

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.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001

A Bill

HOUSE BILL 1913

4
5 By: Representative Agee
6
7

For An Act To Be Entitled

8
9 AN ACT TO AMEND VARIOUS ELECTION LAWS TO DISCONTINUE
10 THE USE OF A BALLOT STUB; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 TO AMEND VARIOUS ELECTION LAWS TO
14 DISCONTINUE THE USE OF A BALLOT STUB.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code 7-1-104(14), pertaining to miscellaneous
20 felonies, is amended to read as follows:

21 (14) No person shall fraudulently change, alter, or obliterate the
22 poll books or books of any election or break any seals upon any ballot box,
23 or voting machine, ~~or stub box~~, except as authorized by law;
24

25 SECTION 2. Arkansas Code 7-5-208(b) and (c), pertaining to ballot
26 stubs, is amended to read as follows:

27 ~~(b) Each ballot shall be printed on paper with a perforated portion~~
28 ~~capable of being detached for use as the ballot stub.~~

29 ~~(c)~~(b) As ballots are printed, the ~~portion that shall be used as the~~
30 ~~ballot stub~~ shall be numbered consecutively from one (1) to the number which
31 is the total amount of ballots provided for the election.
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33 SECTION 3. Arkansas Code 7-5-309(b) and (c), concerning voting
34 procedures, is amended to read as follows:

35 (b)(1)~~(A)~~ Upon receiving his ballot, the voter shall proceed to mark
36 it by placing an appropriate mark.

1 ~~(B)(2)~~ No voter shall be allowed more than five (5) minutes to
2 mark his ballot.

3 ~~(2) The voter shall then separate his ballot on the perforated~~
4 ~~line and personally deposit the larger portion in the ballot box provided and~~
5 ~~the smaller portion or ballot stub in the stub box provided.~~

6 (c)(1) The voter shall not be required to sign, initial, or in any way
7 identify himself with the ballot, ~~the ballot stub,~~ or the list of voters
8 other than in the manner set forth in this section.

9 (2) However, an election official may inspect the back of the
10 ballot before the voter deposits it to see if it has been initialed by an
11 election official.

12

13 SECTION 4. Arkansas Code 7-5-312(b), concerning the challenge of a
14 voter's ballot, is amended to read as follows:

15 (b)(1) When the ballot of any voter is thus challenged, it shall be
16 the duty of the election officials in the election precinct to make and
17 retain a list of the names of all persons so challenged, and the following
18 procedure shall be followed:

19 ~~(A) The voter shall separate his marked ballot and ballot~~
20 ~~stub;~~

21 ~~(B)(A)~~ The voter shall place the challenged ballot in a
22 single challenged ballot envelope and seal the envelope; and

23 ~~(C)(B)~~ The voter shall place the ~~ballot stub and the~~
24 sealed challenged ballot envelope and challenge form in a challenged voter
25 envelope.

26 (2) The ballots of all challenged persons shall be preserved,
27 secured, and separated from the remaining ballots to the end that the right
28 of any person to vote may be determined later by the county board of election
29 commissioners or the court in which an election contest may thereafter be
30 filed.

31

32 SECTION 5. Arkansas Code 7-5-317(a), concerning the delivery of
33 election materials, is amended to read as follows:

34 (a) After the count of the ballots is completed, all of the election
35 returns shall be processed and delivered in the following manner:

36 (1) The list-of-voters form, precinct voter registration list,

1 voter registration application forms, and other recordkeeping supplies shall
2 be delivered to the county clerk;

3 (2) Certificates of election results and tally sheets:

4 (A) One (1) copy of the certificate of election results
5 shall be posted in a conspicuous place outside the polling site immediately
6 after the ballots are counted;

7 (B) One (1) copy of the certificate of election results
8 with one (1) copy of the tally sheets shall be delivered to the county clerk;
9 and

