

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995

A Bill

SENATE BILL 443

4 By: Senators Malone and Harriman

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For An Act To Be Entitled

8 "AN ACT TO AMEND 5-53-101 TO CLARIFY THE DEFINITION OF
9 OFFICIAL PROCEEDINGS SO THAT IT APPLIES TO VOTER
10 REGISTRATION APPLICATIONS; AND FOR OTHER PURPOSES."

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Subtitle

12 "TO CLARIFY THE DEFINITION OF OFFICIAL
13 PROCEEDINGS SO THAT IT APPLIES TO VOTER
14 REGISTRATION APPLICATIONS"
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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19 SECTION 1. Arkansas Code 5-53-101 is amended to read as follows:

20 "5-53-101. Definitions.

21 (a) As used in this chapter, unless the context otherwise requires:

22 (1) Juror means a member of any jury, including grand, petit,
23 coroner's, justice of the peace, or chancery court juries, and further
24 includes any person who has been drawn or summoned as a prospective juror;

25 (2) False material statement means any false statement,
26 regardless of its admissibility under the rules of evidence, which affects or
27 could affect the course or outcome of an official proceeding or the action or
28 decision of a public servant in the performance of any governmental function.
29 Whether a false statement is material in a given factual situation is a
30 question of law;

31 (3) Oath means swearing, affirming, and every other mode
32 authorized by law of attesting to the truth of that which is stated. Written
33 statements shall be treated as if made under oath if:

34 (A) The statement was made on or pursuant to a form
35 bearing notice, authorized by law, to the effect that a false statement made

1 pursuant thereto is punishable; or

2 (B) The statement recites that it was made under oath, and
3 the declarant was aware of such recitation at the time he signed the
4 statement and intended that the statement should be considered a sworn
5 statement; or

6 (C) The statement is made, used, or offered with the
7 purpose that it be accepted as compliance with a statute, rule, or regulation
8 which requires a statement under oath or other like form of attestation to
9 the truth of the matter contained in the statement;

10 (4) Official proceeding means a proceeding heard before any
11 legislative, judicial, administrative, or other government agency or official
12 authorized to hear evidence under oath, including any referee, hearing
13 examiner, commissioner, notary, or other person taking testimony or
14 depositions in any such proceedings. An official proceeding shall also
15 include the signing or marking, under oath, of a voter registration
16 application, application for absentee ballot or precinct voter registration
17 list;

18 (5) Testimony includes oral or written statements, documents,
19 or any other material that is or could be offered by a witness in an official
20 proceeding;

21 (6) Threat means a menace, however communicated, to:

22 (A) Use physical force against any person; or

23 (B) Harm substantially any person with respect to his
24 property, health, safety, business, calling, career, financial condition,
25 reputation, or a personal relationship;

26 (7) Witness means:

27 (A) Any person for whose attendance to give testimony at
28 an official proceeding any process has issued; or

29 (B) Any person who is holding or plans to hold himself
30 available to give testimony at an official proceeding.

31 (b) A person is a witness for the purpose of this code if testimony
32 is sought or offered by personal attendance at the official proceedings or by
33 deposition or affidavit."

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35 SECTION 2. All provisions of this act of a general and permanent

1 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
2 Code Revision Commission shall incorporate the same in the Code.

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4 SECTION 3. If any provision of this act or the application thereof to
5 any person or circumstance is held invalid, such invalidity shall not affect
6 other provisions or applications of the act which can be given effect without
7 the invalid provision or application, and to this end the provisions of this
8 act are declared to be severable.

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10 SECTION 4. All laws and parts of laws in conflict with this act are
11 hereby repealed.

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