
27 records, or other documents relevant to an inquiry by the board that are
28 being held by any person and take sworn statements.

29 (E) The board shall provide the subject of the subpoena
30 with reasonable notice of the subpoena and an opportunity to respond.

31 (F) The board shall advise in writing the complainant and
32 the party against whom the complaint is lodged of the final action taken.

33 (c) If the board finds that probable cause exists for finding a
34 violation of election or voter registration laws under its jurisdiction, the
35 board may determine that a full public hearing be called.

36 (d) If the board finds a violation of election or voter registration

1 laws under its jurisdiction, then the board may do one (1) or more of the
2 following:

3 (1) Issue a public letter of caution, warning, or reprimand;

4 (2) Impose a fine of not less than twenty-five dollars (\$25.00)
5 nor more than one thousand dollars (\$1,000) for each negligent or intentional
6 violation;

7 (3) Report its findings, along with the information and
8 documents as it deems appropriate, and make recommendations to the proper law
9 enforcement authorities; or

10 (4) Assess costs for the investigation and hearing.

11 (e)(1) The board shall adopt rules governing the imposition of the
12 finances in accordance with the provisions of the Arkansas Administrative
13 Procedure Act, § 25-15-201 et seq.

14 (2)(A) The board may file suit in the Pulaski County Circuit
15 Court or in the circuit court of the county in which the debtor resides or,
16 according to the Small Claims Procedure Act, § 16-17-601 et seq., in the
17 small claims division of any district court in the State of Arkansas to
18 obtain a judgment for the amount of any fine imposed according to its
19 authority.

20 (B) The action by the court shall not involve further
21 judicial review of the board's actions.

22 (C) The fee normally charged for the filing of a suit in
23 any of the circuit or district courts in the State of Arkansas shall be
24 waived on behalf of the board.

25 (3) All moneys received by the board in payment of fines shall
26 be deposited into the State Treasury as general revenues.

27 (f)(1) The board shall complete its investigation of a complaint filed
28 according to this section and take final action within one hundred eighty
29 (180) days of the filing of the complaint.

30 (2) However, if a hearing under subsection (c) of this section
31 is conducted, all action on the complaint by the board shall be completed
32 within two hundred forty (240) days.

33 (3) Any final action of the board under this section shall
34 constitute an adjudication for purposes of judicial review under § 25-15-
35 212.

36 (g)(1) The board shall keep a record of all inquiries, investigations,

1 and proceedings.

2 (2) Records relating to investigations by the board are exempt
3 from the Arkansas Freedom of Information Act, § 25-19-101 et seq., until a
4 hearing is set or the director's investigation is closed.

5 (3) The board may disclose, through its members or staff,
6 otherwise confidential information to proper law enforcement officials,
7 agencies, and bodies as may be required to conduct its investigation.

8
9 7-4-125. Assistance of prosecuting attorney

10 (a) The county board of election commissioners, the county clerk, and
11 the county election coordinator may call upon the prosecuting attorney or his
12 or her deputy, or the county attorney for legal opinions, advice, or
13 assistance in defending, commencing, or appealing civil actions at law and
14 equity.

15 (b) The county or prosecuting attorney shall defend any civil lawsuit
16 brought against the county board, or its members, and the county election
17 coordinator if they are sued in regard to acts or omissions made during the
18 course of their official duties.

19
20 7-4-126. Oath of Election Officers

21 (a) The election officers, before entering on their duties, shall take,
22 before some person authorized by law to administer oaths, the following
23 oath:

24
25 "I, , do swear that I will perform the duties of an
26 election officer of this election according to law and to the best of my
27 abilities, and that I will studiously endeavor to prevent fraud, deceit, and
28 abuse in conducting the same, and that I will not disclose how any voter has
29 voted, unless required to do so as a witness in a judicial proceeding or a
30 proceeding to contest an election."

31 (b) In case there shall be no person present at the opening of an
32 election authorized to administer oaths, it shall be lawful for the election
33 officers to administer the oath to each other, and the election officers may
34 administer all oaths that are necessary in conducting any election.

35
36 7-4-127. Compensation of county boards and election officers and

1 reimbursement for delivery of election materials.

2 (a) Each member of the county board of election commissioners shall
3 receive for services the sum of not less than twenty-five dollars (\$25.00)
4 per public meeting when official business is conducted.

5 (b) Election officers shall receive at least the prevailing minimum
6 wage for holding an election, or such greater amount as may be appropriated.

7 (c) A qualified person appointed by the county election coordinator
8 who carries election materials to and from the polling sites shall be allowed
9 compensation for services and mileage at such rate as may be appropriated but
10 not to exceed the rate prescribed for state employees in state travel
11 regulations.

12
13 7-4-128. Funding for county election coordinators.

14 (a) County election coordinators shall be compensated in an amount to
15 be determined by the quorum court.

16 (b)(1) The State of Arkansas shall establish a fund to administer
17 grants to the counties to support the activities of the county election
18 coordinator.

19 (2) Grant funds may be used by the counties to:

20 (A) Pay salaries of county election coordinators and any
21 assistants to the county election coordinator;

22 (B) Provide office supplies and equipment to be used by
23 the county election coordinator in performing election functions; or

24 (C) Establish the county election coordinator's office.

25 (c) The grants shall be paid from an appropriation to the Secretary of
26 State for that purpose.

27 (d) The Secretary of State shall establish guidelines for the
28 distribution of state grant funds that take into account:

29 (1) The number of registered voters in each county;

30 (2) The number of cities and administratively domiciled school
31 districts in each county;

32 (3) Whether the county is employing an additional full-time
33 employee to serve as county election coordinator; and

34 (4) Any other factors that are related to a fair distribution of
35 the funds.

36 (e) Each county shall be responsible for the costs related to the

1 performance of the county election coordinator's duties, and may apply for
2 grants from the ~~state~~ Secretary of State to defray those costs.

3
4 7-4-129. Election poll workers program for high school students.

5 (a)(1) The county board of election commissioners may conduct a
6 special election day program for high school students in one (1) or more
7 polling places designated by the county board.

8 (2) The high school students shall be selected by the county
9 board in cooperation with the local high school principal, the local 4-H
10 club, the local Boy Scouts of America club, the local Girl Scouts of America
11 club, or any other local organization for young persons designated by the
12 county board.

13 (3)(A) A high school student selected for this program who has
14 not reached his or her eighteenth birthday by the election day in which he or
15 she is participating shall be called an election page.

16 (B) A high school student selected for this program who
17 has reached his or her eighteenth birthday by the election day in which he or
18 she is participating and meets the qualifications in § 7-4-112 may be an
19 election officer.

20 (b) The program shall:

21 (1) Be designed to stimulate the students' interest in elections
22 and registering to vote;

23 (2) Provide assistance to the officers of election; and

24 (3) Assist in the safe entry and exit of elderly voters and
25 voters with disabilities from the polling place.

26 (c)(1) Each student selected as an election page shall:

27 (A) Be excused from school while working as an election
28 page;

29 (B) Serve under the direct supervision of the election
30 officials officers at his or her assigned polling place; and

31 (C) Observe strict impartiality at all times.

32 (2) An election page may observe the electoral process and seek
33 information from the election officers but shall not handle or touch ballots,
34 voting machines, or any other official election materials or enter any voting
35 booth.

36 (3) An election page shall be in a volunteer position and shall

1 not receive any compensation for performing his or her duties.

2 (4) Before beginning any duties, an election page shall take,
3 before an election ~~official~~ officer, the following oath:

4
5 "I, _____, do swear that I will perform the duties of an election page
6 of this election according to law and to the best of my abilities, and that I
7 will studiously endeavor to prevent fraud, deceit, and abuse, and that I will
8 not disclose how any voter has voted, unless required to do so as a witness
9 in a judicial proceeding or a proceeding to contest an election."

10 (d)(1) Each student selected to be an election officer shall:

11 (A) Take the oath of the election officers in 7-4-123.

12 (B) Serve under the supervision of the appropriate county
13 board of election commissioners;

14 (C) Observe strict impartiality at all times; and

15 (D) Be excused from school while working as an election
16 ~~official~~ officer.

17 (2) A high school student selected to be an election officer may
18 be compensated as an election officer if the county board of election
19 commissioners determines that the high school students selected to be an
20 election officer should be compensated.

21
22 7-4-130. Election poll workers program for college students.

23 (a)(1) The county board of election commissioners may conduct an
24 election day program for college students in one (1) or more polling places
25 designated by the county board.

26 (2)(A) The college students shall be selected by the county
27 board from any two-year or four-year college or university in the state.

28 (B) The county board shall work in cooperation with the
29 student government associations of the colleges and universities in selecting
30 the students for the program and conducting seminars concerning election
31 procedures for students interested in the program.

32 (3)(A) A college student selected for this program who has not
33 reached his or her eighteenth birthday by the election day in which he or she
34 is participating shall be called an election page.

35 (B) A college student selected for this program who has
36 reached his or her eighteenth birthday by the election day in which he or she

1 is participating and meets the qualifications in § 7-4-112 shall be an
 2 election officer.

3 (b) The program shall:

4 (1) Be designed to stimulate the students' interest in elections
 5 and in registering to vote;

6 (2) Provide assistance to the officers of the election; and

7 (3) Assist in the safe entry and exit of elderly voters and
 8 voters with disabilities from the polling place.

9 (c)(1) Each student selected as an election page shall:

10 (A) Serve under the direct supervision of the election
 11 officials officers at his or her assigned polling place; and

12 (B) Observe strict impartiality at all times.

13 (2) An election page may observe the electoral process and seek
 14 information from the election officers but shall not handle or touch ballots,
 15 voting machines, or any other official election materials or enter any voting
 16 booth.

17 (3) An election page shall be in a volunteer position and shall
 18 not receive any compensation for performing his or her duties.

19 (4) Before beginning any duties, an election page shall take,
 20 before an election ~~official~~ officer, the following oath:

21
 22 "I, _____, do swear that I will perform the duties of an election page
 23 of this election according to law and to the best of my abilities, and that I
 24 will studiously endeavor to prevent fraud, deceit, and abuse, and that I will
 25 not disclose how any voter has voted unless required to do so as a witness in
 26 a judicial proceeding or a proceeding to contest an election."

27 (d)(1) Each student selected to be an election ~~official~~ officer
 28 shall:

29 (A) Take the oath of the election officials in 7-4-123;

30 (B) Serve under the supervision of the appropriate county
 31 board of election commissioners; and

32 (C) Observe strict impartiality at all times.

33 (2) A college student selected to be an election officer shall
 34 be compensated as an election officer.

35
 36 7-4-131. Lists of county chairpersons - Notification of vacancies.

1 (a)(1) It shall be the duty of all recognized parties to keep on file
2 with their respective state chair a complete list of all of their respective
3 county chairs.

4 (2) It shall be the duty of the respective county chairs of all
5 recognized parties to keep on file with the Secretary of State a letter
6 stating the name of the county chairs and to notify promptly the Secretary of
7 State of the death, resignation, disqualification, or vacancy in the office
8 of any county chair and of the election of a new chair to fill the vacancy
9 thus created.

10 (b) It shall be the duty of the Secretary of State to keep the letters
11 containing the names of the county chairpersons of all recognized parties as
12 public records open at all times to public inspection.

13
14 SECTION 27. Arkansas Code § 7-5-101 is amended to read as follows:

15 7-5-101. Precinct boundaries and polling sites - Establishment and
16 alteration.

17 ~~(a)(1) The county board of election commissioners is empowered to~~
18 ~~election coordinator may alter the boundaries of existing election precincts~~
19 ~~and to establish new ones when, in its judgment, it may be necessary.~~

20 ~~(2)(A)(i) The county board election coordinator shall fix a~~
21 ~~polling site for each election precinct.~~

22 ~~(ii) The polling sites for each election shall be~~
23 ~~the same as those established for the immediately preceding general election~~
24 ~~unless changed under Arkansas law.~~

25 ~~(iii) All polling sites shall be fixed at well-known~~
26 ~~points in the several precincts and be easily accessible to all electors~~
27 ~~entitled to vote in an election.~~

28 ~~(B) The county board coordinator may combine polling sites~~
29 ~~for two (2) or more precincts when, in its judgment, it may be necessary.~~

30 ~~(C) The county board may allow school elections to be~~
31 ~~conducted by early voting and absentee voting only and open no polling sites~~
32 ~~on a school election day in any election year if no more than one (1)~~
33 ~~candidate for school district director presents a petition or notice in~~
34 ~~writing to the county board of election commissioners as required by § 6-14-~~
35 ~~111 and if there are no other ballot issues to be submitted to district~~
36 ~~electors for consideration, if requested by resolution adopted by the board~~

1 ~~of directors of any school district.~~

2 (3) In changing the boundaries of existing precincts or in
3 creating new ones, the county ~~board~~ election coordinator shall arrange them
4 so that all qualified voters residing in the precincts may vote on the same
5 day.

6 (4)(A) ~~The county board shall not have the power to change the~~
7 ~~boundaries of existing precincts~~ may not be changed, ~~to create~~ nor any new
8 ~~precinct created, or to change the~~ nor any polling site changed in any
9 ~~precinct within thirty (30) days of any election, but all elections shall be~~
10 ~~held at the sites and within the boundaries as they existed thirty (30) days~~
11 ~~before the date of the election.~~

12 (B) In the event of an emergency, a county ~~board~~ election
13 coordinator may change a precinct boundary or a polling site within thirty
14 (30) days of the election.

15 ~~(b) All polling sites shall be fixed at well-known points in the~~
16 ~~several precincts and easily accessible to all electors entitled to vote~~
17 ~~therein.~~

18 ~~(c)~~(b)(1)(A) The action of the county ~~board~~ election coordinator in
19 changing the polling site in any precinct, in altering the boundaries of any
20 precinct, or in establishing any new one shall be determined in a public
21 meeting ~~pursuant to § 7-4-105~~ of the county board and any changes shall be
22 approved and ~~shall be~~ entered in the record by the county board to be kept on
23 file in the county clerk's office.

24 (B) A copy of the order, which shall set out intelligently
25 and accurately the boundaries of precincts as so altered or established,
26 shall be filed with the clerk of the county court, who shall record the order
27 at full length on the record book on which the minutes of the proceedings of
28 the county court are recorded.

29 (2)(A)(i)(a) Within thirty (30) days after altering the
30 boundaries of an election precinct or establishing a new one, the county
31 ~~board~~ election coordinator shall submit four (4) copies of the changes to the
32 Secretary of State.

33 (b) The changes shall be submitted in the form of a map and shall
34 include a written description.

35 (ii) A short statement of why the changes were made
36 may be included.

1 (B) Upon receipt of the changes, the Secretary of State
 2 shall immediately forward a copy to the office of the Attorney General, the
 3 State Data Center, and the Cartography Section of the Arkansas State Highway
 4 and Transportation Department.

5 (d)(1)(A) Notice of any changes made in polling sites shall also be
 6 given to the electors by prominently posting information about any changes at
 7 all previous polling sites which were used in the last election.

8 (B) If the change is only temporary, the notice shall
 9 state the elections for which the change is effective.

10 (2) Except for school elections and special elections, the
 11 notice shall also be mailed by the county ~~clerk~~ election coordinator to each
 12 affected registered voter at least fifteen (15) days before the election.
 13

14 SECTION 28. Arkansas Code § 7-5-104(a)(2), concerning the allocation
 15 of election expenses, is amended to read as follows:

16 (2) However, any city or incorporated town shall reimburse the
 17 county ~~board of election commissioners~~ for the expenses of the elections in
 18 an amount equal to a figure derived by multiplying fifty percent (50%) of the
 19 total cost of each election by a fraction, the numerator of which shall be
 20 the number of voters from the city or incorporated town casting ballots in
 21 each election prepared by the county board, and the denominator of which
 22 shall be the total number of voters casting ballots in each election.
 23

24 SECTION 29. Arkansas Code § 7-5-107(a), concerning the use of voter
 25 registration lists by election ~~officials~~ officers, is amended to read as
 26 follows:

27 (a) In any election conducted in this state, precinct voter
 28 registration lists shall be used by election ~~officials~~ officers at ~~in~~ each
 29 ~~precinct~~ polling place.
 30

31 SECTION 30. Arkansas Code § 7-5-109(b), concerning computerized voter
 32 registration lists, is amended to read as follows:

33 (b)(1) The county clerks shall be entitled to a fee in connection with
 34 the preparation of any registered voter list that shall reimburse the county
 35 clerk for reproduction expenses. The value of office equipment previously
 36 secured for the office of the county clerk shall not be considered when

1 determining the amount of this fee.

2 (2) However, the county clerk shall provide the list and any
3 associated data at no charge to the county election coordinator at the
4 request of the coordinator and shall provide the list and associated data on
5 an expedited basis if requested by the county election coordinator.

6
7 SECTION 31. Arkansas Code § 7-5-202, as amended by Act 222 of the 2007
8 Regular Session, is amended to read as follows:

9 7-5-202. Public notice of elections.

10 (a) It shall be the duty of the ~~county board of election commissioners~~
11 county election coordinator at least twenty (20) days before each
12 preferential primary and general election and at least ten (10) days before
13 the holding of each general primary, general runoff, or special election to
14 give public notice in a newspaper of general circulation in the county of:

15 (1) The date of the election;

16 (2) The hours of voting on election day;

17 (3) Polling sites for holding the elections in the county;

18 (4) The candidates and offices to be elected at that time, and
19 measures and questions to be included on the ballot; and

20 (5) The time and location of the opening, processing,
21 canvassing, and counting of ballots.

22 (b)(1) At least five (5) days prior to a preferential primary, general
23 primary, general election, general runoff, or special election, a copy of the
24 public notice may be posted at each polling site fixed for holding the
25 election and shall be published in a newspaper of general circulation in the
26 county.

27 (2) At least fifteen (15) days prior to the election, each
28 county board shall prepare and post in a public place in its county clerk's
29 office its list of appointed election officials.

30 (c) On the day of any election, the following shall be posted at each
31 polling site and remain posted continuously therein until the polls close:

32 (1) The public notice required in subsection (a) of this
33 section;

34 (2) At least two (2) sample ballots, marked with the word
35 "SAMPLE", of each ballot style that will be used at the polling site;

36 (3) Two (2) copies of the full text of all measures on the

1 ballot;

2 (4) At least two (2) copies of instructions on how to vote,
3 including how to cast a provisional ballot and instructions on fail-safe
4 voting;

5 (5) General information on voting rights under applicable
6 federal and state laws, including information on the right of an individual
7 to cast a provisional ballot and instructions on how to contact the
8 appropriate officials if these rights are alleged to have been violated;

9 (6) General information on federal and state laws regarding
10 prohibitions on acts of fraud and misrepresentation;

11 (7)(A) Double-sided signs containing the words "VOTE HERE".

