

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 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: S2/18/03 S2/24/03

A Bill

SENATE BILL 270

5 By: Senator Faris

6 *By: Representatives King, Agee, Scrimshire, Lendall, Parks, Seawel, Ormond, Elliott, Pritchard, Mathis,*
7 *D. Evans, Mahony, L. Evans, Hardwick, Thomason, Penix, Sumpter, Sullivan, Pace, Thyer, Edwards,*
8 *Jackson, Rosenbaum, Biggs*

For An Act To Be Entitled

9
10
11 AN ACT TO IMPLEMENT THE FEDERAL HELP AMERICA VOTE
12 ACT; TO REVISE VARIOUS VOTING PROCEDURES; AND FOR
13 OTHER PROCEDURES.
14

Subtitle

15
16 AN ACT TO IMPLEMENT THE FEDERAL HELP
17 AMERICA VOTE ACT.
18
19
20

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

22
23 SECTION 1. Arkansas Code § 7-1-101 is amended to read as follows:
24 7-1-101. Definitions.

25 As used in this title, unless the context or chapter otherwise requires:

26 (1) "Administrator" means the administrative head of a long-term
27 care or residential care facility licensed by the state who is authorized in
28 writing by a patient of the long-term care or residential care facility to
29 deliver the application for an absentee ballot and to obtain or deliver the
30 absentee ballot to the county clerk;

31 (2) "Authorized agent" means a person who is identified and
32 authorized by an applicant who is medically unable to cast a ballot at a
33 polling site due to unforeseen medical necessity as set forth in an affidavit
34 from the administrative head of a hospital or long-term or residential care
35 facility to deliver the application, obtain a ballot, and deliver the ballot
36 on the day of the election to the county clerk;



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1 (3) "Automatic tabulating equipment" means apparatus necessary
2 to automatically examine and count votes as designated on vote cards and data
3 processing machines which can be used for counting votes and tabulating
4 results but shall not include those voting machines authorized under this
5 title;

6 (4) "Candidate and issue labels" means the cards, paper,
7 booklet, pages, or other material containing the names of offices and
8 candidates and statements of measures to be voted on;

9 (5) "Canvassing" means examining and counting the returns of
10 votes cast at a public election to determine authenticity;

11 (6) "Constitutional officers of this state" means the offices of
12 the Governor, Lieutenant Governor, Secretary of State, Attorney General,
13 Auditor of State, Treasurer of State, and Commissioner of State Lands;

14 (7) "Counting location" means a location selected by the county
15 board of election commissioners with respect to all elections for the
16 automatic processing or counting or both of votes;

17 (8) "Designated bearer" means any person who is identified and
18 authorized by the applicant to obtain from the county clerk or to deliver to
19 the county clerk the applicant's ballot;

20 (9) "Election official" or "election officer" means a person who
21 is a member of the county board of election commissioners or a person who is
22 a poll worker, having been designated by a county board of election
23 commissioners to be an election clerk, election judge, or election sheriff;

24 (10) "Electronic voting system" means a system of casting votes
25 by use of marking devices and tabulating votes by use of automatic tabulating
26 equipment or data processing equipment but shall not include those voting
27 machines authorized under this title;

28 (11) "Fail-safe voting" means the mechanism established under
29 the National Voter Registration Act of 1993 that allows voters who have moved
30 within the same county to vote at their new precinct without having updated
31 their voter registration records;

32 (12) "First-time voter" means any registered voter who has not
33 previously voted in a federal election in the state.

34 ~~(12)~~(13) "General or special election" means the regular
35 biennial or annual elections for election of United States, state, district,
36 county, township, and municipal officials and the special elections to fill

1 vacancies therein and special elections to approve any measure. The term as
2 used in this act shall not apply to school elections for officials of school
3 districts;

4 ~~(13)~~(14) "Majority party" means that political party in the
5 State of Arkansas whose candidates were elected to a majority of the
6 constitutional offices of this state in the last-preceding general election;

7 ~~(14)~~(15) "Marking device" means either an apparatus in which
8 vote cards are inserted and used in connection with a punch apparatus for
9 piercing of vote cards by the voter or any approved device for marking a
10 paper vote sheet with ink or other substances which will enable the votes to
11 be tabulated by means of automatic tabulating equipment;

