

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 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: S3/21/07

A Bill

SENATE BILL 884

5 By: Senator Faris
6 By: Representative E. Brown
7

For An Act To Be Entitled

10 AN ACT TO AMEND ARKANSAS LAW CONCERNING THE
11 POWERS AND DUTIES OF ELECTION OFFICIALS AND
12 ELECTION OFFICERS; AND FOR OTHER PURPOSES.
13

Subtitle

14 AN ACT TO AMEND ARKANSAS LAW CONCERNING
15 THE POWERS AND DUTIES OF ELECTION
16 OFFICIALS AND ELECTION OFFICERS.
17
18
19

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

22 *SECTION 1. Arkansas Code § 2-16-504(b)(1)(A), concerning petitions to*
23 *establish districts concerning the uncontrolled growth of Johnson grass, is*
24 *amended to read as follows:*

25 *(b)(1)(A) Immediately upon the submission of the petition to the*
26 *county court or courts, the court or courts shall notify the ~~county board or~~*
27 *~~boards of election commissioners~~ county election coordinators in writing, and*
28 *the ~~county board or boards of election commissioners~~ county election*
29 *coordinators shall call a special election to be held not less than thirty*
30 *(30) days nor more than sixty (60) days after the filing of the petition.*
31

32 *SECTION 2. Arkansas Code § 3-9-206(b)(1) and (2), concerning local*
33 *option referendum elections, is amended to read as follows:*

34 *(b)(1) The election shall be held and conducted by the county election*
35 *coordinator and the results certified ~~under the supervision of~~ by the county*
36 *board of election commissioners in the manner provided by the election laws*



1 of this state.

2 (2)(A) The ~~county board~~ county election coordinator shall fix
3 the date of the election not less than thirty (30) days nor more than sixty
4 (60) days from the date the election was called pursuant to subdivision
5 (a)(1) or (a)(2) of this section and give notice thereof by publication in a
6 newspaper of general circulation in the city or county by at least two (2)
7 insertions, the last being not less than ten (10) days prior to the election.

8

9 SECTION 3. Arkansas Code § 6-14-102 is amended to read as follows:

10 6-14-102. Annual school election date - Special school election.

11 ~~{Effective January 1, 2006.}~~

12 (a)(1) The annual school election shall be held in each school
13 district of the state on the third Tuesday in September.

14 (2) The annual school election shall only concern issues
15 authorized to be on the ballot by the Arkansas Constitution or by statute,
16 and no other issues shall appear on the ballot.

17 (b) The board of directors of any school district shall have the
18 authority to hold a school election concerning the tax rate or debt issues on
19 a date other than that fixed by law provided that:

20 (1) All constitutional and statutory requirements for the annual
21 school election are met, notwithstanding subdivision (a)(1) of this section;

22 (2) The election is held before the date of the annual school
23 election; and

24 (3) The Commissioner of Education approves the date of the
25 election.

26 (c)(1) In any election year, if no more than one (1) candidate for
27 school district director presents a petition or notice in writing ~~to the~~
28 ~~county board of election commissioners~~ as required by § 6-14-111 and if there
29 are no other ballot issues to be submitted to district electors for
30 consideration, the board of directors of any school district, by resolution
31 duly adopted, may request the ~~county board of election commissioners~~ county
32 election coordinator to reduce the number of polling places or to open no
33 polling places on election day so that the election can be conducted by
34 absentee ballot and early voting only.

35 (2) If requested by resolution adopted by the board of directors
36 of any school district, the ~~county board of election commissioners~~ county

1 election coordinator may provide that no polling places be open on election
2 day so that the election can be conducted by absentee ballot and early voting
3 only, if:

4 (A) No more than one (1) candidate for school district
5 director presents a petition or notice in writing ~~to the county board of~~
6 ~~election commissioners~~ as required by § 6-14-111; and

7 (B) There are no other ballot issues to be submitted to
8 district electors for consideration.

9 (3) In a county that uses voting machines or electronic vote
10 tabulating devices, the ~~county board of election commissioners~~ county
11 election coordinator may choose to use paper ballots counted by hand in
12 combination with voting machines equipped for use by individuals with
13 disabilities.

14 (d) The board of directors of any school district shall have the
15 authority to request the ~~county board of election commissioners~~ county
16 election coordinator to call a special election for the purpose of
17 considering a rate of tax for additional millages for maintenance and
18 operations or for debt service as authorized by Arkansas Constitution,
19 Amendment 74, provided that:

20 (1) All constitutional and statutory requirements for a special
21 school election are met;

22 (2) The date of the election is approved by the commissioner;
23 and

24 (3)(A) The special election is held on the second Tuesday of any
25 month, except as provided in subdivision (d)(3)(B) of this section.

26 (B)(i)(a) Special elections held in months in which a
27 presidential preferential primary election, preferential primary election,
28 general primary election, or general election is scheduled to occur shall be
29 held on the date of the presidential preferential primary election,
30 preferential primary election, general primary election, or general election.

31 (b)(1)(A) If a special election is held on the
32 date of the presidential preferential primary election, preferential primary
33 election, or general primary election, the issue or issues to be voted upon
34 at the special election shall be included on the ballot of each political
35 party.

36 (B) However, separate ballots

1 containing only the issue or issues to be voted upon at the special election
2 shall be prepared and made available to voters requesting a separate ballot.

3 (2) No voter shall be required to vote
4 in a political party's presidential preferential primary, preferential
5 primary, or general primary in order to be able to vote at the special
6 election.

7 (ii) Special elections scheduled to occur in a month
8 in which the second Tuesday is a legal holiday shall be held on the third
9 Tuesday of the month.

10
11 SECTION 4. Arkansas Code § 6-14-122(d)(1), concerning the
12 consolidation, annexation, or merger of public school districts, is amended
13 to read as follows:

14 (d)(1) The special election on consolidation or annexation shall be
15 held by the same ~~officials~~ officers at the same polling places, and the
16 returns shall be made, canvassed, and published in the same manner as is
17 provided by law for annual school elections.

18
19 SECTION 5. Arkansas Code § 6-53-602 is amended to read as follows:
20 6-53-602. Formation of a proposed district.

21 (a)(1) Upon request of the local board of a technical college or the
22 Arkansas Higher Education Coordinating Board acting as a local board of a
23 technical college, the coordinating board shall determine whether formation
24 of a proposed technical college district is feasible according to criteria
25 established by the coordinating board for the formation of a technical
26 college district.

27 (2) The boundaries of the technical college district are to be
28 determined by the local board or the coordinating board acting as the local
29 board.

30 (b)(1) Within ten (10) calendar days after the coordinating board
31 determines that the formation of a proposed district is feasible, the local
32 board or the coordinating board acting as the local board shall notify the
33 ~~county board of election commissioners~~ county election coordinator in each
34 county of which any portion is in the proposed technical college district
35 that an election will be held to determine whether the district shall be
36 formed and whether an ad valorem tax shall be levied on property in the

1 district to fund site acquisition, construction, equipping, and operation of
2 the college.

3 (2)(A) The local board or acting local board shall set a date
4 for the election to be held at a time not less than thirty (30) calendar days
5 after the local board or acting local board notifies the ~~county boards~~ county
6 election coordinator.

7 (B)(i) The election shall occur on the second Tuesday of
8 any month, except as provided in subdivision (b)(2)(B)(ii) of this section.

9) (ii)(a)(1) Elections held in months in which a
10 presidential preferential primary election, preferential primary election,
11 general primary election, or general election is scheduled to occur shall be
12 held on the date of the presidential preferential primary election,
13 preferential primary election, general primary election, or general election.

14 (2)(A)(i) If an election is held on the
15 date of the presidential preferential primary election, preferential primary
16 election, or general primary election, the issue or issues to be voted upon
17 at the election shall be included on the ballot of each political party.

18 (ii) However, separate
19 ballots containing only the issue or issues to be voted upon at the election
20 shall be prepared and made available to voters requesting a separate ballot.

21 (B) No voter shall be required to
22 vote in a political party's presidential preferential primary, preferential
23 primary, or general primary in order to be able to vote in the special
24 election.

25 (b) Elections scheduled to occur in a month in
26 which the second Tuesday is a legal holiday shall be held on the third
27 Tuesday of the month.

28 (3) The local board or acting local board shall specify the
29 wording of the ballot to be used for the election utilizing appropriate
30 language similar to that found in § 6-61-513(c), and the ~~county boards of~~
31 ~~election commissioners~~ county election coordinator shall conduct the election
32 in the manner provided by law for special elections.

33 (c)(1) Except as provided in subdivision (c)(2) of this section, if
34 the establishment of a proposed technical college district fails because of
35 an adverse vote by a majority of the qualified electors of the proposed
36 district voting thereon at the election, no new election for the

1 establishment thereof shall be held within a period of one (1) year after the
2 date of the election.

3 (2)(A) If the formation of a proposed technical college district
4 fails and the majority of votes cast in one (1) or more counties or cities in
5 a proposed district were against the formation of the district, the local
6 board or acting local board may notify the ~~county boards of election~~
7 ~~commissioners~~ county election coordinator that an election will be held on
8 the issue of forming a proposed district that does not include the county,
9 city, counties, or cities in which the issue failed.

10 (B) The local board or acting local board shall set a date
11 for the election to be held no less than thirty (30) calendar days after the
12 local board or acting local board notifies the ~~county boards~~ county election
13 coordinator.

14 (C) The procedures for an election to form a proposed
15 reconstituted district shall be identical to the procedures for an election
16 to establish a technical college district.

17 (d)(1) If the local board or acting local board of a technical college
18 determines that the question of a tax levy in the technical college district
19 should be submitted to the electors after the district is formed, it shall
20 certify the millage requested to the ~~county board of election commissioners~~
21 county election coordinator of each county of which any portion is in the
22 technical college district.

23 (2) The ~~county boards~~ county election coordinator shall place
24 the question of the levy on the ballot at the next general election if the
25 date of the general election is not less than thirty (30) calendar days after
26 the ~~county boards~~ county election coordinator ~~receive~~ receives certification
27 from the local board or acting local board.

28 (3)(A) In the alternative, the local board or acting local board
29 may set a date for a special election at a time not less than thirty (30)
30 calendar days after the local board or acting local board notifies the ~~county~~
31 ~~boards~~ county election coordinator.

32 (B)(i) The special election shall occur on the second
33 Tuesday of any month, except as provided in subdivision (d)(3)(B)(ii) of this
34 section.

35 (ii)(a)(1) Special elections held in months in which
36 a presidential preferential primary election, preferential primary election,

1 general primary election, or general election is scheduled to occur shall be
2 held on the date of the presidential preferential primary election,
3 preferential primary election, general primary election, or general election.

4 (2)(A)(i) If a special election is held
5 on the date of the presidential preferential primary election, preferential
6 primary election, or general primary election, the issue or issues to be
7 voted upon at the special election shall be included on the ballot of each
8 political party.

9 (ii) However, separate
10 ballots containing only the issue or issues to be voted upon at the special
11 election shall be prepared and made available to voters requesting a separate
12 ballot.

13 (B) No voter shall be required to
14 vote in a political party's presidential preferential primary, preferential
15 primary, or general primary in order to be able to vote in the special
16 election.

17 (b) Special elections scheduled to occur in a
18 month in which the second Tuesday is a legal holiday shall be held on the
19 third Tuesday of the month.

20 (4) The special election shall be conducted in the manner
21 provided by law for other special elections.

22
23 SECTION 6. Arkansas Code § 6-61-512(a), concerning the formation of
24 community college districts, is amended to read as follows:

25 (a) The date of the election shall be set by the Secretary of State at
26 a time not less than thirty (30) days from the date of notification of the
27 ~~county board of election commissioners~~ county election coordinator.

28
29 SECTION 7. Arkansas Code § 6-61-602 is amended to read as follows:
30 6-61-602. General operations - Millage taxes.

31 (a) In the event the local board of a community college wishes to
32 spend larger sums of money than the state funds provided for general
33 operation of the community college for whatever reasons consistent with the
34 state law, it shall be lawful for millage to be levied from time to time to
35 provide additional operation funds.

36 (b) The millage can be approved at the election to create the

1 community college district or the question of approving the millage can be
2 submitted to the voters of the district from time to time thereafter at
3 special or general elections.

4 (c)(1) The local board of each community college shall certify, within
5 the time provided by law, to the appropriate tax levying authority of each
6 county or city of the district the aggregate millage to be levied for the
7 district for operating purposes and indebtedness purposes, and the millage
8 shall be levied and collected in the manner provided by law.

9 (2) If the amount of the budget to be supported from taxes
10 levied by the district is in excess of the amount to be produced from taxes
11 then authorized for the district, after allowing for tax proceeds pledged for
12 indebtedness purposes, the local board of the community college shall certify
13 the additional millage required to the ~~county board of election commissioners~~
14 county election coordinator of each county of which any portion is in the
15 community college district. However, millage together with the rate then
16 levied will not exceed ten (10) mills.

17 (3) The question of the levy shall be placed on the ballot at
18 the next following general election or a special election called for that
19 purpose as determined by the local board.

20 (d)(1)(A) When the local board of a community college determines that
21 the question of a tax levy in the district should be submitted to the
22 electors of the district at a special election, it shall adopt a resolution
23 to that effect and shall file a certified copy of the resolution with the
24 ~~county board of election commissioners~~ county election coordinator of each
25 county of which any portion is in the district that a special election shall
26 be held in the district and shall set the date of the election, which shall
27 be not less than thirty (30) days nor more than sixty (60) days after the
28 date of the notice to the ~~county board of election commissioners~~ county
29 election coordinator.

30 (B)(i) The special election shall occur on the second
31 Tuesday of any month, except as provided in subdivision (d)(1)(B)(ii) of this
32 section.

33 (ii)(a)(1) Special elections held in months in which
34 a presidential preferential primary election, preferential primary election,
35 general primary election, or general election is scheduled to occur shall be
36 held on the date of the presidential preferential primary election,

1 preferential primary election, general primary election, or general election.

2 (2)(A)(i) If a special election is held
3 on the date of the presidential preferential primary election, preferential
4 primary election, or general primary election, the issue or issues to be
5 voted upon at the special election shall be included on the ballot of each
6 political party.

7 (ii) However, separate
8 ballots containing only the issue or issues to be voted upon at the special
9 election shall be prepared and made available to voters requesting a separate
10 ballot.

11 (B) No voter shall be required to
12 vote in a political party's presidential preferential primary, preferential
13 primary, or general primary in order to be able to vote in the special
14 election.

15 (b) Special elections scheduled to occur in a
16 month in which the second Tuesday is a legal holiday shall be held on the
17 third Tuesday of the month.

18 (2) ~~The county board of election commissioners~~ county election
19 coordinator in each county of which any portion is included in a community
20 college district shall prepare the ballots, furnish the election supplies,
21 select the election judges and clerks, and make all necessary arrangements
22 for conducting such elections.

23 (3) All laws applicable to the conduct of general elections,
24 counting of ballots, and certification of the results thereof, and other
25 matters relating to the holding of general elections, so far as the laws are
26 appropriate shall be applicable to special elections held pursuant to the
27 provisions of §§ 6-61-101 - 6-61-103, 6-61-201 - 6-61-209, 6-61-211
28 [repealed], 6-61-212 - 6-61-216, 6-61-301 - 6-61-305, 6-61-306 [repealed], 6-
29 61-401, 6-61-402, 6-61-501 - 6-61-524, 6-61-601 - 6-61-603, and 6-61-604 - 6-
30 61-612 [repealed].

31 (4) All expenses of conducting special elections held pursuant
32 to the provisions of §§ 6-61-101 - 6-61-103, 6-61-201 - 6-61-209, 6-61-211
33 [repealed], 6-61-212 - 6-61-216, 6-61-301 - 6-61-305, 6-61-306 [repealed], 6-
34 61-401, 6-61-402, 6-61-501 - 6-61-524, 6-61-601 - 6-61-603, and 6-61-604 - 6-
35 61-612 [repealed] shall be paid from funds of the respective community
36 college districts in which the elections are held.

1 (e) If the proposed additional millage is approved by the majority of
2 the qualified electors of the district voting on such issue at a general or
3 special election, the additional millage shall be a continuing levy until
4 reduced as provided in subsection (f) of this section.

5 (f) Whenever the local board of any college determines that the rate
6 of tax levied by the district, including the amount thereof pledged for
7 indebtedness purposes, is greater than is necessary, the local board shall
8 certify the reduced rate of millage to the appropriate tax levying authority
9 of each county or city of the district, and the reduced rate of millage shall
10 be levied and shall be extended on the tax books as the rate of tax due that
11 community college district until a greater amount of tax shall be certified
12 by the local board of the college as authorized in this section.

13 (g) In the case of community college districts existing at the time
14 this law is enacted, existing millages which have been approved by the voters
15 of the district may continue to be levied by the district at the discretion
16 of the local board except that upon the petition of voters, as provided in §
17 6-61-510, or upon request of the local board, an election may be called to
18 repeal operating millage, reduce operating millage, or authorize the transfer
19 of operating millage to capital uses.

20
21 SECTION 8. Arkansas Code § 6-71-105(b)(2)(D), concerning public notice
22 of passage of a public improvement chapter, is amended to read as follows:

23 (D) The commission shall perform the duties of ~~county~~
24 ~~election commissioners~~ county election coordinator as nearly as applicable.

25
26 SECTION 9. Arkansas Code 7-1-101, as amended by Act 224 of the 2007
27 Regular Session, is amended to read as follows:

28 7-1-101. Definitions.

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

31 (1) "Administrator" means the administrative head of a long-term
32 care or residential care facility licensed by the state who is authorized in
33 writing by a patient of the long-term care or residential care facility to
34 deliver the application for an absentee ballot and to obtain or deliver the
35 absentee ballot to the county clerk;

36 (2) "Audit log" means an electronically stored record of events

1 and ballot images from which election officials may produce a permanent paper
2 record with a manual audit capacity for a voting system using voting
3 machines;

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

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

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

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

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

21 (8) ~~"Election official" or "election~~ "Election officer" means a
22 person who is ~~a member of the county board of election commissioners or a~~
23 ~~person who is a poll worker designated~~ appointed by a county board of
24 election ~~commissioners~~ coordinator to be an election clerk, election judge,
25 or election sheriff;

26 (9) "Election official" means the Secretary of State, the State
27 Board of Election Commissioners, the county clerk, the county board of
28 election commissioners, and the county election coordinator;

29 ~~(9)~~ (10) "Electronic vote tabulating device" means a device used
30 to electronically scan a marked paper ballot for the purposes of tabulation;

31 ~~(10)~~ (11) "Fail-safe voting" means the mechanism established
32 under the National Voter Registration Act of 1993 that allows voters who have
33 moved within the same county to vote at their new precinct without having
34 updated their voter registration records;

35 ~~(11)~~ (12) "First-time voter" means any registered voter who has
36 not previously voted in a federal election in the state;

1 ~~(12)~~(13) "General or special election" means the regular
2 biennial or annual elections for election of United States, state, district,
3 county, township, and municipal officials and the special elections to fill
4 vacancies therein and special elections to approve any measure. The term as
5 used in this act shall not apply to school elections for officials of school
6 districts;

7 ~~(13)~~(14) "Majority party" means that political party in the
8 State of Arkansas whose candidates were elected to a majority of the
9 constitutional offices of this state in the last preceding general election;

10 ~~(14)~~(15) "Marking device" means any approved device for marking
11 a paper ballot with ink or other substances which will enable the votes to be
12 tabulated by means of an electronic vote tabulating device;

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

19 ~~(16)~~(17) "Party certificate" means a written statement or
20 receipt signed by the secretary or chair of the county committee or of the
21 state committee, as the case may be, of the political party evidencing the
22 name and title proposed to be used by the candidate on the ballot, the
23 position the candidate seeks, payment of the fees, and filing of the party
24 pledge, if any, required by the political party;

25 ~~(17)~~(18)(A) "Political party" means any group of voters which at
26 the last preceding general election polled for its candidate for Governor in
27 the state or nominees for presidential electors at least three percent (3%)
28 of the entire vote cast for the office.

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

33 (C) When any political party fails to obtain three percent
34 (3%) of the total votes cast at an election for the office of Governor or
35 nominees for presidential electors, it shall cease to be a political party;

36 (19) "Poll worker" means an election judge, election sheriff,

1 election clerk, county clerk, and county deputy clerk when conducting early
2 voting;

3 ~~(18)~~(20) "Polling site" means a location selected by the county
4 board of election commissioners where votes are cast;

5 ~~(19)~~(21) "Precinct" means the geographical boundary lines
6 dividing a county, municipality, township, or school district for voting
7 purposes;

8 ~~(20)~~(22) "Primary election" means any election held by a
9 political party in the manner provided by law for the purpose of selecting
10 nominees of the political party for certification as candidates for election
11 at any general or special election in this state;

12 ~~(21)~~(23) "Provisional ballot" means a ballot:

13 (A) Cast by special procedures to record a vote when there
14 is some question concerning a voter's eligibility; and

15 (B) Counted contingent upon the verification of the
16 voter's eligibility;

17 ~~(21)~~(24) "Qualified elector" means a person who holds the
18 qualifications of an elector and who is registered pursuant to Arkansas
19 Constitution, Amendment 51;

20 ~~(22)~~(25) "Vacancy in election" means the vacancy in an elective
21 office created by death, resignation, or other good and legal cause, arising
22 prior to election to the office at a general or special election but arising
23 subsequent to the certification of the ballot;

24 ~~(23)~~(26) "Vacancy in nomination" means the circumstances in
25 which the person who received the majority of votes at the preferential
26 primary election or general primary election cannot accept the nomination due
27 to death or notifies the party that he or she will not accept the nomination
28 due to serious illness, moving out of the area from which the person was
29 elected as the party's nominee, or filing for another office preceding the
30 final date for certification of nominations;

31 ~~(24)~~(27)(A) "Vacancy in office" means the vacancy in an elective
32 office created by death, resignation, or other good and legal cause arising
33 subsequent to election to the office at a general or special election or
34 arising subsequent to taking office and prior to the expiration of the term
35 of office in those circumstances wherein the vacancy must be filled by a
36 special election rather than by appointment.

1 (B) The phrase "vacancy in office" shall not apply to the
2 election of a person at a general election to fill an unexpired portion of a
3 term of office;

4 ~~(25)~~(28) "Voting machine" means either:

5 (A) A direct recording electronic voting machine that:

6 (i) Records votes by means of a ballot display
7 provided with mechanical or electro-optical components that may be actuated
8 by the voter;

9 (ii) Processes the data by means of a computer
10 program;

11 (iii) Records voting data and ballot images in
12 internal and external memory components; and

13 (iv) Produces a tabulation of the voting data stored
14 in a removable memory component and in a printed copy; or

15 (B) An electronic device for marking a paper ballot to be
16 electronically scanned;

17 ~~(26)~~(29) "Voter-verified paper audit trail" means a
18 contemporaneous paper record of a ballot printed for the voter to confirm his
19 or her votes before the voter casts his or her ballot that:

20 (A) Allows the voter to verify the voter-verified paper
21 audit trail before the casting of the voter's ballot;

22 (B) Is not retained by the voter;

23 (C) Does not contain individual voter information;

24 (D) Is produced on paper that is sturdy, clean, and
25 resistant to degradation; and

26 (E) Is readable in a manner that makes the voter's ballot
27 choices obvious to the voter without the use of computer or electronic code;
28 and

29 ~~(27)~~(30) "Voting system" means:

30 (A) The total combination of mechanical,
31 electromechanical, or electronic equipment, including the software, firmware,
32 and documentation required to program, control, and support the equipment
33 that is used:

34 (i) To define ballots;

35 (ii) To cast and count votes;

36 (iii) To report or display election results; and

- 1 (iv) To maintain and produce any audit trail
 2 information; and
- 3 (B) The practices and documentation used to:
- 4 (i) Identify system components and versions of
 5 components;
- 6 (ii) Test the system during its development and
 7 maintenance;
- 8 (iii) Maintain records of system errors and defects;
- 9 (iv) Determine specific system changes to be made to
 10 a system after the initial qualification of the system; and
- 11 (v) Make available any materials to the voter,
 12 including, but not limited to, notices, instructions, forms, or paper
 13 ballots.

14

15 SECTION 10. Arkansas Code 7-4-101 is amended to read as follows:

16 ~~7-4-101. State Board of Election Commissioners—Members—Officers—~~
 17 ~~Meetings~~ Election officials.