12 (B) Each sign shall be at least two feet (2') by two
13 feet (2') in size and shall contain an arrow pointing to the polling site.

14 (C) A sign shall be posted near each main driveway
15 entrance to the polling site on each public street bordering the polling site
16 so as to be visible to all traffic approaching the polling site.

17 (D) The sign shall be as close as possible to the
18 public street without obstructing traffic; and

19 (8) One (1) printout from each voting machine showing
20 whether the candidate and question counters register zero (0).

21 (d) The Secretary of State shall provide to each ~~county board of~~
22 ~~election commissioners~~ county election coordinator and ~~each county clerk~~ the
23 information to be posted at each polling site according to subdivisions
24 (c)(5) and (6) of this section.

25

26 SECTION 32. Arkansas Code § 7-5-203 is amended to read as follows:

27 7-5-203. Certification of candidate lists.

28 (a) Not fewer than fifty (50) days before each general election day,
29 the Secretary of State shall certify to all ~~county boards of election~~
30 ~~commissioners~~ county election coordinators full lists of all candidates to be
31 voted for in their respective counties as the nominations have been certified
32 to him or her.

33 (b) Not fewer than fifty (50) days before each general election day,
34 the clerk of each county shall certify to the ~~county board~~ county election
35 coordinator of his or her county a full list of all candidates to be voted
36 for in the county as the nominations have been certified to him or her.

1 (c) However, in special elections held to fill vacancies or to elect
2 officers in case of a tie vote, the certification shall issue at the time
3 specified in the writ of election issued by the appropriately constituted
4 authority.

5
6 SECTION 33. Arkansas Code § 7-5-204, as amended by Act 222 of the 2007
7 Regular Session, is amended to read as follows:

8 7-5-204. Certification of questions submitted to voters.

9 Whenever a proposed amendment to the Arkansas Constitution or other
10 measure or question is to be submitted to a vote of the people, the Secretary
11 of State shall not fewer than sixty (60) days before each general election
12 day certify the amendment, measure, or question to the ~~county board of~~
13 ~~election commissioners~~ county election coordinator of each county in the
14 state. The county ~~board~~ election coordinator shall include the amendment,
15 measure, or question in the posting which it is required to make under § 7-5-
16 206.

17
18 SECTION 34. Arkansas Code § 7-5-205, as amended by Act 222 of the 2007
19 Regular Session, is amended to read as follows:

20 7-5-205. Write-in candidates' votes - When counted.

21 (a) No votes for write-in candidates in general elections shall be
22 counted or tabulated unless:

23 (1) The candidate or his or her agent shall ~~notify in writing~~
24 file a notice of write-in candidacy with the county board of election
25 ~~commissioners of each county in which the candidate seeks election~~ county
26 clerk, if a candidate for a county or township office, and either the
27 Secretary of State, and the county clerk in each county where the candidate
28 seeks election if a state or district candidate, or a county clerk, if a
29 ~~candidate for a county or township office, of his or her intention to be a~~
30 ~~write-in candidate~~ no earlier than noon on the third Tuesday in March and not
31 later than ninety (90) days before the election day; and

32 (2) The name written on the ballot is the same name listed on
33 the write-in candidate's political practices pledge, except that any
34 abbreviation, misspelling, or other minor variation in the form of the name
35 of the candidate shall be disregarded if the intention of the voter may be
36 ascertained.

1 (b) This section shall not apply to the offices of Justice of the
2 Supreme Court, Judge of the Court of Appeals, circuit judge, or district
3 judge.

4
5 SECTION 35. Arkansas Code § 7-5-206 is amended to read as follows:
6 7-5-206. Publication requirements.

7 (a) ~~The county board of election commissioners~~ county election
8 coordinator shall make publication of all nominations filed with it, of all
9 nominations ~~certified to it by the Secretary of State,~~ of all proposed
10 amendments to the Arkansas Constitution, and of all other measures
11 and questions certified to it by the Secretary of State or required by law to
12 be submitted to the electors at any election, by posting a list thereof at
13 the door of the courthouse at least ten (10) days before the day of the
14 election.

15 (b) ~~The county board~~ county election coordinator shall alter any
16 sample ballots distributed to the public or members of the press so as to
17 prevent persons from producing counterfeit ballots by stamping sample ballots
18 with the word "SAMPLE".

19
20 SECTION 36. Arkansas Code § 7-5-207(a), concerning the form of
21 election ballots, is amended to read as follows:

22 (a) All election ballots provided by the ~~county board of election~~
23 ~~commissioners~~ county election coordinator of any county in this state for any
24 election shall contain in the proper place the name of every candidate whose
25 nomination for any office to be filled at that election has been certified to
26 the ~~county board~~ county election coordinator and shall not contain the name
27 of any candidate or person who has not been certified. If any candidate
28 shall, prior to the printing of the ballots, notify the Secretary of State in
29 the case of a United States, state, or district office, or the ~~county board~~
30 county election coordinator in the case of a county, city, or township
31 office, in writing, signed by the candidate, and acknowledged before an
32 officer authorized to take acknowledgments, of his desire to withdraw as a
33 candidate for the office or position, the name of the person shall not be
34 printed on the ballot at the election.

35
36 SECTION 37. Arkansas Code § 7-5-208(a) effective January 1, 2006 and

1 concerning the form of paper ballots, is amended to read as follows:

2 (a) All election ballots provided by the ~~county board of election~~
3 ~~commissioners~~ county election coordinator of any county in this state for any
4 election shall be alike and shall be printed in plain type.

5
6 SECTION 38. Arkansas Code § 7-5-209 is amended to read as follows:

7 7-5-209. Ballots - Correction of errors.

8 Whenever it shall appear by affidavit that an error or omission has
9 occurred in the publication of the names or description of candidates
10 nominated for office or in the printing of ballots, the county board of
11 election commissioners shall in a public meeting announce the error or
12 omission and immediately direct the county election coordinator to correct
13 the error or omission or show cause why the correction should not be done.
14

15 SECTION 39. Arkansas Code § 7-5-210 is amended to read as follows:

16 7-5-210. Ballots - Number - Official.

17 (a) The ~~county board of election commissioners~~ county election
18 coordinator of each county in this state not using voting machines shall, in
19 due time for each general or special election, provide for each election
20 precinct, and for each ward of a city or incorporated town in its county, one
21 hundred fifty (150) printed ballots for each one hundred (100), or fraction
22 of one hundred (100), electors voting thereat at the last-preceding
23 comparable election. Provided, however, the total number of ballots required
24 to be printed for each election precinct and for each ward of a city or
25 incorporated town shall not be required to exceed one hundred five percent
26 (105%) of the total number of registered voters for the respective precinct
27 or ward.

28 (b) No ballot shall be received or counted in any election to which
29 this act applies unless it is provided by the ~~county board~~ county election
30 coordinator as provided in this section.

31
32 SECTION 40. Arkansas Code § 7-5-211 is amended to read as follows:

33 7-5-211. Delivery of election supplies.

34 (a) At least one (1) day before any election:

35 (1)(A) The ~~county board of election commissioners~~ county
36 election coordinator shall designate a suitable person or persons and deliver

1 to the person or persons the ballots as set forth in § 7-5-210.

2 (B) The person shall not be an elected official, the
3 elected official's deputy, or a candidate for office;

4 (2) For each set of election ~~officials~~ officers in each ~~precinct~~
5 polling place, the ~~county board~~ county election coordinator shall deliver to
6 the designated person or persons the following additional election supplies,
7 if applicable:

8 (A) A good and sufficient ballot box with numbered seals;

9 (B) Sufficient list-of-voters forms adequate to record the
10 names of all registered voters who appear to vote in the precinct;

11 (C) A precinct voter registration list;

12 (D) Sufficient tally sheets;

13 (E) Envelopes to seal the ballots and certificates;

14 (F) Separate sheets containing blank forms of certificates
15 prepared to enable the election officials to properly certify the result of
16 the election, upon which certificates shall be endorsed a blank form of oath
17 to be taken by the election officials before entering upon the discharge of
18 their duties;

19 (G) Voter registration application forms for voters using
20 fail-safe voting and other record-keeping supplies necessary to document
21 fail-safe voting procedures; and

22 (H) In those counties in which an ~~optical scanner~~
23 electronic vote tabulating device is used to count paper ballots, the marking
24 instrument recommended by the manufacturer of the ~~optical scanner~~ device for
25 proper marking on the ballots shall be provided.

26 (b) The ~~county board~~ county election coordinator shall be responsible
27 for the security of the delivered election materials.

28 (c) The ~~county board~~ county election coordinator shall be responsible
29 for providing ballots and election materials for absentee and early voting to
30 the county clerk prior to the beginning day for absentee and early voting.

31

32 SECTION 41. Arkansas Code § 7-5-301 is amended to read as follows:

33 7-5-301. Acquisition, use, and cost of voting systems. [Effective
34 January 1, 2006.]

35 (a) The casting and counting of votes in all elections shall be by:

36 (1) Voting machines selected by the Secretary of State;

1 (2) *Electronic vote tabulating devices in combination with*
2 *voting machines accessible to voters with disabilities to be selected by the*
3 *Secretary of State; or*

4 (3) *Paper ballots counted by hand in combination with voting*
5 *machines accessible to voters with disabilities selected by the Secretary of*
6 *State.*

7 (b)(1) *All direct recording electronic voting machines in use on or*
8 *after January 1, 2006, shall include a voter-verified paper audit trail,*
9 *except for those direct recording electronic voting machines in use during*
10 *the 2004 general election that may include a voter-verified paper audit trail*
11 *at the discretion of the county election commission.*

12 (2) *All direct recording electronic voting machines purchased on*
13 *or after January 1, 2006, shall include a voter-verified paper audit trail.*

14 (c)(1) *The quorum court of each county shall choose by resolution a*
15 *voting system containing voting machines or electronic vote tabulating*
16 *devices, or both, or voting machines in combination with paper ballots*
17 *counted by hand for use in all elections in the county.*

18 (2) *Any voting machine or electronic vote tabulating devices*
19 *chosen by the quorum court shall be those selected by the Secretary of State.*

20 (3) *Any voting system used in elections for federal office shall*
21 *comply with the requirements of the federal Help America Vote Act of 2002.*

22 (d)(1) *Voting machines and electronic vote tabulating devices shall be*
23 *purchased pursuant to a competitive bidding process with consideration given*
24 *to:*

25 (A) *Price;*

26 (B) *Quality; and*

27 (C) *Adaptability to Arkansas ballot requirements.*

28 (2) *The Secretary of State shall use a portion of the funds*
29 *provided by the federal government and the state for the purpose of complying*
30 *with the requirements of the federal Help America Vote Act of 2002 to*
31 *purchase and distribute voting machines and electronic vote tabulating*
32 *devices and other equipment necessary to the administration of elections.*

33 (3) *Each county shall bear the cost of acquiring any additional*
34 *voting machines or electronic vote tabulating devices or other equipment*
35 *necessary to the administration of elections.*

36 (e) *The Secretary of State or the ~~county board of election~~*

1 ~~commissioners~~ county election coordinator shall not purchase or procure any
2 voting machine or electronic vote tabulating device unless the party selling
3 the machine or device shall:

4 (1) Guarantee the machines in writing for a period of one (1)
5 year; and

6 (2) Provide, if deemed necessary by the county, personnel for
7 the supervision and training of county personnel for at least two (2)
8 elections, one (1) primary and one (1) general.

9 (f) Each county shall provide polling places that are adequate for the
10 operation of the voting system, including, but not limited to, access, if
11 necessary, to a sufficient number of electrical outlets and telephone lines.

12 (g) Each county shall provide or contract for adequate technical
13 support for the installation, set up, and operation of the voting system for
14 each election.

15 (h)(1) The Secretary of State shall be responsible for the
16 development, implementation, and provision of a continuing program to educate
17 voters, ~~and election officials,~~ and election officers in the proper use of
18 the voting system.

19 ~~(2) Each county shall bear the cost, including transportation,~~
20 ~~subsistence, and lodging, incurred by its election and registration officials~~
21 ~~and officers in attending courses taught by or arranged by the Secretary of~~
22 ~~State for instruction in the use of the voting system.~~

23 (i) Electronic vote tabulating devices and voting
24 machines, authorized as provided under this subchapter, may be acquired and
25 used in any election upon the adoption of an ordinance by the quorum court of
26 the county.

27 (j) The costs of using electronic vote tabulating devices and voting
28 machines at all general and special elections, including, but not limited to,
29 costs of supplies, technical assistance, and transportation of the systems to
30 and from the polling places, shall be paid in accordance with § 7-5-104.

31 (k) ~~The county board of election commissioners~~ county election
32 coordinator shall have complete control and supervision of voting machines
33 and electronic vote tabulating devices at all elections.

34 (l) The county clerk shall have supervision of voting machines and
35 electronic vote tabulating devices used for early voting in the clerk's
36 designated early voting location.

1 (m)(1) ~~The county board of election commissioners~~ county election
2 coordinator shall have the care and custody of all voting machines and all
3 electronic vote tabulating devices while not in use.

4 (2) ~~The county board of election commissioners~~ county election
5 coordinator shall be responsible for the proper preparation, use,
6 maintenance, security, and care of the voting machines and the electronic
7 vote tabulating devices during the period of time required for that election.

8
9
10
11 SECTION 42. Arkansas Code § 7-5-305 is amended to read as follows:
12 7-5-305. Requirements.

13 (a) Before a person is permitted to vote, the election ~~official~~
14 officer shall:

15 (1) Request the voter to identify himself or herself in order to
16 verify the existence of his or her name on the precinct voter registration
17 list;

18 (2) Request the voter, in the presence of the election ~~official~~
19 officer, to state his or her address and state or confirm his or her date of
20 birth;

21 (3) Determine that the voter's date of birth and address are the
22 same as those on the precinct voter registration list;

23 (4) If the date of birth given by the voter is not the same as
24 that on the precinct voter registration list, request the voter to provide
25 identification as the election ~~official~~ officer deems appropriate;

26 (5)(A) If the voter's address is not the same as that on the
27 precinct voter registration list, verify with the county clerk that the
28 address is within the precinct.

29 (B) If the address is within the precinct, request the
30 voter to complete a voter registration application form for the purpose of
31 updating county voter registration record files.

32 (C) If the address is not within the precinct, instruct
33 the voter to:

34 (i) Contact the county clerk's office to determine
35 the proper precinct; and

36 (ii) Go to the polling site serving that precinct in

1 order for his or her vote to be counted;

2 (6) If the voter's name is not the same as that on the precinct
3 voter registration list, request the voter to complete a voter registration
4 application form for purposes of updating county voter registration record
5 files;

6 (7) Request the voter, in the presence of the election ~~official~~
7 officer, to sign his or her name, including the given name, middle name or
8 initial, if any, and last name in the space provided on the precinct voter
9 registration list. If a person is unable to sign his or her signature or make
10 his or her mark or cross, the election ~~official~~ officer shall enter the
11 voter's initials and the voter's date of birth in the space for the person's
12 signature on the precinct voter registration list;

13 (8)(A) Request the voter for purposes of identification to
14 provide a current and valid photo identification or a copy of a current
15 utility bill, bank statement, government check, paycheck, or other government
16 document that shows the name and address of the voter.

17 (B)(i) If a voter is unable to provide this
18 identification, the election ~~official~~ officer shall indicate on the precinct
19 voter registration list that the voter did not provide identification.

20 (ii) A first-time voter who registers by mail
21 without providing identification when registering and desires to vote in
22 person but who does not meet the identification requirements of subdivision
23 (a)(8)(A) of this section may cast a provisional ballot.

24 (iii) Following each election, the ~~county board of~~
25 ~~election commissioners~~ county election coordinator may review the precinct
26 voter registration lists and may provide the information of the voters not
27 providing identification at the polls to the prosecuting attorney.

28 (iv) The prosecuting attorney may investigate
29 possible voter fraud;

30 (9) Follow the procedures under §§ 7-5-310, 7-5-311, and 7-5-
31 523, if the person is a voter with a disability and presents himself or
32 herself to vote; and

33 (10) Permit the person to cast a provisional ballot if the
34 person received an absentee ballot according to the precinct voter
35 registration list.

36 (b) A person not listed on the precinct voter registration list may

1 vote only in accordance with § 7-5-306.

2

3 SECTION 43. Arkansas Code § 7-5-306, as amended by Act 224 of the 2007
4 Regular Session, is amended to read as follows:

5 7-5-306. Procedure when voter's name is not on the precinct voter
6 registration list.

7 (a) If the voter's name is not on the precinct voter registration
8 list, the election ~~official~~ officer shall permit the voter to vote only under
9 the following conditions:

10 (1) The voter identifies himself or herself by stating his or
11 her name and date of birth and is verified by the county clerk as a
12 registered voter within the county and, if the county is divided into more
13 than one (1) congressional district, within the same congressional district;

14 (2) The voter gives and affirms his or her current residence and
15 the election ~~official~~ officer verifies with the county clerk that the voter's
16 residence is within the precinct;

17 (3) The voter completes an updated voter registration
18 application form; and

19 (4) The voter signs the precinct voter registration list.

20 (b) If the voter is not listed on the precinct voter registration list
21 and the election ~~official~~ officer is unable to verify the voter's
22 registration with the county clerk county election coordinator and the voter
23 contends that he or she is a registered voter in the precinct in which he or
24 she desires to vote and that he or she is eligible to vote, then the voter
25 shall be permitted to cast a provisional ballot.

26

27 SECTION 44. Arkansas Code 7-5-309, as amended by Act 224 of the 2007
28 Regular Session, is amended to read as follows:

29 7-5-309. Voting procedure.

30 (a)(1) At general, primary, special, and school elections in counties
31 which use paper ballots, the ~~county board of election commissioners~~ county
32 election coordinator shall provide in each polling site at least one (1)
33 voting booth for each fifty (50) registered electors voting in the last-
34 preceding comparable election.

35 (2) Each voting booth shall be situated so as to permit voters
36 to prepare their ballots screened from observation and shall be furnished

1 with any supplies and conveniences as will enable the voter to prepare his
2 ballot.

3 (3) The voting booths shall be situated in the polling site in
4 plain view of the election ~~officials~~ officers.