10 (C) One (1) copy of the certificate of election results
11 shall be returned with one (1) copy of the tally sheets and reports of
12 challenges of voters, if any, to the county board of election commissioners;

13 (3) Ballots:

14 (A) The election officials shall securely envelope the
15 ballots separately and place the ballots in a container with a numbered seal
16 and then deliver the ballots with the tally sheets and other election
17 materials to the county board; and

18 (B) All cancelled ballots shall be preserved separately
19 from the other ballots and returned to the county board;_

20 ~~(4) Stub boxes: Sealed stub boxes shall be delivered to the~~
21 ~~county treasurer for storage.~~

22
23 SECTION 6. Arkansas Code 7-5-409(b), concerning materials furnished to
24 qualified voters, is amended to read as follows:

25 (b) If the applicant is registered or is otherwise eligible to vote
26 absentee, the county clerk shall deliver or mail to the applicant or deliver
27 pursuant to subsections (d)-(f) of this section to the person who delivers
28 the application to the office of the county clerk pursuant to § 7-5-403 the
29 following materials:

30 (1) An official ballot for each election named in the
31 application;

32 (2) A sealable envelope on which there shall be no identifying
33 marks;

34 (3) A sealable envelope upon which shall be printed or written
35 the address of the county clerk, the precinct of the voter, and the words:
36 "ABSENTEE BALLOT, , , ELECTION";

1 (4) A blank statement in the following form:

2 IF YOU PROVIDE FALSE INFORMATION ON THIS FORM, YOU MAY BE GUILTY OF
3 PERJURY AND SUBJECT TO A FINE OF UP TO \$10,000 OR IMPRISONMENT FOR UP TO 10
4 YEARS.

5 "I do swear that on the date of the election to be held,,
6 I will be unavoidably absent from my voting precinct.

7 I am a qualified, registered elector of the
8 (ward, precinct, or township) of
9, Arkansas.

10 I have enclosed my marked ballot in the envelope provided which I shall
11 place with this statement ~~and my ballot stub~~ in a large envelope. I will not
12 vote again in this election.

13 (Check one)

14 I am personally delivering my ballot.

15 I am mailing this ballot to the county clerk.

16 I am hereby authorizing my relative or designated bearer (insert
17 his or her name),, to deliver this ballot to the county clerk.

18 I am hereby authorizing (insert his or her name) as my
19 authorized agent to deliver this ballot as I am medically unable to vote on
20 election day. An affidavit verifying my medical status as unable to deliver
21 the application or to vote on the day of the election is attached or has been
22 provided with my application.

23 The information I have provided is true to the best of my knowledge under
24 penalty of perjury. If I have provided false information, I may be subject to
25 a fine of up to ten thousand dollars (\$10,000) or imprisonment for up to ten
26 years, or both, under federal or state laws.

27

28 signature of voter

29

30 printed name of voter

31

32 address of voter

33

34 date of birth of voter

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36 signature of designated bearer, relative or authorized agent

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address of designated bearer, relative or authorized agent."

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4 SECTION 7. Arkansas Code 7-5-412 is amended to read as follows:

5 7-5-412. Marking and return of ballots - Delivery of mailed ballots.

6 (a) Upon receiving the blank ballot, statement, and envelopes, whether
7 in the office of the county clerk or elsewhere, the voter shall mark the
8 ballot, ~~tear off the lower ballot stub end,~~ and place the ballot in the
9 provided envelope. He shall then seal the envelope containing the ballot and
10 place it with his executed statement ~~and the ballot stub~~ in the other
11 provided envelope.

12 (b) The envelope containing ballot, ~~ballot stub,~~ and statement must be
13 received in the office of the county clerk not later than 7:30 p.m. on the
14 day of the election.

15 (c) Ballots by mail shall be counted if received no later than the
16 time the polls close on election day. Ballots received by mail on election
17 day, and before the polls close, shall be delivered promptly by the county
18 clerk to the election officials designated to canvass and count absentee
19 ballots.