18 ~~(a) The State Board of Election Commissioners shall be composed of the~~
 19 ~~following seven (7) persons, with at least one (1) from each district:~~

20 ~~(1) The Secretary of State;~~

21 ~~(2) One (1) person designated by the chair of the state~~
 22 ~~Democratic Party;~~

23 ~~(3) One (1) person designated by the chair of the state~~
 24 ~~Republican Party;~~

25 ~~(4) One (1) person to be chosen by the President Pro Tempore of~~
 26 ~~the Senate;~~

27 ~~(5) One (1) person to be chosen by the Speaker of the House of~~
 28 ~~Representatives; and~~

29 ~~(6) Two (2) persons to be chosen by the Governor, one (1) of~~
 30 ~~whom shall be a county clerk and one (1) of whom shall have served for at~~
 31 ~~least three (3) years as a county election commissioner.~~

32 ~~(b) The Secretary of State shall serve as chair and secretary of the~~
 33 ~~board.~~

34 ~~(c) Except for the Secretary of State and the county clerk, no member~~
 35 ~~of the board shall be an elected public official.~~

36 ~~(d)(1) The term on the board of the elected state official shall be~~

1 ~~concurrent with the term of the public elected official.~~

2 ~~(2) The county clerk shall hold the office of county clerk when~~
3 ~~appointed to the board and shall be removed as a member of the board if not~~
4 ~~in office.~~

5 ~~(3)(A) Members of the board appointed by the President Pro~~
6 ~~Tempore of the Senate and the Speaker of the House of Representatives shall~~
7 ~~be appointed for terms of two (2) years and shall continue to serve until~~
8 ~~successors have been appointed and taken the official oath.~~

9 ~~(B) All other appointive members shall be appointed for~~
10 ~~terms of four (4) years and shall continue to serve until successors have~~
11 ~~been appointed and taken the official oath.~~

12 ~~(4) No appointive member shall be appointed to serve more than~~
13 ~~two (2) consecutive full terms.~~

14 ~~(5)(A) If a vacancy on the board occurs, a successor shall be~~
15 ~~appointed within thirty (30) days to serve the remainder of the unexpired~~
16 ~~term.~~

17 ~~(B) The appointment shall be made by the official holding~~
18 ~~the office responsible for appointing the predecessor.~~

19 ~~(e)(1) The board shall meet as needed upon call of the chair or upon~~
20 ~~written request to the chair of any four (4) members.~~

21 ~~(2) A majority of the membership of the board shall constitute a~~
22 ~~quorum for conducting business.~~

23 ~~(3) No sanctions shall be imposed without the affirmative vote~~
24 ~~of at least four (4) members of the board.~~

25 ~~(4) Meetings of the board may be chaired and conducted by either~~
26 ~~the chair or a member of the board designated by the chair as acting chair~~
27 ~~for the meeting.~~

28 ~~(f) The board shall have the authority to:~~

29 ~~(1) Publish a candidate's election handbook, in conjunction with~~
30 ~~the office of the Secretary of State and the Arkansas Ethics Commission,~~
31 ~~which outlines in a readable and understandable format the legal obligations~~
32 ~~of a candidate and any other suggestions that might be helpful to a candidate~~
33 ~~in complying with state election law;~~

34 ~~(2) Conduct statewide training for election officials and county~~
35 ~~election commissioners;~~

36 ~~(3) Adopt all necessary rules and regulations regarding training~~

1 ~~referred to in subdivision (f)(2) of this section and develop procedures for~~
2 ~~monitoring attendance;~~

3 ~~(4) Monitor all election law related legislation;~~

4 ~~(5) Formulate, adopt, and promulgate all necessary rules and~~
5 ~~regulations to assure even and consistent application of voter registration~~
6 ~~laws and fair and orderly election procedures;~~

7 ~~(6)(A) Appoint certified election monitors to any county upon a~~
8 ~~signed, written request under oath filed with the board and a determination~~
9 ~~by the board that appointing a monitor is necessary.~~

10 ~~(B) Certified election monitors shall serve as observers~~
11 ~~for the purpose of reporting to the board on the conduct of the election.~~

12 ~~(C) The board may allow for reasonable compensation for~~
13 ~~election monitors;~~

14 ~~(7) Assist the county board of election commissioners in the~~
15 ~~performance of administrative duties of the election process if the board~~
16 ~~determines that assistance is necessary and appropriate;~~

17 ~~(8)(A) Formulate, adopt, and promulgate all necessary rules and~~
18 ~~regulations to establish uniform and nondiscriminatory administrative~~
19 ~~complaint procedures consistent with the requirements of Title IV of the~~
20 ~~federal Help America Vote Act.~~

21 ~~(B) The cost of compliance with Title IV of the federal~~
22 ~~Help America Vote Act shall be paid from the fund established to comply with~~
23 ~~the federal Help America Vote Act;~~

24 ~~(9) Investigate alleged violations, render findings, and impose~~
25 ~~disciplinary action according to § 7-4-118 for violations of election and~~
26 ~~voter registration laws, except as to § 7-1-103(a)(1)-(4), (6), and (7), and~~
27 ~~except for any matters relating to campaign finance and disclosure laws which~~
28 ~~the Arkansas Ethics Commission shall have the power and authority to enforce~~
29 ~~according to §§ 7-6-217 and 7-6-218;~~

30 ~~(10) Examine and approve in accordance with §§ 7-5-503 and 7-5-~~
31 ~~606 the types of voting machines used in any election;~~

32 ~~(11) Administer reimbursement of election expenses to counties~~
33 ~~in accordance with § 7-7-201(a) for primary elections, statewide special~~
34 ~~elections, and nonpartisan judicial general elections;~~

35 ~~(12) Appoint third members to county boards of election~~
36 ~~commissioners in accordance with § 7-4-102(b); and~~

1 ~~(13) Certify candidate names and titles in accordance with § 7-~~
2 ~~7-305(e).~~

3 ~~(g) The Attorney General shall provide legal assistance to the board~~
4 ~~in answering questions regarding election laws.~~

5 ~~(h)(1) The board may appoint a director, who may hire a staff.~~

6 ~~(2) The director shall serve at the pleasure of the board.~~

7 ~~(3) The board shall set the personnel policies in accordance~~
8 ~~with the Regular Salary Procedures and Restrictions Act, § 21-5-101 et seq.,~~
9 ~~and the Uniform Classification and Compensation Act, § 21-5-201 et seq.~~

10 The following persons shall be election officials:

11 (1) The Secretary of State as the chief election official of the
12 State of Arkansas;

13 (2) The State Board of Election Commissioners;

14 (3) The county clerk as the permanent registrar of voters of his
15 or her respective county;

16 (4) The County Board of Election Commissioners; and

17 (5) The county election coordinator.

18
19 SECTION 11. Arkansas Code 7-4-102 is amended to read as follows:

20 ~~7-4-102. County boards of election commissioners—Election of members~~
21 ~~—Oath Election officers.~~

22 ~~(a)(1) The county chairman of the county committee of the majority~~
23 ~~party and the county chairman of the county committee of the minority party~~
24 ~~shall be members of the county board of election commissioners together with~~
25 ~~one (1) additional or third member to be appointed by the State Board of~~
26 ~~Election Commissioners.~~

27 ~~(2)(A) Provided, however, if the county chairman of a county~~
28 ~~committee of the majority party or the minority party is an elected official~~
29 ~~or is otherwise ineligible to serve as a member of the county board of~~
30 ~~election commissioners, he or she shall not serve as a member of the county~~
31 ~~board, but the county committee shall elect someone to serve in his or her~~
32 ~~stead.~~

33 ~~(B) No elected official who serves as county party~~
34 ~~chairman shall participate as a party officer in providing for or conducting~~
35 ~~a party primary election in which his or her name appears on the ballot as a~~
36 ~~candidate for any office.~~

1 ~~(3) Any county chairman of a county committee of the majority~~
2 ~~party or the minority party may elect not to serve as a member of the county~~
3 ~~board, and the county committee shall appoint someone to serve in his or her~~
4 ~~stead.~~

5 ~~(b)(1) The third member for each of the county boards shall be~~
6 ~~appointed by the state board from a list of five (5) names submitted to the~~
7 ~~state board by the county committee of the majority party.~~

8 ~~(2)(A) The nominees shall be certified to the state board by the~~
9 ~~chairman of the county committee of the majority party.~~

10 ~~(B) The third members for each of the county boards shall~~
11 ~~be elected by a majority vote of the state board from the list of five (5)~~
12 ~~nominees submitted.~~

13 ~~(C) The list of five (5) nominees shall be certified and~~
14 ~~submitted to the state board by the majority party county committee chairman~~
15 ~~subsequent to the primary election but at least sixty (60) calendar days~~
16 ~~before any general election for state, district, or county office.~~

17 ~~(D) The third member of each county board shall be elected~~
18 ~~as aforesaid by the state board at least fifty (50) calendar days before any~~
19 ~~general election for state, district, or county office.~~

20 ~~(3) In the event of the failure of any county chairman of the~~
21 ~~county committee of the majority party to submit five (5) names in nomination~~
22 ~~for the third member of the county board within the time herein stipulated,~~
23 ~~the state board shall nominate and elect by majority vote any resident of the~~
24 ~~county as the third member at any time prior to the general election.~~

25 ~~(4) In the event that the identity of the county chairman of the~~
26 ~~county committee of the majority party is in dispute, the state board shall~~
27 ~~nominate and elect by majority vote the third member at any time prior to the~~
28 ~~general election.~~

29 ~~(5) The result of the state board's election for the third~~
30 ~~member shall be final.~~

31 ~~(e) Notification of the election of the third member of the county~~
32 ~~board shall be made in writing, over the signature of the chairman of the~~
33 ~~state board, and the state board shall mail to each of the elected county~~
34 ~~commissioners at his or her last known address a notice of his or her~~
35 ~~election and, in addition, shall mail to the clerks of the county courts a~~
36 ~~certificate of the appointment of the county commissioners.~~

1 ~~(d) Upon receipt of the certificate of the appointment, it shall be~~
2 ~~the duty of the county clerk to cause to be sent to each of the county~~
3 ~~commissioners, by registered mail, notice to appear before the clerk at least~~
4 ~~thirty (30) days prior to the date of the general election to take and~~
5 ~~subscribe to the oath prescribed by Arkansas Constitution, Article 19, § 20.~~
6 ~~The oath shall be endorsed upon the certificate, and, when so endorsed, the~~
7 ~~certificate shall be filed in the office of the county clerk and a duplicate~~
8 ~~thereof forwarded to the Secretary of State.~~

9 ~~(e) The county board is deemed to consist of county officials, and its~~
10 ~~members shall be immune from tort liability pursuant to § 21-9-301.~~

11 The following persons shall be election officers:

12 (1) An election judge;

13 (2) An election sheriff; and

14 (3) An election clerk.

15
16 SECTION 12. Arkansas Code 7-4-103 is amended to read as follows:

17 7-4-103. ~~Vacancies on state and county boards~~ Election duties of the
18 Secretary of State.

19 ~~(a) In the event of a vacancy or disqualification on the part of any~~
20 ~~state or county chairman for either the majority or minority parties, the~~
21 ~~state vice chairman or county vice chairman of the party in which the vacancy~~
22 ~~occurs shall act as county chairman or state chairman as the case may be for~~
23 ~~all of the purposes set out in §§ 7-4-101, 7-4-102, and this section until a~~
24 ~~new county chairman or state chairman is selected by the parties.~~

25 ~~(b) In the event that no county chairman or county vice chairman has~~
26 ~~been elected in any of the several counties of Arkansas for either the~~
27 ~~majority party or minority party by the fiftieth calendar day before any~~
28 ~~general election, then and in that event, the State Board of Election~~
29 ~~Commissioners shall have authority to elect by majority vote qualified~~
30 ~~persons from the county committee of the majority or minority party so~~
31 ~~affected to fill the vacancies whether or not the vacancies are caused by~~
32 ~~failure to elect or by death, resignation, or disqualification. However, all~~
33 ~~appointments to fill the vacancies of the county boards of election~~
34 ~~commissioners shall be terminated immediately upon the election of a county~~
35 ~~chairman or county vice chairman qualified to serve upon the county board of~~
36 ~~election commissioners as provided in this section.~~

1 ~~(c) In the event of a vacancy or disqualification of any third member~~
2 ~~of a county board who was duly elected by the state board, the chair of the~~
3 ~~county committee of the majority party shall immediately notify the Chairman~~
4 ~~of the State Board of Election Commissioners of the vacancy or~~
5 ~~disqualification. Upon receipt of the notification, the chairman shall call a~~
6 ~~meeting of the state board, which shall fill the vacancy from the list of~~
7 ~~remaining nominees originally submitted by the county committee at any time~~
8 ~~prior to a general election, except that when the county committee did not~~
9 ~~submit the list of nominees at least sixty (60) calendar days before a~~
10 ~~general election, the state board shall nominate and elect by majority vote~~
11 ~~any resident of the county as the third member at any time prior to a general~~
12 ~~election.~~

13 The Secretary of State as chief election official of the State shall:

14 (1) Administer the statewide voter registration system;

15 (2) Prepare and disseminate instructions for the conduct of
16 elections to the county election coordinators;

17 (3) Advise local election officials as to the proper methods of
18 performing their duties;

19 (4) Designate at least one member of his or her staff to become
20 knowledgeable of the election laws as they pertain to elections in the State
21 of Arkansas and to aid the candidates and their agents in filing for
22 election.

23 (5) Prescribe the form of voter registration cards, blanks, and
24 records;

25 (6) Publish and keep up to date an election laws manual and such
26 other material as the Secretary of State may determine to be useful to
27 persons administering the election laws, and prepare condensed materials for
28 the use of election officials and officers;

29 (7) Report to each General Assembly any recommendations for
30 improvements in the election laws or their application;

31 (8) Receive all initiative and referendum petitions on state
32 measures and determine and certify the sufficiency of those petitions;

33 (9) Accept filings of candidates for state, district and federal
34 offices;

35 (10) Certify the names of all duly qualified candidates for
36 office to the county election coordinator for inclusion on the ballot;

1 (11) Require reports from the several county election
2 coordinators as provided by law, or as the secretary of state considers
3 necessary;

4 (12) Assist local election officials in fulfilling their duties
5 if the Secretary of State determines that assistance is necessary and
6 appropriate;

7 (13)(A) Conduct an annual forum to allow election officials from
8 the counties to exchange ideas on the administration of elections, including
9 issues related to cost savings and efficiency in the conduct of elections.

10 (B) The election officials shall be given the opportunity
11 at the forum to make recommendations on proposed changes in the election
12 laws; and

13 (14) Develop, implement, and provide a continuing program to
14 educate voters, election officials, and election officers in the proper use
15 of voting systems; and

16
17 SECTION 13. Arkansas Code 7-4-104 is amended to read as follows:

18 ~~7-4-104. Lists of county chairpersons—Notification of vacancies~~
19 Duties of the State Board of Election Commissioners.

20 ~~(a)(1) It shall be the duty of the majority and minority parties to~~
21 ~~keep on file with their respective state chairperson a complete list of all~~
22 ~~of their respective county chairpersons.~~

23 ~~(2) It shall be the duty of the respective county chairpersons~~
24 ~~of both the majority and minority parties to keep on file with the Secretary~~
25 ~~of State a letter stating the name of the county chairpersons and to notify~~
26 ~~promptly the Secretary of State of the death, resignation, disqualification,~~
27 ~~or vacancy in the office of any county chairperson and of the election of a~~
28 ~~new chairperson to fill the vacancy thus created.~~

29 ~~(b) It shall be the duty of the Secretary of State to keep the letters~~
30 ~~containing the names of the county chairpersons of the majority and minority~~
31 ~~parties as public records open at all times to public inspection.~~

32 (a) The State Board of Election Commissioners may:

33 (1) Publish a candidate's election handbook, in conjunction with
34 the Secretary of State and the Arkansas Ethics Commission, that outlines in a
35 readable and understandable format the legal obligations of a candidate and
36 any other suggestions that might be helpful to a candidate in complying with

1 state election law;

2 (2) Conduct statewide training for election officers, county
3 election coordinators and county election commissioners;

4 (3) Adopt all necessary rules regarding training conducted by
5 the board and develop procedures for monitoring attendance;

6 (4) Monitor all election law-related legislation;

7 (5) Formulate, adopt, and promulgate all necessary rules to
8 assure even and consistent application of voter registration laws and fair
9 and orderly election procedures;

10 (6)(A) Appoint certified election monitors to any county upon a
11 signed, written request under oath filed with the State Board of Election
12 Commissioners and a determination by the State Board of Election
13 Commissioners that appointing a monitor is necessary.

14 (B) Certified election monitors shall serve as observers
15 for the purpose of reporting to the State Board of Election Commissioners on
16 the conduct of the election.

17 (C) The State Board of Election Commissioners may allow
18 for reasonable compensation for election monitors;

19 (7) Assist the county board of election commissioners in the
20 performance of administrative duties of the election process if the board
21 determines that assistance is necessary and appropriate;

22 (8)(A) Formulate, adopt, and promulgate all necessary rules to
23 establish uniform and nondiscriminatory administrative complaint procedures
24 consistent with the requirements of Title IV of the federal Help America Vote
25 Act.

26 (B) The cost of compliance with Title IV of the federal
27 Help America Vote Act shall be paid from the fund established to comply with
28 the federal Help America Vote Act;

29 (9) Investigate alleged violations, render findings, and impose
30 disciplinary action for violations of election and voter registration laws,
31 except as to § 7-1-103(a)(1)-(4), (6), and (7), and except for any matters
32 relating to campaign finance and disclosure laws which the Arkansas Ethics
33 Commission may enforce according to §§ 7-6-217 and 7-6-218;

34 (10) Examine and approve in accordance with §§ 7-5-503 and 7-5-
35 606 the types of voting machines and electronic vote tabulating devices used
36 in any election; and

1 (11) Administer reimbursement of election expenses to counties
2 in accordance with § 7-7-201(a) for primary elections, statewide special
3 elections, and nonpartisan judicial general elections.

4 (b) The Attorney General shall provide legal assistance to the board
5 in answering questions regarding election laws.

6 (c)(1) The board may appoint a director, who may hire a staff.

7 (2) The director shall serve at the pleasure of the board.

8 (3) The board shall set the personnel policies in accordance
9 with the Regular Salary Procedures and Restrictions Act, § 21-5-101 et seq.,
10 and the Uniform Classification and Compensation Act, § 21-5-201 et seq.

11
12 SECTION 14. Arkansas Code 7-4-105 is amended to read as follows:

13 ~~7-4-105. County board of election commissioners—Officers—Meetings~~
14 Election duties of the county clerk.

15 ~~(a) The county board of election commissioners shall hold office until~~
16 ~~their successors are appointed and qualified. The commissioners shall meet at~~
17 ~~the courthouse at least thirty (30) days prior to the general election and~~
18 ~~shall organize themselves into a county board of election commissioners by~~
19 ~~electing one (1) member chairman. Each commissioner shall have one (1) vote.~~
20 ~~Two (2) commissioners shall constitute a quorum, and the concurring votes of~~
21 ~~any two (2) shall decide questions before them unless otherwise provided by~~
22 ~~law.~~

23 ~~(b) The chair of a county board of election commissioners shall notify~~
24 ~~all commissioners of all meetings. Any meeting of two (2) or more~~
25 ~~commissioners when official business is conducted shall be public and held~~
26 ~~pursuant to the Freedom of Information Act of 1967, § 25-19-101 et seq. The~~
27 ~~county board shall keep minutes of all meetings when official business is~~
28 ~~conducted, and the minutes shall be filed of record with the county clerk.~~

29 The county clerk as the permanent registrar of voters in his or her
30 county shall:

31 (1) Register qualified individuals to vote;

32 (2) Maintain the voter registration list for his or her county
33 pursuant to instructions from the Secretary of State;

34 (3) Conduct early voting as may be required by law;

35 (4) Conduct absentee voting;

36 (5) Provide the Secretary of State with reports as required by

1 law; and

2 (6) Perform other duties required by law.

3
4 SECTION 15. Arkansas Code 7-4-106 is amended to read as follows:

5 7-4-106. ~~Assistance of prosecuting attorney~~ Duties of county board of
6 election commissioners.

7 ~~(a) The county board of election commissioners, as created by this~~
8 ~~subchapter, may call upon the prosecuting attorney or his deputy for legal~~
9 ~~opinions, advice, or assistance in defending, commencing, or appealing civil~~
10 ~~actions at law and equity.~~

11 ~~(b) The county or prosecuting attorney shall defend any civil lawsuit~~
12 ~~brought against the county board, or its members, if they are sued in regard~~
13 ~~to acts or omissions made during the course of their official duties.~~

14 The county board of election commissioners shall:

15 (1) Employ a county election coordinator and supervise the
16 county election coordinator in his or her election duties;

17 (2) Receive election returns from the various polling places in
18 their respective counties;

19 (3) Canvass the returns, count ballots, and tally the counts
20 from all polling places;

21 (4) Declare preliminary and unofficial results as soon as
22 practicable after all elections;

23 (5) Determine whether the votes of provisional voters should be
24 counted;

25 (6) Certify the final results of all elections;

26 (7) Transmit preliminary and unofficial results and certified
27 results to the county election coordinator;

28 (8) File an affidavit of compliance with the State Board of
29 Election Commissioners fifteen (15) days following any regularly scheduled
30 preferential primary, general, or statewide special election in a form
31 approved by the State Board of Election Commissioners to the effect that all
32 duties and responsibilities of the county election commissioner have been
33 complied with; and

34 (9) Perform other duties required by law.

35
36 SECTION 16. Arkansas Code 7-4-107, as amended by Act 222 of the 2007

1 Regular Session, is amended to read as follows:

2 7-4-107. ~~Duties of county board of election commissioners—Ballot~~
3 ~~boxes—Voting booths—Appointment of election officers~~ Duties of election
4 judges.

5 ~~(a) The county board of election commissioners shall proceed to~~
6 ~~establish and allocate a sufficient number of ballot boxes in each precinct~~
7 ~~or polling site. The county board shall appoint the requisite number of~~
8 ~~election officials at each site where voters present themselves to vote to~~
9 ~~ensure that there is a sufficient number of election officials at each site,~~
10 ~~based upon the votes in the immediately preceding comparable election.~~

11 ~~(b)(1) It shall be the duty of the county board to select and appoint~~
12 ~~a sufficient number of election officials for each polling site as provided~~
13 ~~by subsection (a) of this section and to perform the other duties prescribed~~
14 ~~not fewer than twenty (20) days preceding an election.~~

15 ~~(2) Each polling site shall have a minimum of two (2)~~
16 ~~election clerks, one (1) election judge, and one (1) election sheriff. For~~
17 ~~all regularly scheduled elections, at least one (1) election official at each~~
18 ~~polling site shall have attended election training coordinated by the State~~
19 ~~Board of Election Commissioners within twelve (12) months prior to the~~
20 ~~election. The minority party election commissioner shall have the option to~~
21 ~~designate a number of election officials equal to one (1) less than the~~
22 ~~majority of election officials at each polling site, with a minimum of two~~
23 ~~(2) election officials at each polling site. In the event that the county~~
24 ~~party representatives on the county board fail to agree upon any election~~
25 ~~official to fill any election post allotted to the respective party twenty~~
26 ~~(20) days before the election, the county board shall appoint the remaining~~
27 ~~election officials.~~

28 ~~(c) The county board shall certify to the county court the per diem of~~
29 ~~election officials and the mileage of the election official carrying the~~
30 ~~returns to the county election commissioners' office for allowance.~~

31 ~~(d) The county board may permit election officials to work half-day or~~
32 ~~split shifts at the polls at any election so long as the requisite number of~~
33 ~~election officials is always present.~~

34 ~~(e) Fifteen (15) days following any regularly scheduled preferential~~
35 ~~primary, general, or statewide special election, each county election~~
36 ~~commissioner shall file an affidavit with the State Board of Election~~

1 ~~Commissioners in a form approved by the State Board of Election Commissioners~~
2 ~~to the effect that all duties and responsibilities of the county election~~
3 ~~commissioner have been complied with.~~

4 Each election judge shall:

5 (1) Be present at the polling place from the opening of the poll
6 to the close of the poll, and for the exposure of the count of the vote, if
7 voting machines, electronic tabulating devices or hand-counted paper ballots
8 are used at the polling place, and for the preparation of the ballots for
9 transportation to the central counting location if central tabulation is
10 used;

11 (2) Be in charge of and responsible for the management and
12 conduct of the election at the polling place under the direction of the
13 election coordinator; and

14 (3) Perform other duties as assigned or as required by law.

15
16 SECTION 17. Arkansas Code 7-4-108 is amended to read as follows:

17 ~~7-4-108. Absence of election officials—Filling vacancy~~ Duties of
18 election sheriffs.

19 ~~If any election official shall be absent at the time fixed for the~~
20 ~~opening of the polls, then the other election officials shall appoint some~~
21 ~~person or persons having the qualifications prescribed by this act for~~
22 ~~election officials to supply the vacancy; and if all of the officials shall~~
23 ~~be absent, then the voters present shall elect as election officials persons~~
24 ~~having the required qualifications. The county board of election~~
25 ~~commissioners shall be notified of any vacancies and substitutions of~~
26 ~~election officials.~~

27 Each election sheriff shall:

28 (1) Be present at the polling place from the opening of the poll
29 to the close of the poll, and for the exposure of the count of the vote, if
30 voting machines, electronic tabulating devices or hand-counted paper ballots
31 are used at the polling place, and for the preparation of the ballots for
32 transportation to the central counting location if central tabulation is
33 used;

34 (2) Maintain order and ensure enforcement of the election laws
35 under the direction of the election coordinator; and

36 (3) Perform other duties as assigned or as required by law.

1
2 SECTION 18. Arkansas Code 7-4-109 is amended to read as follows:

3 7-4-109. ~~Qualifications of state and county commissioners and other~~
4 ~~election officials~~ Duties of election clerks.

5 ~~(a)(1) The members of the State Board of Election Commissioners, the~~
6 ~~members of each county board of election commissioners, and election~~
7 ~~officials shall be qualified electors of this state, able to read and write~~
8 ~~the English language, and shall not have been found guilty or pleaded guilty~~
9 ~~or nolo contendere to the violation of any election law of this state.~~

10 ~~(2) No election official, as defined in § 7-1-101, shall be a~~
11 ~~candidate for any office to be filled at any election while serving as an~~
12 ~~election official.~~

13 ~~(3) A member of the county board of election commissioners shall~~
14 ~~not be disqualified from serving as a member of the county board by the~~
15 ~~appearance on the ballot as a candidate for a position in his or her~~
16 ~~political party.~~

17 ~~(b) Furthermore, all members of each county board shall be residents~~
18 ~~of the county in which they serve at the time of their appointment or~~
19 ~~election. All election officials shall be residents of the precincts in which~~
20 ~~they serve at the time of their appointment. However, if at the time of~~
21 ~~posting election officials, the county board by unanimous vote shall find~~
22 ~~that it is impossible to obtain qualified election officials from any~~
23 ~~precinct or precincts and shall make certification of that finding to the~~
24 ~~county clerk, then other qualified citizens of the county may be designated~~
25 ~~to serve in the precinct or precincts.~~

26 ~~(c) No person who is a paid employee of any political party or of any~~
27 ~~person running for any office shall be eligible to be a member of a county~~
28 ~~board or an election official.~~

29 ~~(d) No person may serve as an election official if married to or~~
30 ~~related within the second degree of consanguinity to any candidate running~~
31 ~~for office in the current election if objection to his or her service is made~~
32 ~~to the county board within ten (10) calendar days after posting the list of~~
33 ~~officials.~~

34 ~~(e)(1) Prior to the regularly scheduled preferential primary election,~~
35 ~~each member of the county board of election commissioners for each county and~~
36 ~~at least two (2) election officials per polling site designated by the county~~

1 ~~board for each county shall attend election training coordinated by the state~~
2 ~~board.~~

3 ~~(2) The state board shall determine the method and amount of~~
4 ~~compensation for attending the training.~~

5 Each election clerk shall:

6 (1) Be present at the polling place during the hours assigned by
7 the county election coordinator;

8 (2) Process and facilitate voting as required by law;

9 (3) Count, tally, and tabulate votes as required by law, if so
10 assigned by the county election coordinator at the request of the county
11 board of election commissioners; and

12 (4) Perform other duties as assigned or as required by law.