5 (4) No person other than the election ~~officials~~ officers and
6 those admitted for the purpose of voting shall be permitted within the
7 immediate voting area, which shall be considered as within six feet (6') of
8 the voting booths, except by authority of the election ~~officials~~ officers and
9 then only when necessary to keep order and enforce the law.

10 (b) Before giving the voter a ballot, an election official shall:

11 (1) Initial the back of the ballot;

12 (2) Remove the ballot stub; and

13 (3) Place the stub into the stub box provided.

14 (c)(1)(A) Upon receiving his ballot, the voter shall proceed to mark
15 it by placing an appropriate mark.

16 (B) No voter shall be allowed more than five (5) minutes
17 to mark his ballot.

18 (2) The voter shall then personally deposit the ballot in the
19 ballot box provided.

20 (d)(1) The voter shall not be required to sign, initial, or in any way
21 identify himself or herself with the ballot, the ballot stub, or the list of
22 voters other than in the manner set forth in this section.

23 (2) However, an election ~~official~~ officer may inspect the back
24 of the ballot before the voter deposits it to see if it has been initialed by
25 an election ~~official~~ officer.

26 (e) No person shall be permitted to carry a ballot outside of the
27 polling place.

28 (f) After having voted or having declined to do so, the voter shall
29 immediately depart from the polling site.

30

31 SECTION 45. Arkansas Code 7-5-310 is amended to read as follows:

32 7-5-310. Privacy - Assistance to voters with disabilities. [~~Effective~~
33 ~~January 1, 2006.~~]

34 (a) Each voter shall be provided the privacy to mark his or her
35 ballot. Privacy shall be provided by each ~~county board of election~~
36 ~~commissioners~~ county election coordinator to ensure that voters desiring

1 privacy are not singled out.

2 (b)(1) A voter shall inform the election ~~officials~~ officers at the
3 time that the voter presents himself or herself to vote that he or she is
4 unable to mark the ballot because he or she cannot read or write or because
5 of physical, sensory, or other disability or other legal cause.

6 (2) The voter shall be directed to a voting machine equipped for
7 use by persons with disabilities where he or she may elect to cast his or her
8 ballot without assistance, or the voter may request assistance with either
9 the paper ballot or the voting machine by:

10 (A) Two (2) election ~~officials~~ officers; or

11 (B) A person named by the voter.

12 (3) If the voter is assisted by two (2) election ~~officials~~
13 officers, one (1) of the election ~~officials~~ officers shall observe the voting
14 process and one (1) may assist the voter in marking the ballot according to
15 the wishes of the voter without comment or interpretation.

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

19 (5)(A) It shall be the duty of the election ~~officials~~ officers
20 at the polling site to make and maintain a list of the names and addresses of
21 all persons assisting voters.

22 (B) The election officers shall ask the voter's designated
23 assister for identification, but failure to show identification shall not
24 disqualify the assister from assisting the voter.

25 (c) Any voter who because of physical, sensory, or other disability
26 who presents himself or herself for voting and who then informs an election
27 ~~official~~ officer at the polling site that he or she is unable to stand in
28 line for extended periods of time shall be entitled to and assisted by an
29 election ~~official~~ officer to advance to the head of any line of voters then
30 waiting in line to vote at the polling site.

31

32 SECTION 46. Arkansas Code 7-5-311 is amended to read as follows:

33 7-5-311. Voters with disabilities - Special procedures.

34 (a) ~~The county boards of election commissioners with respect to~~
35 ~~general, special, and primary elections under their several jurisdictions~~
36 county election coordinator shall provide voting locations which are

1 accessible to voters with disabilities and shall provide reasonable and
 2 adequate methods whereby voters with disabilities may personally and secretly
 3 execute their ballots at the polling places.

4 (b) The State Board of Election Commissioners, after conferring with
 5 and obtaining the assistance of persons with disabilities or organizations of
 6 citizens with disabilities, shall offer to assist local election authorities
 7 with the implementation of Title II requirements of the Americans with
 8 Disabilities Act and with the Title III requirements of the Help America Vote
 9 Act regarding accessibility for voters with disabilities.

10 (c) As used in this section, the term "disability" means any physical,
 11 mental, or sensory impairment.

12 (d)(1) The county board and the county election coordinator shall be
 13 responsible for compliance with this section and with Pub. L. No. 98-435,
 14 Title II of Pub. L. No. 101-336, the Americans with Disabilities Act, and the
 15 Help America Vote Act regarding the accessibility of voting locations for
 16 voters with disabilities.

17 (2)(A) The state board shall ~~provide the chair of each county~~
 18 ~~board, and the chair of each county political party, and each~~ county election
 19 coordinator a copy of this section and of Pub. L. No. 98-435.

20 ~~(B) The state board shall send the copies by certified~~
 21 ~~mail.~~

22
 23 SECTION 47. Arkansas Code 7-5-312, as amended by Act 224 of the 2007
 24 Regular Session, is amended to read as follows:

25 7-5-312. Challenge of voter's ballot by poll watchers, candidates, or
 26 designees.

27 (a) Poll watchers shall include any:

28 (1) Candidate in person;

29 (2) Authorized representative of a candidate;

30 (3) Authorized representative of a group seeking the passage or
 31 defeat of a measure on the ballot; and

32 (4) Authorized representative of a political party with a
 33 candidate on the ballot.

34 (b) Each candidate, group, or party may have, at any given time during
 35 the election, including early voting:

36 (1) One (1) authorized representative present at any one

1 (1) time at each location within a polling site where voters identify
2 themselves to election ~~officials~~ officers, so as to observe and ascertain the
3 identity of those persons presenting themselves to vote for the purpose of
4 challenging any voter who appears for the purpose of casting a ballot; and

5 (2) One (1) authorized representative present at any one
6 (1) time at each location within the absentee ballot processing site where
7 absentee ballots are processed, so as to observe and ascertain the identity
8 of absentee voters for the purpose of challenging any absentee vote.

9 (c) In accordance with Arkansas Code §§ 7-5-316, 7-5-413, 7-5-416, 7-
10 5-527, and 7-5-615, a candidate in person or an authorized representative of
11 a candidate or political party may be present at a polling site, central
12 counting location, and absentee ballot counting location for the purpose of
13 witnessing the counting of ballots ~~by election officials~~ and determining
14 whether ballots are fairly and accurately counted.

15 (d) The document designating and authorizing a representative of a
16 candidate, a representative of a group seeking the passage or defeat of a
17 measure on the ballot, and a representative of a political party with a
18 candidate on the ballot shall be filed with the county clerk and a file-
19 marked copy shall be presented by the poll watcher to the election official
20 or election officer immediately upon entering the polling site, absentee
21 ballot processing site, or counting location in the following form:

22
23 POLL WATCHER AUTHORIZATION FORM

24
25 Representative of a Candidate

26
27 I,, state that I am a candidate for the office of
28 in the election. I further state
29 that I have designated at polling sites
30 and absentee ballot processing sites in
31 County, Arkansas to observe and ascertain the identity of persons presenting
32 themselves to vote in person or by absentee for the purpose of challenging
33 any voter in accordance with Arkansas Code §§ 7-5-312, 7-5-416, and 7-5-417.
34 I further state that I have designated and authorized my representative named
35 above to be present at the ballot counting locations at in
36 County, Arkansas for the purpose of witnessing the counting of

1 ~~ballots by election officials~~ and determining whether ballots are fairly and
2 accurately counted in accordance with Arkansas Code §§ 7-5-312, 7-5-316, 7-5-
3 413, 7-5-416, 7-5-527, and 7-5-615.

4
5 *Representative of a Group*

6
7 I,, state that I represent the
8 group which is seeking passage/defeat (circle one) of the ballot measure
9 entitled on the ballot in the election
10 at polling sites and absentee ballot processing sites
11 in County, Arkansas, to observe and ascertain
12 the identity of persons presenting themselves to vote in person or by
13 absentee for the purpose of challenging any voter in accordance with Arkansas
14 Code §§ 7-5-312, 7-5-416, and 7-5-417.

15
16 *Representative of a Party*

17
18 I,, state that I am the chairman or secretary of the
19 state/county (circle one) committee for the party with
20 candidates on the ballot in the election. I further state
21 that I have designated as an authorized party
22 representative at the election at polling sites and absentee
23 ballot processing sites in County, Arkansas,
24 to observe and ascertain the identity of persons presenting themselves to
25 vote in person or by absentee for the purpose of challenging any voter in
26 accordance with Arkansas Code §§ 7-5-312, 7-5-416, and 7-5-417. I further
27 state that I have designated and authorized my representative named above to
28 be present at the ballot counting locations at in
29 County, Arkansas, for the purpose of witnessing the counting
30 of ballots ~~by election officials~~ and determining whether ballots are fairly
31 and accurately counted in accordance with Arkansas Code §§ 7-5-312, 7-5-316,
32 7-5-413, 7-5-416, 7-5-527, and 7-5-615.

33
34

35
36 *Signature of Candidate, Group Representative, or Chairman/Secretary of the*

1 State/County Committee

2

3 Acknowledged before me this day of, 20

4

5 Notary Public: My Commission Expires:

6

7 I do hereby state that I am familiar with the rights and responsibilities
8 of a poll watcher as outlined on the back of the poll watcher authorization
9 form and will in good faith comply with the provisions of same.

10

11

12

13 Signature of the Poll Watcher

14

15 Acknowledged before me this day of, 20

16

17 Notary Public: My Commission Expires:

18

19 I do hereby acknowledge filing this poll watcher authorization form with
20 the county clerk's office.

21

22

23

24 Signature of County Clerk

25

26 (e) Poll watcher rights and responsibilities shall be printed on the
back of the document in the following form:

27

28 POLL WATCHER RIGHTS AND RESPONSIBILITIES

29

30 A poll watcher may be:

31

(1) A candidate in person;

32

(2) An authorized representative of a candidate;

33

(3) An authorized representative of a group seeking the passage or

34

defeat of a measure on the ballot; or

35

(4) An authorized representative of a party with a candidate on the

36

ballot.

1

2 *Official recognition of poll watchers:*

3 (1) Only one (1) authorized poll watcher per candidate, group, or party
4 at any one (1) given time may be officially recognized as a poll watcher at
5 each location within a polling site where voters identify themselves to
6 election ~~officials~~ officers;

7 (2) Only one (1) authorized poll watcher per candidate, group, or party
8 at any one (1) given time may be officially recognized as a poll watcher at
9 each location within the absentee ballot processing site where absentee
10 ballots are processed; and

11 (3) Only one (1) authorized poll watcher per candidate or party at any
12 one (1) given time may be officially recognized as a poll watcher at the
13 counting of the ballots.

14

15 *Poll watcher credentials:*

16 (1) Except for candidates in person, poll watchers must present a valid
17 affidavit in the form of a "Poll Watcher Authorization Form" to an election
18 ~~official~~ officer immediately upon entering the polling or counting location.

19 (2) Candidates in person are not required to present a "Poll Watcher
20 Authorization Form" but must present some form of identification to an
21 election ~~official~~ officer immediately upon entering the polling or counting
22 location for the purpose of confirming the poll watcher as a candidate on the
23 ballot.

24

25 *Poll watchers may:*

26 (1) Observe the election ~~officials~~ officers;

27 (2) Stand close enough to the precinct voter registration lists so as
28 to hear the voter's name and observe the voter's signature;

29 (3) Compile lists of persons voting;

30 (4) Challenge ballots upon notification to an election ~~official~~ officer
31 before the voter signs the precinct voter registration list and upon
32 completing a "Challenged Ballot Form";

33 (5) Call to the attention of the election sheriff any occurrence
34 believed to be an irregularity or violation of election law. The poll watcher
35 may not discuss the occurrence unless the election sheriff invites the
36 discussion; and

1 (6) Be present at the opening, processing, and canvassing of absentee
2 ballots for the purpose of challenging absentee votes in the manner provided
3 by law for personal voting challenges.

4
5 Poll watchers representing a candidate or political party may:

6 (1) Remain at the polling site after the poll closes if ballots are
7 counted at the poll;

8 (2) Be present at the counting of votes by hand or by an electronic
9 vote tabulating device at a central location;

10 (3) Be present at the counting of absentee ballots for the purpose of
11 witnessing the counting of ballots by election officials and determining
12 whether ballots are fairly and accurately counted; and

13 (4) Upon request made to an election official, inspect any or all
14 ballots at the time the ballots are being counted.

15
16 Poll watchers may not:

17 (1) Be within six feet (6') of any voting machine or booth used by
18 voters to cast their ballot;

19 (2) Electioneer inside the polling site or within one hundred feet
20 (100') of the primary exterior entrance used by voters to the building
21 containing the polling site;

22 (3) Speak to any voter or in any way attempt to influence a voter
23 inside the polling site or within one hundred feet (100') of the primary
24 exterior entrance used by voters to the building containing the polling site;
25 or

26 (4) Disrupt the orderly conduct of the election.

27
28 (f) Poll watcher rights and responsibilities shall be posted in plain
29 view at each polling site, absentee ballot processing site, and counting
30 site.

31 (g)(1) When the ballot of any voter is thus challenged, it shall be
32 treated as a provisional ballot.

33 (2) The poll watcher shall notify an election ~~official~~ officer
34 of the challenge before the voter signs the precinct voter registration list.

35 (3) The poll watcher shall complete a challenged ballot form.

36 (4) The election ~~official~~ officer shall inform the voter that

1 his or her ballot is being challenged.

2 (5) The procedures for casting a provisional ballot under § 7-5-
3 308 shall be followed.

4

5

6 SECTION 48. Arkansas Code 7-5-314 is amended to read as follows:

7 7-5-314. Duties of election ~~officials~~ officers - Voter lists - Voters
8 in line at closing time.

9 (a) At least one (1) election ~~official~~ officer in each precinct or at
10 each box shall mark the voter's name as having voted on the precinct voter
11 registration list furnished by the county clerk.

12 (b) If a voter's name does not appear on the precinct voter
13 registration list, the voter may vote only in accordance with § 7-5-306.

14 (c) In all counties, when the polls close, all persons who have
15 presented themselves for voting and who are then in line at the polling site
16 shall be permitted to cast their votes.

17 (d) The election ~~officials~~ officers shall then total the number of
18 voters on the voter lists, and the lists shall be certified and attested by
19 the election ~~officials~~ officers.

20

21 SECTION 49. Arkansas Code 7-5-315 is amended to read as follows:

22 7-5-315. Counting ballots at the polling site.

23 In counting the paper ballots at the polling site, the following
24 procedures shall be followed:

25 (1) The votes received by an unopposed candidate in any election
26 held in this state shall not be counted or tabulated by the election
27 ~~officials~~ officers. The word "UNOPPOSED" shall be sufficient to insert on the
28 tally sheet to indicate that the candidate has received a majority of the
29 votes cast in the election. However, the votes received by an unopposed
30 candidate for the office of mayor or circuit clerk shall be counted and
31 tabulated by the election ~~officials~~ officers;

32 (2) No write-in vote in any election in this state may be
33 counted unless the name of the write-in candidate shall have been written on
34 the ballot in the handwriting of the person casting the vote;

35 (3) In counting the ballots, the ballot box shall be opened, and
36 the ballots shall be counted by counting each ballot in turn or by counting

1 by offices and issues. The election ~~officials~~ officers ~~must~~ shall witness the
 2 counting of the ballots and shall keep separate tally lists of the votes cast
 3 for each candidate or issue on the ballot;

4 (4) When two (2) or more ballots are found folded together, it
 5 shall be considered as conclusive evidence of their being fraudulent, and
 6 neither of them shall be counted. If a ballot shall be found to contain a
 7 greater number of names for any one (1) office than the number of persons
 8 required to fill the office, it shall be considered fraudulent as to the
 9 whole of the names designated to fill the office, but no further;

10 (5) Upon the close of the polls, the election ~~officials~~ officers
 11 shall immediately certify and attest the list of voters and continue the
 12 count to completion. If any of the election ~~officials~~ officers become sick or
 13 incapacitated from any other cause, the remaining election ~~officials~~ officers
 14 shall continue the count until it is completed;

15 (6) After the count is completed, the election ~~officials~~
 16 officers shall make out the certificates of election in triplicate and
 17 immediately post one (1) copy outside the polling site;

18 (7)(A) The votes received by any person whose name appeared on
 19 the ballot and who withdrew or died after the certification of the ballot or
 20 filing period ended shall be counted.

21 (B)(i) If the person received enough votes to win
 22 nomination or election, a vacancy in the nomination or election shall be
 23 declared.

24 (ii)(a) If the person received enough votes to
 25 qualify for a runoff, the person's name shall appear on the runoff ballot;
 26 and

27 (b) If enough votes are cast for the person to
 28 win the runoff, then a vacancy in the nomination or election shall exist; and

29 (8) Any person who votes in an election as a result of a federal
 30 or state court order or any other order extending the time established for
 31 closing the polls may only vote in that election by casting a provisional
 32 ballot according to the procedure set out in § 7-5-306(b). The ballot shall
 33 be separated and held apart from other provisional ballots cast by those not
 34 affected by the order.

35
 36 SECTION 50. Arkansas Code 7-5-316 is amended to read as follows:

1 7-5-316. Presence of candidate - Designation of representatives.

2 (a) After the polls have been closed, the counting of votes shall be
3 open to the public, and any candidate or political party may be present in
4 person or by representative designated in writing pursuant to § 7-5-312 at
5 the count of the ballots in any election for the purpose of determining
6 whether or not the ballots in any election precinct are fairly and accurately
7 counted. The candidate, political party, or authorized representative of the
8 candidate or political party shall be permitted, upon a request being made to
9 an election official or officer, to inspect any or all ballots at the time
10 the ballots are being counted.

11 (b) The representatives of political parties may be designated and
12 authorized by either the chairman or the secretary of the state or county
13 committee, and representatives of candidates may be designated and authorized
14 by the candidate represented.

15
16 SECTION 51. Arkansas Code 7-5-317 is amended to read as follows:

17 7-5-317. Processing and delivery of election materials.

18 (a) After the count of the ballots is completed, all of the election
19 returns shall be processed and delivered in the following manner:

20 (1) The list-of-voters form, precinct voter registration list,
21 voter registration application forms, and other recordkeeping supplies shall
22 be delivered to the county clerk county election coordinator; and

23 (2) Certificates of election results and tally sheets:

24 (A) One (1) copy of the certificate of election results
25 with one (1) copy of the tally sheets shall be delivered to the county clerk;
26 and

27 (B) One (1) copy of the certificate of election results
28 shall be returned with one (1) copy of the tally sheets and reports of
29 challenges of voters, if any, to the county ~~board of election commissioners~~
30 election coordinator;

31 (3) Ballots:

32 (A) The election ~~officials~~ officers shall securely
33 envelope the voted ballots separately from the unused ballots and place the
34 ballots in a container with a numbered seal and then deliver the ballots with
35 the tally sheets and other election materials to the ~~county board~~ county
36 election coordinator; and

1 (B) All cancelled ballots shall be preserved separately
2 from the other ballots and returned to the ~~county board~~ county election
3 coordinator;

4 (4) Stub boxes: Sealed stub boxes shall be delivered to the
5 county treasurer for storage.

