

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 85th General Assembly
3 Regular Session, 2005

A Bill

HOUSE BILL 2643

4
5 By: Representative Saunders
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For An Act To Be Entitled

8
9 AN ACT TO CLARIFY VARIOUS LAWS APPLICABLE TO
10 ARKANSAS ELECTIONS; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 AN ACT TO CLARIFY VARIOUS LAWS
14 APPLICABLE TO ARKANSAS ELECTIONS.
15
16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 7-1-104(a)(6), concerning preventing or
20 interfering with any qualified elector from voting at any election, is
21 amended to read as follows:

22 (6) It shall be unlawful for any person to prevent or to
23 interfere with any qualified elector from voting at any election, or to
24 attempt to prevent or interfere with any qualified elector from voting at any
25 election, provided that this subdivision (a)(6) shall not prohibit good faith
26 challenges of ballots or voters according to law by ~~election officials,~~
27 candidates, ~~or~~ authorized representatives of candidates, political parties,
28 or ballot issues;
29

30 SECTION 2. Arkansas Code § 7-5-202, as amended by Act 138 of 2005, is
31 amended to read as follows:

32 7-5-202. Public notice of elections.

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



1 a newspaper of general circulation in the county of:

- 2 (1) The date of the election;
- 3 (2) The hours of voting on election day;
- 4 (3) Polling sites for holding the elections in the county;
- 5 (4) The candidates and offices to be elected at that time; and
- 6 (5) The time and location of the opening, processing,
- 7 canvassing, and counting of absentee ballots.

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

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

- 16 (1) The public notice required in subsection (a) of this
- 17 section;
- 18 (2) A sample version of the ballot or ballots that will be used
- 19 for that election;
- 20 (3) Instructions on how to vote, including how to cast a
- 21 provisional ballot;
- 22 (4) General information on voting rights under applicable
- 23 federal and state laws, including information on the right of an individual
- 24 to cast a provisional ballot and instructions on how to contact the
- 25 appropriate officials if these rights are alleged to have been violated; and
- 26 (5) General information on federal and state laws regarding
- 27 prohibitions on acts of fraud and misrepresentation.

28 (d) The Secretary of State shall provide to each county board of
 29 election commissioners and each county clerk the information to be posted at
 30 each polling site according to ~~§ 7-5-202 subdivisions (b)(c)(4) and (5) of~~
 31 this section.

32
 33 SECTION 3. Arkansas Code § 7-5-208(f)(5), concerning party
 34 designations on paper ballots, is amended to read as follows:

35 (5) Beside or adjacent to the name of each candidate in the
 36 general election shall be his or her party designation or the name

1 "INDEPENDENT" if he or she represents no officially recognized party.

2
3 SECTION 4. Arkansas Code § 7-9-119 is amended to read as follows:

4 7-9-119. Counting, canvass, and return of votes - Proclamation of
5 result - Effective date.

6 (a) The vote on each measure shall be counted, tabulated, and returned
7 by the proper precinct election officials ~~and~~ to the county board of election
8 commissioners in each county at the time and in the manner the vote for
9 candidates for state and county officers is tabulated, canvassed, and
10 returned.

11 (b) An abstract of all votes cast on any measure shall be certified by
12 the county board and delivered ~~by the county board~~ or postmarked to the
13 Secretary of State ~~within fifteen (15) days~~ no earlier than forty-eight (48)
14 hours and no later than ten (10) calendar days after the election is held.

15 (c) It shall be the duty of the Secretary of State to canvass the
16 returns on each measure not later than ten (10) days thereafter and to
17 certify the result to the Governor and to the State Board of Election
18 Commissioners.

19 (d)(1)(A) The Governor shall thereupon issue a proclamation showing
20 the total number of votes cast, the number cast for, and the number cast
21 against each measure and shall declare the measure adopted or rejected, as
22 the facts appear.

23 (B) If the Governor declares any measure adopted, it shall
24 be in full force and effect thirty (30) days after the election unless
25 otherwise provided in the measure.

26 (2) However, amendments to the Arkansas Constitution shall also
27 be declared adopted or rejected by the Speaker of the House of
28 Representatives, as is provided by the Arkansas Constitution.