13
14 SECTION 19. Arkansas Code 7-4-110 is amended to read as follows:

15 7-4-110. ~~Oath of election officers~~ County election coordinator.

16 ~~(a) The election officials, before entering on their duties, shall~~
17 ~~take, before some person authorized by law to administer oaths, the following~~
18 ~~oath:~~

19 ~~"I,, do swear that I will perform the duties of an~~
20 ~~election official of this election according to law and to the best of my~~
21 ~~abilities, and that I will studiously endeavor to prevent fraud, deceit, and~~
22 ~~abuse in conducting the same, and that I will not disclose how any voter~~
23 ~~shall have voted, unless required to do so as a witness in a judicial~~
24 ~~proceeding or a proceeding to contest an election."~~

25 ~~(b) In case there shall be no person present at the opening of any~~
26 ~~election authorized to administer oaths, it shall be lawful for the election~~
27 ~~officials to administer the oath to each other, and the election officials~~
28 ~~shall have full power and authority to administer all oaths that may be~~
29 ~~necessary in conducting any election.~~

30 (a) Each county shall appoint a county election coordinator.

31 (b)(1) The county election coordinator shall be selected by majority
32 vote of a committee composed of the county board of election commissioners,
33 the county judge and the county clerk.

34 (2) The county election coordinator shall serve as county
35 election coordinator at the pleasure of and under the supervision and
36 direction of the county board of election commissioners.

1 (c) Each county election coordinator shall receive periodic training
2 provided by the State Board of Election Commissioners.

3 (d)(1) A county shall be subject to the sanctions provided in this
4 section after May 1, 2008 unless its county election coordinator is certified
5 in election administration by the State Board of Election Commissioners.

6 (2) The requirement for certification ~~is~~ shall be waived if the:

7 (A) County is required to fill a vacancy in the county
8 election coordinator's position less than three (3) months before a regularly
9 scheduled primary or general election;

10 (B) Person selected to fill the vacancy has not been able
11 to pass the test for certification during that three-month period;

12 (C) County board of election commissioners submits a
13 request for waiver within three (3) days of the election; and

14 (D) Request for waiver contains a plan for filling the
15 vacancy with a certified county election coordinator as soon as possible.

16 (3) A county that employs a county election coordinator who is
17 not certified by the State Board of Election Commissioners shall not receive
18 state funding that may be provided for county election coordinators, unless
19 the requirement for certification is waived by the State Board of Election
20 Commissioners.

21 (4) A county that employs a person as a county election
22 coordinator who is not certified by the State Board of Election Commissioners
23 during a preferential primary election or general primary election shall be
24 responsible for the entire cost of the respective primary election unless the
25 requirement for certification is waived by the State Board of Election
26 Commissioners.

27 (5) A county that employs a person as a county election
28 coordinator who is not certified by the State Board of Election Commissioners
29 during a general election shall be responsible for the entire cost of the
30 next ensuing regularly scheduled preferential primary election unless the
31 requirement for certification is waived by the State Board of Election
32 Commissioners.

33 (e)(1) The county election coordinator shall be:

34 (A) A full-time employee of the county whose primary duty
35 is the administration of elections in the county;

36 (B) A part-time employee of the county whose primary duty

1 is the administration of elections in the county; or

2 (C) A contractor engaged to administer elections in the
3 county.

4 (2) If the county clerk approves, the county election
5 coordinator may be a deputy county clerk whose primary duty is the
6 administration of elections and who is supervised by the county board of
7 election commissioners with regard to the administration of elections.

8 (f) The county may employ additional staff or utilize existing county
9 employees to assist the county election coordinator and the county clerk or
10 any of the members of the county board of election commissioners may assist
11 the county election coordinator.

12
13 SECTION 20. Arkansas Code 7-4-111 is amended to read as follows:

14 ~~7-4-111. Compensation of board members~~ Duties of county election
15 coordinators.

16 ~~(a) The State Board of Election Commissioners may receive expense~~
17 ~~reimbursement and stipends in accordance with § 25-16-901 et seq.~~

18 ~~(b) Each member of the county board of election commissioners shall~~
19 ~~receive for services the sum of not less than twenty-five dollars (\$25.00)~~
20 ~~per public meeting when official business is conducted.~~

21 (a) Each county election coordinator shall carry out the election
22 policies of the county board of election commissioners and shall be
23 supervised in his or her election duties by the county board of election
24 commissioners.

25 (b) The county election coordinators shall:

26 (1) Conduct all elections in his or her county;

27 (2) Conduct early voting when required by law;

28 (3) Provide for polling places and appoint election officers for
29 the polling places;

30 (4) Provide for ballots and for the distribution of ballots to
31 the polling places;

32 (5) Keep, maintain and provide for programming for all voting
33 machines, counting and tabulating devices, and other election-related devices
34 and materials;

35 (6) If requested by the board, provide assistance to the county
36 board to count and tally votes and certify the election;

1 (7) Obtain a suitable space for the county board to canvass the
2 returns;

3 (8) Transmit preliminary and unofficial election results and the
4 certification of elections to the Secretary of State when required by law;

5 (9) Provide the Secretary of State and the county board of
6 election commissioners with reports as may be required by law or by request
7 of the Secretary of State or county board of election commissioners;

8 (10) Be the single point of contact for election-related
9 communications from state and federal election officials and administrators
10 to county election officials;

11 (11) File an affidavit of compliance with the State Board of
12 Election Commissioners fifteen (15) days following any regularly scheduled
13 preferential primary, general, or statewide special election in a form
14 approved by the State Board of Election Commissioners to the effect that all
15 duties and responsibilities of the county election coordinator have been
16 complied with; and

17 (12) Perform other duties as assigned or may be required by law.

18 (b)(1) The county board of election commissioners shall meet whenever
19 necessary for the county election coordinator to report to the county board
20 of election commissioners and to the county clerk regarding all
21 communications, rules, regulations and instructions the county election
22 coordinator may receive from state or federal election agencies.

23 (2)(A) The county board of election commissioners shall
24 designate an alternate contact to serve as the single point of contact when
25 the county election coordinator cannot be contacted by state or federal
26 election officials or administrators.

27 (B) The alternate contact may be the county clerk or a
28 deputy county clerk, if approved by the county clerk.

29 (C) The alternate contact shall be a full-time county
30 employee.

31 (c) Not later than ten (10) days after a county election coordinator
32 is employed or designated by the election commission, the commission shall
33 provide to the Secretary of State and the State Board of Election
34 Commissioners a written document stating:

35 (1) The name of the county election coordinator;

36 (2) The county election coordinator's address;

- 1 (3) Any telephone numbers, including fax numbers;
2 (4) The county election coordinator's email address;
3 (5) Alternate contact information; and
4 (6) Emergency and after-business hours contact information.

5
6 SECTION 21. Arkansas Code 7-4-112 is amended to read as follows:

7 ~~7-4-112. Compensation of election officials~~ Qualifications of members
8 of State Board of Election Commissioners, county board of election
9 commissioners, election judges, election sheriffs, and election clerks.

10 ~~(a) The election officials shall receive a minimum of the prevailing~~
11 ~~federal minimum wage for holding an election, or such greater amount as may~~
12 ~~be appropriated.~~

13 ~~(b) In addition, each election official carrying election materials to~~
14 ~~and from the polling sites shall be allowed mileage at such rate as may be~~
15 ~~appropriated but not to exceed the rate prescribed for state employees in~~
16 ~~state travel regulations.~~

17 A member of the State Board of Election Commissioners, county boards of
18 election commissioners, election judges, election sheriffs, and election
19 clerks shall:

20 (1) Be a registered voter in the county where he or she serves;

21 (2) Be able to read and write the English language;

22 (3) Not be a candidate for a civil office to be filled at any
23 election while serving as an election officials and officers; and

24 (4) Not be a paid employee of any political party or of any
25 person running for any civil office; and

26 (5) Not have been found guilty or pleaded nolo contendere to the
27 violation of any election laws of this state.

28
29 SECTION 22. Arkansas Code 7-4-113 is amended to read as follows:

30 ~~7-4-113. Record of funds and expenditures~~ Qualifications of election
31 coordinators.

32 ~~The county board of election commissioners of each county shall~~
33 ~~maintain a record of all funds the county board receives and all expenditures~~
34 ~~of the county board. These records shall be open to the public under the~~
35 ~~provisions of the Freedom of Information Act of 1967, § 25-19-101 et seq.~~

36 A county election coordinator shall:

1 (1) Be able to read and write the English language;

2 (2) Not be a candidate for any civil office to be filled at any
3 election while serving as an election official;

4 (3) Not be a paid employee of any political party or of any
5 person running for any civil office, except the county clerk; and

6 (4) Be certified by the State Board of Election Commissioners as
7 a county election coordinator as required by law.

8
9 SECTION 23. Arkansas Code 7-4-114 is amended to read as follows:

10 7-4-114. ~~Filling vacancy of an elected office~~ Effect Disqualification
11 by relation of county election coordinators, election officers, and county
12 board members related to candidates.

13 Any member of a county board of election commissioners may be appointed
14 to fill a vacancy in an elected office without vacating his seat on the
15 county board. The member shall not be eligible for reelection to the office
16 when the term expires.

17 (a)(1) A county election coordinator, election officer or county board
18 member who is the spouse, parent, father-in-law, mother-in-law, child, son-
19 in-law, daughter-in-law, grandparent, grandchild, brother, sister, brother-
20 in-law, sister-in-law, uncle, aunt, nephew, or niece of a candidate or
21 declared write-in candidate to be voted for at the election in that precinct
22 shall be disqualified if challenged by any registered voter of the county.

23 (2)(A) No later than fifteen (15) days before the election, the
24 county election coordinator shall file with the county clerk, and the county
25 clerk shall post in a public place in the county clerk's office the list of
26 all election judges, election sheriffs, election clerks, the county election
27 coordinator and members of the county board.

28 (B) The document containing the list shall also include
29 notice of the procedure for challenging the qualifications of the election
30 officials and officers included on the list.

31 (3) The challenge of an election officer shall be delivered in
32 writing to the county election coordinator no later than the close of
33 business of the clerk's office five (5) days after the list of election
34 officials is posted at the county clerks office.

35 (b) Upon determination by the county election coordinator that the
36 challenged election officer is disqualified, the county election coordinator

1 shall revoke the appointment of the disqualified election officer and, if
2 necessary, appoint an additional qualified election officer if needed for the
3 efficient administration of the election.

4 (c) The challenge of a member of the county board or the election
5 coordinator shall be delivered in writing to the county clerk, no later than
6 the close of business of the county clerk's office five (5) days after the
7 list of election officials and officers is posted at the county clerk's
8 office, and the clerk shall immediately notify the challenged board member or
9 election coordinator and the prosecuting attorney of the challenge.

10 (d)(1) This section disqualifies a person whose relationship to the
11 candidate is the result of birth, marriage, or adoption.

12 (2) This section does not disqualify a person if the candidate
13 to whom the person is related is an unopposed candidate.

14 (3) For purposes of this section, an "unopposed candidate"
15 includes an individual whose nomination to an office at a primary election is
16 unopposed by any other candidate within the same political party.

17
18 SECTION 24. Arkansas Code 7-4-115 is amended to read as follows:

19 7-4-115. ~~Legislative intent~~ Training of election officials and
20 officers.

21 ~~Due to the recent United States Eighth Circuit Court of Appeals ruling~~
22 ~~in Jones v. Conway County, Arkansas, 143 F.3d 417 (8th Cir. 1998), the status~~
23 ~~of county election commissioners as either county officials or state~~
24 ~~officials has become unclear. Because of this lack of clarity, there has been~~
25 ~~much confusion as to whether or not county election commissioners should have~~
26 ~~been or currently are immune from suit under the state's policy of tort~~
27 ~~immunity. It is the intent of the General Assembly to clarify the official~~
28 ~~status of county election commissioners. Prior to July 30, 1999, county~~
29 ~~election commissioners were state officials and, as such, were immune from~~
30 ~~suit pursuant to Arkansas Constitution, Article 5, § 20, and § 19-10-305.~~
31 ~~Upon July 30, 1999, county election commissioners are hereby deemed to be~~
32 ~~county officials and are immune from suit pursuant to § 21-9-301.~~

33 (a) The State Board of Election Commissioners shall establish a
34 program to train county boards of election commissioners, county election
35 coordinators, and election officers in the administration of elections in
36 this state.

1 (b) The state board shall provide curriculum materials to county
 2 election coordinators to train election officers regarding their duties.

3 (c) At least one (1) election officer at each polling place shall have
 4 attended training coordinated by the state board.

5
 6 SECTION 25. Arkansas Code §§ 7-4-116 – 7-4-118 are repealed.

7 ~~7-4-116. Election poll workers program for high school students.~~

8 ~~(a)(1) The county board of election commissioners may conduct a~~
 9 ~~special election day program for high school students in one (1) or more~~
 10 ~~polling places designated by the county board.~~

11 ~~(2) The high school students shall be selected by the county~~
 12 ~~board in cooperation with the local high school principal, the local 4-H~~
 13 ~~club, the local Boy Scout club, the local Girl Scout club, or any other local~~
 14 ~~organization for youth designated by the county board.~~

15 ~~(3)(A) A high school student selected for this program who has~~
 16 ~~not reached his or her eighteenth birthday by the election day in which he or~~
 17 ~~she is participating shall be called an election page.~~

18 ~~(B) A high school student selected for this program who~~
 19 ~~has reached his or her eighteenth birthday by the election day in which he or~~
 20 ~~she is participating and meets the qualifications in § 7-4-109 may be an~~
 21 ~~election official.~~

22 ~~(b) The program shall:~~

23 ~~(1) Be designed to stimulate the students' interest in elections~~
 24 ~~and registering to vote;~~

25 ~~(2) Provide assistance to the officers of election; and~~

26 ~~(3) Assist in the safe entry and exit of elderly voters and~~
 27 ~~voters with disabilities from the polling place.~~

28 ~~(c)(1) Each student selected as an election page shall:~~

29 ~~(A) Be excused from school while working as an election~~
 30 ~~page;~~

31 ~~(B) Serve under the direct supervision of the election~~
 32 ~~officials at his or her assigned polling place; and~~

33 ~~(C) Observe strict impartiality at all times.~~

34 ~~(2) An election page may observe the electoral process and seek~~
 35 ~~information from the election officers but shall not handle or touch ballots,~~
 36 ~~voting machines, or any other official election materials or enter any voting~~

1 ~~booth.~~

2 ~~(3) An election page shall be in a volunteer position and shall~~
3 ~~not receive any compensation for performing his or her duties.~~

4 ~~(4) Before beginning any duties, an election page shall take,~~
5 ~~before an election official, the following oath:~~

6
7 ~~"I, _____, do swear that I will perform the duties of an election page~~
8 ~~of this election according to law and to the best of my abilities, and that I~~
9 ~~will studiously endeavor to prevent fraud, deceit, and abuse, and that I will~~
10 ~~not disclose how any voter shall have voted, unless required to do so as a~~
11 ~~witness in a judicial proceeding or a proceeding to contest an election."~~

12 ~~(d)(1) Each student selected to be an election official shall:~~

13 ~~(A) Take the oath of the election officials in § 7-4-110;~~

14 ~~(B) Serve under the supervision of the appropriate county~~
15 ~~board of election commissioners;~~

16 ~~(C) Observe strict impartiality at all times; and~~

17 ~~(D) Be excused from school while working as an election~~
18 ~~official.~~

19 ~~(2) A high school student selected to be an election official~~
20 ~~may be compensated according to § 7-4-112 if the county board of election~~
21 ~~commissioners determines that the high school students selected to be~~
22 ~~election officials should be compensated.~~

23
24 ~~7-4-117. Election poll workers program for college students.~~

25 ~~(a)(1) The county board of election commissioners may conduct an~~
26 ~~election day program for college students in one (1) or more polling places~~
27 ~~designated by the county board.~~

28 ~~(2)(A) The college students shall be selected by the county~~
29 ~~board from any two year or four year college or university in the state.~~

30 ~~(B) The county board shall work in cooperation with the~~
31 ~~student government associations of the colleges and universities in selecting~~
32 ~~the students for the program and conducting seminars concerning election~~
33 ~~procedures for students interested in the program.~~

34 ~~(3)(A) A college student selected for this program who has not~~
35 ~~reached his or her eighteenth birthday by the election day in which he or she~~
36 ~~is participating shall be called an election page.~~

1 ~~(B) A college student selected for this program who has~~
2 ~~reached his or her eighteenth birthday by the election day in which he or she~~
3 ~~is participating and meets the qualifications in § 7-4-109 shall be an~~
4 ~~election official.~~

5 ~~(b) The program shall:~~

6 ~~(1) Be designed to stimulate the students' interest in elections~~
7 ~~and in registering to vote;~~

8 ~~(2) Provide assistance to the officers of the election; and~~

9 ~~(3) Assist in the safe entry and exit of elderly voters and~~
10 ~~voters with disabilities from the polling place.~~

11 ~~(c)(1) Each student selected as an election page shall:~~

12 ~~(A) Serve under the direct supervision of the election~~
13 ~~officials at his or her assigned polling place; and~~

14 ~~(B) Observe strict impartiality at all times.~~

15 ~~(2) An election page may observe the electoral process and seek~~
16 ~~information from the election officers but shall not handle or touch ballots,~~
17 ~~voting machines, or any other official election materials or enter any voting~~
18 ~~booth.~~

19 ~~(3) An election page shall be in a volunteer position and shall~~
20 ~~not receive any compensation for performing his or her duties.~~

21 ~~(4) Before beginning any duties, an election page shall take,~~
22 ~~before an election official, the following oath:~~

23
24 ~~"I, _____, do swear that I will perform the duties of an election page~~
25 ~~of this election according to law and to the best of my abilities, and that I~~
26 ~~will studiously endeavor to prevent fraud, deceit, and abuse, and that I will~~
27 ~~not disclose how any voter shall have voted unless required to do so as a~~
28 ~~witness in a judicial proceeding or a proceeding to contest an election."~~

29 ~~(d)(1) Each student selected to be an election official shall:~~

30 ~~(A) Take the oath of the election officials in § 7-4-110;~~

31 ~~(B) Serve under the supervision of the appropriate county~~
32 ~~board of election commissioners; and~~

33 ~~(C) Observe strict impartiality at all times.~~

34 ~~(2) A college student selected to be an election official shall~~
35 ~~be compensated according to § 7-4-112.~~

36

1 ~~7-4-118. Complaints of election law violations.~~

2 ~~(a)(1) The State Board of Election Commissioners may investigate~~
3 ~~alleged violations, render findings, and impose disciplinary action according~~
4 ~~to this subchapter for violations of election and voter registration laws,~~
5 ~~except:~~

6 ~~(A) For the provisions in § 7-1-103(a)(1)(4), (6), and~~
7 ~~(7); and~~

8 ~~(B) For any matters relating to campaign finance and~~
9 ~~disclosure laws that the Arkansas Ethics Commission shall have the power and~~
10 ~~authority to enforce according to §§ 7-6-217 and 7-6-218.~~

11 ~~(2) For purposes of subdivision (a)(1), the board may file a~~
12 ~~complaint.~~

13 ~~(3) A complaint must be filed with the board in writing within~~
14 ~~thirty (30) days of the alleged violation.~~

15 ~~(4) A complaint must clearly state the alleged election~~
16 ~~irregularity or illegality, when and where the alleged activity occurred, the~~
17 ~~supporting facts surrounding the allegations, and the desired resolution.~~

18 ~~(5) A complaint must be signed by the complainant under penalty~~
19 ~~of perjury.~~

20 ~~(6)(A) Filing of a frivolous complaint is considered a violation~~
21 ~~of this subchapter.~~

22 ~~(B) For purposes of this section, "frivolous" means~~
23 ~~clearly lacking any basis in fact or law.~~

24 ~~(b)(1) Upon receipt by the board of a complaint stating facts~~
25 ~~constituting violation of election or voter registration laws under its~~
26 ~~jurisdiction signed under penalty of perjury, the board shall proceed to~~
27 ~~investigate the alleged violation.~~

28 ~~(2) The board may determine that:~~

29 ~~(A) The complaint can be disposed of through documentary~~
30 ~~submissions; or~~

31 ~~(B) An investigation is necessary.~~

32 ~~(3) The board may forward the complaint, along with the~~
33 ~~information and documentation as deemed appropriate, to the proper authority.~~

34 ~~(4)(A) If the board determines that an investigation is~~
35 ~~necessary, the board shall provide a copy of the complaint with instructions~~
36 ~~regarding the opportunity to respond to the complaint to the party against~~

1 ~~whom the complaint is lodged.~~

2 ~~(B) The board may administer oaths for the purpose of~~
3 ~~taking sworn statements from any person thought to have knowledge of any~~
4 ~~facts pertaining to the complaint.~~

5 ~~(C) The board may request the party against whom the~~
6 ~~complaint is lodged to answer allegations in writing, produce relevant~~
7 ~~evidence, or appear in person before the board.~~

8 ~~(D) The board may subpoena any person or the books,~~
9 ~~records, or other documents relevant to an inquiry by the board that are~~
10 ~~being held by any person and take sworn statements.~~

11 ~~(E) The board shall provide the subject of the subpoena~~
12 ~~with reasonable notice of the subpoena and an opportunity to respond.~~

13 ~~(F) The board shall advise in writing the complainant and~~
14 ~~the party against whom the complaint is lodged of the final action taken.~~

15 ~~(e) If the board finds that probable cause exists for finding a~~
16 ~~violation of election or voter registration laws under its jurisdiction, the~~
17 ~~board may determine that a full public hearing be called.~~

18 ~~(d) If the board finds a violation of election or voter registration~~
19 ~~laws under its jurisdiction, then the board may do one (1) or more of the~~
20 ~~following:~~

21 ~~(1) Issue a public letter of caution, warning, or reprimand;~~

22 ~~(2) Impose a fine of not less than twenty five dollars (\$25.00)~~
23 ~~nor more than one thousand dollars (\$1,000) for each negligent or intentional~~
24 ~~violation;~~

25 ~~(3) Report its findings, along with the information and~~
26 ~~documents as it deems appropriate, and make recommendations to the proper law~~
27 ~~enforcement authorities; or~~

28 ~~(4) Assess costs for the investigation and hearing.~~

29 ~~(e)(1) The board shall adopt rules governing the imposition of the~~
30 ~~finest in accordance with the provisions of the Arkansas Administrative~~
31 ~~Procedure Act, § 25-15-201 et seq.~~

32 ~~(2)(A) The board may file suit in the Pulaski County Circuit~~
33 ~~Court or in the circuit court of the county in which the debtor resides or,~~
34 ~~according to the Small Claims Procedure Act, § 16-17-601 et seq., in the~~
35 ~~small claims division of any district court in the State of Arkansas to~~
36 ~~obtain a judgment for the amount of any fine imposed according to its~~

1 ~~authority.~~

2 ~~(B) The action by the court shall not involve further~~
 3 ~~judicial review of the board's actions.~~

4 ~~(C) The fee normally charged for the filing of a suit in~~
 5 ~~any of the circuit or district courts in the State of Arkansas shall be~~
 6 ~~waived on behalf of the board.~~

7 ~~(3) All moneys received by the board in payment of fines shall~~
 8 ~~be deposited in the State Treasury as general revenues.~~

9 ~~(f)(1) The board shall complete its investigation of a complaint filed~~
 10 ~~according to this section and take final action within one hundred eighty~~
 11 ~~(180) days of the filing of the complaint.~~

12 ~~(2) However, if a hearing under subsection (e) of this section~~
 13 ~~is conducted, all action on the complaint by the board shall be completed~~
 14 ~~within two hundred forty (240) days.~~

15 ~~(3) Any final action of the board under this section shall~~
 16 ~~constitute an adjudication for purposes of judicial review under § 25-15-212.~~

17 ~~(g)(1) The board shall keep a record of all inquiries, investigations,~~
 18 ~~and proceedings.~~

19 ~~(2) Records relating to investigations by the board are exempt~~
 20 ~~from the Freedom of Information Act of 1967, § 25-19-101 et seq., until a~~
 21 ~~hearing is set or the director's investigation is closed.~~

22 ~~(3) The board may disclose, through its members or staff,~~
 23 ~~otherwise confidential information to proper law enforcement officials,~~
 24 ~~agencies, and bodies as may be required to conduct its investigation.~~

25
 26 SECTION 26. Arkansas Code Title 7, Chapter 4, Subchapter 1 is amended
 27 to add additional sections to read as follows:

28 7-4-119. State Board of Election Commissioners.

29 (a) The State Board of Election Commissioners shall be composed of the
 30 following seven (7) persons, with at least one (1) from each congressional
 31 district:

32 (1) The Secretary of State;

33 (2) One (1) person designated by the chair of the state
 34 Democratic Party;

35 (3) One (1) person designated by the chair of the state
 36 Republican Party;

1 (4) One (1) person to be chosen by the President Pro Tempore of
2 the Senate;

3 (5) One (1) person to be chosen by the Speaker of the House of
4 Representatives; and

5 (6) Two (2) persons to be chosen by the Governor, one (1) of
6 whom shall be a county clerk and one (1) of whom shall have served for at
7 least three (3) years as an election commissioner.