6 (b) All of the election materials and returns shall be delivered to
7 the ~~county board~~ county election coordinator by the election ~~officials~~
8 officers immediately after the polls close.

9
10 SECTION 52. Arkansas Code 7-5-418 is amended to read as follows:

11 7-5-318. Failure to deliver materials - Penalty - Messenger to obtain
12 delinquent returns.

13 (a) If the election ~~officials~~ officers fail to deliver the ballots,
14 ballot stubs, certification of election, voter lists, and other election
15 returns within the time period and in the manner provided for in § 7-5-317,
16 the election ~~officials~~ officers shall forfeit the sum of two hundred dollars
17 (\$200) to be recovered by action of debt in the name of the state for the use
18 of the county.

19 (b) Upon failure of delivery of the election returns immediately after
20 the polls close, the county board of election commissioners shall dispatch a
21 peace officer to obtain the election returns, and all expenses incurred by
22 sending the messenger shall be paid by the defaulting election ~~officials~~
23 officers.

24
25 SECTION 53. Arkansas Code 7-5-319 is amended to read as follows:

26 7-5-319. Recount. [Effective January 1, 2006.]

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

31 (2) When the number of outstanding absentee ballots of overseas
32 voters is not sufficient to change the results of the election, the candidate
33 must present the petition no later than two (2) days after the county board
34 declares preliminary and unofficial results of the election, including a
35 statement of the number of outstanding absentee ballots of overseas voters.

36 (3) When the number of outstanding absentee ballots of overseas

1 voters is sufficient to potentially change the results of the election, the
2 candidate must present the petition at any time before the county board
3 finally completes the canvass of the returns of the election and certifies
4 the result.

5 (b) At the time that the petition requesting the recount is presented,
6 the county board shall provide to the candidate requesting the recount a copy
7 of the test results on the voting machines and the electronic vote tabulating
8 devices. Only one (1) recount per candidate per election shall be permitted.
9 The county board shall certify the results of the last recount. The county
10 board may upon its own motion conduct a recount of the returns from any or
11 all precincts.

12 (c) For any recount of an election in which ballots are cast using a
13 direct recording electronic voting machine with a voter-verified paper audit
14 trail, the voter-verified paper audit trail shall serve as the official
15 ballot to be recounted.

16 (d) For the recount of an election in which paper ballots are used,
17 the county board shall open the package containing the ballots and recount
18 the ballots in the manner prescribed by law for the count to be made by the
19 election officials or election officers in the first instance, or if there is
20 a determination by the county board that the voting machine or electronic
21 vote tabulating device may be malfunctioning, it may recount the ballots by
22 any manner prescribed by law.

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

27 (f) After the recount is completed, the ballots shall again be sealed
28 and kept as provided by law.

29 (g)(1) The costs for any recount must be borne by the candidate
30 petitioning for it, and payment of the costs must be made to the ~~county board~~
31 county prior to the recount in an amount determined by the ~~county board~~
32 county election coordinator.

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

36 (h) The costs of any recount shall be based on the actual costs

1 incurred to conduct the recount, but in no instance shall the amount charged
2 to conduct a recount exceed the rate of twenty-five cents (25¢) per vote cast
3 in the precincts where the recount is requested or a total of two thousand
4 five hundred dollars (\$2,500) for the entire county, whichever is less.

5 (i) Within forty-eight (48) hours after a petition for recount is
6 filed, the ~~county board of election commissioners~~ county election coordinator
7 shall notify all candidates whose election could be affected by the outcome
8 of the recount.

9
10 SECTION 54. Arkansas Code 7-5-320 is amended to read as follows:

11 7-5-320. Election to fill vacancy - Unopposed candidate.

12 (a)(1) If, after all deadlines for filing as a candidate ~~or write-in~~
13 ~~candidate~~ have passed in a special election to fill a vacancy, there is only
14 one (1) candidate and if no other office or issue is on the ballot, then the
15 ~~county board of election commissioners~~ county election coordinator may reduce
16 the number of polling places for the election.

17 (2)(A) The ~~county board~~ county election coordinator shall
18 provide at least one (1) polling place.

19 (B) The polling place may be at the courthouse and may be
20 staffed by as many election officers as deemed necessary by the county
21 election coordinator.

22 (b) In a county that uses voting machines or electronic voting, the
23 ~~county board~~ county election coordinator may choose to use paper ballots for
24 the election.

25
26 SECTION 55. Arkansas Code 7-5-414 is amended to read as follows:

27 7-5-414. Appointment of special election ~~officials~~ officers-
28 Qualifications - Compensation.

29 (a) The county board of election commissioners shall appoint election
30 ~~officials~~ officers to count and canvass the absentee voters' ballots in all
31 elections.

32 (b) The election ~~officials~~ officers who are to canvass the absentee
33 ballots shall be appointed in the same manner and at the same time the
34 election ~~officials~~ officers are selected to serve at the regular voting
35 precincts. The election ~~officials~~ officers shall possess the same
36 qualifications and have the same powers and duties as the election ~~officials~~

1 officers who serve at the regular voting precincts.

2

3 SECTION 56. Arkansas Code 7-5-416 is amended to read as follows:

4 7-5-416. Counting of absentee ballots.

5 (a)(1) The ~~election officials for absentee ballots~~ county board of
6 election commissioners shall meet in the courthouse in a place designated by
7 the ~~county board of election commissioners~~ county election coordinator on
8 election day for the purpose of processing absentee ballots.

9 (2) The ~~county board~~ county election coordinator shall give
10 public notice of the time and location of the opening, processing,
11 canvassing, and counting of absentee ballots as provided in § 7-5-202.

12 (3) The county clerk shall forward the absentee ballot
13 applications sorted alphabetically or by precinct to the ~~election officials~~
14 ~~for absentee ballots~~ county board.

15 (4) The counting of absentee ballots shall be open to the
16 public, and candidates and political parties may be present in person or by a
17 representative designated in writing pursuant to § 7-5-312 during the
18 opening, processing, canvassing, and counting of the absentee ballots as
19 provided in this subchapter.

20 (5) Absentee or early votes may be counted prior to the closing
21 of the polls on election day.

22 (b)(1) The opening, processing, counting, and canvassing of absentee
23 ballots shall be conducted as follows:

24 (A) One (1) of the ~~election officials~~ members of the
25 county board or election officers shall open outer absentee ballot envelopes
26 one (1) by one (1) and verify the contents;

27 (B) If the required materials are properly placed in the
28 outer absentee ballot envelope, the ~~election official~~ member of the county
29 board or election officer shall proceed to read aloud from the voter
30 statement the name of the voter and the voting precinct in which the voter
31 claims to be a legal voter;

32 (C) If the required materials are not properly placed in
33 the outer absentee ballot envelope, a second ~~election official~~ member of the
34 county board or election officer shall open the inner absentee ballot
35 envelope to verify the contents;

36 (D) If all required materials are present within one (1)

1 or the other envelopes, the ~~election officials~~ members of the county board or
2 election officers shall put the materials in the proper envelopes while
3 preserving the secrecy of the voter's ballot and shall proceed to read aloud
4 from the voter statement the name of the voter and the voting precinct in
5 which the voter claims to be a legal voter;

6 (E) As each outer envelope is opened and the name of the
7 voter is read, the election officials or officers for the absentee box shall
8 list in duplicate the name and voting precinct of the voter;

9 (F)(i) After the ~~election official~~ member of the county
10 board or election officer reads aloud from the statement, the ~~election~~
11 ~~officials~~ county board shall compare the name, address, date of birth, and
12 signature of the voter's absentee application with the voter's statement and,
13 for first-time voters who registered by mail, the first-time voter's
14 identification document unless the voter previously provided identification
15 at the time of mailing the voter registration application.

16 (ii) If the application and the voter's statement do
17 not compare as to name, address, date of birth, and signature, the absentee
18 ballot shall not be counted.

19 (iii) If a first-time voter fails to provide the
20 required identification with the ballot or at the time of mailing the voter
21 registration application, then the absentee application, absentee ballot
22 envelope, and voter's statement shall be placed in an envelope marked
23 "provisional" and the ballot shall be considered a provisional ballot;

24 (G) If the absentee voter fails to return the required
25 materials, the contents of both envelopes shall be placed in an envelope
26 marked "provisional";

27 (H)(i) The ~~election official~~ reason for the challenge
28 shall be recorded ~~shall record the reason for the challenge~~ on the envelope,
29 and it shall be referred to the county board.

30 (ii) The county board shall determine whether the
31 voter is qualified and whether or not the vote shall be counted;

32 (I) Failure of the voter to submit the required absentee
33 materials in the proper envelopes shall not be grounds for challenging the
34 ballot;

35 (J) If no challenge is made, the election official or
36 officer shall remove the inner envelope, without opening the inner envelope

1 containing the ballot, and place it in the ballot box without marking it in
2 any way;

3 (K)(i) After all of the outer envelopes have been opened
4 and a list has been made in duplicate of the name and voting precinct of the
5 voters, as required in this section, the ~~election officials of the absentee~~
6 ~~box~~ county board shall preserve all the statements of voters and the voters'
7 identification documents and deliver them to the ~~county clerk~~ county election
8 coordinator, who shall file and keep them for the same length of time after
9 the election as is required for retention of other ballots.

10 (ii) The voter statements shall be made available
11 for public inspection during regular business hours.

12 (iii) The voters' identification documents shall not
13 be subject to public inspection except as part of a judicial proceeding to
14 contest the election;

15 (L) When all of the inner envelopes containing the ballots
16 have been placed in the ballot box, the ballot box shall be shaken thoroughly
17 to mix the ballots; and

18 (M) The ballot box shall be opened and the ballots
19 canvassed and counted.

20 (2) No election results shall be printed or released prior to
21 the closing of the polls.

22 (c) If any person casting an absentee ballot dies before the polls
23 open on election day, his or her vote shall not be counted.

24 (d) It is the intent of this section to permit the ~~election officials~~
25 ~~for absentee ballots~~ county board to meet and process, canvass, and count
26 absentee ballots according to this section prior to the closing of the polls
27 on election day.

28 (e)(1) Absentee votes may be cast on paper ballots or ballot cards, or
29 both methods may be used.

30 (2) The ballots shall first be counted for write-in votes ~~by the~~
31 ~~election officials~~. Then, the ballots may be either hand counted or
32 automatically counted on an electronic ~~system~~ tabulating device, ~~whichever is~~
33 ~~more convenient~~.

34 (3) ~~Election officials~~ The county board may make a true copy of
35 absentee paper ballots ~~on ballot cards~~ which, after being verified in the
36 presence of witnesses, shall be counted in the same manner as other ballots

1 ~~ballot cards.~~

2 (f)(1) Absentee ballots marked as "special runoff ballots" received
3 from a qualified voter who meets one (1) of the categories in § 7-5-406(a)
4 and is temporarily residing outside the territorial limits of the United
5 States shall be opened for general primary elections and general runoff
6 elections according to the procedures described in subsection (b) of this
7 section.

8 (2) However, in counting the special runoff ballot, one (1) of
9 ~~the members of the county board of election officials~~ officers shall open the
10 envelope containing the special runoff ballot and read the numbers indicated
11 next to the names of the two (2) candidates in the general primary election
12 or in the general runoff election.

13 (3) The candidate with the highest ranking shall receive the
14 vote.

15 (4) A special runoff ballot received with the preferential
16 primary absentee ballot shall be counted in the general primary election, and
17 a special runoff ballot received with the general election absentee ballot
18 shall be counted in the general runoff election.

19 (5) The Secretary of State shall prepare instructions for
20 opening, counting, and canvassing special runoff ballots and provide the
21 instructions to each county board of election commissioners.

22

23 SECTION 57. Arkansas Code 7-5-417 is amended to read as follows:
24 7-5-417. Challenge of absentee votes.

25 (a) When the name and voting precinct of a voter is read by the member
26 of the county board of election commissioners or the election official
27 officer, any candidate or qualified poll watcher pursuant to § 7-5-312 may
28 challenge the vote in the manner provided by law for personal voting
29 challenges, and the ~~election officials~~ county board shall consider the ballot
30 as a provisional ballot.

31 (b) If the statement is not in proper form, or if for any other legal
32 reason the vote should not be counted, the ballot shall be preserved together
33 with the statement and envelope for the same period of time that the
34 statements are preserved.

35 (c) If the county board ~~of election commissioners~~ determines that the
36 provisional voter is qualified and that the vote should be counted, it shall

1 be handled in the same manner as provisional ballots in a regular voting
2 precinct.

3

4 SECTION 58. Arkansas Code 7-5-418 is amended to read as follows:

5 7-5-418. Early voting.

6 (a)(1)(A) Except as provided in subdivision (a)(1)(B) of this section,
7 early voting shall be available to any qualified elector who applies to the
8 county clerk's designated early voting location, beginning fifteen (15) days
9 before a preferential primary or general election between the hours of 8:00
10 a.m. and 6:00 p.m. Monday through Friday and 10:00 a.m. and 4:00 p.m.
11 Saturday and ending at 5:00 p.m. on the Monday before the election.

12 (B) Early voting shall not be available on state holidays.

13 (2) However, on all other elections, including, but not limited
14 to, general primary and general runoff elections, early voting shall be
15 available to any qualified elector who applies to the county clerk during
16 regular office hours, beginning fifteen (15) days before an election and
17 ending on the day before the election day at the time the county clerk's
18 office regularly closes.

19 (b)(1)(A) The county board of election commissioners may decide to
20 hold early voting at additional polling sites outside the offices of the
21 county clerk and to include the additional voting locations for a maximum of
22 fifteen (15) days on any of the days and times provided for in subsection (a)
23 of this section, if it so chooses.

24 (B) The county board shall determine by unanimous vote the
25 location of additional polling sites for early voting.

26 (C) ~~The county clerk~~ county election coordinator shall
27 publish the location of additional early voting polling sites in a newspaper
28 of general circulation at least five (5) days before early voting begins.

29 (2) ~~The county board~~ county election coordinator shall select
30 the number of election ~~officials~~ officers necessary to adequately staff the
31 additional early voting polling site ~~or sites as in any other election.~~

32 (3)(A) ~~The county board~~ county election coordinator shall notify
33 the county clerk of ~~its~~ the board's decision to hold early voting at
34 additional polling sites outside the office of the county clerk within ten
35 (10) days of the decision.

36 (B)(i) If the county board decides to hold early voting at

1 additional polling sites outside the office of the county clerk, the county
2 clerk may choose not to hold early voting within the office of the county
3 clerk. The county clerk shall notify the ~~county board~~ county election
4 coordinator within ten (10) days of the receipt of notice ~~from the county~~
5 ~~board~~ regarding early voting at additional polling sites.

6 (ii) If the county clerk decides not to hold early
7 voting within the office of the county clerk as provided in subdivision
8 (b)(3)(B)(i) of this section, early voting shall be held at one (1) or more
9 conveniently located polling sites on the days and times provided in
10 subsection (a) of this section.

11 (4) The early voting election ~~official~~ officer shall record the
12 date on all pages of the early voting roster or early voting request form and
13 keep a daily record of the number of early ballots cast.

14 ~~(5) The county clerk shall publish the additional hours for~~
15 ~~early voting with the location of additional early voting polling sites in a~~
16 ~~newspaper of general circulation at least five (5) days before early voting~~
17 ~~begins.~~

18 ~~(6)(5)~~ All voted ballots and unvoted ballots and all related
19 election materials at each additional early voting polling site shall be
20 stored in a secure location in the county courthouse or in a secure location
21 as determined by the county board of election commissioners immediately after
22 the close of the additional polling sites each day that early voting is
23 conducted there.

24 (c) Before a person is permitted to cast an early vote, the county
25 clerk or election ~~official~~ officer shall:

26 (1) Request the voter to identify himself by stating his name,
27 date of birth, and address in order to verify his registration;

28 (2) If the voter's name or address is not the same as that in
29 the county voter registration record files, request the voter to complete an
30 updated voter registration application form;

31 (3) Request the voter to sign an early voting roster or early
32 voting request form which identifies his name, address, date of birth, and
33 the date on the roster or form; and

34 (4) Enter the voter's precinct number on the early voting roster
35 or early voting request form.

36 (d) If the voter is not listed in the county voter registration record

1 files and the county clerk is unable to verify the voter's registration and
2 if the voter contends that he or she is eligible to vote, then the voter may
3 vote a provisional ballot which shall be counted only upon verification of
4 the voter's registration status.

5 (e) The county clerk or ~~county board~~ county election coordinator shall
6 furnish voting locations that adequately allow the early voter to personally
7 and secretly execute his or her ballot.

8 (f) Upon casting his or her ballot, the voter shall then deposit the
9 ballot in the appropriate box in the same manner as for votes cast on the day
10 of the election.

11 (g) Early votes shall be counted at the same time as absentee ballots.

12 (h) Except as provided in this section, early voting shall be
13 conducted in the same manner as voting on election day. Conduct that is
14 prohibited or restricted on election day shall be subject to the same
15 prohibitions and restrictions on the days on which early voting is conducted.

16

17 SECTION 59. Arkansas Code 7-5-507 is amended to read as follows:

18 7-5-507. Demonstration - Assistance in operating machine. [~~Effective~~
19 ~~January 1, 2006.~~]

20 (a) The manufacturer shall demonstrate the machine to the ~~election~~
21 ~~officials~~ county board of election commissioners and the county election
22 coordinator, prior to the first election at which the machines are placed in
23 use. The date for the demonstration shall be set by the ~~county board of~~
24 ~~election commissioners~~ county election coordinator .

25 (b) On the date of the first election at which voting machines are
26 used, manufacturers shall make employees available in each county where the
27 machines are in operation to assist the county board in any manner that will
28 expedite voting and provide efficient operation of voting machines. After the
29 first election, the ~~county board~~ county election coordinator shall obtain the
30 assistance needed in operating the machines, and the ~~county board~~ county
31 election coordinator shall collect and pay expenses for this assistance as it
32 would for any other election cost.

