

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Senators Harriman and Malone

A Bill

SENATE BILL 463

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 7-5-701 AND 7-7-203(h) TO
CHANGE THE DATE FOR CERTIFICATION OF ELECTION RESULTS; AND
FOR OTHER PURPOSES."

Subtitle

"TO CHANGE THE DATE FOR CERTIFICATION OF
ELECTION RESULTS"

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

SECTION 1. Arkansas Code 7-5-701 is amended to read as follows:

"7-5-701. Declaration of results - Certification, delivery, and custody
of returns.

(a) As soon as the returns from all the precincts are received, but in
no event later than the third calendar day after the election, the county
board of election commissioners from the certificates and ballots received
from the several precincts shall proceed to ascertain and declare the result
of the election, unless the number of absentee ballots is sufficient to
affect the election, in which case the county board of election commissioners
shall declare results of the election no earlier than the tenth calendar day
after the election. The board, within seven (7) calendar days after the day
of the election, or fourteen (14) calendar days if the number of absentee
ballots is sufficient to affect the election, shall deliver a certificate of
election to any person having the highest numbers of legal votes for any
county office.

(b) The commissioners shall also file in the office of the clerk of
the county court a certificate setting forth in detail the result of the
election.

1 (c)(1) Within two (2) days after the comparison and examination of the
2 returns of any election, the county board of election commissioners shall
3 deposit certified copies of the abstracts of the returns of the election for
4 members of Congress and all executive, legislative, and judicial officers in
5 the nearest post office on the most direct route to the seat of government
6 directed to the Secretary of State.

7 (2) They shall at the same time enclose in a separate envelope
8 and direct to the Speaker of the House of Representatives, in care of the
9 Secretary of State, at the seat of government, a certified copy of the
10 abstract of votes given for Governor, Lieutenant Governor, Secretary of
11 State, Treasurer of State, Auditor of State, and Attorney General.

12 (d) It is made the duty of the Secretary of State to safely keep the
13 returns addressed to the Speaker of the House of Representatives until they
14 shall be required for the purpose of ascertaining and declaring the result of
15 the election as prescribed in Arkansas Constitution, Article 6, Section 3."
16

17 SECTION 2. Arkansas Code 7-7-203(h) is amended to read as follows:

18 "(h) The county committee shall convene, at the time specified in the
19 notice to the members given by the secretary of the county committee, no
20 later than three (3) days after each primary election for the purpose of
21 canvassing the returns and certifying the election results *unless the number*
22 *of absentee votes is sufficient to affect the election, in which case the*
23 *county committee shall convene no earlier than the tenth (10th) day after*
24 *each primary election. If no time is specified for the meeting of the county*
25 *committee, the meeting shall be at 5:00 p.m.*"
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27 SECTION 3. All provisions of this act of a general and permanent
28 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
29 Code Revision Commission shall incorporate the same in the Code.
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31 SECTION 4. If any provision of this act or the application thereof to
32 any person or circumstance is held invalid, such invalidity shall not affect
33 other provisions or applications of the act which can be given effect without
34 the invalid provision or application, and to this end the provisions of this
35 act are declared to be severable.

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2 SECTION 5. All laws and parts of laws in conflict with this act are
3 hereby repealed.

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/s/Harriman