8 (b) The Secretary of State shall serve as chair and secretary of the
9 board.

10 (c) Except for the Secretary of State and the county clerk, a member
11 of the board shall not be an elected public official.

12 (d)(1) The term on the board of the elected state official shall be
13 concurrent with the term of the public elected official.

14 (2) The county clerk shall hold the office of county clerk when
15 appointed to the board and shall be removed as a member of the board if not
16 in office.

17 (3)(A) Members of the board appointed by the President Pro
18 Tempore of the Senate and the Speaker of the House of Representatives shall
19 be appointed for terms of two (2) years and shall continue to serve until
20 successors have been appointed and taken the official oath.

21 (B) All other appointive members shall be appointed for
22 terms of four (4) years and shall continue to serve until successors have
23 been appointed and taken the official oath.

24 (4) An appointive member shall not be appointed to serve more
25 than two (2) consecutive full terms.

26 (5)(A) If a vacancy on the board occurs, a successor shall be
27 appointed within thirty (30) days to serve the remainder of the unexpired
28 term.

29 (B) The appointment shall be made by the official holding
30 the office responsible for appointing the predecessor.

31 (e)(1) The board shall meet as needed upon call of the chair or upon
32 written request to the chair of any four (4) members.

33 (2) A majority of the membership of the board shall constitute a
34 quorum for conducting business.

35 (3) A sanction shall not be imposed without the affirmative vote
36 of at least four (4) members of the board.

1 (4) Meetings of the board may be chaired and conducted by either
2 the chair or a member of the board designated by the chair as acting chair
3 for the meeting.

4 (f) The State Board of Election Commissioners may receive expense
5 reimbursement and stipends in accordance with 25-16-901, et.seq.

6
7 7-4-120. County Board of Election Commissioners.

8 (a)(1)(A)(i) The following shall be members of the county board of
9 election commissioners:

10 (i) The county chair of the county committee of the
11 majority party;

12 (ii) The county chair of the county committee of the
13 minority party; and

14 (iii) A third member selected by the county
15 committee of the majority party.

16 (B) If the county chair of a county committee of the
17 majority party or the minority party is an elected official or is otherwise
18 ineligible to serve as a member of the county board, he or she shall not
19 serve as a member of the county board, but the county committee shall select
20 a qualified resident of the county to serve in his or her stead.

21 (C)(i) A county chairman of a county committee of the
22 majority party or the minority party may elect not to serve as a member of
23 the county board.

24 (ii) The county committee shall select a qualified
25 resident of the county to serve in his or her stead.

26 (D) If there is a vacancy on the board of election
27 commissioners, and the appropriate county chair or committee has not filled
28 the vacancy by five (5) days before the election, the chair of the state
29 committee of the affected party shall appoint a qualified resident of the
30 county to fill the vacancy, and the appointee shall serve until such time as
31 the county committee selects a qualified resident of the county to fill the
32 vacancy.

33 (2)(A) In the event of a vacancy or disqualification of a third
34 member that occurs less than fifteen (15) days before any election, the
35 county chair of the majority party shall appoint a qualified person to fill
36 the vacancy.

1 (B) All appointments by the county chairman to fill a
2 vacancy in the third member's, position shall be terminated immediately upon
3 the selection of a new third member by the county committee of the majority
4 party.

5 (b) Between January 1 and January 31 of each year:

6 (1) The chair of the majority party for the county shall file
7 with the county clerk and the Secretary of State a notice stating the names,
8 addresses and telephone numbers of the majority party's designated members of
9 the county board; and

10 (2) The chair of the minority party for the county shall file
11 with the county clerk and the Secretary of State a notice stating the name,
12 addresses and telephone numbers of the minority party's member of the county
13 board.

14 (c) Upon receipt of the notice required in subsection (b), the county
15 clerk shall send to each commissioner by registered mail notice to appear
16 before the clerk within thirty (30) days to take and subscribe to the oath
17 prescribed by Article 19, Section 20 of the Arkansas Constitution, said oath
18 to be filed with the county clerk and a duplicate thereof forwarded to the
19 Secretary of State.

20 (d) The prosecuting attorney shall bring an action in an appropriate
21 court to remove from office any member of the county board who is not
22 qualified to hold his or her position on the board.

23 (e) The county board is deemed to consist of county officials, and its
24 members shall be immune from tort liability pursuant to § [21-9-301](#).

25
26 7-4-121. County board of election commissioners – Officers – Meetings.

27 (a) The county board of election commissioners shall meet on election
28 day and as many days thereafter as necessary to:

29 (1) Count and tabulate the votes;

30 (2) Declare preliminary and unofficial results;

31 (3) Determine the status of provisional ballots;

32 (4) Conduct recounts;

33 (5) Certify the vote; and

34 (6) Perform whatever other tasks are necessary to fulfill its
35 duties in the election.

36 (b) The county board may meet at least twenty (20) days before each to

1 review and approve or alter the appointment of election clerks by the county
2 election coordinator.

3 (c) The county board of election commissioners shall meet at least
4 sixty-five (65) days before each election to review and approve or alter
5 precinct boundaries and polling sites established by the county election
6 coordinator.

7 (d) The county board of election commissioners shall meet from time to
8 time as necessary to review and supervise the work of the county election
9 coordinator.

10 (e) At the first meeting in each calendar year, the county board of
11 election commissioners shall elect one (1) member chair.

12 (f)(1) Each county election commissioner shall have one (1) vote.

13 (2) Two (2) county election commissioners shall constitute a
14 quorum.

15 (3) The concurring votes of any two (2) members shall decide
16 questions before them, unless otherwise provided by law.

17 (g)(1) The chair shall notify all county election commissioners of
18 meetings.

19 (2) Any meeting of two (2) or more county election commissioners
20 when official business is conducted shall be public and held pursuant to the
21 Arkansas Freedom of Information Act, § 25-19-101 et seq.

22 (3) The county board of election commissioners shall keep
23 minutes of all meetings when official business is conducted, and the minutes
24 shall be filed of record with the county clerk.

25 (h)(1) The county board of election commissioners of each county shall
26 maintain a record of all funds the county board receives and all expenditures
27 of the county board of election commissioners.

28 (2) These records shall be open to the public under the Arkansas
29 Freedom of Information Act, § [25-19-101](#) et seq.

30
31 7-4-122. Appointment of election officers.

32 (a) The member of the county board of election commissioners who is
33 the chair of the county committee of the majority party or the chair's
34 designated replacement on the board may appoint one (1) election officer for
35 each polling site and the minority party member of the board may appoint one
36 election officer for each polling site.

1 (b)(1) The county election coordinator shall appoint one (1) election
2 judge and one (1) election sheriff for each polling site, and as many
3 additional election clerks as are necessary for the efficient administration
4 of elections at each polling site.

5 (2) The election judges and sheriffs may be the election
6 officers selected by the party chairs.

7 (3)(A) The position of election judge and election sheriff may
8 be combined and held by one (1) person.

9 (B) When the positions of election judge and election
10 sheriff are combined, at least two (2) additional election clerks shall be
11 appointed for the polling site.

12 (c) The member of the county board of election commissioners who is
13 the county chair of the majority party or the chair's designated replacement
14 on the board shall, at least twenty (20) days before the election, send to
15 the coordinator a list of qualified persons for each polling place where the
16 chairman elects to appoint an election officer.

17 (d) The minority party member of the board shall, at least twenty (20)
18 days before the election, send to the county election coordinator a list of
19 qualified persons for each polling place where the chairman elects to appoint
20 an election officer.

21 (e) The county election coordinator shall assign the election officers
22 appointed by the board members, if any, to the various polling places as
23 designated by the board members.

24 (f) If an election officer appointed by a board member fails to appear
25 at his or her designated polling place at the time designated by the county
26 election coordinator on election day, the county election coordinator may
27 appoint a qualified person to replace the absent election officer.

28 (g) If an election judge or sheriff fails to appear at his or her
29 polling place at the time designated by the county election coordinator on
30 election day, the county election coordinator may designate one of the
31 election clerks at the polling place as election judge or sheriff, as the
32 case may be, or the county election coordinator may appoint another qualified
33 person as an election officer to serve as the judge or sheriff.

34 (h) An election clerk may work half-day or split shifts at the polls
35 at any election so long as a sufficient number of election officers is always
36 present.

1
2 7-4-123. Appointment of election clerks for counting and tabulating
3 votes.

4 (a) The county election coordinator and the staff of the county
5 election coordinator, if any, shall, if requested by the county board of
6 election commissioners, assist the county board of election commissioners in
7 canvassing, counting, tabulating and certifying the vote.

8 (b) The county board may appoint as many election clerks as it deems
9 necessary to assist it in the administration of its duties relating to
10 canvassing, counting, tabulating and certifying the vote.

11 (c) If requested by the county board, deputy county clerks who are not
12 county election coordinators may also assist the county board in canvassing,
13 counting, tabulating and certifying the vote, if approved by the county
14 clerk.

15
16 7-4-124. Complaints of election law violations.

17 (a)(1) The State Board of Election Commissioners may investigate
18 alleged violations, render findings, and impose disciplinary action according
19 to this subchapter for violations of election and voter registration laws,
20 except:

21 (A) For the provisions in § [7-1-103\(a\)\(1\)-\(4\)](#), (6), and
22 (7); and

23 (B) For any matters relating to campaign finance and
24 disclosure laws that the Arkansas Ethics Commission may enforce according to
25 §§ [7-6-217](#) and [7-6-218](#).

26 (2) For purposes of subdivision (a)(1) of this section, the
27 board may file a complaint.

28 (3) A complaint shall be filed with the board in writing within
29 thirty (30) days of an alleged voter registration violation or the election
30 associated with the complaint.

31 (4) A complaint shall clearly state the alleged election
32 irregularity or illegality, when and where the alleged activity occurred, the
33 supporting facts surrounding the allegations, and the desired resolution.

34 (5) A complaint shall be signed by the complainant under penalty
35 of perjury.

36 (6)(A) Filing of a frivolous complaint is considered a violation

1 of this subchapter.

2 (B) As used in this section, "frivolous" means clearly
3 lacking any basis in fact or law.

4 (b)(1) Upon receipt by the board of a written complaint signed under
5 penalty of perjury stating facts constituting a violation of election or
6 voter registration laws under its jurisdiction signed under penalty of
7 perjury, the board shall proceed to investigate the alleged violation.

8 (2) The board may determine that:

9 (A) The complaint can be disposed of through documentary
10 submissions; or

11 (B) Further investigation is necessary.

12 (3) The board may forward the complaint, along with the
13 information and documentation as deemed appropriate, to the proper
14 authority.

15 (4)(A) If the board determines that an investigation is
16 necessary, the board shall provide a copy of the complaint with instructions
17 regarding the opportunity to respond to the complaint to the party against
18 whom the complaint is lodged.

19 (B) The board may administer oaths for the purpose of
20 taking sworn statements from any person thought to have knowledge of any
21 facts pertaining to the complaint.

22 (C) The board may request the party against whom the
23 complaint is lodged to answer allegations in writing, produce relevant
24 evidence, or appear in person before the board.

25 (D) The board may subpoena any person or the books,
26 records, or other documents relevant to an inquiry by the board that are
27 being held by any person and take sworn statements.

28 (E) The board shall provide the subject of the subpoena
29 with reasonable notice of the subpoena and an opportunity to respond.

30 (F) The board shall advise in writing the complainant and
31 the party against whom the complaint is lodged of the final action taken.

32 (c) If the board finds that probable cause exists for finding a
33 violation of election or voter registration laws under its jurisdiction, the
34 board may determine that a full public hearing be called.

35 (d) If the board finds a violation of election or voter registration
36 laws under its jurisdiction, then the board may do one (1) or more of the

1 following:

2 (1) Issue a public letter of caution, warning, or reprimand;

3 (2) Impose a fine of not less than twenty-five dollars (\$25.00)
4 nor more than one thousand dollars (\$1,000) for each negligent or intentional
5 violation;

6 (3) Report its findings, along with the information and
7 documents as it deems appropriate, and make recommendations to the proper law
8 enforcement authorities; or

9 (4) Assess costs for the investigation and hearing.

10 (e)(1) The board shall adopt rules governing the imposition of the
11 fines in accordance with the provisions of the Arkansas Administrative
12 Procedure Act, § 25-15-201 et seq.

13 (2)(A) The board may file suit in the Pulaski County Circuit
14 Court or in the circuit court of the county in which the debtor resides or,
15 according to the Small Claims Procedure Act, § 16-17-601 et seq., in the
16 small claims division of any district court in the State of Arkansas to
17 obtain a judgment for the amount of any fine imposed according to its
18 authority.

19 (B) The action by the court shall not involve further
20 judicial review of the board's actions.

21 (C) The fee normally charged for the filing of a suit in
22 any of the circuit or district courts in the State of Arkansas shall be
23 waived on behalf of the board.

24 (3) All moneys received by the board in payment of fines shall
25 be deposited into the State Treasury as general revenues.

26 (f)(1) The board shall complete its investigation of a complaint filed
27 according to this section and take final action within one hundred eighty
28 (180) days of the filing of the complaint.

29 (2) However, if a hearing under subsection (c) of this section
30 is conducted, all action on the complaint by the board shall be completed
31 within two hundred forty (240) days.

32 (3) Any final action of the board under this section shall
33 constitute an adjudication for purposes of judicial review under § 25-15-
34 212.

35 (g)(1) The board shall keep a record of all inquiries, investigations,
36 and proceedings.

1 (2) Records relating to investigations by the board are exempt
2 from the Arkansas Freedom of Information Act, § 25-19-101 et seq., until a
3 hearing is set or the director's investigation is closed.

4 (3) The board may disclose, through its members or staff,
5 otherwise confidential information to proper law enforcement officials,
6 agencies, and bodies as may be required to conduct its investigation.

7
8 7-4-125. Assistance of prosecuting attorney

9 (a) The county board of election commissioners, the county clerk, and
10 the county election coordinator may call upon the prosecuting attorney or his
11 or her deputy, or the county attorney for legal opinions, advice, or
12 assistance in defending, commencing, or appealing civil actions at law and
13 equity.

14 (b) The county or prosecuting attorney shall defend any civil lawsuit
15 brought against the county board, or its members, and the county election
16 coordinator if they are sued in regard to acts or omissions made during the
17 course of their official duties.

18
19 7-4-126. Oath of Election Officers

20 (a) The election officers, before entering on their duties, shall take,
21 before some person authorized by law to administer oaths, the following
22 oath:

23
24 "I, , do swear that I will perform the duties of an
25 election officer of this election according to law and to the best of my
26 abilities, and that I will studiously endeavor to prevent fraud, deceit, and
27 abuse in conducting the same, and that I will not disclose how any voter have
28 voted, unless required to do so as a witness in a judicial proceeding or a
29 proceeding to contest an election."

30 (b) In case there shall be no person present at the opening of an
31 election authorized to administer oaths, it shall be lawful for the election
32 officers to administer the oath to each other, and the election officers may
33 administer all oaths that are necessary in conducting any election.

34
35 7-4-127. Compensation of county boards and election officers and
36 reimbursement for delivery of election materials.

1 (a) Each member of the county board of election commissioners shall
2 receive for services the sum of not less than twenty-five dollars (\$25.00)
3 per public meeting when official business is conducted.

4 (b) Election officers shall receive at least the prevailing minimum
5 wage for holding an election, or such greater amount as may be appropriated.

6 (c) A qualified person appointed by the county election coordinator
7 who carries election materials to and from the polling sites shall be allowed
8 compensation for services and mileage at such rate as may be appropriated but
9 not to exceed the rate prescribed for state employees in state travel
10 regulations.

11
12 7-4-128. Compensation of county election coordinators.

13 (a) County election coordinators shall be compensated in an amount to
14 be determined by the quorum court.

15 (b)(1) The State of Arkansas shall establish a fund to administer
16 grants to the counties to support the activities of the county election
17 coordinator.

18 (2) Grant funds may be used by the counties to:

19 (A) Pay salaries of county election coordinators and any
20 assistants to the county election coordinator;

21 (B) Provide office supplies and equipment to be used by
22 the county election coordinator in performing election functions; and

23 (C) Establish the county election coordinator's office.

24 (c) The grants shall be paid from an appropriation to the Secretary of
25 State for that purpose.

26 (d) The Secretary of State shall establish guidelines for the
27 distribution of state grant funds that take into account:

28 (1) The number of registered voters in each county;

29 (2) The number of cities and administratively domiciled school
30 districts in each county;

31 (3) Whether the county is employing an additional full-time
32 employee to serve as county election coordinator; and

33 (4) Any other factors that are related to a fair distribution of
34 the funds.

35 (e) Each county shall be responsible for the costs related to the
36 performance of the county election coordinator's duties, and may apply for

1 grants from the ~~state~~ Secretary of State to defray those costs.

2
3 7-4-129. Election poll workers program for high school students.

4 (a)(1) The county board of election commissioners may conduct a
5 special election day program for high school students in one (1) or more
6 polling places designated by the county board.

7 (2) The high school students shall be selected by the county
8 board in cooperation with the local high school principal, the local 4-H
9 club, the local Boy Scouts of America club, the local Girl Scouts of America
10 club, or any other local organization for young persons designated by the
11 county board.

12 (3)(A) A high school student selected for this program who has
13 not reached his or her eighteenth birthday by the election day in which he or
14 she is participating shall be called an election page.

15 (B) A high school student selected for this program who
16 has reached his or her eighteenth birthday by the election day in which he or
17 she is participating and meets the qualifications in § 7-4-112 may be an
18 election officer.

19 (b) The program shall:

20 (1) Be designed to stimulate the students' interest in elections
21 and registering to vote;

22 (2) Provide assistance to the officers of election; and

23 (3) Assist in the safe entry and exit of elderly voters and
24 voters with disabilities from the polling place.

25 (c)(1) Each student selected as an election page shall:

26 (A) Be excused from school while working as an election
27 page;

28 (B) Serve under the direct supervision of the election
29 officials officers at his or her assigned polling place; and

30 (C) Observe strict impartiality at all times.

31 (2) An election page may observe the electoral process and seek
32 information from the election officers but shall not handle or touch ballots,
33 voting machines, or any other official election materials or enter any voting
34 booth.

35 (3) An election page shall be in a volunteer position and shall
36 not receive any compensation for performing his or her duties.

1 (4) Before beginning any duties, an election page shall take,
2 before an election ~~official~~ officer, the following oath:

3
4 "I, _____, do swear that I will perform the duties of an election page
5 of this election according to law and to the best of my abilities, and that I
6 will studiously endeavor to prevent fraud, deceit, and abuse, and that I will
7 not disclose how any voter has voted, unless required to do so as a witness
8 in a judicial proceeding or a proceeding to contest an election."

9 (d)(1) Each student selected to be an election officer shall:

10 (A) Take the oath of the election officers in 7-4-123.

11 (B) Serve under the supervision of the appropriate county
12 board of election commissioners;

13 (C) Observe strict impartiality at all times; and

14 (D) Be excused from school while working as an election
15 official officer.

16 (2) A high school student selected to be an election officer may
17 be compensated as an election officer if the county board of election
18 commissioners determines that the high school students selected to be an
19 election officer should be compensated.

20
21 7-4-130. Election poll workers program for college students.

22 (a)(1) The county board of election commissioners may conduct an
23 election day program for college students in one (1) or more polling places
24 designated by the county board.

25 (2)(A) The college students shall be selected by the county
26 board from any two-year or four-year college or university in the state.

27 (B) The county board shall work in cooperation with the
28 student government associations of the colleges and universities in selecting
29 the students for the program and conducting seminars concerning election
30 procedures for students interested in the program.

31 (3)(A) A college student selected for this program who has not
32 reached his or her eighteenth birthday by the election day in which he or she
33 is participating shall be called an election page.

34 (B) A college student selected for this program who has
35 reached his or her eighteenth birthday by the election day in which he or she
36 is participating and meets the qualifications in § [7-4-112](#) shall be an

1 election officer.

2 (b) The program shall:

3 (1) Be designed to stimulate the students' interest in elections
4 and in registering to vote;

5 (2) Provide assistance to the officers of the election; and

6 (3) Assist in the safe entry and exit of elderly voters and
7 voters with disabilities from the polling place.

8 (c)(1) Each student selected as an election page shall:

9 (A) Serve under the direct supervision of the election
10 officials officers at his or her assigned polling place; and

11 (B) Observe strict impartiality at all times.

12 (2) An election page may observe the electoral process and seek
13 information from the election officers but shall not handle or touch ballots,
14 voting machines, or any other official election materials or enter any voting
15 booth.

16 (3) An election page shall be in a volunteer position and shall
17 not receive any compensation for performing his or her duties.

18 (4) Before beginning any duties, an election page shall take,
19 before an election ~~official~~ officer, the following oath:

20
21 "I, _____, do swear that I will perform the duties of an election page
22 of this election according to law and to the best of my abilities, and that I
23 will studiously endeavor to prevent fraud, deceit, and abuse, and that I will
24 not disclose how any voter has voted unless required to do so as a witness in
25 a judicial proceeding or a proceeding to contest an election."

26 (d)(1) Each student selected to be an election ~~official~~ officer
27 shall:

28 (A) Take the oath of the election officials in 7-4-123;

29 (B) Serve under the supervision of the appropriate county
30 board of election commissioners; and

31 (C) Observe strict impartiality at all times.

32 (2) A college student selected to be an election officer shall
33 be compensated as an election officer.

34
35 7-4-131. Lists of county chairpersons - Notification of vacancies.

36 (a)(1) It shall be the duty of all recognized parties to keep on file

1 with their respective state chair a complete list of all of their respective
2 county chairs.

3 (2) It shall be the duty of the respective county chairs of all
4 recognized parties to keep on file with the Secretary of State a letter
5 stating the name of the county chairs and to notify promptly the Secretary of
6 State of the death, resignation, disqualification, or vacancy in the office
7 of any county chair and of the election of a new chair to fill the vacancy
8 thus created.

9 (b) It shall be the duty of the Secretary of State to keep the letters
10 containing the names of the county chairpersons of all recognized parties as
11 public records open at all times to public inspection.

12
13 SECTION 27. Arkansas Code § 7-5-101 is amended to read as follows:

14 7-5-101. Precinct boundaries and polling sites - Establishment and
15 alteration.

16 (a)(1) ~~The county board of election commissioners is empowered to~~
17 election coordinator may alter the boundaries of existing election precincts
18 and to establish new ones when, in its judgment, it may be necessary.

19 (2)(A)(i) ~~The county board~~ election coordinator shall fix a
20 polling site for each election precinct.

21 (ii) The polling sites for each election shall be
22 the same as those established for the immediately preceding general election
23 unless changed under Arkansas law.

24 (iii) All polling sites shall be fixed at well-known
25 points in the several precincts and be easily accessible to all electors
26 entitled to vote in an election.

27 (B) ~~The county board~~ coordinator may combine polling sites
28 for two (2) or more precincts when, in its judgment, it may be necessary.

29 ~~(C) The county board may allow school elections to be~~
30 ~~conducted by early voting and absentee voting only and open no polling sites~~
31 ~~on a school election day in any election year if no more than one (1)~~
32 ~~candidate for school district director presents a petition or notice in~~
33 ~~writing to the county board of election commissioners as required by § 6-14-~~
34 ~~111 and if there are no other ballot issues to be submitted to district~~
35 ~~electors for consideration, if requested by resolution adopted by the board~~
36 ~~of directors of any school district.~~

1 (3) In changing the boundaries of existing precincts or in
2 creating new ones, the county ~~board~~ election coordinator shall arrange them
3 so that all qualified voters residing in the precincts may vote on the same
4 day.

5 (4)(A) ~~The county board shall not have the power to change the~~
6 ~~boundaries of existing precincts~~ may not be changed, ~~to create nor~~ any new
7 precinct created, ~~or to change the~~ nor any polling site changed in any
8 precinct within thirty (30) days of any election, ~~but all elections shall be~~
9 ~~held at the sites and within the boundaries as they existed thirty (30) days~~
10 ~~before the date of the election.~~

11 (B) In the event of an emergency, a county ~~board~~ election
12 coordinator may change a precinct boundary or a polling site within thirty
13 (30) days of the election.

14 ~~(b) All polling sites shall be fixed at well known points in the~~
15 ~~several precincts and easily accessible to all electors entitled to vote~~
16 ~~therein.~~

17 ~~(e)~~(b)(1)(A) The action of the county ~~board~~ election coordinator in
18 changing the polling site in any precinct, in altering the boundaries of any
19 precinct, or in establishing any new one shall be determined in a public
20 meeting ~~pursuant to § 7-4-105~~ of the county board and any changes shall be
21 approved and ~~shall be~~ entered in the record by the county board to be kept on
22 file in the county clerk's office.

23 (B) A copy of the order, which shall set out intelligently
24 and accurately the boundaries of precincts as so altered or established,
25 shall be filed with the clerk of the county court, who shall record the order
26 at full length on the record book on which the minutes of the proceedings of
27 the county court are recorded.

28 (2)(A)(i)(a) Within thirty (30) days after altering the
29 boundaries of an election precinct or establishing a new one, the county
30 ~~board~~ election coordinator shall submit four (4) copies of the changes to the
31 Secretary of State.

32 (b) The changes shall be submitted in the form of a map and shall
33 include a written description.

34 (ii) A short statement of why the changes were made
35 may be included.

36 (B) Upon receipt of the changes, the Secretary of State

1 shall immediately forward a copy to the office of the Attorney General, the
2 State Data Center, and the Cartography Section of the Arkansas State Highway
3 and Transportation Department.

4 (d)(1)(A) Notice of any changes made in polling sites shall also be
5 given to the electors by prominently posting information about any changes at
6 all previous polling sites which were used in the last election.

7 (B) If the change is only temporary, the notice shall
8 state the elections for which the change is effective.