12 ~~(15)~~(16) "Minority party" means that political party whose
13 candidates were elected to less than a majority of the constitutional offices
14 of this state in the last-preceding general election or the political party
15 which polled the second-greatest number of votes for the office of Governor
16 in the last-preceding general election if all of the elected constitutional
17 officers of this state are from a single political party;

18 ~~(16)~~(17)(A) "Political party" means any group of voters which at
19 the last-preceding general election polled for its candidate for Governor in
20 the state or nominees for presidential electors at least three percent (3%)
21 of the entire vote cast for the office.

22 (B) No group of electors shall assume a name or
23 designation which is so similar in the opinion of the Secretary of State to
24 that of an existing political party as to confuse or mislead the voters at an
25 election.

26 (C) When any political party fails to obtain three percent
27 (3%) of the total votes cast at an election for the office of Governor or
28 nominees for presidential electors, it shall cease to be a political party;

29 ~~(17)~~(18) "Polling site" means a location selected by the county
30 board of election commissioners where votes are cast;

31 ~~(18)~~(19) "Precinct" means the geographical boundary lines
32 dividing a county, municipality, township, or school district for voting
33 purposes;

34 ~~(19)~~(20) "Primary election" means any election held by a
35 political party in the manner provided by law for the purpose of selecting
36 nominees of said political party for certification as candidates for election

1 at any general or special election in this state;

2 ~~(20)~~(21) "Qualified elector" means a person who holds the
3 qualifications of an elector and who is registered pursuant to Arkansas
4 Constitution, Amendment 51;

5 ~~(21)~~(22) "Vacancy in election" means the vacancy in an elective
6 office created by death, resignation, or other good and legal cause, arising
7 prior to election to the office at a general or special election but arising
8 subsequent to the certification of the ballot;

9 ~~(22)~~(23) "Vacancy in nomination" means the circumstances in
10 which the person who received the majority of votes at the preferential
11 primary election or general primary election cannot accept the nomination due
12 to death or notifies the party that he or she will not accept the nomination
13 due to serious illness, moving out of the area from which the person was
14 elected as the party's nominee, or filing for another office preceding the
15 final date for certification of nominations;

16 ~~(23)~~(24)(A) "Vacancy in office" means the vacancy in an elective
17 office created by death, resignation, or other good and legal cause arising
18 subsequent to election to the office at a general or special election or
19 arising subsequent to taking office and prior to the expiration of the term
20 of office in those circumstances wherein the vacancy must be filled by a
21 special election rather than by appointment.

22 (B) The phrase "vacancy in office" shall not apply to the
23 election of a person at a general election to fill an unexpired portion of a
24 term of office; and

25 ~~(24)~~(25) "Vote card" means a card upon which the voter casts his
26 votes by the process of punching.

27

28 SECTION 2. Arkansas Code § 7-5-201(d), concerning voter
29 qualifications, is amended to read as follows:

30 (d)(1) Any person registering to vote by mail and having not
31 previously voted in a federal election shall ~~appear in person to vote the~~
32 ~~first time he or she casts a ballot.;~~

33 (A) Present to the election official a current and valid
34 photo identification, or copy of a current utility bill, bank statement,
35 government check, paycheck, or other government document that shows the name
36 and address of the voter, when appearing to vote in person either early or at

1 the polls on election day; or

2 (B) Submit with the ballot a copy of a current and valid
 3 photo identification or a copy of a current utility bill, bank statement,
 4 government check, paycheck, or other government document that shows the name
 5 and address of the voter, when voting by mail.