33

34 SECTION 60. Arkansas Code 7-5-509 is amended to read as follows:

35 7-5-509. Machines used for demonstration. [Effective January 1, 2006.]

36 (a) The ~~county board of election commissioners~~ county election

1 coordinator may designate suitable times and places where voting machines
 2 shall be exhibited for the purpose of giving instructions in their use to all
 3 voters who apply for instruction.

4 (b) At least one (1) machine for demonstration purposes shall be
 5 placed in each precinct not more than twenty-five (25) days nor less than ten
 6 (10) days before each election, when practical. The location of voting
 7 machines for demonstration shall be in accessible public buildings. The
 8 voting machines used for demonstration shall display sample ballots showing
 9 the title of offices to be filled and, as far as practicable, the names of
 10 the candidates in the next election.

11 (c) No voting machine that is to be assigned for use in any election
 12 shall be used for instruction after having been prepared and secured for the
 13 election. Machines shall not be used for demonstration purposes during the
 14 time that the polls are open on election day or if the demonstration shall in
 15 any way interfere with the proper adjustment, securing, or use of the machine
 16 in the election.

17

18 SECTION 61. Arkansas Code 7-5-510 is amended to read as follows:

19 7-5-510. Forms for complaints about function of voting machine -
 20 Investigation.

21 (a) At each polling place at which voting machines are used, the
 22 ~~county board of election commissioners~~ county election coordinator shall
 23 provide forms that voters may use for complaints about the function of a
 24 voting machine. The complaint form shall include space for the following
 25 information:

26 (1) The name, address, and telephone number of the person making
 27 the complaint;

28 (2) The identification number of the voting machine;

29 (3) The complaint; and

30 (4) Such other information concerning the complaint as the State
 31 Board of Election Commissioners determines to be appropriate to carry out the
 32 intent of this section.

33 (b) A voter may file a complaint form with an election ~~official~~
 34 officer who shall forward the complaint form to the ~~county board of election~~
 35 ~~commissioners~~ county election coordinator. It shall be the duty of the ~~county~~
 36 ~~board of election commissioners~~ county election coordinator to report

1 complaints to the county board and to investigate complaints regarding the
2 function of a voting machine.

3

4 SECTION 62. Arkansas Code 7-5-512 is amended to read as follows:

5 7-5-512. Certification of ballot styles - Equipment furnished to
6 polling sites. [~~Effective January 1, 2006.~~]

7 (a) It shall be the duty of the ~~county board of election commissioners~~
8 county election coordinator to prepare and certify the ballot styles for the
9 voting machine.

10 (b) In addition, the board shall furnish the following paraphernalia
11 for each polling site:

12 (1) Two (2) or more sample ballots of legible size for each
13 ballot style that will be in use in the election and accompanied by
14 illustrated directions for voting on the machine. The sample ballots and
15 directions shall be posted prominently within the polling site; and

16 (2) Any election materials and supplies as may be necessary or
17 as may be required by law.

18 (c) The voting machine shall be delivered by the ~~county board~~ county
19 election coordinator to the election ~~officials~~ officers at each polling site.

20 (d) The ~~county board~~ county election coordinator shall supply each
21 precinct with clear, written instructions suitable for the instruction of
22 voters illustrating the manner of voting on the machine.

23

24 SECTION 63. Arkansas Code 7-5-513 is amended to read as follows:

25 7-5-513. Machine breakdown - Delivery of ballot materials. [~~Effective~~
26 ~~January 1, 2006.~~]

27 The ~~county board of election commissioners~~ county election coordinator
28 in any county in which voting machines are to be used shall be ready at any
29 time on election day to deliver to any ~~precinct~~ polling place in the county,
30 ~~town, or city~~ ballots, ballot boxes, replacement voting machines, if
31 available, or other necessary equipment required by law for voting, upon
32 notice that any voting machine is out of order or fails to work.

33

34 SECTION 64. Arkansas Code 7-5-515 is amended to read as follows:

35 7-5-515. Preparation of machines for election. [~~Effective January 1,~~
36 ~~2006.~~]

1 (a) Immediately upon the proper certification of candidates and
2 questions, the ~~county board of election commissioners~~ county election
3 coordinator shall prepare the voting machines, oversee their programming, and
4 test and adjust the voting machines for the election.

5 (b) In performing this function, the ~~county board~~ county election
6 coordinator may be assisted by experts appointed or employed by the county
7 board.

8 (c)(1) At least five (5) days prior to the election day, the county
9 ~~board~~ election coordinator, with respect to all elections, shall have the
10 machines tested to ascertain that the voting system will correctly count the
11 votes cast for all offices on all measures.

12 (2) Public notice of the time and place of the test shall be
13 given at least forty-eight (48) hours prior to the test by publication one
14 (1) time in one (1) or more daily or weekly newspapers published in the town,
15 city, or county using the machines if a newspaper is published in the town,
16 city, or county.

17 (3) The test shall be open to representatives of the political
18 parties, candidates, media, and the public.

19 (4) The test shall be conducted by processing a preaudited group
20 of test ballots that are to be voted on the machines so as to record a
21 predetermined number of valid votes for each candidate and on each measure.
22 The test shall include for each office one (1) or more ballots which have
23 votes in excess of the number allowed by law in order to test the ability of
24 the machines to reject the votes.

25 (5) If any error is detected, the cause shall be ascertained and
26 corrected and an errorless count shall be made before the machine is
27 approved.

28 (d) After completion of the test, the ballots and programs used shall
29 be sealed, retained, and disposed of as provided by law.

30 (e) After completion of the test, the ~~county board of election~~
31 ~~commissioners~~ county election coordinator shall certify the accuracy of the
32 voting system and file the test results with the county clerk.

33
34 SECTION 65. Arkansas Code 7-5-516(a), concerning notice to candidates
35 of the preparation of voting machines, is amended to read as follows:

36 (a) Before the ~~county board of election commissioners~~ county election

1 coordinator begins the preparation of the machines for any election, it shall
2 mail a notice in due time to candidates or any representatives designated by
3 candidates stating:

4 (1) The time and place the machines will be prepared for the
5 election; and

6 (2) A time at which one (1) representative of each candidate may
7 inspect to see that the machines are in proper condition for use in the
8 election.

9

10 SECTION 66. Arkansas Code 7-5-517 is amended to read as follows:

11 7-5-517. Securing machines - Certification. [~~Effective January 1,~~
12 ~~2006.~~]

13 (a) When a voting machine has been properly prepared by the ~~county~~
14 ~~board of election commissioners~~ county election coordinator and examined by
15 the representatives of the candidates or the candidate himself or herself, it
16 shall be made inaccessible to voting.

17 (b) Any device required to activate the machine shall be placed in a
18 package on which shall be written the serial number and the precinct location
19 of the voting machine and the number registered on the protective counter or
20 device. The package shall be sealed in the presence of the representatives of
21 the candidates or the candidates themselves.

22 (c) The ~~county board of election commissioners~~ county election
23 coordinator shall then certify, in the presence of the candidates or their
24 representatives, as to the serial numbers of the machines, that all question
25 counters are set at zero (000), and as to the number registered on the
26 protective counter of the machine.

27 (d) Any activator pack or device required for voting on the voting
28 machines shall be kept by the ~~county board~~ county election coordinator until
29 turned over for delivery to the election ~~officials~~ officers with the election
30 equipment at the polling ~~site~~ place for election day.

31

32 SECTION 67. Arkansas Code 7-5-518 is amended to read as follows:

33 7-5-518. Machines inactivated until polls open - Adjustment of
34 counters. [Effective January 1, 2006.]

35 (a) The voting machine shall remain inactivated against voting until
36 the polls are formally opened and shall not be operated except by voters for

1 voting.

2 (b) If any counter or tabulator is found not to register zero (000),
3 the election ~~officials~~ officers shall immediately notify the ~~county board of~~
4 ~~election commissioners~~ county election coordinator, who shall cause the
5 counters to be adjusted at zero (000).

6 (c)(1) The election ~~officials~~ officers shall produce one (1) printout
7 from each machine showing whether the candidate and question counters
8 register zero (000) and shall sign and post the printout upon the wall of the
9 polling room, where it shall remain throughout the election day.

10 (2) The certified printout shall be filed with the election
11 returns.

12

13 SECTION 68. Arkansas Code 7-5-521 is amended to read as follows:

14 7-5-521. Arrangement of polling place. [~~Effective January 1, 2006.~~]

15 (a) The exterior of the voting machine and every part of the polling
16 place shall be in plain view of the election ~~officials~~ officers.

17 (b) The machine shall be placed so that no person can see or determine
18 how the voter casts his or her vote.

19 (c) After the opening of the polls, the election ~~officials~~ officers
20 shall not allow any person to pass to the part of the room where the machine
21 is situated, except for the purpose of voting.

22

23 SECTION 69. Arkansas Code 7-5-522 is amended to read as follows:

24 7-5-522. Voting procedure. [~~Effective January 1, 2006.~~]

25 (a)(1) Where a voter presents himself or herself for the purpose of
26 voting, the election ~~officials~~ officers shall ascertain whether he or she is
27 properly qualified and registered pursuant to § 7-5-305.

28 (2) In preparing the machines, the election ~~official~~ officer
29 shall ensure that each voter will have access only to the proper ballot.

30 (b) Only one (1) voter at a time shall be permitted to approach a
31 voting machine. Having cast his or her vote, the voter shall at once move
32 away from the voting machine and leave the polling room by the exit provided.

33 (c) No voter after having left the voting machine shall be permitted
34 to return to the voting machine except to complete the voting process.

35

36 SECTION 70. Arkansas Code 7-5-523 is amended to read as follows:

1 7-5-523. Assistance to voters with disabilities. [~~Effective January 1,~~
2 ~~2006.~~]

3 (a)(1) A voter shall inform the election ~~officials~~ officers at the
4 time that the voter presents himself or herself to vote that the voter is
5 unable to cast his or her ballot by voting machine because the voter cannot
6 read or write or because of physical, sensory, or other disability or other
7 legal cause, or that he or she is unable to complete the ballot without help
8 and needs the assistance of some other person in casting his or her ballot.
9 That voter may be assisted by:

10 (A) Two (2) election ~~officials~~ officers; or

11 (B) A person named by the voter.

12 (2) If the voter is assisted by two (2) election ~~officials~~
13 officers, one (1) of the election officials shall observe the voting process
14 and one (1) may assist the voter in operating the machine so as to vote the
15 ballot in accordance with the wishes of the voter without comment or
16 interpretation.

17 (3) If the voter is assisted by one (1) person named by the
18 voter, he or she may assist the voter in operating the machine so as to vote
19 the ballot in accordance with the wishes of the voter without comment or
20 interpretation.

21 (4) The laws of this state with respect to assisting persons
22 with disabilities in the casting of votes upon printed ballots shall govern,
23 insofar as is practicable, the assistance of a voter in casting his or her
24 ballot by voting machine.

25 (5) It shall be the duty of the election ~~officials~~ officers at
26 the polling site to make and maintain a list of the names of all persons
27 assisting voters.

28 (b) A voter with a disability who requests to cast his or her ballot
29 on a voting machine without assistance shall be provided with an audio or
30 other device that shall be used in conjunction with the voting machine so
31 that the voter may cast a secret ballot without assistance.

32 (c) Any voter who because of physical, sensory, or other disability
33 presents himself or herself for voting by voting machine and who then informs
34 election ~~officials~~ officers at the polling site that he or she is unable to
35 stand in line for extended periods of time shall be entitled to be assisted
36 by an election ~~official~~ officer to advance to the head of any line of voters

1 then waiting in line to vote at the polling site.

2
3 SECTION 71. Arkansas Code 7-5-526 is amended to read as follows:

4 7-5-526. Closing of polls - Securing machines - Election ~~officials'~~
5 officers' certificate. [~~Effective January 1, 2006.~~]

6 (a) At the official time for closing the polls and upon termination of
7 the voting, the election ~~officials~~ officers shall announce that the polls
8 have closed and in the presence of all persons authorized to be present shall
9 remove the activation packs or devices from the voting machines to make them
10 inaccessible to further voting.

11 (b) At the same time, the election ~~officials~~ officers shall sign a
12 certificate provided by the ~~county board of election commissioners~~ county
13 election coordinator stating that the machines were made inaccessible to
14 further voting and giving the exact time and the number of votes shown on the
15 public counters.

16
17 SECTION 72. Arkansas Code 7-5-527 is amended to read as follows:

18 7-5-527. Exposure of count - Verification - Return Record - Official
19 signatures. [~~Effective January 1, 2006.~~]

20 (a) The election ~~officials~~ officers shall then expose the count in the
21 presence of all persons authorized to be present.

22 (b) It is the intention of this section to accord a full, complete,
23 and public view of the count from each voting machine to all election
24 ~~officials~~ officers and designated watchers for the candidates or parties.

25 (c)(1) The election ~~official~~ officer shall proceed to produce the
26 return record in a minimum of three (3) copies.

27 (2)(A) The return record shall be deemed the official count for
28 that machine.

29 (B) One (1) copy of the completed return record for that
30 machine shall be posted upon the wall of the polling room for all to see.

31 (d) The election ~~officials~~ officers shall sign the machine return
32 record produced by the device.

33 (e)(1) The activation pack or device used to collect votes from each
34 voting machine and all certified return records shall be placed in a package
35 that shall be sealed and signed by all the election ~~officials~~ officers and
36 any watchers that may desire to affix a signature.

1 (2)(A) The sealed package shall be immediately returned to the
2 ~~county board of election commissioners~~ county election coordinator by one (1)
3 of the election ~~officials~~ officers selected for this purpose, accompanied by
4 those of the other election ~~officials~~ officers and watchers who desire to
5 join the election ~~official~~ officer.

6 (B) The election ~~official~~ officer shall obtain a receipt
7 for the sealed package.

8
9 SECTION 73. Arkansas Code 7-5-528 is amended to read as follows:

10 7-5-528. Proclamation of election results.

11 Upon completion of all tabulation blanks, certificates, and statements,
12 the election ~~officials~~ officers shall again proclaim in a loud and audible
13 voice the results of the election as recorded in that precinct. However, if
14 the machine is provided with a device for recording candidate and question
15 counter totals, the return record for each machine shall be posted upon the
16 wall of the polling room for all to see.

17
18 SECTION 74. Arkansas Code 7-5-530 is amended to read as follows:

19 7-5-530. Machines released to officials - Impounding upon election
20 contest or recount. [~~Effective January 1, 2006.~~]

21 (a) Immediately after the completion of the tabulation of the returns
22 and the securing of the voting machines, the machines shall be released to
23 the proper officials designated by the ~~county board of election commissioners~~
24 county election coordinator.

25 (b) Upon the return of the voting machines, the ~~county board of~~
26 ~~election commissioners~~ county election coordinator shall produce an audit log
27 from each machine used in the election.

28 (c) In the event that there is an election contest filed, the judge of
29 the court that has jurisdiction may order the county sheriff to impound the
30 audit logs and the voter-verified paper audit trail alleged in the contest to
31 be in question. The sheriff shall take them into his or her custody and store
32 them in a place under lock and key awaiting further orders of the court.

33 (d) In the event that any candidate in any election in which the
34 machines have been utilized or any voter who questions the count of any
35 question posed at any election gives written notice to the county board that
36 he or she desires a recount, then the applicable county board shall designate

1 the sheriff of the county to so place the audit logs and voter-verified paper
2 audit trails in his or her custody and store them in a place to which only he
3 or she shall have access awaiting further orders of the applicable county
4 board or court.

5

6 SECTION 75. Arkansas Code 7-5-531 is amended to read as follows:

7 7-5-531. Retention of audit data - Machines to remain secured until
8 results are certified except on court order. [Effective January 1, 2006.]

9 (a) All audit logs and voter-verified paper audit trails produced by a
10 voting machine shall ~~remained~~ remain secured for a period of two (2) years.

11 (b)(1) All voting machines used in any election shall remain secured
12 for a period of at least three (3) days following the election unless the
13 machines are ordered to be activated sooner by and on the authority of an
14 order of a court of competent jurisdiction, in the event that the issue of
15 the election should be in judicial controversy.

16 (2) Should no order be entered, it shall be the duty of the
17 ~~county board of election commissioners~~ county election coordinator to clear
18 the machines for future elections after the results of the election have been
19 certified.

20

21 SECTION 76. Arkansas Code 7-5-532(b), concerning direct electronic
22 voting machines, is amended to read as follows:

23 (b) ~~The State Board of Election Commissioners or the county board of~~
24 ~~election commissioners shall not purchase or procure a~~ No direct recording
25 electronic voting machine that does not include a voter-verified paper audit
26 trail shall be used in this state.

27

28

29 SECTION 77. Arkansas Code 7-5-604(a)(6)(C), concerning the
30 authorization of electronic voting systems, is amended to read as follows:

31 (5)(A) Notify the voter that he or she has selected more than
32 one (1) candidate for the office, notify the voter before the ballot is cast
33 and counted of the effect of casting multiple votes for the office, and
34 provide the voter with the opportunity to correct the ballot before the
35 ballot is cast if the voter is legally entitled to select only one (1)
36 candidate for an office but the voter selects more than one (1) candidate for

1 the office.

2 (B) Electronic vote tabulating devices used to cast and
3 count votes at the polling place shall be programmed to reject ballots
4 containing overvotes as described in this section.

5 (C) When votes are cast at polling places and are to be
6 counted by hand or at the courthouse or other central counting location, the
7 ~~county board of election commissioners~~ county election coordinator shall
8 provide a voter education program to inform the voters:

9 (i) Of the effect of casting multiple votes for an
10 office; and

11 (ii) How to correct the ballot before it is cast,
12 including, but not limited to, instructions on how to correct the error
13 through the issuance of a replacement ballot if the voter was otherwise
14 unable to change the ballot or correct any error;

15 (6)(A) Notify the voter that the voter has selected more than
16 the allowed number of candidates for the office on the ballot, notify the
17 voter before the ballot is cast and counted of the effect of casting more
18 than the allowed number of votes for that office, and provide the voter with
19 the opportunity to correct the ballot before the ballot is cast if the voter
20 is legally entitled to select multiple candidates for an office but the voter
21 selects more than the number of candidates he or she is legally entitled to
22 select.

23 (B) Electronic vote tabulating devices used to cast and
24 count votes at the polling places shall be programmed to reject ballots
25 containing overvotes as described in this section.