9 (2) Except for school elections and special elections, the
10 notice shall also be mailed by the county ~~clerk~~ election coordinator to each
11 affected registered voter at least fifteen (15) days before the election.
12

13 SECTION 28. Arkansas Code § 7-5-104(a)(2), concerning the allocation
14 of election expenses, is amended to read as follows:

15 (2) However, any city or incorporated town shall reimburse the
16 county ~~board of election commissioners~~ for the expenses of the elections in
17 an amount equal to a figure derived by multiplying fifty percent (50%) of the
18 total cost of each election by a fraction, the numerator of which shall be
19 the number of voters from the city or incorporated town casting ballots in
20 each election prepared by the county board, and the denominator of which
21 shall be the total number of voters casting ballots in each election.
22

23 SECTION 29. Arkansas Code § 7-5-107(a), concerning the use of voter
24 registration lists by election ~~officials~~ officers, is amended to read as
25 follows:

26 (a) In any election conducted in this state, precinct voter
27 registration lists shall be used by election ~~officials~~ officers ~~at~~ in each
28 ~~precinct~~ polling place.
29

30 SECTION 30. Arkansas Code § 7-5-109(b), concerning computerized voter
31 registration lists, is amended to read as follows:

32 (b)(1) The county clerks shall be entitled to a fee in connection with
33 the preparation of any registered voter list that shall reimburse the county
34 clerk for reproduction expenses. The value of office equipment previously
35 secured for the office of the county clerk shall not be considered when
36 determining the amount of this fee.

1 (2) However, the county clerk shall provide the list and any
 2 associated data at no charge to the county election coordinator at the
 3 request of the coordinator and shall provide the list and associated data on
 4 an expedited basis if requested by the county election coordinator.

5
 6 SECTION 31. Arkansas Code § 7-5-202, as amended by Act 222 of the 2007
 7 Regular Session, is amended to read as follows:

8 7-5-202. Public notice of elections.

9 (a) It shall be the duty of the ~~county board of election commissioners~~
 10 county election coordinator at least twenty (20) days before each
 11 preferential primary and general election and at least ten (10) days before
 12 the holding of each general primary, general runoff, or special election to
 13 give public notice in a newspaper of general circulation in the county of:

14 (1) The date of the election;

15 (2) The hours of voting on election day;

16 (3) Polling sites for holding the elections in the county;

17 (4) The candidates and offices to be elected at that time, and
 18 measures and questions to be included on the ballot; and

19 (5) The time and location of the opening, processing,
 20 canvassing, and counting of ballots.

21 (b)(1) At least five (5) days prior to a preferential primary, general
 22 primary, general election, general runoff, or special election, a copy of the
 23 public notice may be posted at each polling site fixed for holding the
 24 election and shall be published in a newspaper of general circulation in the
 25 county.

26 (2) At least fifteen (15) days prior to the election, each
 27 county board shall prepare and post in a public place in its county clerk's
 28 office its list of appointed election officials.

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

31 (1) The public notice required in subsection (a) of this
 32 section;

33 (2) At least two (2) sample ballots, marked with the word
 34 "SAMPLE", of each ballot style that will be used at the polling site;

35 (3) Two (2) copies of the full text of all measures on the
 36 ballot;

1 (4) At least two (2) copies of instructions on how to vote,
2 including how to cast a provisional ballot and instructions on fail-safe
3 voting;

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

8 (6) General information on federal and state laws regarding
9 prohibitions on acts of fraud and misrepresentation;

10 (7)(A) Double-sided signs containing the words "VOTE HERE".

11 (B) Each sign shall be at least two feet (2') by two
12 feet (2') in size and shall contain an arrow pointing to the polling site.

13 (C) A sign shall be posted near each main driveway
14 entrance to the polling site on each public street bordering the polling site
15 so as to be visible to all traffic approaching the polling site.

16 (D) The sign shall be as close as possible to the
17 public street without obstructing traffic; and

18 (8) One (1) printout from each voting machine showing
19 whether the candidate and question counters register zero (0).

20 (d) The Secretary of State shall provide to each ~~county board of~~
21 ~~election commissioners~~ county election coordinator and ~~each county clerk~~ the
22 information to be posted at each polling site according to subdivisions
23 (c)(5) and (6) of this section.

24
25 SECTION 32. Arkansas Code § 7-5-203 is amended to read as follows:

26 7-5-203. Certification of candidate lists.

27 (a) Not fewer than fifty (50) days before each general election day,
28 the Secretary of State shall certify to all ~~county boards of election~~
29 ~~commissioners~~ county election coordinators full lists of all candidates to be
30 voted for in their respective counties as the nominations have been certified
31 to him or her.

32 (b) Not fewer than fifty (50) days before each general election day,
33 the clerk of each county shall certify to the ~~county board~~ county election
34 coordinator of his or her county a full list of all candidates to be voted
35 for in the county as the nominations have been certified to him or her.

36 (c) However, in special elections held to fill vacancies or to elect

1 officers in case of a tie vote, the certification shall issue at the time
2 specified in the writ of election issued by the appropriately constituted
3 authority.

4
5 SECTION 33. Arkansas Code § 7-5-204, as amended by Act 222 of the 2007
6 Regular Session, is amended to read as follows:

7 7-5-204. Certification of questions submitted to voters.

8 Whenever a proposed amendment to the Arkansas Constitution or other
9 measure or question is to be submitted to a vote of the people, the Secretary
10 of State shall not fewer than sixty (60) days before each general election
11 day certify the amendment, measure, or question to the ~~county board of~~
12 ~~election commissioners~~ county election coordinator of each county in the
13 state. The county ~~board~~ election coordinator shall include the amendment,
14 measure, or question in the posting which it is required to make under § 7-5-
15 206.

16
17 SECTION 34. Arkansas Code § 7-5-205, as amended by Act 222 of the 2007
18 Regular Session, is amended to read as follows:

19 7-5-205. Write-in candidates' votes - When counted.

20 (a) No votes for write-in candidates in general elections shall be
21 counted or tabulated unless:

22 (1) The candidate or his or her agent shall ~~notify in writing~~
23 file a notice of write-in candidacy with the county board of election
24 ~~commissioners of each county in which the candidate seeks election~~ county
25 clerk, if a candidate for a county or township office, and either the
26 Secretary of State, and the county clerk in each county where the candidate
27 seeks election if a state or district candidate, ~~or a county clerk, if a~~
28 ~~candidate for a county or township office, of his or her intention to be a~~
29 ~~write-in candidate~~ no earlier than noon on the third Tuesday in March and not
30 later than ninety (90) days before the election day; and

31 (2) The name written on the ballot is the same name listed on
32 the write-in candidate's political practices pledge, except that any
33 abbreviation, misspelling, or other minor variation in the form of the name
34 of the candidate shall be disregarded if the intention of the voter may be
35 ascertained.

36 (b) This section shall not apply to the offices of Justice of the

1 Supreme Court, Judge of the Court of Appeals, circuit judge, or district
2 judge.

3

4 SECTION 35. Arkansas Code § 7-5-206 is amended to read as follows:

5 7-5-206. Publication requirements.

6 (a) ~~The county board of election commissioners~~ county election
7 coordinator shall make publication of all nominations filed with it, of all
8 nominations ~~certified to it by the Secretary of State,~~ of all proposed
9 amendments to the Arkansas Constitution, and of all other measures
10 and questions certified to it by the Secretary of State or required by law to
11 be submitted to the electors at any election, by posting a list thereof at
12 the door of the courthouse at least ten (10) days before the day of the
13 election.

14 (b) ~~The county board~~ county election coordinator shall alter any
15 sample ballots distributed to the public or members of the press so as to
16 prevent persons from producing counterfeit ballots by stamping sample ballots
17 with the word "SAMPLE".

18

19 SECTION 36. Arkansas Code § 7-5-207(a), concerning the form of
20 election ballots, is amended to read as follows:

21 (a) All election ballots provided by the ~~county board of election~~
22 ~~commissioners~~ county election coordinator of any county in this state for any
23 election shall contain in the proper place the name of every candidate whose
24 nomination for any office to be filled at that election has been certified to
25 the ~~county board~~ county election coordinator and shall not contain the name
26 of any candidate or person who has not been certified. If any candidate
27 shall, prior to the printing of the ballots, notify the Secretary of State in
28 the case of a United States, state, or district office, or the ~~county board~~
29 county election coordinator in the case of a county, city, or township
30 office, in writing, signed by the candidate, and acknowledged before an
31 officer authorized to take acknowledgments, of his desire to withdraw as a
32 candidate for the office or position, the name of the person shall not be
33 printed on the ballot at the election.

34

35 SECTION 37. Arkansas Code § 7-5-208(a) effective January 1, 2006 and
36 concerning the form of paper ballots, is amended to read as follows:

1 (a) All election ballots provided by the ~~county board of election~~
2 ~~commissioners~~ county election coordinator of any county in this state for any
3 election shall be alike and shall be printed in plain type.

4
5 SECTION 38. Arkansas Code § 7-5-209 is amended to read as follows:

6 7-5-209. Ballots - Correction of errors.

7 Whenever it shall appear by affidavit that an error or omission has
8 occurred in the publication of the names or description of candidates
9 nominated for office or in the printing of ballots, the county board of
10 election commissioners shall in a public meeting announce the error or
11 omission and immediately direct the county election coordinator to correct
12 the error or omission or show cause why the correction should not be done.

13
14 SECTION 39. Arkansas Code § 7-5-210 is amended to read as follows:

15 7-5-210. Ballots - Number - Official.

16 (a) The ~~county board of election commissioners~~ county election
17 coordinator of each county in this state not using voting machines shall, in
18 due time for each general or special election, provide for each election
19 precinct, and for each ward of a city or incorporated town in its county, one
20 hundred fifty (150) printed ballots for each one hundred (100), or fraction
21 of one hundred (100), electors voting thereat at the last-preceding
22 comparable election. Provided, however, the total number of ballots required
23 to be printed for each election precinct and for each ward of a city or
24 incorporated town shall not be required to exceed one hundred five percent
25 (105%) of the total number of registered voters for the respective precinct
26 or ward.

27 (b) No ballot shall be received or counted in any election to which
28 this act applies unless it is provided by the ~~county board~~ county election
29 coordinator as provided in this section.

30
31 SECTION 40. Arkansas Code § 7-5-211 is amended to read as follows:

32 7-5-211. Delivery of election supplies.

33 (a) At least one (1) day before any election:

34 (1)(A) The ~~county board of election commissioners~~ county
35 election coordinator shall designate a suitable person or persons and deliver
36 to the person or persons the ballots as set forth in § 7-5-210.

1 (B) The person shall not be an elected official, the
2 elected official's deputy, or a candidate for office;

3 (2) For each set of election ~~officials~~ officers in each ~~precinct~~
4 polling place, the ~~county board~~ county election coordinator shall deliver to
5 the designated person or persons the following additional election supplies,
6 if applicable:

7 (A) A good and sufficient ballot box with numbered seals;

8 (B) Sufficient list-of-voters forms adequate to record the
9 names of all registered voters who appear to vote in the precinct;

10 (C) A precinct voter registration list;

11 (D) Sufficient tally sheets;

12 (E) Envelopes to seal the ballots and certificates;

13 (F) Separate sheets containing blank forms of certificates
14 prepared to enable the election officials to properly certify the result of
15 the election, upon which certificates shall be endorsed a blank form of oath
16 to be taken by the election officials before entering upon the discharge of
17 their duties;

18 (G) Voter registration application forms for voters using
19 fail-safe voting and other record-keeping supplies necessary to document
20 fail-safe voting procedures; and

21 (H) In those counties in which an ~~optical scanner~~
22 electronic vote tabulating device is used to count paper ballots, the marking
23 instrument recommended by the manufacturer of the ~~optical scanner~~ device for
24 proper marking on the ballots shall be provided.

25 (b) The ~~county board~~ county election coordinator shall be responsible
26 for the security of the delivered election materials.

27 (c) The ~~county board~~ county election coordinator shall be responsible
28 for providing ballots and election materials for absentee and early voting to
29 the county clerk prior to the beginning day for absentee and early voting.
30

31 SECTION 41. Arkansas Code § 7-5-301 is amended to read as follows:

32 7-5-301. Acquisition, use, and cost of voting systems. [Effective
33 January 1, 2006.]

34 (a) The casting and counting of votes in all elections shall be by:

35 (1) Voting machines selected by the Secretary of State;

36 (2) Electronic vote tabulating devices in combination with

1 voting machines accessible to voters with disabilities to be selected by the
2 Secretary of State; or

3 (3) Paper ballots counted by hand in combination with voting
4 machines accessible to voters with disabilities selected by the Secretary of
5 State.

6 (b)(1) All direct recording electronic voting machines in use on or
7 after January 1, 2006, shall include a voter-verified paper audit trail,
8 except for those direct recording electronic voting machines in use during
9 the 2004 general election that may include a voter-verified paper audit trail
10 at the discretion of the county election commission.

11 (2) All direct recording electronic voting machines purchased on
12 or after January 1, 2006, shall include a voter-verified paper audit trail.

13 (c)(1) The quorum court of each county shall choose by resolution a
14 voting system containing voting machines or electronic vote tabulating
15 devices, or both, or voting machines in combination with paper ballots
16 counted by hand for use in all elections in the county.

17 (2) Any voting machine or electronic vote tabulating devices
18 chosen by the quorum court shall be those selected by the Secretary of State.

19 (3) Any voting system used in elections for federal office shall
20 comply with the requirements of the federal Help America Vote Act of 2002.

21 (d)(1) Voting machines and electronic vote tabulating devices shall be
22 purchased pursuant to a competitive bidding process with consideration given
23 to:

24 (A) Price;

25 (B) Quality; and

26 (C) Adaptability to Arkansas ballot requirements.

27 (2) The Secretary of State shall use a portion of the funds
28 provided by the federal government and the state for the purpose of complying
29 with the requirements of the federal Help America Vote Act of 2002 to
30 purchase and distribute voting machines and electronic vote tabulating
31 devices and other equipment necessary to the administration of elections.

32 (3) Each county shall bear the cost of acquiring any additional
33 voting machines or electronic vote tabulating devices or other equipment
34 necessary to the administration of elections.

35 (e) The Secretary of State or the ~~county board of election~~
36 ~~commissioners~~ county election coordinator shall not purchase or procure any

1 voting machine or electronic vote tabulating device unless the party selling
2 the machine or device shall:

3 (1) Guarantee the machines in writing for a period of one (1)
4 year; and

5 (2) Provide, if deemed necessary by the county, personnel for
6 the supervision and training of county personnel for at least two (2)
7 elections, one (1) primary and one (1) general.

8 (f) Each county shall provide polling places that are adequate for the
9 operation of the voting system, including, but not limited to, access, if
10 necessary, to a sufficient number of electrical outlets and telephone lines.

11 (g) Each county shall provide or contract for adequate technical
12 support for the installation, set up, and operation of the voting system for
13 each election.

14 (h)(1) The Secretary of State shall be responsible for the
15 development, implementation, and provision of a continuing program to educate
16 voters, ~~and election officials,~~ and election officers in the proper use of
17 the voting system.

18 ~~(2) Each county shall bear the cost, including transportation,~~
19 ~~subsistence, and lodging, incurred by its election and registration officials~~
20 ~~and officers in attending courses taught by or arranged by the Secretary of~~
21 ~~State for instruction in the use of the voting system.~~

22 (i) Electronic vote tabulating devices and voting
23 machines, authorized as provided under this subchapter, may be acquired and
24 used in any election upon the adoption of an ordinance by the quorum court of
25 the county.

26 (j) The costs of using electronic vote tabulating devices and voting
27 machines at all general and special elections, including, but not limited to,
28 costs of supplies, technical assistance, and transportation of the systems to
29 and from the polling places, shall be paid in accordance with § 7-5-104.

30 (k) ~~The county board of election commissioners~~ county election
31 coordinator shall have complete control and supervision of voting machines
32 and electronic vote tabulating devices at all elections.

33 (l) The county clerk shall have supervision of voting machines and
34 electronic vote tabulating devices used for early voting in the clerk's
35 designated early voting location.

36 (m)(1) ~~The county board of election commissioners~~ county election

1 coordinator shall have the care and custody of all voting machines and all
2 electronic vote tabulating devices while not in use.

3 (2) The ~~county board of election commissioners~~ county election
4 coordinator shall be responsible for the proper preparation, use,
5 maintenance, security, and care of the voting machines and the electronic
6 vote tabulating devices during the period of time required for that election.

7
8
9
10 SECTION 42. Arkansas Code § 7-5-305 is amended to read as follows:
11 7-5-305. Requirements.

12 (a) Before a person is permitted to vote, the election ~~official~~
13 officer shall:

14 (1) Request the voter to identify himself or herself in order to
15 verify the existence of his or her name on the precinct voter registration
16 list;

17 (2) Request the voter, in the presence of the election ~~official~~
18 officer, to state his or her address and state or confirm his or her date of
19 birth;

20 (3) Determine that the voter's date of birth and address are the
21 same as those on the precinct voter registration list;

22 (4) If the date of birth given by the voter is not the same as
23 that on the precinct voter registration list, request the voter to provide
24 identification as the election ~~official~~ officer deems appropriate;

25 (5)(A) If the voter's address is not the same as that on the
26 precinct voter registration list, verify with the county clerk that the
27 address is within the precinct.

28 (B) If the address is within the precinct, request the
29 voter to complete a voter registration application form for the purpose of
30 updating county voter registration record files.

31 (C) If the address is not within the precinct, instruct
32 the voter to:

33 (i) Contact the county clerk's office to determine
34 the proper precinct; and

35 (ii) Go to the polling site serving that precinct in
36 order for his or her vote to be counted;

1 (6) If the voter's name is not the same as that on the precinct
2 voter registration list, request the voter to complete a voter registration
3 application form for purposes of updating county voter registration record
4 files;

5 (7) Request the voter, in the presence of the election ~~official~~
6 officer, to sign his or her name, including the given name, middle name or
7 initial, if any, and last name in the space provided on the precinct voter
8 registration list. If a person is unable to sign his or her signature or make
9 his or her mark or cross, the election ~~official~~ officer shall enter the
10 voter's initials and the voter's date of birth in the space for the person's
11 signature on the precinct voter registration list;

12 (8)(A) Request the voter for purposes of identification to
13 provide a current and valid photo identification or a copy of a current
14 utility bill, bank statement, government check, paycheck, or other government
15 document that shows the name and address of the voter.

16 (B)(i) If a voter is unable to provide this
17 identification, the election ~~official~~ officer shall indicate on the precinct
18 voter registration list that the voter did not provide identification.

19 (ii) A first-time voter who registers by mail
20 without providing identification when registering and desires to vote in
21 person but who does not meet the identification requirements of subdivision
22 (a)(8)(A) of this section may cast a provisional ballot.

23 (iii) Following each election, the ~~county board of~~
24 ~~election commissioners~~ county election coordinator may review the precinct
25 voter registration lists and may provide the information of the voters not
26 providing identification at the polls to the prosecuting attorney.

27 (iv) The prosecuting attorney may investigate
28 possible voter fraud;

29 (9) Follow the procedures under §§ 7-5-310, 7-5-311, and 7-5-
30 523, if the person is a voter with a disability and presents himself or
31 herself to vote; and

32 (10) Permit the person to cast a provisional ballot if the
33 person received an absentee ballot according to the precinct voter
34 registration list.

35 (b) A person not listed on the precinct voter registration list may
36 vote only in accordance with § 7-5-306.

1
2 SECTION 43. Arkansas Code § 7-5-306, as amended by Act 224 of the 2007
3 Regular Session, is amended to read as follows:

4 7-5-306. Procedure when voter's name is not on the precinct voter
5 registration list.

6 (a) If the voter's name is not on the precinct voter registration
7 list, the election ~~official~~ officer shall permit the voter to vote only under
8 the following conditions:

9 (1) The voter identifies himself or herself by stating his or
10 her name and date of birth and is verified by the county clerk as a
11 registered voter within the county and, if the county is divided into more
12 than one (1) congressional district, within the same congressional district;

13 (2) The voter gives and affirms his or her current residence and
14 the election ~~official~~ officer verifies with the county clerk that the voter's
15 residence is within the precinct;

16 (3) The voter completes an updated voter registration
17 application form; and

18 (4) The voter signs the precinct voter registration list.

19 (b) If the voter is not listed on the precinct voter registration list
20 and the election ~~official~~ officer is unable to verify the voter's
21 registration with the county clerk county election coordinator and the voter
22 contends that he or she is a registered voter in the precinct in which he or
23 she desires to vote and that he or she is eligible to vote, then the voter
24 shall be permitted to cast a provisional ballot.

25
26 SECTION 44. Arkansas Code 7-5-309, as amended by Act 224 of the 2007
27 Regular Session, is amended to read as follows:

28 7-5-309. Voting procedure.

29 (a)(1) At general, primary, special, and school elections in counties
30 which use paper ballots, the ~~county board of election commissioners~~ county
31 election coordinator shall provide in each polling site at least one (1)
32 voting booth for each fifty (50) registered electors voting in the last-
33 preceding comparable election.

34 (2) Each voting booth shall be situated so as to permit voters
35 to prepare their ballots screened from observation and shall be furnished
36 with any supplies and conveniences as will enable the voter to prepare his

1 ballot.

2 (3) The voting booths shall be situated in the polling site in
3 plain view of the election ~~officials~~ officers.

4 (4) No person other than the election ~~officials~~ officers and
5 those admitted for the purpose of voting shall be permitted within the
6 immediate voting area, which shall be considered as within six feet (6') of
7 the voting booths, except by authority of the election ~~officials~~ officers and
8 then only when necessary to keep order and enforce the law.

9 (b) Before giving the voter a ballot, an election official shall:

10 (1) Initial the back of the ballot;

11 (2) Remove the ballot stub; and

12 (3) Place the stub into the stub box provided.

13 (c)(1)(A) Upon receiving his ballot, the voter shall proceed to mark
14 it by placing an appropriate mark.

15 (B) No voter shall be allowed more than five (5) minutes
16 to mark his ballot.

17 (2) The voter shall then personally deposit the ballot in the
18 ballot box provided.

19 (d)(1) The voter shall not be required to sign, initial, or in any way
20 identify himself or herself with the ballot, the ballot stub, or the list of
21 voters other than in the manner set forth in this section.

22 (2) However, an election ~~official~~ officer may inspect the back
23 of the ballot before the voter deposits it to see if it has been initialed by
24 an election ~~official~~ officer.

25 (e) No person shall be permitted to carry a ballot outside of the
26 polling place.

27 (f) After having voted or having declined to do so, the voter shall
28 immediately depart from the polling site.

29

30 SECTION 45. Arkansas Code 7-5-310 is amended to read as follows:

31 7-5-310. Privacy - Assistance to voters with disabilities. [~~Effective~~
32 ~~January 1, 2006.~~]

33 (a) Each voter shall be provided the privacy to mark his or her
34 ballot. Privacy shall be provided by each ~~county board of election~~
35 ~~commissioners~~ county election coordinator to ensure that voters desiring
36 privacy are not singled out.

1 (b)(1) A voter shall inform the election ~~officials~~ officers at the
2 time that the voter presents himself or herself to vote that he or she is
3 unable to mark the ballot because he or she cannot read or write or because
4 of physical, sensory, or other disability or other legal cause.

5 (2) The voter shall be directed to a voting machine equipped for
6 use by persons with disabilities where he or she may elect to cast his or her
7 ballot without assistance, or the voter may request assistance with either
8 the paper ballot or the voting machine by:

9 (A) Two (2) election ~~officials~~ officers; or

10 (B) A person named by the voter.

11 (3) If the voter is assisted by two (2) election ~~officials~~
12 officers, one (1) of the election ~~officials~~ officers shall observe the voting
13 process and one (1) may assist the voter in marking the ballot according to
14 the wishes of the voter without comment or interpretation.

15 (4) If the voter is assisted by one (1) person named by the
16 voter, he or she may assist the voter in marking the ballot according to the
17 wishes of the voter without any comment or interpretation.

18 (5)(A) It shall be the duty of the election ~~officials~~ officers
19 at the polling site to make and maintain a list of the names and addresses of
20 all persons assisting voters.

21 (B) The election officers shall ask the voter's designated
22 assister for identification, but failure to show identification shall not
23 disqualify the assister from assisting the voter.

24 (c) Any voter who because of physical, sensory, or other disability
25 who presents himself or herself for voting and who then informs an election
26 ~~official~~ officer at the polling site that he or she is unable to stand in
27 line for extended periods of time shall be entitled to and assisted by an
28 election ~~official~~ officer to advance to the head of any line of voters then
29 waiting in line to vote at the polling site.

30
31 SECTION 46. Arkansas Code 7-5-311 is amended to read as follows:

32 7-5-311. Voters with disabilities - Special procedures.

33 (a) ~~The county boards of election commissioners with respect to~~
34 ~~general, special, and primary elections under their several jurisdictions~~
35 county election coordinator shall provide voting locations which are
36 accessible to voters with disabilities and shall provide reasonable and

1 adequate methods whereby voters with disabilities may personally and secretly
2 execute their ballots at the polling places.

3 (b) The State Board of Election Commissioners, after conferring with
4 and obtaining the assistance of persons with disabilities or organizations of
5 citizens with disabilities, shall offer to assist local election authorities
6 with the implementation of Title II requirements of the Americans with
7 Disabilities Act and with the Title III requirements of the Help America Vote
8 Act regarding accessibility for voters with disabilities.

9 (c) As used in this section, the term "disability" means any physical,
10 mental, or sensory impairment.

11 (d)(1) The county board and the county election coordinator shall be
12 responsible for compliance with this section and with Pub. L. No. 98-435,
13 Title II of Pub. L. No. 101-336, the Americans with Disabilities Act, and the
14 Help America Vote Act regarding the accessibility of voting locations for
15 voters with disabilities.

16 (2)(A) The state board shall ~~provide the chair of each county~~
17 ~~board, and the chair of each county political party, and each~~ county election
18 coordinator a copy of this section and of Pub. L. No. 98-435.