6 (2) The provision of subdivision (d)(1) of this section does not
 7 include:

8 (A) Persons whose applications are transmitted by state or
 9 federal voter registration agencies;

10 (B) Persons who are temporarily living in a particular
 11 place because of a temporary work-related assignment or duty post as a result
 12 of their performing duties in connection with their status as military
 13 personnel or students;

14 (C) Persons who are covered by the Uniformed and Overseas
 15 Citizens Absentee Voting Act;

16 (D) Persons covered by the Voting Accessibility for the
 17 Elderly and Handicapped Act; ~~or~~

18 (E) Persons who are entitled to vote otherwise than in
 19 person under any other federal law;

20 (F) Persons who register to vote by mail and submit as
 21 part of his or her registration any of the identification documents listed in
 22 subdivision (d)(1); or

23 (G) Persons who register to vote by mail, and submit with
 24 the registration either a driver's license number or at least the last four
 25 (4) digits of the individual's social security number, and with respect to
 26 whom a state or local election official matches the license number or social
 27 security number with an existing state identification record bearing the same
 28 number, name, and date of birth as provided in the registration.

29
 30 SECTION 3. Arkansas Code § 7-5-202 is amended to read as follows:

31 § 7-5-202. Public notice of elections.

32 (a) It shall be the duty of the county board of election commissioners
 33 at least twenty (20) days before each preferential primary and general
 34 election and ten (10) days before the holding of each general primary,
 35 general runoff, or special election to give public notice in a newspaper of
 36 general circulation in the county of the ~~time and~~ date of the election, the

1 hours of voting on election day, polling sites for holding the elections in
2 the county, and the candidates and offices to be elected at that time.

3 (b) At least five (5) days prior to a preferential primary, general
4 primary, general election, general runoff, or special election, a copy of the
5 public notice may be posted at each polling site fixed for holding the
6 election and shall be published in a newspaper of general circulation in the
7 county.

8 (c) On the day of any election, the following information shall be
9 posted at each polling site and remain posted continuously therein until the
10 polls close:

11 (1) The public notice required in subsection (a) of this
12 section;

13 (2) A sample version of the ballot or ballots that will be used
14 for that election;

15 (3) Instructions on how to vote, including how to cast a
16 provisional ballot;

17 (4) General information on voting rights under applicable
18 federal and state laws, including information on the right of an individual
19 to cast a provisional ballot and instructions on how to contact the
20 appropriate officials if these rights are alleged to have been violated; and

21 (5) General information on federal and state laws regarding
22 prohibitions on acts of fraud and misrepresentation.

23 (d) The Secretary of State shall provide to each county board of
24 election commissioners the information to be posted at each polling site
25 according to § 7-5-202(b)(4) and (5).

26
27 SECTION 4. Arkansas Code § 7-5-305(a)(8), concerning requirements for
28 voting, is amended to read as follows:

29 (8)(A) Request the voter for purposes of identification to
30 provide ~~a valid driver's license, photo identification card issued by a~~
31 ~~governmental agency, voter card, social security card, birth certificate,~~
32 ~~United States passport, employee identification card issued by a governmental~~
33 ~~agency containing a photograph, employee identification card issued in the~~
34 ~~normal course of business of the employer, student identification card,~~
35 ~~Arkansas hunting license, or United States military identification card, a~~
36 current and valid photo identification, or a copy of a current utility bill,

1 bank statement, government check, paycheck, or other government document that
 2 shows the name and address of the voter.

3 (B)(i) If a voter is unable to provide this
 4 identification, the election official shall indicate on the precinct voter
 5 registration list that the voter did not provide identification.

6 (ii) A first time voter who registers by mail
 7 without providing identification when registering, and desires to vote in
 8 person, but who does not meet the identification requirements of subdivision
 9 (a)(8)(A) may cast a provisional ballot.

10 ~~(ii)~~(iii) Following each election, the county board
 11 of election commissioners may review the precinct voter registration lists
 12 and may provide the information of the voters not providing identification at
 13 the polls to the prosecuting attorney.

14 ~~(iii)~~(iv) The prosecuting attorney may investigate
 15 possible voter fraud.