20

21 SECTION 8. Arkansas Code 7-5-416(b) through (d), concerning the
22 counting of absentee ballots, is amended to read as follows:

23 (b)(1) The opening, counting, and canvassing shall be conducted as
24 follows:

25 (A) One (1) of the election officials shall open outer
26 absentee ballot envelopes one (1) by one (1), and, as soon as he opens one
27 (1), he shall read aloud from the statement in the envelope the name of the
28 voter and the voting precinct in which the voter claims to be a legal voter;

29 (B) As each outer envelope is opened and the name of the
30 voter is read, the election officials for the absentee box shall list in
31 duplicate the name and voting precinct of the voter and shall write ~~on the~~
32 ~~stub end of the ballot taken from the outer envelope~~ on a separate form the
33 number of the voter taken from this list of voters;

34 (C) After the election official reads aloud from the
35 statement, the election officials shall compare the name, address, date of
36 birth, and signature of the voter's absentee application and the voter's

1 statement. If the application and the voter's statement do not compare as to
2 name, address, date of birth, and signature, the application, absentee ballot
3 envelope, and statement shall be placed in an envelope marked "challenged".

4 The election official shall record the reason for the challenge on the
5 envelope, and it shall be referred to the board. The board shall determine
6 whether the voter is qualified and whether or not the vote shall be counted;

7 (D) If no challenge is made and if the statement is in
8 proper form, the election official shall, without opening the inner envelope
9 containing the ballot, remove the inner envelope and place it in the ballot
10 box without marking it in any way. Proper form shall include the voter's
11 signature;

12 ~~(E) The ballot stub ends shall be placed in a separate~~
13 ~~ballot box designated for them and retained as are other ballot stub ends;~~

14 ~~(F)~~(E) After all of the outer envelopes have been opened
15 and a list has been made in duplicate of the name and voting precinct of the
16 voters, as required in this section, the election officials of the absentee
17 box shall preserve all the statements of voters and deliver them to the
18 county clerk, who shall file and keep them for the same length of time after
19 the election as is required for retention of other ballots, and the
20 statements shall be made available for public inspection during regular
21 business hours;

22 ~~(G)~~(F) When all of the inner envelopes containing the
23 ballots have been placed in the ballot box and the ballot stub ends have been
24 deposited in a separate box, the ballot box shall be shaken thoroughly to mix
25 the ballots; and

26 ~~(H)~~(G) The ballot box shall be opened and the ballots
27 canvassed and counted.

28 (2) No election results shall be printed or released prior to
29 the closing of the polls.

30 (c) If any person casting an absentee ballot dies before the polls
31 open on election day, his vote shall not be counted.

32 (d) It is the intent of this section to permit the election officials
33 for absentee ballots to meet and open the outer envelope and make a list in
34 duplicate of the name and voting precinct of each voter casting an absentee
35 ballot, to write on ~~the stub end of the ballot taken from the outer envelope~~
36 a separate form the number of the voter taken from the list of voters, and to

1 deposit the inner envelope containing the ballot in the ballot box ~~and to~~
2 ~~deposit the ballot stub ends in another ballot box~~ prior to the closing of
3 the polls on election day.

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5 SECTION 9. Arkansas Code 7-5-417(b), concerning the challenge of
6 absentee votes, is amended to read as follows:

7 (b) If the statement is not in proper form, or if for any other legal
8 reason the vote should not be counted, the ballot shall be challenged, but it
9 shall be preserved together with the ~~stub,~~ statement, and envelope for the
10 same period of time that the statements are preserved.

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12 SECTION 10. Arkansas Code 7-5-418(f), concerning early voting, is
13 amended to read as follows:

14 (f) Upon casting his or her ballot, the voter shall then deposit the
15 ballot ~~and the stub~~ in the appropriate box in the same manner as for votes
16 cast on the day of the election.

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