19 ~~(B) The state board shall send the copies by certified~~
20 ~~mail.~~

21
22 SECTION 47. Arkansas Code 7-5-312, as amended by Act 224 of the 2007
23 Regular Session, is amended to read as follows:

24 7-5-312. Challenge of voter's ballot by poll watchers, candidates, or
25 designees.

26 (a) Poll watchers shall include any:

27 (1) Candidate in person;

28 (2) Authorized representative of a candidate;

29 (3) Authorized representative of a group seeking the passage or
30 defeat of a measure on the ballot; and

31 (4) Authorized representative of a political party with a
32 candidate on the ballot.

33 (b) Each candidate, group, or party may have, at any given time during
34 the election, including early voting:

35 (1) One (1) authorized representative present at any one

36 (1) time at each location within a polling site where voters identify

1 themselves to election ~~officials~~ officers, so as to observe and ascertain the
2 identity of those persons presenting themselves to vote for the purpose of
3 challenging any voter who appears for the purpose of casting a ballot; and

4 (2) One (1) authorized representative present at any one
5 (1) time at each location within the absentee ballot processing site where
6 absentee ballots are processed, so as to observe and ascertain the identity
7 of absentee voters for the purpose of challenging any absentee vote.

8 (c) In accordance with Arkansas Code §§ 7-5-316, 7-5-413, 7-5-416, 7-
9 5-527, and 7-5-615, a candidate in person or an authorized representative of
10 a candidate or political party may be present at a polling site, central
11 counting location, and absentee ballot counting location for the purpose of
12 witnessing the counting of ballots ~~by election officials~~ and determining
13 whether ballots are fairly and accurately counted.

14 (d) The document designating and authorizing a representative of a
15 candidate, a representative of a group seeking the passage or defeat of a
16 measure on the ballot, and a representative of a political party with a
17 candidate on the ballot shall be filed with the county clerk and a file-
18 marked copy shall be presented by the poll watcher to the election official
19 or election officer immediately upon entering the polling site, absentee
20 ballot processing site, or counting location in the following form:

21
22 POLL WATCHER AUTHORIZATION FORM

23
24 Representative of a Candidate

25
26 I,, state that I am a candidate for the office of
27 in the election. I further state
28 that I have designated at polling sites
29 and absentee ballot processing sites in
30 County, Arkansas to observe and ascertain the identity of persons presenting
31 themselves to vote in person or by absentee for the purpose of challenging
32 any voter in accordance with Arkansas Code §§ 7-5-312, 7-5-416, and 7-5-417.
33 I further state that I have designated and authorized my representative named
34 above to be present at the ballot counting locations at in
35 County, Arkansas for the purpose of witnessing the counting of
36 ballots ~~by election officials~~ and determining whether ballots are fairly and

1 accurately counted in accordance with Arkansas Code §§ 7-5-312, 7-5-316, 7-5-
2 413, 7-5-416, 7-5-527, and 7-5-615.

3
4 Representative of a Group

5
6 I,, state that I represent the
7 group which is seeking passage/defeat (circle one) of the ballot measure
8 entitled on the ballot in the election
9 at polling sites and absentee ballot processing sites
10 in County, Arkansas, to observe and ascertain
11 the identity of persons presenting themselves to vote in person or by
12 absentee for the purpose of challenging any voter in accordance with Arkansas
13 Code §§ 7-5-312, 7-5-416, and 7-5-417.

14
15 Representative of a Party

16
17 I,, state that I am the chairman or secretary of the
18 state/county (circle one) committee for the party with
19 candidates on the ballot in the election. I further state
20 that I have designated as an authorized party
21 representative at the election at polling sites and absentee
22 ballot processing sites in County, Arkansas,
23 to observe and ascertain the identity of persons presenting themselves to
24 vote in person or by absentee for the purpose of challenging any voter in
25 accordance with Arkansas Code §§ 7-5-312, 7-5-416, and 7-5-417. I further
26 state that I have designated and authorized my representative named above to
27 be present at the ballot counting locations at in
28 County, Arkansas, for the purpose of witnessing the counting
29 of ballots ~~by election officials~~ and determining whether ballots are fairly
30 and accurately counted in accordance with Arkansas Code §§ 7-5-312, 7-5-316,
31 7-5-413, 7-5-416, 7-5-527, and 7-5-615.

32
33

34
35 Signature of Candidate, Group Representative, or Chairman/Secretary of the
36 State/County Committee

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Acknowledged before me this day of, 20

Notary Public: My Commission Expires:

I do hereby state that I am familiar with the rights and responsibilities of a poll watcher as outlined on the back of the poll watcher authorization form and will in good faith comply with the provisions of same.

.....

Signature of the Poll Watcher

Acknowledged before me this day of, 20

Notary Public: My Commission Expires:

I do hereby acknowledge filing this poll watcher authorization form with the county clerk's office.

.....

Signature of County Clerk

(e) Poll watcher rights and responsibilities shall be printed on the back of the document in the following form:

POLL WATCHER RIGHTS AND RESPONSIBILITIES

A poll watcher may be:

- (1) A candidate in person;*
- (2) An authorized representative of a candidate;*
- (3) An authorized representative of a group seeking the passage or defeat of a measure on the ballot; or*
- (4) An authorized representative of a party with a candidate on the ballot.*

1 Official recognition of poll watchers:

2 (1) Only one (1) authorized poll watcher per candidate, group, or party
3 at any one (1) given time may be officially recognized as a poll watcher at
4 each location within a polling site where voters identify themselves to
5 election ~~officials~~ officers;

6 (2) Only one (1) authorized poll watcher per candidate, group, or party
7 at any one (1) given time may be officially recognized as a poll watcher at
8 each location within the absentee ballot processing site where absentee
9 ballots are processed; and

10 (3) Only one (1) authorized poll watcher per candidate or party at any
11 one (1) given time may be officially recognized as a poll watcher at the
12 counting of the ballots.

13

14 Poll watcher credentials:

15 (1) Except for candidates in person, poll watchers must present a valid
16 affidavit in the form of a "Poll Watcher Authorization Form" to an election
17 ~~official~~ officer immediately upon entering the polling or counting location.

18 (2) Candidates in person are not required to present a "Poll Watcher
19 Authorization Form" but must present some form of identification to an
20 election ~~official~~ officer immediately upon entering the polling or counting
21 location for the purpose of confirming the poll watcher as a candidate on the
22 ballot.

23

24 Poll watchers may:

25 (1) Observe the election ~~officials~~ officers;

26 (2) Stand close enough to the precinct voter registration lists so as
27 to hear the voter's name and observe the voter's signature;

28 (3) Compile lists of persons voting;

29 (4) Challenge ballots upon notification to an election ~~official~~ officer
30 before the voter signs the precinct voter registration list and upon
31 completing a "Challenged Ballot Form";

32 (5) Call to the attention of the election sheriff any occurrence
33 believed to be an irregularity or violation of election law. The poll watcher
34 may not discuss the occurrence unless the election sheriff invites the
35 discussion; and

36 (6) Be present at the opening, processing, and canvassing of absentee

1 ballots for the purpose of challenging absentee votes in the manner provided
2 by law for personal voting challenges.

3

4 Poll watchers representing a candidate or political party may:

5 (1) Remain at the polling site after the poll closes if ballots are
6 counted at the poll;

7 (2) Be present at the counting of votes by hand or by an electronic
8 vote tabulating device at a central location;

9 (3) Be present at the counting of absentee ballots for the purpose of
10 witnessing the counting of ballots by election officials and determining
11 whether ballots are fairly and accurately counted; and

12 (4) Upon request made to an election official, inspect any or all
13 ballots at the time the ballots are being counted.

14

15 Poll watchers may not:

16 (1) Be within six feet (6') of any voting machine or booth used by
17 voters to cast their ballot;

18 (2) Electioneer inside the polling site or within one hundred feet
19 (100') of the primary exterior entrance used by voters to the building
20 containing the polling site;

21 (3) Speak to any voter or in any way attempt to influence a voter
22 inside the polling site or within one hundred feet (100') of the primary
23 exterior entrance used by voters to the building containing the polling site;
24 or

25 (4) Disrupt the orderly conduct of the election.

26

27 (f) Poll watcher rights and responsibilities shall be posted in plain
28 view at each polling site, absentee ballot processing site, and counting
29 site.

30 (g)(1) When the ballot of any voter is thus challenged, it shall be
31 treated as a provisional ballot.

32 (2) The poll watcher shall notify an election ~~official~~ officer
33 of the challenge before the voter signs the precinct voter registration list.

34 (3) The poll watcher shall complete a challenged ballot form.

35 (4) The election ~~official~~ officer shall inform the voter that
36 his or her ballot is being challenged.

1 (5) The procedures for casting a provisional ballot under § 7-5-
2 308 shall be followed.

3
4
5 SECTION 48. Arkansas Code 7-5-314 is amended to read as follows:

6 7-5-314. Duties of election ~~officials~~ officers - Voter lists - Voters
7 in line at closing time.

8 (a) At least one (1) election ~~official~~ officer in each precinct or at
9 each box shall mark the voter's name as having voted on the precinct voter
10 registration list furnished by the county clerk.

11 (b) If a voter's name does not appear on the precinct voter
12 registration list, the voter may vote only in accordance with § 7-5-306.

13 (c) In all counties, when the polls close, all persons who have
14 presented themselves for voting and who are then in line at the polling site
15 shall be permitted to cast their votes.

16 (d) The election ~~officials~~ officers shall then total the number of
17 voters on the voter lists, and the lists shall be certified and attested by
18 the election ~~officials~~ officers.

19
20 SECTION 49. Arkansas Code 7-5-315 is amended to read as follows:

21 7-5-315. Counting ballots at the polling site.

22 In counting the paper ballots at the polling site, the following
23 procedures shall be followed:

24 (1) The votes received by an unopposed candidate in any election
25 held in this state shall not be counted or tabulated by the election
26 ~~officials~~ officers. The word "UNOPPOSED" shall be sufficient to insert on the
27 tally sheet to indicate that the candidate has received a majority of the
28 votes cast in the election. However, the votes received by an unopposed
29 candidate for the office of mayor or circuit clerk shall be counted and
30 tabulated by the election ~~officials~~ officers;

31 (2) No write-in vote in any election in this state may be
32 counted unless the name of the write-in candidate shall have been written on
33 the ballot in the handwriting of the person casting the vote;

34 (3) In counting the ballots, the ballot box shall be opened, and
35 the ballots shall be counted by counting each ballot in turn or by counting
36 by offices and issues. The election ~~officials~~ officers ~~must~~ shall witness the

1 counting of the ballots and shall keep separate tally lists of the votes cast
2 for each candidate or issue on the ballot;

3 (4) When two (2) or more ballots are found folded together, it
4 shall be considered as conclusive evidence of their being fraudulent, and
5 neither of them shall be counted. If a ballot shall be found to contain a
6 greater number of names for any one (1) office than the number of persons
7 required to fill the office, it shall be considered fraudulent as to the
8 whole of the names designated to fill the office, but no further;

9 (5) Upon the close of the polls, the election ~~officials~~officers
10 shall immediately certify and attest the list of voters and continue the
11 count to completion. If any of the election ~~officials~~officers become sick or
12 incapacitated from any other cause, the remaining election ~~officials~~officers
13 shall continue the count until it is completed;

14 (6) After the count is completed, the election ~~officials~~
15 officers shall make out the certificates of election in triplicate and
16 immediately post one (1) copy outside the polling site;

17 (7)(A) The votes received by any person whose name appeared on
18 the ballot and who withdrew or died after the certification of the ballot or
19 filing period ended shall be counted.

20 (B)(i) If the person received enough votes to win
21 nomination or election, a vacancy in the nomination or election shall be
22 declared.

23 (ii)(a) If the person received enough votes to
24 qualify for a runoff, the person's name shall appear on the runoff ballot;
25 and

26 (b) If enough votes are cast for the person to
27 win the runoff, then a vacancy in the nomination or election shall exist; and

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

34
35 SECTION 50. Arkansas Code 7-5-316 is amended to read as follows:
36 7-5-316. Presence of candidate - Designation of representatives.

1 (a) After the polls have been closed, the counting of votes shall be
2 open to the public, and any candidate or political party may be present in
3 person or by representative designated in writing pursuant to § 7-5-312 at
4 the count of the ballots in any election for the purpose of determining
5 whether or not the ballots in any election precinct are fairly and accurately
6 counted. The candidate, political party, or authorized representative of the
7 candidate or political party shall be permitted, upon a request being made to
8 an election official or officer, to inspect any or all ballots at the time
9 the ballots are being counted.

10 (b) The representatives of political parties may be designated and
11 authorized by either the chairman or the secretary of the state or county
12 committee, and representatives of candidates may be designated and authorized
13 by the candidate represented.

14
15 SECTION 51. Arkansas Code 7-5-317 is amended to read as follows:
16 7-5-317. Processing and delivery of election materials.

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

19 (1) The list-of-voters form, precinct voter registration list,
20 voter registration application forms, and other recordkeeping supplies shall
21 be delivered to the county clerk county election coordinator; and

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

23 (A) One (1) copy of the certificate of election results
24 with one (1) copy of the tally sheets shall be delivered to the county clerk;
25 and

26 (B) One (1) copy of the certificate of election results
27 shall be returned with one (1) copy of the tally sheets and reports of
28 challenges of voters, if any, to the county ~~board of election commissioners~~
29 election coordinator;

30 (3) Ballots:

31 (A) The election ~~officials~~ officers shall securely
32 envelope the voted ballots separately from the unused ballots and place the
33 ballots in a container with a numbered seal and then deliver the ballots with
34 the tally sheets and other election materials to the ~~county board~~ county
35 election coordinator; and

36 (B) All cancelled ballots shall be preserved separately

1 from the other ballots and returned to the ~~county board~~ county election
2 coordinator;

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

5 (b) All of the election materials and returns shall be delivered to
6 the ~~county board~~ county election coordinator by the election ~~officials~~
7 officers immediately after the polls close.

8
9 SECTION 52. Arkansas Code 7-5-418 is amended to read as follows:

10 7-5-318. Failure to deliver materials - Penalty - Messenger to obtain
11 delinquent returns.

12 (a) If the election ~~officials~~ officers fail to deliver the ballots,
13 ballot stubs, certification of election, voter lists, and other election
14 returns within the time period and in the manner provided for in § 7-5-317,
15 the election ~~officials~~ officers shall forfeit the sum of two hundred dollars
16 (\$200) to be recovered by action of debt in the name of the state for the use
17 of the county.

18 (b) Upon failure of delivery of the election returns immediately after
19 the polls close, the county board of election commissioners shall dispatch a
20 peace officer to obtain the election returns, and all expenses incurred by
21 sending the messenger shall be paid by the defaulting election ~~officials~~
22 officers.

23
24 SECTION 53. Arkansas Code 7-5-319 is amended to read as follows:

25 7-5-319. Recount. [Effective January 1, 2006.]

26 (a)(1) Any candidate voted for who may be dissatisfied with the
27 returns from any precinct shall have a recount of the votes cast therein upon
28 the candidate's presenting the ~~county board of election commissioners~~ county
29 election coordinator with a petition requesting the recount.

30 (2) When the number of outstanding absentee ballots of overseas
31 voters is not sufficient to change the results of the election, the candidate
32 must present the petition no later than two (2) days after the county board
33 declares preliminary and unofficial results of the election, including a
34 statement of the number of outstanding absentee ballots of overseas voters.

35 (3) When the number of outstanding absentee ballots of overseas
36 voters is sufficient to potentially change the results of the election, the

1 candidate must present the petition at any time before the county board
2 finally completes the canvass of the returns of the election and certifies
3 the result.

4 (b) At the time that the petition requesting the recount is presented,
5 the county board shall provide to the candidate requesting the recount a copy
6 of the test results on the voting machines and the electronic vote tabulating
7 devices. Only one (1) recount per candidate per election shall be permitted.
8 The county board shall certify the results of the last recount. The county
9 board may upon its own motion conduct a recount of the returns from any or
10 all precincts.

11 (c) For any recount of an election in which ballots are cast using a
12 direct recording electronic voting machine with a voter-verified paper audit
13 trail, the voter-verified paper audit trail shall serve as the official
14 ballot to be recounted.

15 (d) For the recount of an election in which paper ballots are used,
16 the county board shall open the package containing the ballots and recount
17 the ballots in the manner prescribed by law for the count to be made by the
18 election officials or election officers in the first instance, or if there is
19 a determination by the county board that the voting machine or electronic
20 vote tabulating device may be malfunctioning, it may recount the ballots by
21 any manner prescribed by law.

22 (e) The result as found upon the recount, if it differs from that
23 certified by the election officials or election officers, shall be included
24 in the canvass as the vote for the particular precinct for which the recount
25 was ordered and made.

26 (f) After the recount is completed, the ballots shall again be sealed
27 and kept as provided by law.

28 (g)(1) The costs for any recount must be borne by the candidate
29 petitioning for it, and payment of the costs must be made to the ~~county board~~
30 county prior to the recount in an amount determined by the ~~county board~~
31 county election coordinator.

32 (2) In the event that the outcome of the election is altered by
33 recount, the costs of the recount shall be refunded to the candidate who
34 petitioned for the recount.

35 (h) The costs of any recount shall be based on the actual costs
36 incurred to conduct the recount, but in no instance shall the amount charged

1 to conduct a recount exceed the rate of twenty-five cents (25¢) per vote cast
2 in the precincts where the recount is requested or a total of two thousand
3 five hundred dollars (\$2,500) for the entire county, whichever is less.

4 (i) Within forty-eight (48) hours after a petition for recount is
5 filed, the ~~county board of election commissioners~~ county election coordinator
6 shall notify all candidates whose election could be affected by the outcome
7 of the recount.

8
9 SECTION 54. Arkansas Code 7-5-320 is amended to read as follows:

10 7-5-320. Election to fill vacancy - Unopposed candidate.

11 (a)(1) If, after all deadlines for filing as a candidate ~~or write-in~~
12 ~~candidate~~ have passed in a special election to fill a vacancy, there is only
13 one (1) candidate and if no other office or issue is on the ballot, then the
14 ~~county board of election commissioners~~ county election coordinator may reduce
15 the number of polling places for the election.

16 (2)(A) The ~~county board~~ county election coordinator shall
17 provide at least one (1) polling place.

18 (B) The polling place may be at the courthouse and may be
19 staffed by as many election officers as deemed necessary by the county
20 election coordinator.

21 (b) In a county that uses voting machines or electronic voting, the
22 ~~county board~~ county election coordinator may choose to use paper ballots for
23 the election.

24
25 SECTION 55. Arkansas Code 7-5-414 is amended to read as follows:

26 7-5-414. Appointment of special election ~~officials~~ officers-
27 Qualifications - Compensation.

28 (a) The county board of election commissioners shall appoint election
29 ~~officials~~ officers to count and canvass the absentee voters' ballots in all
30 elections.

31 (b) The election ~~officials~~ officers who are to canvass the absentee
32 ballots shall be appointed in the same manner and at the same time the
33 election ~~officials~~ officers are selected to serve at the regular voting
34 precincts. The election ~~officials~~ officers shall possess the same
35 qualifications and have the same powers and duties as the election ~~officials~~
36 officers who serve at the regular voting precincts.

1
2 SECTION 56. Arkansas Code 7-5-416 is amended to read as follows:

3 7-5-416. Counting of absentee ballots.

4 (a)(1) The ~~election officials for absentee ballots~~ county board of
5 election commissioners shall meet in the courthouse in a place designated by
6 the ~~county board of election commissioners~~ county election coordinator on
7 election day for the purpose of processing absentee ballots.

8 (2) The ~~county board~~ county election coordinator shall give
9 public notice of the time and location of the opening, processing,
10 canvassing, and counting of absentee ballots as provided in § 7-5-202.

11 (3) The county clerk shall forward the absentee ballot
12 applications sorted alphabetically or by precinct to the ~~election officials~~
13 ~~for absentee ballots~~ county board.

14 (4) The counting of absentee ballots shall be open to the
15 public, and candidates and political parties may be present in person or by a
16 representative designated in writing pursuant to § 7-5-312 during the
17 opening, processing, canvassing, and counting of the absentee ballots as
18 provided in this subchapter.

19 (5) Absentee or early votes may be counted prior to the closing
20 of the polls on election day.

21 (b)(1) The opening, processing, counting, and canvassing of absentee
22 ballots shall be conducted as follows:

23 (A) One (1) of the ~~election officials~~ members of the
24 county board or election officers shall open outer absentee ballot envelopes
25 one (1) by one (1) and verify the contents;

26 (B) If the required materials are properly placed in the
27 outer absentee ballot envelope, the ~~election official~~ member of the county
28 board or election officer shall proceed to read aloud from the voter
29 statement the name of the voter and the voting precinct in which the voter
30 claims to be a legal voter;

31 (C) If the required materials are not properly placed in
32 the outer absentee ballot envelope, a second ~~election official~~ member of the
33 county board or election officer shall open the inner absentee ballot
34 envelope to verify the contents;

35 (D) If all required materials are present within one (1)
36 or the other envelopes, the ~~election officials~~ members of the county board or

1 election officers shall put the materials in the proper envelopes while
2 preserving the secrecy of the voter's ballot and shall proceed to read aloud
3 from the voter statement the name of the voter and the voting precinct in
4 which the voter claims to be a legal voter;

5 (E) As each outer envelope is opened and the name of the
6 voter is read, the election officials or officers for the absentee box shall
7 list in duplicate the name and voting precinct of the voter;

8 (F)(i) After the ~~election official~~ member of the county
9 board or election officer reads aloud from the statement, the ~~election~~
10 ~~officials~~ county board shall compare the name, address, date of birth, and
11 signature of the voter's absentee application with the voter's statement and,
12 for first-time voters who registered by mail, the first-time voter's
13 identification document unless the voter previously provided identification
14 at the time of mailing the voter registration application.

15 (ii) If the application and the voter's statement do
16 not compare as to name, address, date of birth, and signature, the absentee
17 ballot shall not be counted.

18 (iii) If a first-time voter fails to provide the
19 required identification with the ballot or at the time of mailing the voter
20 registration application, then the absentee application, absentee ballot
21 envelope, and voter's statement shall be placed in an envelope marked
22 "provisional" and the ballot shall be considered a provisional ballot;

23 (G) If the absentee voter fails to return the required
24 materials, the contents of both envelopes shall be placed in an envelope
25 marked "provisional";

26 (H)(i) The ~~election official~~ reason for the challenge
27 shall be recorded ~~shall record the reason for the challenge~~ on the envelope,
28 and it shall be referred to the county board.

29 (ii) The county board shall determine whether the
30 voter is qualified and whether or not the vote shall be counted;

31 (I) Failure of the voter to submit the required absentee
32 materials in the proper envelopes shall not be grounds for challenging the
33 ballot;

34 (J) If no challenge is made, the election official or
35 officer shall remove the inner envelope, without opening the inner envelope
36 containing the ballot, and place it in the ballot box without marking it in

1 any way;

2 (K)(i) After all of the outer envelopes have been opened
3 and a list has been made in duplicate of the name and voting precinct of the
4 voters, as required in this section, the ~~election officials of the absentee~~
5 ~~box~~ county board shall preserve all the statements of voters and the voters'
6 identification documents and deliver them to the ~~county clerk~~ county election
7 coordinator, who shall file and keep them for the same length of time after
8 the election as is required for retention of other ballots.

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

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

14 (L) When all of the inner envelopes containing the ballots
15 have been placed in the ballot box, the ballot box shall be shaken thoroughly
16 to mix the ballots; and

17 (M) The ballot box shall be opened and the ballots
18 canvassed and counted.

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

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

23 (d) It is the intent of this section to permit the ~~election officials~~
24 ~~for absentee ballots~~ county board to meet and process, canvass, and count
25 absentee ballots according to this section prior to the closing of the polls
26 on election day.

27 (e)(1) Absentee votes may be cast on paper ballots or ballot cards, or
28 both methods may be used.

29 (2) The ballots shall first be counted for write-in votes ~~by the~~
30 ~~election officials~~. Then, the ballots may be either hand counted or
31 automatically counted on an electronic ~~system~~ tabulating device, ~~whichever is~~
32 ~~more convenient~~.

33 (3) ~~Election officials~~ The county board may make a true copy of
34 absentee paper ballots ~~on ballot cards~~ which, after being verified in the
35 presence of witnesses, shall be counted in the same manner as other ballots
36 ~~ballot cards~~.

1 (f)(1) Absentee ballots marked as "special runoff ballots" received
2 from a qualified voter who meets one (1) of the categories in § 7-5-406(a)
3 and is temporarily residing outside the territorial limits of the United
4 States shall be opened for general primary elections and general runoff
5 elections according to the procedures described in subsection (b) of this
6 section.

7 (2) However, in counting the special runoff ballot, one (1) of
8 the ~~members of the county board or election officials~~ officers shall open the
9 envelope containing the special runoff ballot and read the numbers indicated
10 next to the names of the two (2) candidates in the general primary election
11 or in the general runoff election.

12 (3) The candidate with the highest ranking shall receive the
13 vote.

14 (4) A special runoff ballot received with the preferential
15 primary absentee ballot shall be counted in the general primary election, and
16 a special runoff ballot received with the general election absentee ballot
17 shall be counted in the general runoff election.

18 (5) The Secretary of State shall prepare instructions for
19 opening, counting, and canvassing special runoff ballots and provide the
20 instructions to each county board of election commissioners.

21
22 SECTION 57. Arkansas Code 7-5-417 is amended to read as follows:

23 7-5-417. Challenge of absentee votes.

24 (a) When the name and voting precinct of a voter is read by the member
25 of the county board of election commissioners or the election official
26 officer, any candidate or qualified poll watcher pursuant to § 7-5-312 may
27 challenge the vote in the manner provided by law for personal voting
28 challenges, and the ~~election officials~~ county board shall consider the ballot
29 as a provisional ballot.

30 (b) If the statement is not in proper form, or if for any other legal
31 reason the vote should not be counted, the ballot shall be preserved together
32 with the statement and envelope for the same period of time that the
33 statements are preserved.