16
 17 SECTION 5. Arkansas Code § 7-5-306(b), concerning precinct voter
 18 registration list, is amended to read as follows:

19 (b) If the voter is not listed on the precinct voter registration list
 20 and the election official is unable to verify the voter's registration with
 21 the county clerk and the voter contends that he or she is a registered voter
 22 in the precinct in which he or she desires to vote and that he or she is
 23 eligible to vote, then the voter may vote a challenged ballot which shall
 24 only be counted upon verification of the voter's registration status by the
 25 county board of election commissioners prior to certification of election,
 26 shall be permitted to cast a provisional ballot as follows:

27 (1) An election official at the polling place shall notify the
 28 individual that the individual may cast a provisional ballot in that
 29 election;

30 (2) The individual shall be permitted to cast a provisional
 31 ballot at that polling place upon the execution of a written affirmation by
 32 the individual before an election official at the polling place stating that
 33 the individual is:

34 (A) A registered voter in the jurisdiction in which the
 35 individual desires to vote; and

36 (B) Eligible to vote in that election;

1 (3) The provisional ballot shall only be counted upon
 2 verification of the voter's registration status by the county board of
 3 election commissioners before certification of the election; and

4 (4)(1) Whenever a person casts a provisional ballot, the
 5 election official shall provide the voter written information that states
 6 that the individual who casts a provisional ballot will be able to ascertain
 7 whether the vote was counted, by accessing a toll free telephone number,
 8 internet website, or other free access system established by the Secretary of
 9 State for that purpose.

10 (2) Access to information about an individual provisional ballot
 11 shall be restricted to the individual who cast the ballot.

12
 13 SECTION 6. Arkansas Code § 7-5-312(b) and (c), concerning challenging
 14 a voter's ballot, are amended to read as follows:

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

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

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

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

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

31 (c)(1) The county board shall, prior to certification of the results
 32 of the election, determine whether the ~~challenged~~ provisional ballots are
 33 valid.

34 (2) If, upon examination of any ~~challenged~~ provisional ballots,
 35 the county board suspects that a violation of the election laws has occurred,
 36 the county board may refer the matter to the prosecuting attorney.

1
2 SECTION 7. Arkansas Code § 7-5-315(7)(B)(ii) is amended to add an
3 additional subdivision to read as follows:

4 (c) Any person who votes in an election as a
5 result of a federal or state court order or any other order extending the
6 time established for closing the polls may only vote in that election by
7 casting a provisional ballot according to the procedure set out in § 7-5-
8 306(b), and the ballot shall be separated and held apart from other
9 provisional ballots cast by those not affected by the order.

10
11 SECTION 8. Arkansas Code § 7-5-403(c), concerning applications for
12 ballots, is amended to read as follows:

13 (c) Citizens of the United States temporarily residing outside the
14 territorial limits of the United States and the District of Columbia, and
15 their spouses and dependents when residing with or accompanying them, may
16 request the absentee ballot for any one (1) or more elections ~~during any one~~
17 ~~(1) calendar year~~ through the next two (2) regularly scheduled general
18 elections for federal office, including any runoff elections which may occur
19 as a result of the outcome of the general elections, by submitting only one
20 (1) application during that ~~calendar year~~ period of time in the manner
21 prescribed by subsection (a) of this section.

22
23 SECTION 9. Arkansas Code § 7-5-406(a), concerning overseas voters, is
24 amended to read as follows:

25 (a) Any qualified elector of this state in any of the following
26 categories who is absent from the place of his or her voting residence may
27 make a request for an absentee ballot by submission of a federal postal card
28 application as provided for in the ~~Overseas Citizens Voting Rights Act of~~
29 ~~1975~~ Uniformed and Overseas Citizens Absentee Voting Act, and may vote by
30 absentee ballot, without registering, in any primary, special, or general
31 election held in his or her election precinct if he or she is otherwise
32 eligible to vote in that election:

33 (1) Members of the uniformed services of the United States while
34 in active service and their spouses and dependents;

35 (2) Members of the merchant marine of the United States and
36 their spouses and dependents; and

1 (3) Citizens of the United States temporarily residing outside
2 the territorial limits of the United States and the District of Columbia and
3 their spouses and dependents when residing with or accompanying them.

4
5 SECTION 10. Arkansas Code § 7-5-409(b), concerning materials furnished
6 to qualified voters, is amended to read as follows:

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

12 (1) An official ballot for each election named in the
13 application;

14 (2) Instructions for voting and returning the ballot to the
15 county clerk;

16 (3) A sealable envelope on which there shall be written or
17 printed the words: "Ballot Only";

18 (4) A sealable envelope upon which shall be printed or written
19 the words: "Return Envelope", the address of the county clerk, the precinct
20 of the voter, and the words: "ABSENTEE BALLOT, ,
21 , ELECTION";

22 (5) A blank voter statement in the following form:
23 "I reside at the address indicated on my application.