26 (C) When votes are cast at polling places and are to be
27 counted by hand or at the courthouse or other central counting location, the
28 ~~county board of election commissioners~~ county election coordinator shall
29 provide a voter education program to inform the voters:

30 (i) Of the effect of casting multiple votes for an
31 office; and

32 (ii) How to correct the ballot before it is cast,
33 including, but not limited to, instructions on how to correct the error
34 through the issuance of a replacement ballot if the voter was otherwise
35 unable to change the ballot or correct any error;

36

1 SECTION 78. Arkansas Code 7-5-611 is amended to read as follows:

2 7-5-611. Preparation of electronic vote tabulating devices - Test -
3 Disposition of voting materials. [~~Effective January 1, 2006.~~]

4 (a)(1) The ~~county board of election commissioners~~ county election
5 coordinator, with respect to all elections, shall cause the electronic vote
6 tabulating devices used for voting to be properly programmed and tested
7 before delivery to the election precincts.

8 (2) At least five (5) days prior to the election day, the ~~county~~
9 ~~board~~ county election coordinator, with respect to all elections, shall have
10 the electronic vote tabulating devices tested to ascertain that the devices
11 will correctly count the votes cast for all offices and on all measures.

12 (3) Public notice of the time and place of the test shall be
13 given at least forty-eight (48) hours prior thereto by publication one (1)
14 time in one (1) or more daily or weekly newspapers published in the town,
15 city, or county using the devices, if a newspaper is published therein.

16 (4) The test shall be open to representatives of the political
17 parties, candidates, the press, and the public.

18 (5)(A) The test shall be conducted by processing predetermined
19 results from a group of ballots marked as to record a predetermined number of
20 valid votes for each candidate and on each measure for each precinct or
21 voting location.

22 (B) Prior to the start of the test, a printout shall be
23 generated to show that no votes are recorded on the electronic vote
24 tabulating device.

25 (C) The test shall include for each office one (1) or more
26 ballots which have votes in excess of the number allowed by law in order to
27 test the ability of the electronic vote tabulating devices to reject such
28 votes.

29 (6) If any error is detected, the cause shall be ascertained and
30 corrected, and an errorless count shall be made before the electronic vote
31 tabulating device or devices are certified for use in the election.

32 (7) Upon completion of the testing, the electronic vote
33 tabulating devices shall be cleared of any votes cast during the test.

34 (8) After completion of the test, the ~~county board of election~~
35 ~~commissioners~~ county election coordinator shall certify the accuracy of the
36 voting system and file the test results with the county clerk.

1 (b)(1) Before the opening of the polls, the election ~~officials~~
 2 officers shall generate a printout from the electronic vote tabulating device
 3 or devices to verify that the candidates and measures are correct for the
 4 location and that no votes are recorded on the electronic vote tabulating
 5 device or devices.

6 (2) The election ~~officials~~ officers shall sign and post the
 7 printout upon the wall of the polling room where it shall remain throughout
 8 the election day.

9 (3) The certified printout shall be filed with the election
 10 returns.

11
 12 SECTION 79. Arkansas Code 7-5-613 is amended to read as follows:

13 7-5-613. Counting ballots and write-in votes. ~~[Effective January 1,~~
 14 ~~2006.]~~

15 In precincts where an electronic vote tabulating device is used, as
 16 soon as the polls are closed:

17 (1) The election ~~officials~~ officers shall compare the total
 18 number of voters indicated by the electronic vote tabulating device with the
 19 list of voters to ensure that the number recorded by the tabulator is the
 20 same as the number of voters shown on the list of voters who received a
 21 ballot at the polling site. If the totals are different, this fact shall be
 22 reported in writing to the county board of election commissioners with the
 23 reasons, if known; and

24 (2) The election ~~officials~~ officers shall count the write-in
 25 votes and prepare a return of the votes on forms provided for that purpose.

26
 27 SECTION 80. Arkansas Code 7-5-614 is amended to read as follows:

28 7-5-614. Locations for vote tabulation - Procedures. ~~[Effective January~~
 29 ~~1, 2006.]~~

30 (a)(1) The tabulation of votes of a precinct may be by electronic vote
 31 tabulating devices at a central counting location or at the polling sites.

32 (2) Provisional ballots and absentee ballots shall be processed
 33 and counted at the courthouse or other central counting location in the
 34 county.

35 (3) The ~~county board of election commissioners~~ county election
 36 coordinator with respect to all elections shall give notice of the location

1 within the county of each place at which votes will be counted by electronic
2 vote tabulating devices and of the names or numbers of all precincts whose
3 votes will be counted at each location, by posting the notice in a
4 conspicuous place in the county courthouse at least three (3) days prior to
5 each election.

6 (b) For the tabulation of provisional and absentee ballots at a
7 central location beginning on election day:

8 (1) The election ~~officials~~ officers shall place in the container
9 provided for the purpose all ballots that have been cast. This container
10 shall be sealed and delivered to the county board of election commissioners
11 forthwith ~~by the election officials~~ together with the unused, void, and
12 defective ballots; and

13 (2) All proceedings at the counting location shall be under the
14 direction of ~~at least two (2) election officials named by~~ the county board of
15 election commissioners with respect to all elections. ~~In all elections, when~~
16 ~~possible, the election officials shall represent the majority party and the~~
17 ~~minority party.~~

18
19 SECTION 81. Arkansas Code 7-5-615 is amended to read as follows:

20 7-5-615. Tabulation of votes - Defective ~~vote cards~~ ballots -
21 Certification of returns. [~~Effective January 1, 2006.~~]

22 (a) The counting of votes by electronic vote tabulating devices at the
23 courthouse or other central counting location shall be open to the public,
24 and any candidate or political party may be present in person or by
25 representative designated in writing pursuant to § 7-5-312 to view the
26 counting.

27 (b) No person except those employed and authorized for that purpose
28 shall touch any ballot or return.

29 ~~(c) The election officials at the counting place and all persons~~
30 ~~operating the electronic vote tabulating devices shall take the same oath~~
31 ~~required by law for election officials before entering upon their duties.~~

32 ~~(d)~~(c) If any ballot is damaged or defective so that it cannot
33 properly be counted by the electronic vote tabulating device, a true
34 duplicate copy shall be made of the damaged ballot in the presence of
35 tabulation election ~~officials~~ or officers if the votes are tabulated at a
36 central location. The duplicate shall be substituted for the damaged ballot.

1 All duplicate ballots shall be clearly labeled "duplicate" and shall be
2 counted in lieu of the damaged or defective ballot.

3 ~~(e)~~(d) The return printed by the electronic vote tabulating device, to
4 which has been added the return of write-in, early, and absentee votes, shall
5 constitute the official return of each precinct. All returns shall be
6 certified by the election officials in charge of the tabulation thereof in
7 the manner provided by law.

8 ~~(f)~~(e) Upon completion of the count, the returns shall be open to the
9 public.

10

11 SECTION 82. Arkansas Code 7-5-701 is amended to read as follows:

12 7-5-701. Declaration of results - Certification, delivery, and custody
13 of returns.

14 (a)(1) No earlier than forty-eight (48) hours after the election and
15 no later than the fifteenth calendar day after the election, the county board
16 of election commissioners, from the certificates and ballots received from
17 the several precincts, shall proceed to ascertain, declare, and certify the
18 result of the election to the Secretary of State.

19 (2)(A) The county board shall declare preliminary and unofficial
20 results of the election, including a statement of the number of outstanding
21 absentee ballots of overseas voters, immediately after the count of the vote
22 is complete and ~~report the preliminary and unofficial results to the county~~
23 ~~clerk, who~~ the county election coordinator shall immediately transmit the
24 results to the Secretary of State by the Internet website interface provided
25 by the Secretary of State.

26 (B) If it is not possible for the ~~clerk~~ county election
27 coordinator to transmit the results via the Internet website interface, then
28 the ~~clerk~~ county election coordinator may transmit the results by facsimile
29 transmission.

30 (3) Within nineteen (19) calendar days after any general,
31 special, or school election, the ~~county board~~ county election coordinator
32 shall deliver a certificate of election, signed by the chair of the county
33 board, to the person having the highest number of legal votes for any county
34 office.

35 (b) The county board shall ~~also~~ file in the office of the clerk of the
36 county court a certificate setting forth in detail the result of the

1 election.

2 (c)(1)(A) No earlier than forty-eight (48) hours after the election
3 and no later than the fifteenth calendar day after the election, the ~~county~~
4 ~~board~~ county election coordinator shall deposit certified copies of the
5 abstracts of the returns of the election for members of Congress and for all
6 executive, legislative, and judicial officers in the nearest post office on
7 the most direct route to the seat of government and directed to the Secretary
8 of State.

9 (B) The county board shall not receive compensation for
10 election duties after the election until the election results have been
11 certified and delivered to the Secretary of State.

12 (C) The Secretary of State shall file a complaint with the
13 State Board of Election Commissioners pursuant to § ~~7-4-118~~ 7-4-121 if the
14 county board does not comply with subdivision (c)(1)(A) of this section.

15 (d)(1) ~~+~~ The county election coordinator shall at the same time
16 enclose in a separate envelope and direct to the Speaker of the House of
17 Representatives, in care of the Secretary of State, at the seat of
18 government, a certified copy of the abstract of votes given for Governor,
19 Lieutenant Governor, Secretary of State, Treasurer of State, Auditor of
20 State, and Attorney General.

21 (2) It is made the duty of the Secretary of State to safely keep
22 the returns addressed to the Speaker of the House until they shall be
23 required for the purpose of ascertaining and declaring the result of the
24 election as prescribed in Arkansas Constitution, Article 6, § 3.

25

26 SECTION 83. Arkansas Code 7-5-702 is amended to read as follows:

27 7-5-702. Preservation of ballots, stubs, and certificates.

28 ~~(a) [Effective until January 1, 2006] The county board of election~~
29 ~~commissioners shall retain the custody of and safely keep in a sealed~~
30 ~~container appropriately marked all ballots and certificates returned to it~~
31 ~~from the several precincts for a period of twenty (20) days, after which time~~
32 ~~the ballots and certificates shall be stored for a period of two (2) years~~
33 ~~from the date of the election, unless the county board shall be sooner~~
34 ~~notified in writing that:~~

35 ~~(1) The election of some person voted for at the election and~~
36 ~~declared to have been elected has been contested; or~~

1 ~~(2) Criminal prosecution has been begun before a tribunal of~~
2 ~~competent jurisdiction against any officer of election or person voting~~
3 ~~thereat for any fraud in the election.~~

4 ~~(a) [Effective January 1, 2006] The county board of election~~
5 ~~commissioners~~ county election coordinator shall retain the custody of and
6 safely keep in a sealed container appropriately marked in a secure location
7 in the county courthouse or other county storage facility all ballots and
8 certificates returned to it from the several precincts for a period of twenty
9 (20) days, after which time the ballots and certificates shall be stored in a
10 secure location in the county courthouse or other county storage facility for
11 a period of two (2) years from the date of the election, unless the ~~county~~
12 ~~board~~ county election coordinator shall be sooner notified in writing that:

13 (1) The election of some person voted for at the election and
14 declared to have been elected has been contested; or

15 (2) Criminal prosecution has been begun before a tribunal of
16 competent jurisdiction against any officer or official of election or person
17 voting thereat for any fraud in the election.

18 (b) If the ~~county board~~ county election coordinator is notified as
19 provided in subsection (a) of this section, then so many of the ballots and
20 certificates as may relate to matters involved in the contest or any
21 prosecution shall be preserved for use as evidence in the contest or
22 prosecution.

23 (c) During the time the ballots may be retained or stored, the package
24 containing them shall not be opened by anyone unless directed to do so by
25 some competent tribunal before which an election contest or prosecution is
26 pending in which the ballots are to be used as evidence.

27 (d) For a period of twenty (20) days, the county treasurer shall
28 retain the custody of and safely keep all ballot stubs in a sealed container
29 appropriately marked which are delivered to him or her from the several
30 precincts, after which time they shall be stored unless an election contest
31 has been filed or a criminal prosecution has been initiated in connection
32 with the election.

33 (e) After a period of two (2) years, all marked ballots may be
34 destroyed in the following manner:

35 (1) The county board shall enter an order directing the
36 destruction of marked ballots;

1 (2) ~~The county board~~ county election coordinator shall make and
2 retain a record of marked ballots destroyed; and

3 (3) ~~The county board~~ county election coordinator shall file the
4 order and record pertaining to marked ballots and ballot stubs destroyed with
5 the county clerk.

6 (f)(1) Except as provided in subdivision (f)(2) of this section, after
7 a period of thirty (30) days following certification of the election, all
8 ballot stubs which were previously attached to marked ballots and all
9 unmarked ballots may be destroyed as provided for the destruction of marked
10 ballots in subsection (e) of this section.

11 (2) If an election contest has been filed, all ballot stubs
12 which were previously attached to marked ballots may be destroyed thirty (30)
13 days following the final judicial resolution of the election contest.

14
15 SECTION 84. Arkansas Code 7-5-707 is amended to read as follows:
16 7-5-707. Vote certification - Report.

17 (a) At the time that the ~~county board of election commissioners~~ county
18 election coordinator certifies the vote to the Secretary of State, the county
19 board of election commissioners shall report to the State Board of Election
20 Commissioners:

21 (1) The total number of ballots cast;

22 (2) The total number of ballots printed and delivered to the
23 polls;

24 (3) The total number of provisional ballots that were
25 disqualified;

26 (4) The total number of spoiled ballots;

27 (5) The total number of unused ballots; and

28 (6) The number of over votes and under votes cast in each race
29 and issue in the election.

30 (b)(1) ~~The county board~~ county election coordinator shall transmit the
31 certified results for each polling place to the ~~county clerk, who shall~~
32 ~~immediately transmit the results to the~~ Secretary of State through the
33 Internet website interface provided by the Secretary of State for all state
34 and federal elections.

35 (2) ~~The county board~~ county election coordinator shall transmit
36 the information required according to subsection (a) of this section to ~~the~~

1 ~~county clerk, who shall enter and transmit it to the state board through the~~
 2 ~~Secretary of State's Internet website interface.~~

3
 4 SECTION 85. Arkansas Code 7-7-201 is amended to read as follows:

5 7-7-201. Law governing primary elections.

6 (a) The cost of political party primaries shall be borne by the State
 7 of Arkansas and shall be paid from an appropriation made to the State Board
 8 of Election Commissioners for that purpose.

9 ~~(b)(1) The state board shall have the primary responsibility for~~
 10 ~~conducting political party primaries in this state.~~

11 ~~(2)(1)~~ Within each county, the political party primary elections
 12 shall be conducted by the ~~county board of election commissioners~~ county
 13 election coordinator under the direction of the ~~state board~~ county board of
 14 election commissioners.

15 ~~(3)(2)~~ The state board shall have authority to adopt rules for
 16 the administration of primary elections consistent with the provisions of
 17 this chapter.

18 ~~(4)(3)~~ The state board may withhold reimbursement of funds to
 19 the counties for state-funded elections for failure to comply with the rules
 20 developed by the state board for the administration of primary elections or
 21 applicable state election laws until all requirements are met to the
 22 satisfaction of the state board.

23 ~~(5)(4)~~ Each political party shall be responsible for determining
 24 the qualifications of candidates seeking nomination by the political party,
 25 provide necessary applications for candidacy, accept and process the
 26 applications, and determine the order of its ballot.

27 (c) All political party primary elections shall be conducted in
 28 conformity with the provisions of this act, and these elections are declared
 29 to be legal elections.

30 (d) In cases of circumstances or procedures which may arise in
 31 connection with any primary election for which there is no provision of this
 32 act governing the circumstances or procedures, they shall be governed by the
 33 general election laws of this state or by party rules if there is no
 34 applicable general election law.

35
 36 SECTION 86. Arkansas Code 7-7-202(d), concerning preferential and

1 general primaries, is amended to read as follows:

2 (d) ~~The county board of election commissioners~~ county election
3 coordinator shall establish common polling places for the joint conduct of
4 the primary elections of all political parties.

5

6 SECTION 87. Arkansas Code 7-7-203 is amended to read as follows:

7 7-7-203. Dates.

8 (a) The general primary election shall be held on the second Tuesday
9 in June preceding the general election.

10 (b) The preferential primary election shall be held on the Tuesday
11 three (3) weeks prior to the general primary election.

12 (c)(1) Party pledges, if any, shall be filed and any filing fees of a
13 political party, if any, shall be paid during regular office hours in the
14 period beginning at 12:00 noon on the third Tuesday in March and ending at
15 12:00 noon on the fourteenth day thereafter before the preferential primary
16 election.

17 (2) A party certificate and the political practice pledge for
18 primary elections shall be filed with the county clerk or the Secretary of
19 State, as the case may be, during regular office hours in the period
20 beginning at 12:00 noon on the third Tuesday in March and ending at 12:00
21 noon on the fourteenth day thereafter before the preferential primary
22 election.

23 (3) The name of a candidate who fails to file a party
24 certificate by the filing deadline with the Secretary of State or county
25 clerk, as the case may be, shall not appear on the ballot.

26 (4) Party pledges, if any, shall be filed, filing fees, if any,
27 shall be paid, and party certificates and political practice pledges shall be
28 filed for special primary elections on or before the deadline established by
29 proclamation of the Governor.

30 (5) Pledges and filing fees of the political party for a new
31 political party shall be filed and paid as provided in subsection (f) of this
32 section.

33 (d) No later than forty (40) days before the preferential primary
34 election, the chairman and secretary of the state committee of the political
35 party shall certify the ballot to the various county committees and to the
36 various ~~county boards of election commissioners~~ county election coordinators

1 with the names of all candidates who have qualified with the state committee
2 for election by filing the party pledge and paying the filing fees of the
3 political party within the time required by law.

4 (e) Election ~~officials~~ officers of primary elections shall be selected
5 ~~by the county board of election commissioners~~ in the same manner as in the
6 general election.

7 (f) Any group of voters desiring to form a new political party may do
8 so by filing a petition with the Secretary of State in accordance with § 7-7-
9 205.

10 (g)(1) The county board shall convene, at the time specified in the
11 notice to the members given by the chair of the board, no later than the
12 tenth day after each primary election for the purpose of canvassing the
13 returns and certifying the election results.

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

16 (h) The county convention of a political party holding a primary
17 election shall be held on the first Monday following the date of the general
18 primary.

19 (i)(1) The county ~~board of election commissioners~~ election coordinator
20 shall certify to the county clerk and the county committee a list of all
21 nominated candidates for county, township, and municipal offices, and the
22 political parties' county committee members and delegates.

23 (2) At the same time, the county board of election commissioners
24 shall certify to the Secretary of State and the secretary of the state
25 committee the results of the contests for all United States, state, and
26 district offices. Immediately after ascertaining the results for all United
27 States, state, and district offices, the Secretary of State shall certify to
28 the state committee a list of all nominated candidates for the offices.