34 (c) If the county board ~~of election commissioners~~ determines that the
35 provisional voter is qualified and that the vote should be counted, it shall
36 be handled in the same manner as provisional ballots in a regular voting

1 precinct.

2
3 SECTION 58. Arkansas Code 7-5-418 is amended to read as follows:

4 7-5-418. Early voting.

5 (a)(1)(A) Except as provided in subdivision (a)(1)(B) of this section,
6 early voting shall be available to any qualified elector who applies to the
7 county clerk's designated early voting location, beginning fifteen (15) days
8 before a preferential primary or general election between the hours of 8:00
9 a.m. and 6:00 p.m. Monday through Friday and 10:00 a.m. and 4:00 p.m.
10 Saturday and ending at 5:00 p.m. on the Monday before the election.

11 (B) Early voting shall not be available on state holidays.

12 (2) However, on all other elections, including, but not limited
13 to, general primary and general runoff elections, early voting shall be
14 available to any qualified elector who applies to the county clerk during
15 regular office hours, beginning fifteen (15) days before an election and
16 ending on the day before the election day at the time the county clerk's
17 office regularly closes.

18 (b)(1)(A) The county board of election commissioners may decide to
19 hold early voting at additional polling sites outside the offices of the
20 county clerk and to include the additional voting locations for a maximum of
21 fifteen (15) days on any of the days and times provided for in subsection (a)
22 of this section, if it so chooses.

23 (B) The county board shall determine by unanimous vote the
24 location of additional polling sites for early voting.

25 (C) The ~~county clerk~~ county election coordinator shall
26 publish the location of additional early voting polling sites in a newspaper
27 of general circulation at least five (5) days before early voting begins.

28 (2) The ~~county board~~ county election coordinator shall select
29 the number of election ~~officials~~ officers necessary to adequately staff the
30 additional early voting polling site ~~or sites as in any other election.~~

31 (3)(A) The ~~county board~~ county election coordinator shall notify
32 the county clerk of ~~it's~~ the board's decision to hold early voting at
33 additional polling sites outside the office of the county clerk within ten
34 (10) days of the decision.

35 (B)(i) If the county board decides to hold early voting at
36 additional polling sites outside the office of the county clerk, the county

1 clerk may choose not to hold early voting within the office of the county
2 clerk. The county clerk shall notify the ~~county board~~ county election
3 coordinator within ten (10) days of the receipt of notice ~~from the county~~
4 ~~board~~ regarding early voting at additional polling sites.

5 (ii) If the county clerk decides not to hold early
6 voting within the office of the county clerk as provided in subdivision
7 (b)(3)(B)(i) of this section, early voting shall be held at one (1) or more
8 conveniently located polling sites on the days and times provided in
9 subsection (a) of this section.

10 (4) The early voting election ~~official~~ officer shall record the
11 date on all pages of the early voting roster or early voting request form and
12 keep a daily record of the number of early ballots cast.

13 ~~(5) The county clerk shall publish the additional hours for~~
14 ~~early voting with the location of additional early voting polling sites in a~~
15 ~~newspaper of general circulation at least five (5) days before early voting~~
16 ~~begins.~~

17 ~~(6)~~(5) All voted ballots and unvoted ballots and all related
18 election materials at each additional early voting polling site shall be
19 stored in a secure location in the county courthouse or in a secure location
20 as determined by the county board of election commissioners immediately after
21 the close of the additional polling sites each day that early voting is
22 conducted there.

23 (c) Before a person is permitted to cast an early vote, the county
24 clerk or election ~~official~~ officer shall:

25 (1) Request the voter to identify himself by stating his name,
26 date of birth, and address in order to verify his registration;

27 (2) If the voter's name or address is not the same as that in
28 the county voter registration record files, request the voter to complete an
29 updated voter registration application form;

30 (3) Request the voter to sign an early voting roster or early
31 voting request form which identifies his name, address, date of birth, and
32 the date on the roster or form; and

33 (4) Enter the voter's precinct number on the early voting roster
34 or early voting request form.

35 (d) If the voter is not listed in the county voter registration record
36 files and the county clerk is unable to verify the voter's registration and

1 if the voter contends that he or she is eligible to vote, then the voter may
 2 vote a provisional ballot which shall be counted only upon verification of
 3 the voter's registration status.

4 (e) The county clerk or ~~county board~~ county election coordinator shall
 5 furnish voting locations that adequately allow the early voter to personally
 6 and secretly execute his or her ballot.

7 (f) Upon casting his or her ballot, the voter shall then deposit the
 8 ballot in the appropriate box in the same manner as for votes cast on the day
 9 of the election.

10 (g) Early votes shall be counted at the same time as absentee ballots.

11 (h) Except as provided in this section, early voting shall be
 12 conducted in the same manner as voting on election day. Conduct that is
 13 prohibited or restricted on election day shall be subject to the same
 14 prohibitions and restrictions on the days on which early voting is conducted.

15
 16 SECTION 59. Arkansas Code 7-5-507 is amended to read as follows:

17 7-5-507. Demonstration - Assistance in operating machine. [~~Effective~~
 18 ~~January 1, 2006.~~]

19 (a) The manufacturer shall demonstrate the machine to the ~~election~~
 20 ~~officials~~ county board of election commissioners and the county election
 21 coordinator, prior to the first election at which the machines are placed in
 22 use. The date for the demonstration shall be set by the ~~county board of~~
 23 ~~election commissioners~~ county election coordinator .

24 (b) On the date of the first election at which voting machines are
 25 used, manufacturers shall make employees available in each county where the
 26 machines are in operation to assist the county board in any manner that will
 27 expedite voting and provide efficient operation of voting machines. After the
 28 first election, the ~~county board~~ county election coordinator shall obtain the
 29 assistance needed in operating the machines, and the ~~county board~~ county
 30 election coordinator shall collect and pay expenses for this assistance as it
 31 would for any other election cost.

32
 33 SECTION 60. Arkansas Code 7-5-509 is amended to read as follows:

34 7-5-509. Machines used for demonstration. [Effective January 1, 2006.]

35 (a) The ~~county board of election commissioners~~ county election
 36 coordinator may designate suitable times and places where voting machines

1 shall be exhibited for the purpose of giving instructions in their use to all
2 voters who apply for instruction.

3 (b) At least one (1) machine for demonstration purposes shall be
4 placed in each precinct not more than twenty-five (25) days nor less than ten
5 (10) days before each election, when practical. The location of voting
6 machines for demonstration shall be in accessible public buildings. The
7 voting machines used for demonstration shall display sample ballots showing
8 the title of offices to be filled and, as far as practicable, the names of
9 the candidates in the next election.

10 (c) No voting machine that is to be assigned for use in any election
11 shall be used for instruction after having been prepared and secured for the
12 election. Machines shall not be used for demonstration purposes during the
13 time that the polls are open on election day or if the demonstration shall in
14 any way interfere with the proper adjustment, securing, or use of the machine
15 in the election.

16

17 SECTION 61. Arkansas Code 7-5-510 is amended to read as follows:

18 7-5-510. Forms for complaints about function of voting machine -
19 Investigation.

20 (a) At each polling place at which voting machines are used, the
21 ~~county board of election commissioners~~ county election coordinator shall
22 provide forms that voters may use for complaints about the function of a
23 voting machine. The complaint form shall include space for the following
24 information:

25 (1) The name, address, and telephone number of the person making
26 the complaint;

27 (2) The identification number of the voting machine;

28 (3) The complaint; and

29 (4) Such other information concerning the complaint as the State
30 Board of Election Commissioners determines to be appropriate to carry out the
31 intent of this section.

32 (b) A voter may file a complaint form with an election ~~official~~
33 officer who shall forward the complaint form to the ~~county board of election~~
34 ~~commissioners~~ county election coordinator. It shall be the duty of the ~~county~~
35 ~~board of election commissioners~~ county election coordinator to report
36 complaints to the county board and to investigate complaints regarding the

1 function of a voting machine.

2
3 SECTION 62. Arkansas Code 7-5-512 is amended to read as follows:

4 7-5-512. Certification of ballot styles - Equipment furnished to
5 polling sites. [~~Effective January 1, 2006.~~]

6 (a) It shall be the duty of the ~~county board of election commissioners~~
7 county election coordinator to prepare and certify the ballot styles for the
8 voting machine.

9 (b) In addition, the board shall furnish the following paraphernalia
10 for each polling site:

11 (1) Two (2) or more sample ballots of legible size for each
12 ballot style that will be in use in the election and accompanied by
13 illustrated directions for voting on the machine. The sample ballots and
14 directions shall be posted prominently within the polling site; and

15 (2) Any election materials and supplies as may be necessary or
16 as may be required by law.

17 (c) The voting machine shall be delivered by the ~~county board~~ county
18 election coordinator to the election ~~officials~~ officers at each polling site.

19 (d) The ~~county board~~ county election coordinator shall supply each
20 precinct with clear, written instructions suitable for the instruction of
21 voters illustrating the manner of voting on the machine.

22
23 SECTION 63. Arkansas Code 7-5-513 is amended to read as follows:

24 7-5-513. Machine breakdown - Delivery of ballot materials. [~~Effective~~
25 ~~January 1, 2006.~~]

26 The ~~county board of election commissioners~~ county election coordinator
27 in any county in which voting machines are to be used shall be ready at any
28 time on election day to deliver to any ~~precinct~~ polling place in the county,
29 ~~town, or city~~ ballots, ballot boxes, replacement voting machines, if
30 available, or other necessary equipment required by law for voting, upon
31 notice that any voting machine is out of order or fails to work.

32
33 SECTION 64. Arkansas Code 7-5-515 is amended to read as follows:

34 7-5-515. Preparation of machines for election. [~~Effective January 1,~~
35 ~~2006.~~]

36 (a) Immediately upon the proper certification of candidates and

1 questions, the ~~county board of election commissioners~~ county election
2 coordinator shall prepare the voting machines, oversee their programming, and
3 test and adjust the voting machines for the election.

4 (b) In performing this function, the ~~county board~~ county election
5 coordinator may be assisted by experts appointed or employed by the county
6 board.

7 (c)(1) At least five (5) days prior to the election day, the county
8 ~~board~~ election coordinator, with respect to all elections, shall have the
9 machines tested to ascertain that the voting system will correctly count the
10 votes cast for all offices on all measures.

11 (2) Public notice of the time and place of the test shall be
12 given at least forty-eight (48) hours prior to the test by publication one
13 (1) time in one (1) or more daily or weekly newspapers published in the town,
14 city, or county using the machines if a newspaper is published in the town,
15 city, or county.

16 (3) The test shall be open to representatives of the political
17 parties, candidates, media, and the public.

18 (4) The test shall be conducted by processing a preaudited group
19 of test ballots that are to be voted on the machines so as to record a
20 predetermined number of valid votes for each candidate and on each measure.
21 The test shall include for each office one (1) or more ballots which have
22 votes in excess of the number allowed by law in order to test the ability of
23 the machines to reject the votes.

24 (5) If any error is detected, the cause shall be ascertained and
25 corrected and an errorless count shall be made before the machine is
26 approved.

27 (d) After completion of the test, the ballots and programs used shall
28 be sealed, retained, and disposed of as provided by law.

29 (e) After completion of the test, the ~~county board of election~~
30 ~~commissioners~~ county election coordinator shall certify the accuracy of the
31 voting system and file the test results with the county clerk.

32
33 SECTION 65. Arkansas Code 7-5-516(a), concerning notice to candidates
34 of the preparation of voting machines, is amended to read as follows:

35 (a) Before the ~~county board of election commissioners~~ county election
36 coordinator begins the preparation of the machines for any election, it shall

1 mail a notice in due time to candidates or any representatives designated by
2 candidates stating:

3 (1) The time and place the machines will be prepared for the
4 election; and

5 (2) A time at which one (1) representative of each candidate may
6 inspect to see that the machines are in proper condition for use in the
7 election.

8

9 SECTION 66. Arkansas Code 7-5-517 is amended to read as follows:

10 7-5-517. Securing machines - Certification. ~~[Effective January 1,~~
11 ~~2006.]~~

12 (a) When a voting machine has been properly prepared by the ~~county~~
13 ~~board of election commissioners~~ county election coordinator and examined by
14 the representatives of the candidates or the candidate himself or herself, it
15 shall be made inaccessible to voting.

16 (b) Any device required to activate the machine shall be placed in a
17 package on which shall be written the serial number and the precinct location
18 of the voting machine and the number registered on the protective counter or
19 device. The package shall be sealed in the presence of the representatives of
20 the candidates or the candidates themselves.

21 (c) The ~~county board of election commissioners~~ county election
22 coordinator shall then certify, in the presence of the candidates or their
23 representatives, as to the serial numbers of the machines, that all question
24 counters are set at zero (000), and as to the number registered on the
25 protective counter of the machine.

26 (d) Any activator pack or device required for voting on the voting
27 machines shall be kept by the ~~county board~~ county election coordinator until
28 turned over for delivery to the election ~~officials~~ officers with the election
29 equipment at the polling ~~site~~ place for election day.

30

31 SECTION 67. Arkansas Code 7-5-518 is amended to read as follows:

32 7-5-518. Machines inactivated until polls open - Adjustment of
33 counters. [Effective January 1, 2006.]

34 (a) The voting machine shall remain inactivated against voting until
35 the polls are formally opened and shall not be operated except by voters for
36 voting.

1 (b) If any counter or tabulator is found not to register zero (000),
2 the election ~~officials~~ officers shall immediately notify the ~~county board of~~
3 ~~election commissioners~~ county election coordinator, who shall cause the
4 counters to be adjusted at zero (000).

5 (c)(1) The election ~~officials~~ officers shall produce one (1) printout
6 from each machine showing whether the candidate and question counters
7 register zero (000) and shall sign and post the printout upon the wall of the
8 polling room, where it shall remain throughout the election day.

9 (2) The certified printout shall be filed with the election
10 returns.

11
12 SECTION 68. Arkansas Code 7-5-521 is amended to read as follows:

13 7-5-521. Arrangement of polling place. ~~{Effective January 1, 2006.}~~

14 (a) The exterior of the voting machine and every part of the polling
15 place shall be in plain view of the election ~~officials~~ officers.

16 (b) The machine shall be placed so that no person can see or determine
17 how the voter casts his or her vote.

18 (c) After the opening of the polls, the election ~~officials~~ officers
19 shall not allow any person to pass to the part of the room where the machine
20 is situated, except for the purpose of voting.

21
22 SECTION 69. Arkansas Code 7-5-522 is amended to read as follows:

23 7-5-522. Voting procedure. ~~{Effective January 1, 2006.}~~

24 (a)(1) Where a voter presents himself or herself for the purpose of
25 voting, the election ~~officials~~ officers shall ascertain whether he or she is
26 properly qualified and registered pursuant to § 7-5-305.

27 (2) In preparing the machines, the election ~~official~~ officer
28 shall ensure that each voter will have access only to the proper ballot.

29 (b) Only one (1) voter at a time shall be permitted to approach a
30 voting machine. Having cast his or her vote, the voter shall at once move
31 away from the voting machine and leave the polling room by the exit provided.

32 (c) No voter after having left the voting machine shall be permitted
33 to return to the voting machine except to complete the voting process.

34
35 SECTION 70. Arkansas Code 7-5-523 is amended to read as follows:

36 7-5-523. Assistance to voters with disabilities. ~~{Effective January 1,~~

1 ~~2006.~~

2 (a)(1) A voter shall inform the election ~~officials~~ officers at the
3 time that the voter presents himself or herself to vote that the voter is
4 unable to cast his or her ballot by voting machine because the voter cannot
5 read or write or because of physical, sensory, or other disability or other
6 legal cause, or that he or she is unable to complete the ballot without help
7 and needs the assistance of some other person in casting his or her ballot.
8 That voter may be assisted by:

9 (A) Two (2) election ~~officials~~ officers; or

10 (B) A person named by the voter.

11 (2) If the voter is assisted by two (2) election ~~officials~~
12 officers, one (1) of the election officials shall observe the voting process
13 and one (1) may assist the voter in operating the machine so as to vote the
14 ballot in accordance with the wishes of the voter without comment or
15 interpretation.

16 (3) If the voter is assisted by one (1) person named by the
17 voter, he or she may assist the voter in operating the machine so as to vote
18 the ballot in accordance with the wishes of the voter without comment or
19 interpretation.

20 (4) The laws of this state with respect to assisting persons
21 with disabilities in the casting of votes upon printed ballots shall govern,
22 insofar as is practicable, the assistance of a voter in casting his or her
23 ballot by voting machine.

24 (5) It shall be the duty of the election ~~officials~~ officers at
25 the polling site to make and maintain a list of the names of all persons
26 assisting voters.

27 (b) A voter with a disability who requests to cast his or her ballot
28 on a voting machine without assistance shall be provided with an audio or
29 other device that shall be used in conjunction with the voting machine so
30 that the voter may cast a secret ballot without assistance.

31 (c) Any voter who because of physical, sensory, or other disability
32 presents himself or herself for voting by voting machine and who then informs
33 election ~~officials~~ officers at the polling site that he or she is unable to
34 stand in line for extended periods of time shall be entitled to be assisted
35 by an election ~~official~~ officer to advance to the head of any line of voters
36 then waiting in line to vote at the polling site.

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SECTION 71. Arkansas Code 7-5-526 is amended to read as follows:

7-5-526. Closing of polls - Securing machines - Election ~~officials'~~
officers' certificate. ~~{Effective January 1, 2006.}~~

(a) At the official time for closing the polls and upon termination of the voting, the election ~~officials~~ officers shall announce that the polls have closed and in the presence of all persons authorized to be present shall remove the activation packs or devices from the voting machines to make them inaccessible to further voting.

(b) At the same time, the election ~~officials~~ officers shall sign a certificate provided by the ~~county board of election commissioners~~ county election coordinator stating that the machines were made inaccessible to further voting and giving the exact time and the number of votes shown on the public counters.

SECTION 72. Arkansas Code 7-5-527 is amended to read as follows:

7-5-527. Exposure of count - Verification - Return Record - Official signatures. ~~{Effective January 1, 2006.}~~

(a) The election ~~officials~~ officers shall then expose the count in the presence of all persons authorized to be present.

(b) It is the intention of this section to accord a full, complete, and public view of the count from each voting machine to all election ~~officials~~ officers and designated watchers for the candidates or parties.

(c)(1) The election ~~official~~ officer shall proceed to produce the return record in a minimum of three (3) copies.

(2)(A) The return record shall be deemed the official count for that machine.

(B) One (1) copy of the completed return record for that machine shall be posted upon the wall of the polling room for all to see.

(d) The election ~~officials~~ officers shall sign the machine return record produced by the device.

(e)(1) The activation pack or device used to collect votes from each voting machine and all certified return records shall be placed in a package that shall be sealed and signed by all the election ~~officials~~ officers and any watchers that may desire to affix a signature.

(2)(A) The sealed package shall be immediately returned to the

1 ~~county board of election commissioners~~ county election coordinator by one (1)
2 of the election ~~officials~~ officers selected for this purpose, accompanied by
3 those of the other election ~~officials~~ officers and watchers who desire to
4 join the election ~~official~~ officer.

5 (B) The election ~~official~~ officer shall obtain a receipt
6 for the sealed package.

7
8 SECTION 73. Arkansas Code 7-5-528 is amended to read as follows:

9 7-5-528. Proclamation of election results.

10 Upon completion of all tabulation blanks, certificates, and statements,
11 the election ~~officials~~ officers shall again proclaim in a loud and audible
12 voice the results of the election as recorded in that precinct. However, if
13 the machine is provided with a device for recording candidate and question
14 counter totals, the return record for each machine shall be posted upon the
15 wall of the polling room for all to see.

16
17 SECTION 74. Arkansas Code 7-5-530 is amended to read as follows:

18 7-5-530. Machines released to officials - Impounding upon election
19 contest or recount. ~~{Effective January 1, 2006.}~~

20 (a) Immediately after the completion of the tabulation of the returns
21 and the securing of the voting machines, the machines shall be released to
22 the proper officials designated by the ~~county board of election commissioners~~
23 county election coordinator.

24 (b) Upon the return of the voting machines, the ~~county board of~~
25 ~~election commissioners~~ county election coordinator shall produce an audit log
26 from each machine used in the election.

27 (c) In the event that there is an election contest filed, the judge of
28 the court that has jurisdiction may order the county sheriff to impound the
29 audit logs and the voter-verified paper audit trail alleged in the contest to
30 be in question. The sheriff shall take them into his or her custody and store
31 them in a place under lock and key awaiting further orders of the court.

32 (d) In the event that any candidate in any election in which the
33 machines have been utilized or any voter who questions the count of any
34 question posed at any election gives written notice to the county board that
35 he or she desires a recount, then the applicable county board shall designate
36 the sheriff of the county to so place the audit logs and voter-verified paper

1 audit trails in his or her custody and store them in a place to which only he
2 or she shall have access awaiting further orders of the applicable county
3 board or court.

4
5 SECTION 75. Arkansas Code 7-5-531 is amended to read as follows:

6 7-5-531. Retention of audit data - Machines to remain secured until
7 results are certified except on court order. [Effective January 1, 2006.]

8 (a) All audit logs and voter-verified paper audit trails produced by a
9 voting machine shall ~~remained~~ remain secured for a period of two (2) years.

10 (b)(1) All voting machines used in any election shall remain secured
11 for a period of at least three (3) days following the election unless the
12 machines are ordered to be activated sooner by and on the authority of an
13 order of a court of competent jurisdiction, in the event that the issue of
14 the election should be in judicial controversy.

15 (2) Should no order be entered, it shall be the duty of the
16 ~~county board of election commissioners~~ county election coordinator to clear
17 the machines for future elections after the results of the election have been
18 certified.

19
20 SECTION 76. Arkansas Code 7-5-532(b), concerning direct electronic
21 voting machines, is amended to read as follows:

22 (b) ~~The State Board of Election Commissioners or the county board of~~
23 ~~election commissioners shall not purchase or procure a~~ No direct recording
24 electronic voting machine that does not include a voter-verified paper audit
25 trail shall be used in this state.

26
27
28 SECTION 77. Arkansas Code 7-5-604(a)(6)(C), concerning the
29 authorization of electronic voting systems, is amended to read as follows:

30 (5)(A) Notify the voter that he or she has selected more than
31 one (1) candidate for the office, notify the voter before the ballot is cast
32 and counted of the effect of casting multiple votes for the office, and
33 provide the voter with the opportunity to correct the ballot before the
34 ballot is cast if the voter is legally entitled to select only one (1)
35 candidate for an office but the voter selects more than one (1) candidate for
36 the office.

1 (B) *Electronic vote tabulating devices used to cast and*
2 *count votes at the polling place shall be programmed to reject ballots*
3 *containing overvotes as described in this section.*

4 (C) *When votes are cast at polling places and are to be*
5 *counted by hand or at the courthouse or other central counting location, the*
6 ~~*county board of election commissioners*~~ *county election coordinator* *shall*
7 *provide a voter education program to inform the voters:*

8 (i) *Of the effect of casting multiple votes for an*
9 *office; and*

10 (ii) *How to correct the ballot before it is cast,*
11 *including, but not limited to, instructions on how to correct the error*
12 *through the issuance of a replacement ballot if the voter was otherwise*
13 *unable to change the ballot or correct any error;*

14 (6)(A) *Notify the voter that the voter has selected more than*
15 *the allowed number of candidates for the office on the ballot, notify the*
16 *voter before the ballot is cast and counted of the effect of casting more*
17 *than the allowed number of votes for that office, and provide the voter with*
18 *the opportunity to correct the ballot before the ballot is cast if the voter*
19 *is legally entitled to select multiple candidates for an office but the voter*
20 *selects more than the number of candidates he or she is legally entitled to*
21 *select.*

22 (B) *Electronic vote tabulating devices used to cast and*
23 *count votes at the polling places shall be programmed to reject ballots*
24 *containing overvotes as described in this section.*

25 (C) *When votes are cast at polling places and are to be*
26 *counted by hand or at the courthouse or other central counting location, the*
27 ~~*county board of election commissioners*~~ *county election coordinator* *shall*
28 *provide a voter education program to inform the voters:*

29 (i) *Of the effect of casting multiple votes for an*
30 *office; and*

31 (ii) *How to correct the ballot before it is cast,*
32 *including, but not limited to, instructions on how to correct the error*
33 *through the issuance of a replacement ballot if the voter was otherwise*
34 *unable to change the ballot or correct any error;*

35
36 SECTION 78. *Arkansas Code 7-5-611 is amended to read as follows:*

1 7-5-611. Preparation of electronic vote tabulating devices - Test -
2 Disposition of voting materials. ~~{Effective January 1, 2006.}~~

3 (a)(1) The ~~county board of election commissioners~~ county election
4 coordinator, with respect to all elections, shall cause the electronic vote
5 tabulating devices used for voting to be properly programmed and tested
6 before delivery to the election precincts.

7 (2) At least five (5) days prior to the election day, the ~~county~~
8 ~~board~~ county election coordinator, with respect to all elections, shall have
9 the electronic vote tabulating devices tested to ascertain that the devices
10 will correctly count the votes cast for all offices and on all measures.

11 (3) Public notice of the time and place of the test shall be
12 given at least forty-eight (48) hours prior thereto by publication one (1)
13 time in one (1) or more daily or weekly newspapers published in the town,
14 city, or county using the devices, if a newspaper is published therein.

15 (4) The test shall be open to representatives of the political
16 parties, candidates, the press, and the public.

17 (5)(A) The test shall be conducted by processing predetermined
18 results from a group of ballots marked as to record a predetermined number of
19 valid votes for each candidate and on each measure for each precinct or
20 voting location.

21 (B) Prior to the start of the test, a printout shall be
22 generated to show that no votes are recorded on the electronic vote
23 tabulating device.

24 (C) The test shall include for each office one (1) or more
25 ballots which have votes in excess of the number allowed by law in order to
26 test the ability of the electronic vote tabulating devices to reject such
27 votes.

