

State of Arkansas

76th General Assembly

Regular Session, 1987

HOUSE BILL 1257

By: Representatives Cabe, Flanagan, Clark and Easley

"AN ACT TO AMEND VARIOUS ELECTION LAWS TO MAKE CLERICAL
CORRECTIONS; TO REPEAL VARIOUS SUPERSEDED ELECTION LAWS; AND
FOR OTHER PURPOSES."

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

SECTION 1. Section 14 of Article 6 of Act 465 of 1969, as amended, the same being Arkansas Statute 3-614, is hereby amended to read as follows:

"Section 14. No votes for write-in candidates in general elections shall be counted or tabulated unless said candidate or his agent shall notify in writing the County Election Commissioners of his intention to be a write-in candidate not later than forty-five (45) days before the opening of the polls."

SECTION 2. Section 14 of Article 7 of Act 465 of 1969, as amended, the same being Arkansas Statute 3-714, is hereby amended to read as follows:

"Section 14. During the progress of any election in this State any candidate in person or by representative designated in writing, shall have the right to be present within the polling place or room so as to observe and ascertain the identity of those persons presenting themselves to vote for the purpose of challenging any voter who appears for the purpose of casting a ballot. When the ballot of any voter is thus challenged, it shall be the duty of the judges and clerks in said election precinct to make and retain a list of the names of all such persons so challenged and the ballots of all such persons shall be counted, preserved and separated from the remaining ballots to the end that the right of any such person to vote may be later determined either by the County Board of Election Commissioners or, in a Primary, the County Committee or the Court in which an election contest may thereafter be filed."

SECTION 3. Section 16 of Article 7 of Act 465 of 1969, as amended, the same being Arkansas Statute 3-716, is hereby amended to read as follows:

"Section 16. The election clerks in each precinct, or at each box, shall:

(a) in counties where paper ballots are used, make and keep an accurate list in duplicate, of all persons voting in such precincts or boxes. After the polls close, such voter lists shall be processed as provided in Section 18 (3-718) of this Article.

(b) in counties where voting machines are used, mark the voter's name on the registration list furnished by the clerk as having voted. If a voter's name does not appear on the precinct registration list, but the voter is eligible to vote, the clerk shall add the voter's name to such list by writing his full name and address. After the polls close, the precinct registration and voter list shall be returned to the County Election Commission.

In all counties, when the polls close all persons who have presented themselves for voting and who are then in line at the polling place shall be permitted to cast their votes. The election clerks shall then total the number of voters on the voter lists and such lists shall be certified by the election judges and attested by the election clerks."

SECTION 4. Subsection (c) of Section 10 of Article 9 of Act 465 of 1969, as amended, the same being Arkansas Statute 3-910(c), is hereby amended to read as follows:

"(c) By delivery of the ballot to the office of the County Clerk of the county of residence of the voter not later than 7:30 p.m. on election day by the husband, wife, son, daughter, sister, brother, father, or mother of the absentee voter, or any person designated in writing by the voter, upon proper verification of the signature of the voter by the County Clerk and validation of the identity of the bearer. Provided, no person may deliver absentee ballots to the Clerk's office for more than five (5) persons. The voter may deliver the ballot to the office of the County Clerk of the county of his or her residence not later than 5:30 p.m. on the day immediately preceding the date of the election."

SECTION 5. Section 1 of Act 62 of 1969, the same being Arkansas Statute

3-1234, is hereby amended to read as follows:

"Section 1. Hereafter in all general and special elections and party primaries the names of all candidates for the same office or position or for nomination to the same office or position shall be listed on the voting machine 'ballot label' as defined in Section 9 of Act 465 of 1969, as follows:

(a) If the voting machine is adapted to the listing of positions and candidates in horizontal lines, the names of all candidates for the same office or position or for nomination to the same office or position shall be listed on the voting machine 'ballot label' in a single horizontal line, or (b) If the voting machine is adapted to listing offices and positions in vertical lines, the names of all candidates for the same office or position or for nomination to the same office or position shall be listed on the 'ballot label' in a single vertical line. All such names shall be of the same size print."

SECTION 6. Section 2 of Act 77 of 1977, the same being Arkansas Statute 3-1801, is hereby amended to read as follows:

"Section 2. As used in this Act, unless otherwise specified: (a) 'Automatic tabulating equipment' includes apparatus necessary to automatically examine and count votes as designated on vote cards and data processing machines which can be used for counting votes and tabulating results, but shall not include those voting machines authorized under Act 465 of 1969.

(b) 'Vote card' means a card upon which the voter casts his votes by the process of punching.

(c) 'Candidate and issue labels' means the cards, paper, booklet, pages or other material containing the names of offices and candidates and statements of measures to be voted on.

(d) 'Counting location' means the location or locations selected by the county committee of each political party with respect to primary elections, and a location or locations selected by the county board of election commissioners with respect to all general or special elections, for the automatic processing or counting, or both, of votes.

(e) 'Electronic voting system' means a system of casting votes by use of marking devices and tabulating votes by use of automatic tabulating equipment or data processing equipment, but shall not include those voting machines authorized under Act 465 of 1969.

(f) 'Marking device' means either an apparatus in which vote cards are inserted and used in connection with a punch apparatus for piercing of vote cards by the voter or any approved device for marking a paper vote sheet with ink or other substances which will enable the votes to be tabulated by means of automatic tabulating equipment."

SECTION 7. The following are hereby specifically repealed: Section 39 of Act 30 of 1891; Section 91 of Act 169 of 1931; Section 7 of Act 30 of 1935; Section 33-A of Act 484 of 1949; Section 33-B of Act 484 of 1949; Section 6 of Article 1 of Act 465 of 1969, as amended; Sections 1 through 5 of Article 4 of Act 465 of 1969; Act 23 of 1971; Act 337 of 1971; Act 469 of 1975; Act 965 of 1981.

