

State of Arkansas  
85th General Assembly  
Regular Session, 2005

# A Bill

HOUSE BILL 1613

By: Representative D. Creekmore

## For An Act To Be Entitled

AN ACT CONCERNING THE DECLARATION OF ELECTION  
RESULTS; AND FOR OTHER PURPOSES.

## Subtitle

AN ACT CONCERNING THE DECLARATION 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)(1) No earlier than forty-eight (48) hours after the election and  
no later than the tenth 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, declare, and certify the  
result of the election to the Secretary of State.

(2)(A) The county board shall declare preliminary and unofficial  
results of the election, including a statement of the number of outstanding  
absentee ballots of overseas voters, immediately after the count of the vote  
is complete and report the preliminary and unofficial results to the county  
clerk, who shall immediately transmit the results to the Secretary of State  
by the Internet website interface provided by the Secretary of State.

(B) If it is not possible for the clerk to transmit the  
results via the Internet website interface, then the clerk may transmit the  
results by facsimile transmission.

(3) Within fourteen (14) calendar days after ~~the day of the~~ any



1 general, special, or school election, the county board shall deliver a  
2 certificate of election to the person having the highest numbers of legal  
3 votes for any county office.

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

7 (c)(1)(A) No earlier than forty-eight (48) hours after the election  
8 and no later than the tenth calendar day after the election, the county board  
9 shall deposit certified copies of the abstracts of the returns of the  
10 election for members of Congress and for all executive, legislative, and  
11 judicial officers in the nearest post office on the most direct route to the  
12 seat of government and directed to the Secretary of State.

13 (B) The county board shall not receive compensation for  
14 election duties after the election until the election results have been  
15 certified and delivered to the Secretary of State.

16 (C) The Secretary of State shall file a complaint with the  
17 State Board of Election Commissioners pursuant to § 7-4-118 if the county  
18 board does not comply with subdivision (c)(1)(A) of this section.

19 (d)(1) It shall at the same time enclose in a separate envelope and  
20 direct to the Speaker of the House of Representatives, in care of the  
21 Secretary of State, at the seat of government, a certified copy of the  
22 abstract of votes given for Governor, Lieutenant Governor, Secretary of  
23 State, Treasurer of State, Auditor of State, and Attorney General.

24 (2) It is made the duty of the Secretary of State to safely keep  
25 the returns addressed to the Speaker of the House of Representatives until  
26 they shall be required for the purpose of ascertaining and declaring the  
27 result of the election as prescribed in Arkansas Constitution, Article 6, §  
28 3.