24 I have enclosed ~~my ballot stub~~ in the Return Envelope; ~~I have enclosed my~~
25 ~~marked ballot in the Ballot Only envelope, which I will place in the Return~~
26 ~~Envelope.~~

27 (A) My ballot stub;

28 (B) My completed voter statement;

29 (C) A copy of a current and valid photo identification
30 card, or a current utility bill, bank statement, government check, paycheck,
31 or other government document that shows my name and address, if I registered
32 to vote for the first time by mail; and

33 (D) The ballot only envelope containing my marked ballot.

34 I will not vote again in this election.

35 THE INFORMATION I HAVE PROVIDED IS TRUE TO THE BEST OF MY KNOWLEDGE UNDER
36 PENALTY OF PERJURY. IF I HAVE PROVIDED FALSE INFORMATION, I MAY BE SUBJECT TO

1 A FINE OF UP TO TEN THOUSAND DOLLARS (\$10,000) OR IMPRISONMENT FOR UP TO TEN
2 (10) YEARS, OR BOTH, UNDER FEDERAL OR STATE LAWS.

3

4 signature of voter

5

6 printed name of voter

7

8 address of voter

9

10 date of birth of voter

11

12 signature of designated bearer, relative or authorized agent

13

14 address of designated bearer, relative or authorized agent."; and

15 (6) An authorized agent authorization form, which may be printed
16 on the back of the voter statement, as follows:

17 "AGENT AUTHORIZATION FORM

18 If applicable, fill out and sign this form and place it in the Return
19 Envelope

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

25

26 Signature of voter

27

28 printed name of voter

29

30 date of birth of voter"

31

32 SECTION 11. Arkansas Code § 7-5-412 is amended to read as follows:

33 § 7-5-412. Marking and return of ballots - Delivery of mailed ballots.

34 (a) Upon receiving the blank ballot, statement, and envelopes, whether
35 in the office of the county clerk or elsewhere, the voter shall mark the
36 ballot, tear off the lower ballot stub end, and place the ballot in the

1 provided envelope. He or she shall then seal the envelope containing the
 2 ballot and place it ~~with his executed statement and the ballot stub~~ in the
 3 other provided outer envelope, with the following:

4 (1) The executed voter statement;

5 (2) The ballot stub; and

6 (3) A copy of a current and valid photo identification, or a
 7 copy of a current utility bill, bank statement, government check, paycheck,
 8 or other government document that shows the name and address of the *first*
 9 *time* voter, for first time voters who registered by mail. However, this
 10 requirement does not apply if:

11 (A) The voter registered to vote by mail and provided the
 12 identification at that time; or

13 (B) The first time voter registered to vote by mail and
 14 submitted his or her driver's license number or at least the last four (4)
 15 digits of his or her social security number at the time, and this information
 16 matches the information in an existing state identification record bearing
 17 the same number, name, and date of birth as provided in the registration.

18 (b) The envelope containing ballot, ballot stub, identification, if
 19 applicable, and voter's statement must be received in the office of the
 20 county clerk not later than 7:30 p.m. on the day of the election.

21 (c) An individual who desires to cast an absentee ballot but who does
 22 not meet the identification requirements of subdivision (a)(3) may cast a
 23 ballot by mail and the ballot shall be considered as a provisional ballot.

24 ~~(e)~~(d) Ballots by mail shall be counted if received no later than the
 25 time the polls close on election day. Ballots received by mail on election
 26 day, and before the polls close, shall be delivered promptly by the county
 27 clerk to the election officials designated to canvass and count absentee
 28 ballots.