29 (j)(1)(A) The Secretary of State shall at least seventy (70) days
30 prior to the date of the general election notify by registered mail the
31 chairman and secretary of the state committee of the respective political
32 parties that a certificate of nomination is due for all nominated candidates
33 for United States, state, and district offices in order that the candidates'
34 names be placed on the ballot of the general election.

35 (B)(i) The state committee shall issue certificates of
36 nomination to all nominated candidates for United States, state, and district

1 offices, who shall file the certificates with the Secretary of State at least
2 sixty (60) days prior to the general election.

3 (ii) However, if the chairman and secretary of the
4 state committee of the respective political parties are not properly notified
5 as directed by subdivision (j)(1)(A) of this section, the failure of a
6 candidate to file a certificate of nomination shall not prevent that
7 candidate's name from being placed on the ballot of the general election.

8 (2)(A) Each county clerk shall at least sixty (60) days prior to
9 the date of the general election notify by registered mail the chairmen and
10 secretaries of the county committees of the respective political parties that
11 a certified list of all nominated candidates for county, township, and
12 municipal offices is due and shall be filed with the county ~~board of election~~
13 ~~commissioners~~ election coordinator and the county clerk in order that the
14 candidates' names be placed on the ballot for the general election.

15 (B)(i) Each county committee shall issue the certified
16 list on behalf of those nominated candidates and submit the certified list to
17 the county ~~board of election commissioners~~ election coordinator and the
18 county clerk at least forty-five (45) days but not more than fifty-five (55)
19 days prior to the general election.

20 (ii) However, if the chairmen and secretaries of the
21 county committees of the respective political parties are not properly
22 notified as directed by subdivision (j)(2)(A) of this section, the failure of
23 a certified list to be filed shall not prevent any candidate's name from
24 being placed on the ballot of the general election.

25

26 SECTION 88. Arkansas Code 7-7-203 is amended to read as follows:

27 7-7-303. Precincts - Boundaries - Policing.

28 (a) The election precincts in all political party primary elections
29 shall be the same as established ~~by the county board of election~~
30 ~~commissioners~~ for general elections.

31 (b)(1) The ~~county board~~ county election coordinator shall provide for
32 the preservation of order at all primary election precincts and shall allow
33 no crowd to collect at the polling place nearer than authorized by law.

34 (2) No person charged with the duty of preserving order at the
35 polling place shall in any manner influence or endeavor to influence any
36 person in casting his vote.

1 (3) No person who is a public officeholder, candidate for
2 office, or deputy of a public officer shall be eligible to serve as an
3 officer to keep order at any primary election polling place.

4 (4) Persons appointed as election sheriffs to keep order at
5 polling places in primary elections shall have the authority of police
6 officers in keeping order and enforcing the laws of this state with respect
7 to polling places in primary elections.

8
9 SECTION 89. Arkansas Code 7-7-304(b), concerning names to be printed
10 on election ballots, is amended to read as follows:

11 (b) If any candidate, either prior to the certification of the ballot
12 for the preferential primary or subsequent to the preferential primary but
13 prior to the certification of the ballot for the general primary election,
14 shall notify the secretary of the state committee in the case of a United
15 States, state, or district office or the secretary of the county committee in
16 the case of a county, city, or township office, in writing, signed by the
17 candidate and acknowledged before an officer authorized by law to take
18 acknowledgments, of his or her desire to withdraw as a candidate for the
19 office or position, then the committee shall immediately notify the ~~county~~
20 ~~board of election commissioners~~ county election coordinator or the State
21 Board of Election Commissioners, as the case may be, and the name of the
22 person shall not be printed on the preferential primary ballot or the general
23 primary ballot, as the case may be.

24
25 SECTION 90. Arkansas Code 7-7-305 is amended to read as follows:

26 7-7-305. Printing of ballots - Form.

27 (a) The ballots of the primary election shall be provided by the
28 ~~county board of election commissioners~~ county election coordinator. The form
29 of the ballots shall be the same as is provided by law for ballots in general
30 or special elections in this state. A different color ballot may be used to
31 distinguish between political parties.

32 (b) The order in which the names of the respective candidates,
33 including candidates for federal, state, and local offices and including
34 persons nominated for committeemen and delegates to the county convention,
35 and the order in which issues and measures are to appear on the ballots at
36 all preferential and general primary elections shall be determined by lot at

1 the public meeting of the county committee held not later than thirty-five
 2 (35) days before the preferential primary election. Ten (10) days' written
 3 notice of the time and place of the meeting shall be given to each member and
 4 the county election coordinator by the chair, vice chair, or secretary of the
 5 committee. The chair, vice chair, or secretary shall publish notice of the
 6 time and place of holding the meeting in some newspaper of general
 7 circulation in the county.

8 (c)(1)(A) Any person who shall file for any elective office in this
 9 state may use not more than three (3) given names, one (1) of which may be a
 10 nickname or any other word used for the purpose of identifying the person to
 11 the voters, and may add as a prefix to his or her name the title or an
 12 abbreviation of an elective public office the person currently holds.

13 (B) A person may only use the prefix "Judge", "Justice",
 14 or "Chief Justice" in an election for a judgeship if the person is currently
 15 serving in a judicial position to which the person has been elected.

16 (C) A nickname shall not include a professional or
 17 honorary title.

18 (2) The names and titles as proposed to be used by each
 19 candidate on the political practice pledge or, if the political practice
 20 pledge is not filed by the filing deadline, then the names and titles that
 21 appear on the party certificate shall be reviewed no later than one (1)
 22 business day after the filing deadline by the ~~State Board of Election~~
 23 ~~Commissioners~~ Secretary of State for state and district offices and by the
 24 county ~~board of election commissioners~~ election coordinator for county,
 25 township, school, and municipal offices.

26 (3) The name of every candidate shall be printed on the ballot
 27 in the form as certified by either the state board or the county ~~board~~
 28 election coordinator.

29 (4) No candidate shall be permitted to change the form in which
 30 his or her name will be printed on the ballot after the deadline for filing
 31 the political practices pledge.

32
 33 SECTION 91. Arkansas Code 7-7-306 is amended to read as follows:

34 7-7-306. Partisan and nonpartisan judicial general ballots only.

35 At each party primary and nonpartisan judicial general election each
 36 ~~county board of election commissioners~~ county election coordinator shall

1 furnish separate ballots for each political party containing:

2 (1) The names of persons seeking offices to be voted on as a
3 nominee or candidate of that political party; and

4 (2) The names of all qualified candidates for the general
5 election to nonpartisan judicial offices pursuant to § 7-10-101.

6
7 SECTION 92. Arkansas Code 7-7-308 is amended to read as follows:

8 7-7-308. Determination of right to vote - Precinct registration lists.

9 (a) Before a person is permitted to vote, an election ~~official~~ officer
10 shall:

11 (1) Request the voter to identify himself in order to verify the
12 existence of his name on the precinct voter registration list;

13 (2) Request the voter, in the presence of the election ~~official~~
14 officer, to state his date of birth and address;

15 (3) Determine that the voter's date of birth and address are the
16 same as those on the precinct voter registration list;

17 (4) If the date of birth given by the voter is not the same as
18 that on the precinct voter registration list, request the voter to provide
19 identification as the election ~~official~~ officer deems appropriate;

20 (5)(A) If the voter's address is not the same as that on the
21 precinct voter registration list, verify with the county clerk that the
22 address is within the precinct.

23 (B) If the address is within the precinct, request the
24 voter to complete a voter registration application form for the purpose of
25 updating county voter registration record files.

26 (C) If the address is not within the precinct, instruct
27 the voter to contact the county clerk's office to determine the proper
28 precinct;

29 (6) If the voter's name is not the same as that on the precinct
30 voter registration list, request the voter to complete a voter registration
31 application form for purposes of updating county voter registration record
32 files; and

33 (7) Request the voter, in the presence of the election ~~official~~
34 officer, to sign his name, including his given name, his middle name or
35 initial, if any, and his last name in the space provided on the precinct
36 voter registration list. If a person is unable to sign his signature or make

1 his mark or cross, the election ~~official~~ officer shall enter his initials and
2 the voter's date of birth in the space for the person's signature on the
3 precinct voter registration list.

4 (b) At the same time that the voter identifies himself and the party
5 primary in which he intends to vote, the election official ~~of the party~~
6 ~~primary which the voter designates~~ officer shall mark the voter's name on the
7 precinct voter registration list ~~furnished by the county clerk~~ as having
8 voted.

9 (c) If a voter's name does not appear on the precinct voter
10 registration list, the election ~~official~~ officer shall permit the voter to
11 vote only under the following conditions:

12 (1) The voter identifies himself by stating his name and date of
13 birth and is verified by the county clerk as a registered voter within the
14 county and, if the county is divided into more than one (1) congressional
15 district, within the same congressional district;

16 (2) The voter gives and affirms his current residence, and the
17 election ~~official~~ officer verifies with the county clerk that the voter's
18 residence is within the precinct;

19 (3) The voter completes an updated voter registration
20 application form; and

21 (4) The voter signs the precinct voter registration list.

22 (d) If the voter is not listed on the precinct voter registration list
23 and the county clerk is unable to verify the voter's registration but the
24 voter contends that he or she is eligible to vote, then the voter may vote a
25 provisional ballot which shall only be counted upon verification of the
26 voter's registration status.

27 (e) The election ~~officials~~ officers shall make and retain a list of
28 all voters who cast a provisional ballot.

29 (f) After the polls close, ~~the~~ an election ~~official~~ officer shall
30 total the number of voters on the list.

31 (g) The precinct registration lists shall at all times be available to
32 public inspection.

33
34 SECTION 93. Arkansas Code 7-7-402 is amended to read as follows:

35 7-7-402. Filing certificates of nomination.

36 (a)(1) All certified lists of nominees of candidates for presidential

1 electors and members of Congress and for state, judicial, and district
2 officers, either by convention, primary election, or electors, shall be filed
3 with the Secretary of State.

4 (2) All certified lists of nominees for county, township, and
5 municipal offices shall be filed with the ~~county board of election~~
6 ~~commissioners~~ county election coordinator and the county clerk of the county
7 in which they are to be voted for.

8 (b) Certified lists of nomination shall be filed within the time
9 provided in § 7-7-203.

10
11 SECTION 94. Arkansas Code 7-7-403 is amended to read as follows:
12 7-7-403. Declination of nomination.

13 (a) The Secretary of State shall not certify the name of any candidate
14 whose certificate of nomination shall have been filed in his office who shall
15 have notified him in writing, acknowledged before an officer authorized by
16 law to take acknowledgments, that he will not accept the nomination specified
17 in the certificate of nomination.

18 (b) The ~~county board of election commissioners~~ county election
19 coordinator shall not include on the ballot the name of any candidate whose
20 certificate of nomination shall have been filed with ~~it~~ the county election
21 coordinator, who shall have notified it in like manner that he will not
22 accept the nomination.

23
24 SECTION 95. Arkansas Code 7-8-201 is amended to read as follows:

25 7-8-201. Preferential elections required - Apportionment of delegates.

26 (a)(1) Each political party in the state desiring to select delegates
27 to attend a quadrennial national nominating convention of the party to select
28 a nominee for the office of President of the United States shall hold a
29 presidential preferential primary election in the state, and the delegates to
30 the national party convention shall be apportioned to the presidential
31 candidates whose names were on the ballot at the presidential preferential
32 primary or to "uncommitted" in the proportion that the votes cast for each
33 candidate or for "uncommitted" bear to the total votes cast at the election,
34 rounded to the closest whole number.

35 (2) Presidential preferential primary elections shall be held on
36 the first Tuesday in February of the year in which the convention is held.

1 (3)(A) Any person desiring to have his or her name printed on
2 the presidential preferential primary ballot as a candidate for his or her
3 party's nomination shall file a party certificate with the Secretary of State
4 during regular office hours in the period beginning at 12:00 noon on the
5 first Monday in November and ending at 12:00 noon on the fourteenth day
6 thereafter before the presidential preferential primary election.

7 (B) Each political party shall:

8 (i) Be responsible for determining the
9 qualifications of candidates seeking to appear on the presidential
10 preferential primary ballot of each political party;

11 (ii) Provide necessary applications for candidacy;

12 (iii) Accept and process the applications; and

13 (iv) Determine the order that candidates shall
14 appear on the ballot.

15 (4) The cost of the presidential preferential primary election
16 shall be borne by the State of Arkansas and shall be paid from an
17 appropriation made to the State Board of Election Commissioners for that
18 purpose.

19 ~~(5)(A) The state board shall have the primary responsibility for~~
20 ~~conducting presidential preferential primary elections.~~

21 ~~(B)~~ Within each county, the presidential preferential
22 primary election shall be conducted by the ~~county board of election~~
23 ~~commissioners~~ county election coordinator under the direction of the ~~state~~
24 ~~board~~ county board of election commissioners.

25 ~~(C)~~(B) The state board shall have authority to adopt rules
26 for the administration of presidential preferential primary elections
27 consistent with the election laws of this state.

28 ~~(D)~~(C) The state board may withhold reimbursement of funds
29 to counties for state-funded presidential preferential primary elections for
30 failure to comply with the rules developed by the state board for the
31 administration of primary elections or applicable state election laws until
32 all requirements are met to the satisfaction of the state board.

33 (b)(1) Presidential preferential primary election procedures not
34 addressed in this section shall be governed by the general election laws of
35 this state, including, but not limited to, laws governing primary elections.

36 (2) Party rules shall govern presidential preferential primary

1 election procedures not addressed by the general election laws of this state.

2
3 SECTION 96. Arkansas Code 7-9-102 is amended to read as follows:

4 7-9-102. Duties of election officers - Penalty for failure to perform.

5 (a)(1) The duties imposed by this act upon members of the State Board
6 of Election Commissioners and county boards of election commissioners, county
7 election coordinators, election officials, and ~~all other~~ election officers
8 expressly named in this act are declared to be mandatory.

9 (2) These duties shall be performed in good faith within the
10 time and in the manner provided.

11 (b)(1) If any member of any board, any county election coordinator,
12 any election official, or any ~~other~~ election officer so charged with the duty
13 shall knowingly and willfully fail or refuse to perform his or her duty or
14 shall knowingly and willfully commit a fraud in evading the performance of
15 his or her duty, then he or she shall be guilty of a violation.

16 (2) Upon conviction, he or she shall be fined any sum not less
17 than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000)
18 and also shall be removed from office.

19
20 SECTION 97. Arkansas Code 7-9-114 is amended to read as follows:

21 7-9-114. Abstract of proposed measure.

22 (a) The Attorney General shall prepare a concise abstract of the
23 contents of each statewide initiative and referendum measure proposed under
24 Arkansas Constitution, Amendment 7, and he shall transmit it to the Secretary
25 of State not less than twenty (20) days before the election.

26 (b) Not fewer than eighteen (18) days before the election, the
27 Secretary of State shall transmit a certified copy of the abstract to the
28 ~~county boards of election commissioners~~ county election coordinator, who
29 shall cause copies to be printed and posted conspicuously at all polling
30 places in the county for the information of the voters.

31 (c) The cost of printing copies of the abstracts shall be borne by the
32 counties as a regular expense of the election.

33
34 SECTION 98. Arkansas Code 7-9-115 is amended to read as follows:

35 7-9-115. Furnishing ballot title and popular name to election
36 commissioners and county election coordinators.

1 Not less than eighteen (18) days before the election, the Secretary of
2 State shall furnish the State Board of Election Commissioners and ~~county~~
3 ~~boards of election commissioners~~ county election coordinator a certified copy
4 of the ballot title and popular name for each proposed measure and each
5 referred act to be voted upon at the ensuing election.

6
7 SECTION 99. Arkansas Code 7-9-117 is amended to read as follows:
8 7-9-117. Ballot form.

9 (a) It shall be the duty of the ~~county board of election commissioners~~
10 county election coordinator in each county to cause each title and popular
11 name to be printed upon the official ballot to be used in the election at
12 which the measure is to be voted upon, in the order and manner certified by
13 the Secretary of State.

14 (b) The title and popular name shall be stated plainly, followed by
15 these words:

16
17
18
19 FOR PROPOSED INITIATIVE (OR REFERRED) AMENDMENT (OR ACT) NO.

20
21 AGAINST PROPOSED INITIATIVE (OR REFERRED) AMENDMENT (OR ACT) NO.

22 .
23 (c) In arranging the ballot titles on the ballot, the ~~county board~~
24 county election coordinator shall place each measure separate and apart from
25 others.

26
27 SECTION 100. Arkansas Code 7-9-118 is amended to read as follows:
28 7-9-118. Failure to place proposal on ballot - Manner of voting.

29 If any ~~election board~~ county election coordinator shall fail or refuse
30 to submit any proposal after its sufficiency has been duly certified, the
31 qualified electors of the county may vote for or against the measure by
32 writing or stamping on their ballot the proposed ballot title, followed by
33 the word "FOR" or "AGAINST". All votes so cast, if otherwise legal, shall be
34 canvassed, counted, and certified.

35
36 SECTION 101. Arkansas Code 7-9-305(a), concerning the election and

1 certification of delegates, is amended to read as follows:

2 (a) ~~The county board of election commissioners~~ county election
3 coordinator shall include on the general election ballots the names of all
4 candidates for delegate to the constitutional convention as certified by the
5 Secretary of State.

6
7 SECTION 102. Arkansas Code 14-40-303(c), concerning annexation
8 ordinances, is amended to read as follows:

9 (c)(1)(A) The city clerk shall certify two (2) copies of the
10 annexation ordinance and a plat or map of the area to be annexed and convey
11 one (1) copy to the county clerk and one (1) copy to the ~~county election~~
12 ~~commission~~ county election coordinator at least sixty (60) days before the
13 election.

14 (B)(i) No later than forty-five (45) days prior to the
15 election, the city shall identify all persons who reside within the area
16 proposed to be annexed, and the county clerk shall assist the city in
17 determining the names and addresses of all qualified electors residing within
18 that area.

19 (ii) The failure to identify all persons residing
20 within the area proposed to be annexed or the failure to determine the names
21 and addresses of all qualified electors residing within that area shall not
22 invalidate or otherwise affect the results of the election.

23 (C) All of the qualified electors residing within the
24 territory to be annexed shall be entitled to vote in the election.

25 (D) The city clerk shall give notice of the election by
26 publication by at least one (1) insertion in some newspaper having a general
27 circulation in the city.

