

State of Arkansas
76th General Assembly
Regular Session, 1987
By: Senator Bearden

SENATE BILL 433

"AN ACT AMENDING VARIOUS SECTIONS OF THE LAW RELATING TO
ABSENTEE VOTING; TO PROVIDE SAFEGUARDS TO INSURE THE
INTEGRITY OF THE ABSENTEE BALLOT; AND FOR OTHER PURPOSES."

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

SECTION 1. Section 3 of Article 9 of Act 465 of 1969, the same being
Arkansas Statute 3-903, is hereby amended to read as follows:

"Section 3. The following persons, if possessing the qualifications of
electors, may cast an absentee ballot in any election:

(a) Any person who will be unavoidably absent from his voting place on
the day of election. Any person who will be unavoidably absent from his
voting place on the day of election due to reasons other than employment or
illness or physical disability shall swear to such fact under oath on an affi-
davit provided by the County Clerk. The affidavit shall inform the person of
the penalties provided by Arkansas law for committing false swearing.

Any person who will be unavoidably absent from his voting place on the
day of election due to work-related conditions shall provide documentation
from his employer that he will be unable to vote on election day.

"Documentation" means an affidavit provided by the County Clerk in which an
employer shall swear that because of work-related conditions, an employee is
unable to participate in the voting process. If a person is self-employed
and wishes to vote absentee, he shall swear under oath on an affidavit pro-
vided by the County Clerk that he will be out-of-town or otherwise unable to
vote on the day of the election. The affidavit shall inform the person of the
penalties provided by Arkansas law for committing false swearing.

(b) Any person who, because of illness or physical disability, will be
unable to attend the polls on election day. Provided, such person shall pro-
vide medical documentation to the County Clerk verifying such illness or phy-

sical disability. "Documentation" shall mean an affidavit prepared by the County Clerk in which a health care provider shall swear that because of illness or physical disability the person will be unable to attend the polls on election day."

SECTION 2. Subsection (iii) of subsection (1) of subsection (a) of Section 4 of Article 9 of Act 465 of 1969, as amended, the same being Arkansas Statute 3-904(a)(1)(iii), is hereby amended to read as follows:

"(iii) By delivery of the application to the office of the County Clerk of the county of residence of the applicant not later than 1:30 p.m. on the day of the election. Delivery may be made only by the husband, wife, son, daughter, sister, brother, father or mother of the applicant, or any person designated in writing by the applicant upon proper verification of the signature of the applicant by the County Clerk and validation of the identity of the bearer. The applicant shall only be permitted to designate another person if he has no living immediate family as described or if an immediate family member is unable or unwilling to deliver the application. The applicant must state under oath on an affidavit provided by the County Clerk, that he has no living husband, wife, son, daughter, sister, brother, father or mother or, if living, such family member, as described, is unable or unwilling to deliver the application. The affidavit shall inform the applicant of the penalties provided by Arkansas law for committing false swearing. The elector may deliver the application to the office of the County Clerk of the county of his or her residence not later than 4:30 p.m. on the day immediately preceding the day of the election."

SECTION 3. 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. The voter shall only be permitted to designate another person if he has no living immediate family as described, or if an

immediate family member is unable or unwilling to deliver the ballot. The voter must state under oath, on an affidavit provided by the County Clerk, that he has no living husband, wife, son, daughter, sister, brother, father or mother or, if living, such family member, as described, is unable or unwilling to deliver the ballot. The voter shall be informed of the penalties provided by Arkansas law for committing false swearing. Provided, no person shall have the authority to deliver more than one (1) absentee ballot for a person to whom they are not related to a degree as described above. 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 4. All laws and parts of laws in conflict with this Act are hereby repealed.