29
 30 SECTION 12. Arkansas Code § 7-5-416(b), concerning counting absentee
 31 ballots, is amended to read as follows:

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

34 (A) One (1) of the election officials shall open outer
 35 absentee ballot envelopes one (1) by one (1), and, as soon as he or she opens
 36 one (1), he or she shall read aloud from the statement in the envelope the

1 name of the voter and the voting precinct in which the voter claims to be a
2 legal voter;

3 (B) As each outer envelope is opened and the name of the
4 voter is read, the election officials for the absentee box shall list in
5 duplicate the name and voting precinct of the voter and shall write on the
6 stub end of the ballot taken from the outer envelope the number of the voter
7 taken from this list of voters;

8 (C) After the election official reads aloud from the
9 statement, the election officials shall compare the name, address, date of
10 birth, and signature of the voter's absentee application ~~and~~ with the voter's
11 statement and, for first time voters who registered by mail, the first time
12 voter's identification document, unless the voter previously provided
13 identification at the time of mailing the voter registration application. If
14 the application and the voter's statement do not compare as to name, address,
15 date of birth, and signature, or if the first time voter failed to provide
16 the required identification with the ballot or at the time of mailing the
17 voter registration application, the absentee application, absentee ballot
18 envelope, and voter's statement shall be placed in an envelope marked
19 "~~challenged~~" "provisional". The election official shall record the reason for
20 the challenge on the envelope, and it shall be referred to the board. The
21 board shall determine whether the voter is qualified and whether or not the
22 vote shall be counted;

23 (D) If no challenge is made, ~~and if the statement is in~~
24 ~~proper form,~~ the election official shall, without opening the inner envelope
25 containing the ballot, remove the inner envelope and place it in the ballot
26 box without marking it in any way; ~~Proper form shall include the voter's~~
27 ~~signature;~~

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

30 (F)(i) After all of the outer envelopes have been opened
31 and a list has been made in duplicate of the name and voting precinct of the
32 voters, as required in this section, the election officials of the absentee
33 box shall preserve all the statements of voters and the voters'
34 identification documents and deliver them to the county clerk, who shall file
35 and keep them for the same length of time after the election as is required
36 for retention of other ballots, ~~and the.~~

1 (ii) The voter statements shall be made available
2 for public inspection during regular business hours.

3 (iii) The voters' identification documents shall not
4 be subject to public inspection except as part of a judicial proceeding to
5 contest the election;

6 (G) When all of the inner envelopes containing the ballots
7 have been placed in the ballot box and the ballot stub ends have been
8 deposited in a separate box, the ballot box shall be shaken thoroughly to mix
9 the ballots; and

10 (H) The ballot box shall be opened and the ballots
11 canvassed and counted; and

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

14
15 SECTION 13. Arkansas Code § 7-5-707 is amended to read as follows:
16 § 7-5-707. Vote certification - Report.

17 (a)(1) At the time that the county board of election commissioners
18 certifies the vote to the Secretary of State, the county board shall report
19 to the State Board of Election Commissioners ~~the total number of:~~

20 (A) The total number of ballots cast;

21 ~~(1)(B) Ballots~~ The total number of ballots printed and
22 delivered to the polls;

23 ~~(2)(C) Challenged~~ The total number of provisional ballots
24 that were disqualified;

25 ~~(3)(D) Spoiled~~ The total number of spoiled ballots; and

26 ~~(4)(E) Unused~~ The total number of unused ballots; and

27 (F)(1) The name of the provisional voter for each
28 provisional ballot cast, whether the vote was counted and if the vote was not
29 counted, the reason it was not counted.

30 (2) Information in subdivision (a)(1)(F) shall not be disclosed
31 to the public, but shall be available to the voter who cast the provisional
32 ballot according to § 7-5-306(b)(4).

33 (b) Within thirty (30) calendar days after any election, the county
34 board shall report to the state board the number of over-votes and under-
35 votes cast in the election.

36 (c)(1) The county board of election commissioners shall transmit the

1 certified results for each polling place to the county clerk, who shall
2 immediately transmit the results to the Secretary of State through the
3 internet website interface provided by the Secretary of State for all state
4 and federal elections.

5 (2) The county board of election commissioners shall transmit
6 the information required according to subsection (a) of this section to the
7 county clerk who shall enter and transmit it to the State Board of Election
8 Commissioners through the Secretary of State internet website interface.

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