28 (2)(A) The county clerk shall give notice of the voter
29 registration deadlines at least forty (40) days before the election by
30 ordinary mail to those persons whose names and addresses are on the list
31 provided by the city clerk.

32 (B) The county clerk shall prepare a list by precinct of
33 all those qualified electors residing within the area to be annexed who are
34 qualified to vote in that precinct and furnish that list to the ~~election~~
35 ~~officials~~ county election coordinator at the time the ballot boxes are
36 delivered.

1 (3) If the county clerk or the county election commission shall
2 fail to perform any duties required of it, then any interested party may
3 apply for a writ of mandamus to require the performance of the duties. The
4 failure of the county clerk or the ~~county election commission~~ county election
5 coordinator to perform the duties shall not void the annexation election
6 unless a court finds that the failure to perform the duties substantially
7 prejudiced an interested party.

8
9 SECTION 103. Arkansas Code 14-44-103(b)(1)(C), concerning the election
10 of aldermen, is amended to read as follows:

11 (C) Provision shall be made by the ~~election commissioners~~
12 county election coordinator in these cities so that the qualified electors of
13 each ward shall have at least one (1) voting precinct in each ward where the
14 resident electors thereof may cast their ballots.

15
16 SECTION 104. Arkansas Code 14-47-110(a)(3)(D), concerning the election
17 of directors, is amended to read as follows:

18 (D)(i) The name of the candidate mentioned in each
19 petition, together with a copy of the election proclamation if the election
20 is a special election, shall be certified by the city clerk or recorder to
21 the ~~county board of election commissioners~~ county election coordinator not
22 less than thirty-five (35) days before the election unless the clerk or
23 recorder finds that the petition fails to meet the requirements of this
24 chapter.

25 (ii)(a) Whether the names of the candidates so
26 certified to the ~~county board of election commissioners~~ county election
27 coordinator are to be submitted at a biennial general election or at a
28 special election held on a different date, the ~~election board~~ county election
29 coordinator shall have general supervision over the holding of each municipal
30 election.

31 (b) In this connection, the ~~board~~ county
32 election coordinator shall post the nominations, print the ballots, establish
33 the voting precincts, appoint the election judges and clerks, determine and
34 certify the result of the election, and determine the election expense
35 chargeable to the city, all in the manner prescribed by law in respect to
36 general elections. It is the intention of this chapter that the general

1 election machinery of this state shall be utilized in the holding of all
2 general and special elections authorized under this chapter.

3 (c) The result of the election shall be
4 certified by the ~~election board~~ county board of election commissioners to the
5 city clerk or recorder.

6
7 SECTION 105. Arkansas Code 14-48-114(b)(2) and (3), concerning the
8 removal of mayors or directors, is amended to read as follows:

9 (2) If the petitions are deemed sufficient, the clerk shall
10 certify them to the ~~county board of election commissioners~~ county election
11 coordinator.

12 (3)(A)(i) The ~~county board of election commissioners~~ county
13 election coordinator shall call a special election on the question and shall
14 fix a date for holding it not less than thirty (30) days nor more than sixty
15 (60) days from the date of the certification of the petitions by the clerk.

16 (ii) The special election shall occur on the second
17 Tuesday of any month, except as provided in subdivision (b)(3)(B)-(E) of this
18 section.

19 (B) Special elections held in months in which a
20 presidential preferential primary election, preferential primary election,
21 general primary election, or general election is scheduled to occur shall be
22 held on the date of the presidential preferential primary election,
23 preferential primary election, general primary election, or general election.

24 (C)(i) If a special election is held on the date of the
25 presidential preferential primary election, preferential primary election, or
26 general primary election, the issue or issues to be voted upon at the special
27 election shall be included on the ballot of each political party.

28 (ii) However, separate ballots containing only the
29 issue or issues to be voted upon at the special election shall be prepared
30 and made available to voters requesting a separate ballot.

31 (D) No voter shall be required to vote in a political
32 party's presidential preferential primary, preferential primary, or general
33 primary in order to be able to vote in the special election.

34 (E) Special elections scheduled to occur in a month in
35 which the second Tuesday is a legal holiday shall be held on the third
36 Tuesday of the month.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

SECTION 106. Arkansas Code 14-61-113(1)(C)(i), concerning the petition process for certain municipal special elections, is amended to read as follows:

(C)(i) The special election shall be held not less than thirty (30) nor more than sixty (60) days after the proclamation calling the election, provided that if the ~~county board of election commissioners~~ county election coordinator certifies in writing that ~~it~~ he or she cannot prepare the ballots because of other pending elections, then the election can be held not more than seventy-five (75) days after the proclamation.

SECTION 107. Arkansas Code 15-4-3020(f), concerning consent by qualified electors to issue certain bonds, is amended to read as follows:

(f)(1) The ~~county boards of election commissioners~~ county election coordinators of the several counties of the state shall conduct the election.

(2) Each ~~board~~ county board of election coordinators and county election coordinator shall take action with respect to the appointment of election ~~officials~~ officers and other matters as the law requires.

(3) The vote shall be canvassed and the result declared in each county by the several county boards.

(4) The results shall be certified within ten (10) calendar days after the date of the election by the county boards to the Secretary of State, who shall tabulate all returns so received and certify to the Governor the total vote for and against the proposition.

(5) The result of the election shall be proclaimed by the Governor by publication one (1) time in a newspaper published in the City of Little Rock, and the results as proclaimed shall be conclusive unless attacked in the courts within thirty (30) calendar days after the date of the publication.

SECTION 108. Arkansas Code 23-110-306(a) and (b)(1)(A), concerning subsequent referendum elections on horse racing, is amended to read as follows:

(a) After the elapse of not less than two (2) years next following the date of any election conducted pursuant to § 23-110-304, upon petitions filed with ~~it~~ the county election coordinator containing the signatures of

1 qualified electors of the county of not less than fifteen percent (15%) of
2 the total number voting in the election for county clerk of the county at the
3 next preceding general election, together with a sum of money estimated by
4 the ~~county board of election commissioners~~ county election coordinator as
5 sufficient to pay all expenses of the election, the board shall call a
6 special election on the proposition of continuing horse racing in the county.

7 (b)(1)(A) The date of the special election shall be fixed by the ~~board~~
8 county election coordinator on a day not less than thirty (30) days nor more
9 than ninety (90) days following the date of filing the petitions. The deposit
10 of the funds and the election shall be conducted and shall be subject to
11 contest under the general election laws of this state.

12
13 SECTION 109. Arkansas Code 23-111-306(a) and (b)(1)(A), concerning
14 subsequent referendum elections on horse racing, is amended to read as
15 follows:

16 (a) After the elapse of not less than four (4) years next following
17 the date of any election conducted pursuant to § 23-111-304, the ~~county board~~
18 ~~of election commissioners~~ county election coordinator shall call a special
19 election on the proposition of continuing greyhound racing in the county. The
20 election shall be called upon petitions filed with ~~the~~ the county election
21 coordinator containing the signatures of qualified electors of the county of
22 not less than five percent (5%) of the total number voting in the election
23 for county clerk of the county at the next preceding general election,
24 together with a sum of money estimated by the ~~board~~ county election
25 coordinator as sufficient to pay all expenses of the election.

26 (b)(1)(A) The date of the special election shall be fixed by the ~~board~~
27 county election coordinator on a day not less than thirty (30) days nor more
28 than ninety (90) days following the date of filing the petitions. The deposit
29 of the funds as provided in subsection (a) of this section and the election
30 shall be conducted and shall be subject to contest under the general election
31 laws of this state.

32
33 SECTION 110. Arkansas Code 24-11-402(c), concerning votes to effect
34 the subchapter concerning police pensions, is amended to read as follows:

35 (c) Upon filing with the ~~county board of election commissioners~~ county
36 election coordinator not later than ten (10) days before the date of the

1 election the petition signed by twenty (20) or more qualified electors of the
2 city affected and praying that the question of police officers' pensions be
3 submitted, it shall be the duty of the ~~county board of election commissioners~~
4 county election coordinator to place the question upon the ballot.

5
6 SECTION 111. Arkansas Code § 24-11-404(b)(3), concerning tax levies
7 for pensions in cities of the first and second class, is amended to read as
8 follows:

9 (3) Upon the filing with the ~~county board of election~~
10 ~~commissioners~~ county election coordinator not later than sixty (60) days
11 before the date of the election of a petition signed by twenty (20) or more
12 qualified electors of the city affected and praying that the question of a
13 policemen's pension be submitted, it shall be the duty of the ~~county board of~~
14 ~~election commissioners~~ county election coordinator to place the question upon
15 the ballot.

16
17 SECTION 112. Arkansas Code § 24-11-812(b)(3), concerning tax levies by
18 city councils, is amended to read as follows:

19 (3) Upon the filing with the ~~county board of election~~
20 ~~commissioners~~ county election coordinator not later than sixty (60) days
21 before the date of the election of a petition signed by twenty (20) or more
22 qualified electors of the city or town affected, stating the amount of tax to
23 be voted on, not to exceed one (1) mill on the dollar, and praying that the
24 question of a firemen's pension be submitted, it shall be the duty of the
25 ~~county board of election commissioners~~ county election coordinator to place
26 the question upon the ballot.

27
28 SECTION 113. Arkansas Code § 24-12-103(c), concerning elections on the
29 issue of paid nonuniformed employees pensions, is amended to read as follows:

30 (c) Upon the filing with the ~~county board of election commissioners~~
31 county election coordinator not later than ten (10) days before the date of
32 the election of a petition signed by twenty (20) or more qualified electors
33 of the city affected and praying that the question of paid nonuniformed
34 employees' pensions and the levying of a tax therefor, not exceeding one and
35 one-half (1 1/2) mills, be submitted, it shall be the duty of the ~~county board~~
36 ~~of election commissioners~~ county election coordinator to place the question

1 on the ballot.

2

3 SECTION 114. Arkansas Code § 26-52-605(d), concerning special
4 elections on the imposition of an additional sales tax, is amended to read as
5 follows:

6 (d) The special election shall be held by the ~~county board of election~~
7 ~~commissioners~~ county election coordinator, and the special election judges
8 and clerks shall be selected and the special election shall be conducted and
9 the results shall be tabulated and certified in the manner now provided by
10 law for the holding of elections in this state.

11

12 SECTION 115. Arkansas Code § 26-73-111(d)(1), concerning special local
13 sales and use tax elections, is amended to read as follows:

14 (d)(1) The governing body of the county or municipality shall notify
15 the ~~county board of election commissioners~~ county election coordinator that
16 the measure has been referred to a vote of the people and shall submit a copy
17 of the ballot title to the ~~county board of election commissioners~~ county
18 election coordinator.

19

20 SECTION 116. Arkansas Code § 26-74-210(a)(2)(C)(i), concerning
21 resubmission of questions of levy or repeal, is amended to read as follows:

22 (C)(i) If the petition requests that the issue be
23 submitted at a special election, the special election shall be called for a
24 date not less than thirty (30) days nor more than sixty (60) days from the
25 date on which the county clerk certifies the sufficiency of the petition to
26 the ~~county board of election commissioners~~ county election coordinator.

27

28 SECTION 117. Arkansas Code § 26-74-603(c), concerning the calling of
29 tax elections, is amended to read as follows:

30 (c) The quorum court shall notify its ~~county board of election~~
31 ~~commissioners~~ county election coordinator that the measure has been referred
32 to the vote of the people and shall submit a copy of the ordinance calling
33 the election and the proposed ballot language to its ~~county board of election~~
34 ~~commissioners~~ county election coordinator.

35

36 SECTION 118. Arkansas Code § 26-75-208, as amended by Act 116 of the

1 2007 Regular Session, is amended to read as follows:

2 26-75-208. Special election required.

3 (a)(1) On the date of the filing of a petition described in § 26-75-
4 207(b) or on the date of adoption of an ordinance levying a local sales and
5 use tax for the benefit of the city, or within thirty (30) days following the
6 filing of the petition described in § 26-75-207(b) or adoption of the
7 ordinance, the city by ordinance shall provide for the calling and holding of
8 a special election on the question.

9 (2)(A) The special election shall be called for a date within
10 one hundred twenty (120) days from the date of action of the governing body
11 in establishing the date of the special election.

12 (B)(i) The special election shall occur on the second
13 Tuesday of any month, except as provided in subdivision (a)(2)(B)(ii) of this
14 section.

15 (ii) A special election held in a month in which a
16 presidential preferential primary election, preferential primary election,
17 general primary election, or general election is scheduled to occur shall be
18 held on the date of the presidential preferential primary election,
19 preferential primary election, general primary election, or general election.

20 (2)(A)(i) If the special election is held on the date of the presidential
21 preferential primary election, preferential primary election, or general
22 primary election, the issue or issues to be voted upon at the special
23 election shall be included on the ballot of each political party.

24

25 However, a separate ballot containing only the issue
26 or issues to be voted upon at the special election shall be prepared and made
27 available to a voter requesting a separate ballot.

28 (B) No voter shall be required to vote in
29 a political party's presidential preferential primary election, preferential
30 primary election, or general primary election in order to be able to vote in
31 the special election.

32 (b) A special election scheduled to occur in a
33 month in which the second Tuesday is a legal holiday shall be held on the
34 third Tuesday of the month.

35 (3) The date for the special election may be the same as the
36 date for the next regular municipal election if the next regular municipal

1 election is to be held within the one-hundred-twenty-day period.

2 (4) The governing body of the city shall notify the ~~county board~~
3 ~~of election commissioners~~ county election coordinator that the question has
4 been referred to the vote of the people and shall submit a copy of the ballot
5 title to the ~~county board of election commissioners~~ county election
6 coordinator.

7 (b)(1) The ballot title to be used at such election shall be
8 substantially in the following form:

9 [] "FOR adoption of a . . . percent (. . . %) local sales and use tax
10 within name of ci ty)."

11
12
13 [] "AGAINST adoption of a . . . percent (. . . %) local sales and use
14 tax within (name of ci ty)."

15 (2) If an expiration date as described in § 26-75-207(c) for the
16 local sales and use tax has been provided for by the governing body of the
17 city in the levying ordinance or the petition described in § 26-75-207(b),
18 the ballot title shall also include an expiration date for the levy of the
19 tax, and, if adopted in this form, the tax shall cease to be levied on the
20 date noted on the ballot.

21 (3) The election shall be conducted in the manner provided by
22 law for all other municipal elections unless otherwise specified in this
23 subchapter.

24 (c)(1)(A) The ballot may also indicate designated uses of the revenues
25 derived from the sales and use tax.

26 (B) If the ballot indicates designated uses and the tax is
27 approved, the proceeds shall only be used for the designated uses set forth
28 in the ballot.

29 (2) The proceeds may be used for other designated uses if the
30 electors approve a change in the designated use of the revenues by vote under
31 this subsection.

32 (3)(A) The governing body of a ci ty may refer to the voters a
33 change in the designated use of revenues derived from a sales or use tax that
34 was approved by the voters.

35 (B) If the governing body of a ci ty refers a change in the
36 designated use of revenues derived from a sales or use tax to the voters, the

1 governing body shall:

2 (i) Notify the ~~county board of election~~
3 ~~commissioners~~ county election coordinator that the measure has been referred
4 to the voters; and

5 (ii) Submit a copy of the ballot title to the ~~county~~
6 ~~board of election commissioners~~ county election coordinator.

7 (C)(i) An election to change the designated use of
8 revenues derived from a sales or use tax shall be conducted in the manner
9 provided by law for all other municipal elections.

10 (ii) The results of an election under this
11 subsection shall be certified, proclaimed, and subject to challenge under the
12 procedures stated in § 26-75-209.

13 (4) If the voters approve a change in the designated use of
14 revenues derived from a sales or use tax, the change in the designated use
15 shall apply to all revenues collected on the first day of the calendar month
16 following the expiration of the thirty-day challenge period under § 26-75-
17 209.

18 (5)(A) If the voters do not approve a change in the designated
19 use of revenues derived from a sales or use tax, the tax shall continue to be
20 collected, and the revenues derived from the tax shall continue to be used
21 for the purposes indicated in the ballot for the tax.

22 (B) An election to change the designated use of revenues
23 derived from a sales or use tax shall not constitute an election on the levy
24 of the tax.

25 (6) Any city that has levied a local sales and use tax under
26 this subchapter with a portion of the revenues derived from the tax pledged
27 to secure lease rentals or bonds may not change the tax to reduce the pledge
28 in favor of the lease or bonds.

29

30 SECTION 119. Arkansas Code § 26-75-308(a)(3), concerning special
31 elections to approve local and use taxes, is amended to read as follows:

32 (3) The governing body of the city shall notify the ~~county board~~
33 ~~of election commissioners~~ county election coordinator that the question has
34 been referred to the vote of the people and shall submit a copy of the ballot
35 title to the ~~county board of election commissioners~~ county election
36 coordinator.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

SECTION 120. Arkansas Code § 26-75-308(d)(3)(B), concerning special elections to approve local and use taxes, is amended to read as follows:

(B) If the governing body of a city refers a change in the designated use of revenues derived from a sales or use tax to the voters, the governing body shall:

(i) Notify the ~~county board of election commissioners~~ county election coordinator that the measure has been referred to the voters; and

(ii) Submit a copy of the ballot title to the ~~county board of election commissioners~~ county election coordinator.

SECTION 121. Arkansas Code § 26-75-404(b), effective July 1, 2007 and concerning election requirements and procedures, is amended to read as follows:

(b) The governing body of the city or town shall notify the ~~county board of election commissioners~~ county election coordinator that the question of the levy of the tax has been referred to a vote of the people at the next regular municipal election or at a special election to be held on the date set by ordinance and shall submit a copy of the ballot title to the ~~county board of election commissioners~~ county election coordinator.

SECTION 122. Arkansas Code § 27-64-206(b)(1)(B), concerning State Highway Commission bonds, is amended to read as follows:

(B) Notice thereof shall be mailed to each ~~county board of election commissioners~~ county election coordinator and the sheriff of each county at least sixty (60) days prior to such election.

SECTION 123. Arkansas Code § 27-64-206(d)(1), concerning State Highway Commission bonds, is amended to read as follows:

(d)(1) The ~~county boards of election commissioners~~ county election coordinator in each of the several counties of the state shall hold and conduct the election, and each ~~such board~~ county board of election commissioners and county election coordinator is hereby authorized and directed to take such action with respect to the appointment of election ~~officials~~ officers and such other matters as are required by the laws of the

1 state. The vote shall be canvassed and the result thereof declared in each
2 county by ~~such boards~~ the county board of election commissioners.

3

4

/s/ Faris

5