28 (6) If any error is detected, the cause shall be ascertained and
29 corrected, and an errorless count shall be made before the electronic vote
30 tabulating device or devices are certified for use in the election.

31 (7) Upon completion of the testing, the electronic vote
32 tabulating devices shall be cleared of any votes cast during the test.

33 (8) After completion of the test, the ~~county board of election~~
34 ~~commissioners~~ county election coordinator shall certify the accuracy of the
35 voting system and file the test results with the county clerk.

36 (b)(1) Before the opening of the polls, the election ~~officials~~

1 officers shall generate a printout from the electronic vote tabulating device
2 or devices to verify that the candidates and measures are correct for the
3 location and that no votes are recorded on the electronic vote tabulating
4 device or devices.

5 (2) The election ~~officials~~ officers shall sign and post the
6 printout upon the wall of the polling room where it shall remain throughout
7 the election day.

8 (3) The certified printout shall be filed with the election
9 returns.

10

11 SECTION 79. Arkansas Code 7-5-613 is amended to read as follows:

12 7-5-613. Counting ballots and write-in votes. ~~{Effective January 1,~~
13 ~~2006.}~~

14 In precincts where an electronic vote tabulating device is used, as
15 soon as the polls are closed:

16 (1) The election ~~officials~~ officers shall compare the total
17 number of voters indicated by the electronic vote tabulating device with the
18 list of voters to ensure that the number recorded by the tabulator is the
19 same as the number of voters shown on the list of voters who received a
20 ballot at the polling site. If the totals are different, this fact shall be
21 reported in writing to the county board of election commissioners with the
22 reasons, if known; and

23 (2) The election ~~officials~~ officers shall count the write-in
24 votes and prepare a return of the votes on forms provided for that purpose.

25

26 SECTION 80. Arkansas Code 7-5-614 is amended to read as follows:

27 7-5-614. Locations for vote tabulation - Procedures. ~~{Effective January~~
28 ~~1, 2006.}~~

29 (a)(1) The tabulation of votes of a precinct may be by electronic vote
30 tabulating devices at a central counting location or at the polling sites.

31 (2) Provisional ballots and absentee ballots shall be processed
32 and counted at the courthouse or other central counting location in the
33 county.

34 (3) The ~~county board of election commissioners~~ county election
35 coordinator with respect to all elections shall give notice of the location
36 within the county of each place at which votes will be counted by electronic

1 vote tabulating devices and of the names or numbers of all precincts whose
2 votes will be counted at each location, by posting the notice in a
3 conspicuous place in the county courthouse at least three (3) days prior to
4 each election.

5 (b) For the tabulation of provisional and absentee ballots at a
6 central location beginning on election day:

7 (1) The election ~~officials~~ officers shall place in the container
8 provided for the purpose all ballots that have been cast. This container
9 shall be sealed and delivered to the county board of election commissioners
10 forthwith ~~by the election officials~~ together with the unused, void, and
11 defective ballots; and

12 (2) All proceedings at the counting location shall be under the
13 direction of ~~at least two (2) election officials named by~~ the county board of
14 election commissioners with respect to all elections. ~~In all elections, when~~
15 ~~possible, the election officials shall represent the majority party and the~~
16 ~~minority party.~~

17
18 SECTION 81. Arkansas Code 7-5-615 is amended to read as follows:

19 7-5-615. Tabulation of votes - Defective ~~vote cards~~ ballots -
20 Certification of returns. [~~Effective January 1, 2006.~~]

21 (a) The counting of votes by electronic vote tabulating devices at the
22 courthouse or other central counting location shall be open to the public,
23 and any candidate or political party may be present in person or by
24 representative designated in writing pursuant to § 7-5-312 to view the
25 counting.

26 (b) No person except those employed and authorized for that purpose
27 shall touch any ballot or return.

28 ~~(c) The election officials at the counting place and all persons~~
29 ~~operating the electronic vote tabulating devices shall take the same oath~~
30 ~~required by law for election officials before entering upon their duties.~~

31 ~~(d)~~(c) If any ballot is damaged or defective so that it cannot
32 properly be counted by the electronic vote tabulating device, a true
33 duplicate copy shall be made of the damaged ballot in the presence of
34 tabulation election ~~officials~~ or officers if the votes are tabulated at a
35 central location. The duplicate shall be substituted for the damaged ballot.
36 All duplicate ballots shall be clearly labeled "duplicate" and shall be

1 counted in lieu of the damaged or defective ballot.

2 ~~(e)~~(d) The return printed by the electronic vote tabulating device, to
3 which has been added the return of write-in, early, and absentee votes, shall
4 constitute the official return of each precinct. All returns shall be
5 certified by the election officials in charge of the tabulation thereof in
6 the manner provided by law.

7 ~~(f)~~(e) Upon completion of the count, the returns shall be open to the
8 public.

9
10 SECTION 82. Arkansas Code 7-5-701 is amended to read as follows:

11 7-5-701. Declaration of results - Certification, delivery, and custody
12 of returns.

13 (a)(1) No earlier than forty-eight (48) hours after the election and
14 no later than the fifteenth calendar day after the election, the county board
15 of election commissioners, from the certificates and ballots received from
16 the several precincts, shall proceed to ascertain, declare, and certify the
17 result of the election to the Secretary of State.

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

25 (B) If it is not possible for the ~~clerk~~ county election
26 coordinator to transmit the results via the Internet website interface, then
27 the ~~clerk~~ county election coordinator may transmit the results by facsimile
28 transmission.

29 (3) Within nineteen (19) calendar days after any general,
30 special, or school election, the ~~county board~~ county election coordinator
31 shall deliver a certificate of election, signed by the chair of the county
32 board, to the person having the highest number of legal votes for any county
33 office.

34 (b) The county board shall ~~also~~ file in the office of the clerk of the
35 county court a certificate setting forth in detail the result of the
36 election.

1 (c)(1)(A) No earlier than forty-eight (48) hours after the election
 2 and no later than the fifteenth calendar day after the election, the ~~county~~
 3 ~~board~~ county election coordinator shall deposit certified copies of the
 4 abstracts of the returns of the election for members of Congress and for all
 5 executive, legislative, and judicial officers in the nearest post office on
 6 the most direct route to the seat of government and directed to the Secretary
 7 of State.

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

11 (C) The Secretary of State shall file a complaint with the
 12 State Board of Election Commissioners pursuant to § ~~7-4-118~~ 7-4-121 if the
 13 county board does not comply with subdivision (c)(1)(A) of this section.

14 (d)(1) ~~It~~ The county election coordinator shall at the same time
 15 enclose in a separate envelope and direct to the Speaker of the House of
 16 Representatives, in care of the Secretary of State, at the seat of
 17 government, a certified copy of the abstract of votes given for Governor,
 18 Lieutenant Governor, Secretary of State, Treasurer of State, Auditor of
 19 State, and Attorney General.

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

24
 25 SECTION 83. Arkansas Code 7-5-702 is amended to read as follows:

26 7-5-702. Preservation of ballots, stubs, and certificates.

27 ~~(a) [Effective until January 1, 2006] The county board of election~~
 28 ~~commissioners shall retain the custody of and safely keep in a sealed~~
 29 ~~container appropriately marked all ballots and certificates returned to it~~
 30 ~~from the several precincts for a period of twenty (20) days, after which time~~
 31 ~~the ballots and certificates shall be stored for a period of two (2) years~~
 32 ~~from the date of the election, unless the county board shall be sooner~~
 33 ~~notified in writing that:~~

34 ~~(1) The election of some person voted for at the election and~~
 35 ~~declared to have been elected has been contested; or~~

36 ~~(2) Criminal prosecution has been begun before a tribunal of~~

1 ~~competent jurisdiction against any officer of election or person voting~~
2 ~~thereat for any fraud in the election.~~

3 ~~(a) [Effective January 1, 2006] The county board of election~~
4 ~~commissioners~~ county election coordinator shall retain the custody of and
5 safely keep in a sealed container appropriately marked in a secure location
6 in the county courthouse or other county storage facility all ballots and
7 certificates returned to it from the several precincts for a period of twenty
8 (20) days, after which time the ballots and certificates shall be stored in a
9 secure location in the county courthouse or other county storage facility for
10 a period of two (2) years from the date of the election, unless the ~~county~~
11 ~~board~~ county election coordinator shall be sooner notified in writing that:

12 (1) The election of some person voted for at the election and
13 declared to have been elected has been contested; or

14 (2) Criminal prosecution has been begun before a tribunal of
15 competent jurisdiction against any officer or official of election or person
16 voting thereat for any fraud in the election.

17 (b) If the ~~county board~~ county election coordinator is notified as
18 provided in subsection (a) of this section, then so many of the ballots and
19 certificates as may relate to matters involved in the contest or any
20 prosecution shall be preserved for use as evidence in the contest or
21 prosecution.

22 (c) During the time the ballots may be retained or stored, the package
23 containing them shall not be opened by anyone unless directed to do so by
24 some competent tribunal before which an election contest or prosecution is
25 pending in which the ballots are to be used as evidence.

26 (d) For a period of twenty (20) days, the county treasurer shall
27 retain the custody of and safely keep all ballot stubs in a sealed container
28 appropriately marked which are delivered to him or her from the several
29 precincts, after which time they shall be stored unless an election contest
30 has been filed or a criminal prosecution has been initiated in connection
31 with the election.

32 (e) After a period of two (2) years, all marked ballots may be
33 destroyed in the following manner:

34 (1) The county board shall enter an order directing the
35 destruction of marked ballots;

36 (2) The ~~county board~~ county election coordinator shall make and

1 retain a record of marked ballots destroyed; and

2 (3) ~~The county board~~ county election coordinator shall file the
3 order and record pertaining to marked ballots and ballot stubs destroyed with
4 the county clerk.

5 (f)(1) Except as provided in subdivision (f)(2) of this section, after
6 a period of thirty (30) days following certification of the election, all
7 ballot stubs which were previously attached to marked ballots and all
8 unmarked ballots may be destroyed as provided for the destruction of marked
9 ballots in subsection (e) of this section.

10 (2) If an election contest has been filed, all ballot stubs
11 which were previously attached to marked ballots may be destroyed thirty (30)
12 days following the final judicial resolution of the election contest.

13

14 SECTION 84. Arkansas Code 7-5-707 is amended to read as follows:

15 7-5-707. Vote certification - Report.

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

20 (1) The total number of ballots cast;

21 (2) The total number of ballots printed and delivered to the
22 polls;

23 (3) The total number of provisional ballots that were
24 disqualified;

25 (4) The total number of spoiled ballots;

26 (5) The total number of unused ballots; and

27 (6) The number of over votes and under votes cast in each race
28 and issue in the election.

29 (b)(1) ~~The county board~~ county election coordinator shall transmit the
30 certified results for each polling place to the ~~county clerk, who shall~~
31 ~~immediately transmit the results to the~~ Secretary of State through the
32 Internet website interface provided by the Secretary of State for all state
33 and federal elections.

34 (2) ~~The county board~~ county election coordinator shall transmit
35 the information required according to subsection (a) of this section to ~~the~~
36 ~~county clerk, who shall enter and transmit it to~~ the state board through the

1 Secretary of State's Internet website interface.

2
3 SECTION 85. Arkansas Code 7-7-201 is amended to read as follows:

4 7-7-201. Law governing primary elections.

5 (a) The cost of political party primaries shall be borne by the State
6 of Arkansas and shall be paid from an appropriation made to the State Board
7 of Election Commissioners for that purpose.

8 ~~(b)(1) The state board shall have the primary responsibility for~~
9 ~~conducting political party primaries in this state.~~

10 ~~(2)(1)~~ Within each county, the political party primary elections
11 shall be conducted by the ~~county board of election commissioners~~ county
12 election coordinator under the direction of the ~~state board~~ county board of
13 election commissioners.

14 ~~(3)(2)~~ The state board shall have authority to adopt rules for
15 the administration of primary elections consistent with the provisions of
16 this chapter.

17 ~~(4)(3)~~ The state board may withhold reimbursement of funds to
18 the counties for state-funded elections for failure to comply with the rules
19 developed by the state board for the administration of primary elections or
20 applicable state election laws until all requirements are met to the
21 satisfaction of the state board.

22 ~~(5)(4)~~ Each political party shall be responsible for determining
23 the qualifications of candidates seeking nomination by the political party,
24 provide necessary applications for candidacy, accept and process the
25 applications, and determine the order of its ballot.

26 (c) All political party primary elections shall be conducted in
27 conformity with the provisions of this act, and these elections are declared
28 to be legal elections.

29 (d) In cases of circumstances or procedures which may arise in
30 connection with any primary election for which there is no provision of this
31 act governing the circumstances or procedures, they shall be governed by the
32 general election laws of this state or by party rules if there is no
33 applicable general election law.

34
35 SECTION 86. Arkansas Code 7-7-202(d), concerning preferential and
36 general primaries, is amended to read as follows:

1 (d) ~~The county board of election commissioners~~ county election
2 coordinator shall establish common polling places for the joint conduct of
3 the primary elections of all political parties.
4

5 SECTION 87. Arkansas Code 7-7-203 is amended to read as follows:
6 7-7-203. Dates.

7 (a) The general primary election shall be held on the second Tuesday
8 in June preceding the general election.

9 (b) The preferential primary election shall be held on the Tuesday
10 three (3) weeks prior to the general primary election.

11 (c)(1) Party pledges, if any, shall be filed and any filing fees of a
12 political party, if any, shall be paid during regular office hours in the
13 period beginning at 12:00 noon on the third Tuesday in March and ending at
14 12:00 noon on the fourteenth day thereafter before the preferential primary
15 election.

16 (2) A party certificate and the political practice pledge for
17 primary elections shall be filed with the county clerk or the Secretary of
18 State, as the case may be, during regular office hours in the period
19 beginning at 12:00 noon on the third Tuesday in March and ending at 12:00
20 noon on the fourteenth day thereafter before the preferential primary
21 election.

22 (3) The name of a candidate who fails to file a party
23 certificate by the filing deadline with the Secretary of State or county
24 clerk, as the case may be, shall not appear on the ballot.

25 (4) Party pledges, if any, shall be filed, filing fees, if any,
26 shall be paid, and party certificates and political practice pledges shall be
27 filed for special primary elections on or before the deadline established by
28 proclamation of the Governor.

29 (5) Pledges and filing fees of the political party for a new
30 political party shall be filed and paid as provided in subsection (f) of this
31 section.

32 (d) No later than forty (40) days before the preferential primary
33 election, the chairman and secretary of the state committee of the political
34 party shall certify the ballot to the various county committees and to the
35 various ~~county boards of election commissioners~~ county election coordinators
36 with the names of all candidates who have qualified with the state committee

1 for election by filing the party pledge and paying the filing fees of the
2 political party within the time required by law.

3 (e) Election ~~officials~~ officers of primary elections shall be selected
4 ~~by the county board of election commissioners~~ in the same manner as in the
5 general election.

6 (f) Any group of voters desiring to form a new political party may do
7 so by filing a petition with the Secretary of State in accordance with § 7-7-
8 205.

9 (g)(1) The county board shall convene, at the time specified in the
10 notice to the members given by the chair of the board, no later than the
11 tenth day after each primary election for the purpose of canvassing the
12 returns and certifying the election results.

13 (2) If no time is specified for the meeting of the county board,
14 the meeting shall be at 5:00 p.m.

15 (h) The county convention of a political party holding a primary
16 election shall be held on the first Monday following the date of the general
17 primary.

18 (i)(1) The county ~~board of election commissioners~~ election coordinator
19 shall certify to the county clerk and the county committee a list of all
20 nominated candidates for county, township, and municipal offices, and the
21 political parties' county committee members and delegates.

22 (2) At the same time, the county board of election commissioners
23 shall certify to the Secretary of State and the secretary of the state
24 committee the results of the contests for all United States, state, and
25 district offices. Immediately after ascertaining the results for all United
26 States, state, and district offices, the Secretary of State shall certify to
27 the state committee a list of all nominated candidates for the offices.

28 (j)(1)(A) The Secretary of State shall at least seventy (70) days
29 prior to the date of the general election notify by registered mail the
30 chairman and secretary of the state committee of the respective political
31 parties that a certificate of nomination is due for all nominated candidates
32 for United States, state, and district offices in order that the candidates'
33 names be placed on the ballot of the general election.

34 (B)(i) The state committee shall issue certificates of
35 nomination to all nominated candidates for United States, state, and district
36 offices, who shall file the certificates with the Secretary of State at least

1 sixty (60) days prior to the general election.

2 (ii) However, if the chairman and secretary of the
3 state committee of the respective political parties are not properly notified
4 as directed by subdivision (j)(1)(A) of this section, the failure of a
5 candidate to file a certificate of nomination shall not prevent that
6 candidate's name from being placed on the ballot of the general election.

7 (2)(A) Each county clerk shall at least sixty (60) days prior to
8 the date of the general election notify by registered mail the chairmen and
9 secretaries of the county committees of the respective political parties that
10 a certified list of all nominated candidates for county, township, and
11 municipal offices is due and shall be filed with the county ~~board of election~~
12 ~~commissioners~~ election coordinator and the county clerk in order that the
13 candidates' names be placed on the ballot for the general election.

14 (B)(i) Each county committee shall issue the certified
15 list on behalf of those nominated candidates and submit the certified list to
16 the county ~~board of election commissioners~~ election coordinator and the
17 county clerk at least forty-five (45) days but not more than fifty-five (55)
18 days prior to the general election.

19 (ii) However, if the chairmen and secretaries of the
20 county committees of the respective political parties are not properly
21 notified as directed by subdivision (j)(2)(A) of this section, the failure of
22 a certified list to be filed shall not prevent any candidate's name from
23 being placed on the ballot of the general election.

24
25 SECTION 88. Arkansas Code 7-7-203 is amended to read as follows:

26 7-7-303. Precincts - Boundaries - Policing.

27 (a) The election precincts in all political party primary elections
28 shall be the same as established ~~by the county board of election~~
29 ~~commissioners~~ for general elections.

30 (b)(1) The ~~county board~~ county election coordinator shall provide for
31 the preservation of order at all primary election precincts and shall allow
32 no crowd to collect at the polling place nearer than authorized by law.

33 (2) No person charged with the duty of preserving order at the
34 polling place shall in any manner influence or endeavor to influence any
35 person in casting his vote.

36 (3) No person who is a public officeholder, candidate for

1 office, or deputy of a public officer shall be eligible to serve as an
2 officer to keep order at any primary election polling place.

3 (4) Persons appointed as election sheriffs to keep order at
4 polling places in primary elections shall have the authority of police
5 officers in keeping order and enforcing the laws of this state with respect
6 to polling places in primary elections.

7
8 SECTION 89. Arkansas Code 7-7-304(b), concerning names to be printed
9 on election ballots, is amended to read as follows:

10 (b) If any candidate, either prior to the certification of the ballot
11 for the preferential primary or subsequent to the preferential primary but
12 prior to the certification of the ballot for the general primary election,
13 shall notify the secretary of the state committee in the case of a United
14 States, state, or district office or the secretary of the county committee in
15 the case of a county, city, or township office, in writing, signed by the
16 candidate and acknowledged before an officer authorized by law to take
17 acknowledgments, of his or her desire to withdraw as a candidate for the
18 office or position, then the committee shall immediately notify the ~~county~~
19 ~~board of election commissioners~~ county election coordinator or the State
20 Board of Election Commissioners, as the case may be, and the name of the
21 person shall not be printed on the preferential primary ballot or the general
22 primary ballot, as the case may be.

23
24 SECTION 90. Arkansas Code 7-7-305 is amended to read as follows:

25 7-7-305. Printing of ballots - Form.

26 (a) The ballots of the primary election shall be provided by the
27 ~~county board of election commissioners~~ county election coordinator. The form
28 of the ballots shall be the same as is provided by law for ballots in general
29 or special elections in this state. A different color ballot may be used to
30 distinguish between political parties.

31 (b) The order in which the names of the respective candidates,
32 including candidates for federal, state, and local offices and including
33 persons nominated for committeemen and delegates to the county convention,
34 and the order in which issues and measures are to appear on the ballots at
35 all preferential and general primary elections shall be determined by lot at
36 the public meeting of the county committee held not later than thirty-five

1 (35) days before the preferential primary election. Ten (10) days' written
 2 notice of the time and place of the meeting shall be given to each member and
 3 the county election coordinator by the chair, vice chair, or secretary of the
 4 committee. The chair, vice chair, or secretary shall publish notice of the
 5 time and place of holding the meeting in some newspaper of general
 6 circulation in the county.

7 (c)(1)(A) Any person who shall file for any elective office in this
 8 state may use not more than three (3) given names, one (1) of which may be a
 9 nickname or any other word used for the purpose of identifying the person to
 10 the voters, and may add as a prefix to his or her name the title or an
 11 abbreviation of an elective public office the person currently holds.

12 (B) A person may only use the prefix "Judge", "Justice",
 13 or "Chief Justice" in an election for a judgeship if the person is currently
 14 serving in a judicial position to which the person has been elected.

15 (C) A nickname shall not include a professional or
 16 honorary title.

17 (2) The names and titles as proposed to be used by each
 18 candidate on the political practice pledge or, if the political practice
 19 pledge is not filed by the filing deadline, then the names and titles that
 20 appear on the party certificate shall be reviewed no later than one (1)
 21 business day after the filing deadline by the ~~State Board of Election~~
 22 ~~Commissioners~~ Secretary of State for state and district offices and by the
 23 county ~~board of election commissioners~~ election coordinator for county,
 24 township, school, and municipal offices.

25 (3) The name of every candidate shall be printed on the ballot
 26 in the form as certified by either the state board or the county ~~board~~
 27 election coordinator.

28 (4) No candidate shall be permitted to change the form in which
 29 his or her name will be printed on the ballot after the deadline for filing
 30 the political practices pledge.

31
 32 SECTION 91. Arkansas Code 7-7-306 is amended to read as follows:

33 7-7-306. Partisan and nonpartisan judicial general ballots only.

34 At each party primary and nonpartisan judicial general election each
 35 ~~county board of election commissioners~~ county election coordinator shall
 36 furnish separate ballots for each political party containing:

1 (1) The names of persons seeking offices to be voted on as a
2 nominee or candidate of that political party; and

3 (2) The names of all qualified candidates for the general
4 election to nonpartisan judicial offices pursuant to § 7-10-101.

5
6 SECTION 92. Arkansas Code 7-7-308 is amended to read as follows:

7 7-7-308. Determination of right to vote - Precinct registration lists.

8 (a) Before a person is permitted to vote, an election ~~official~~ officer
9 shall:

10 (1) Request the voter to identify himself in order to verify the
11 existence of his name on the precinct voter registration list;

12 (2) Request the voter, in the presence of the election ~~official~~
13 officer, to state his date of birth and address;

14 (3) Determine that the voter's date of birth and address are the
15 same as those on the precinct voter registration list;

16 (4) If the date of birth given by the voter is not the same as
17 that on the precinct voter registration list, request the voter to provide
18 identification as the election ~~official~~ officer deems appropriate;

19 (5)(A) If the voter's address is not the same as that on the
20 precinct voter registration list, verify with the county clerk that the
21 address is within the precinct.

22 (B) If the address is within the precinct, request the
23 voter to complete a voter registration application form for the purpose of
24 updating county voter registration record files.

25 (C) If the address is not within the precinct, instruct
26 the voter to contact the county clerk's office to determine the proper
27 precinct;

28 (6) If the voter's name is not the same as that on the precinct
29 voter registration list, request the voter to complete a voter registration
30 application form for purposes of updating county voter registration record
31 files; and

32 (7) Request the voter, in the presence of the election ~~official~~
33 officer, to sign his name, including his given name, his middle name or
34 initial, if any, and his last name in the space provided on the precinct
35 voter registration list. If a person is unable to sign his signature or make
36 his mark or cross, the election ~~official~~ officer shall enter his initials and

1 the voter's date of birth in the space for the person's signature on the
2 precinct voter registration list.

3 (b) At the same time that the voter identifies himself and the party
4 primary in which he intends to vote, the election official ~~of the party~~
5 ~~primary which the voter designates~~ officer shall mark the voter's name on the
6 precinct voter registration list ~~furnished by the county clerk~~ as having
7 voted.

8 (c) If a voter's name does not appear on the precinct voter
9 registration list, the election ~~official~~ officer shall permit the voter to
10 vote only under the following conditions:

11 (1) The voter identifies himself by stating his name and date of
12 birth and is verified by the county clerk as a registered voter within the
13 county and, if the county is divided into more than one (1) congressional
14 district, within the same congressional district;

15 (2) The voter gives and affirms his current residence, and the
16 election ~~official~~ officer verifies with the county clerk that the voter's
17 residence is within the precinct;

18 (3) The voter completes an updated voter registration
19 application form; and

20 (4) The voter signs the precinct voter registration list.

21 (d) If the voter is not listed on the precinct voter registration list
22 and the county clerk is unable to verify the voter's registration but the
23 voter contends that he or she is eligible to vote, then the voter may vote a
24 provisional ballot which shall only be counted upon verification of the
25 voter's registration status.

26 (e) The election ~~officials~~ officers shall make and retain a list of
27 all voters who cast a provisional ballot.

28 (f) After the polls close, ~~the~~ an election ~~official~~ officer shall
29 total the number of voters on the list.

30 (g) The precinct registration lists shall at all times be available to
31 public inspection.

32
33 SECTION 93. Arkansas Code 7-7-402 is amended to read as follows:

34 7-7-402. Filing certificates of nomination.

35 (a)(1) All certified lists of nominees of candidates for presidential
36 electors and members of Congress and for state, judicial, and district

1 officers, either by convention, primary election, or electors, shall be filed
2 with the Secretary of State.

3 (2) All certified lists of nominees for county, township, and
4 municipal offices shall be filed with the ~~county board of election~~
5 ~~commissioners~~ county election coordinator and the county clerk of the county
6 in which they are to be voted for.

7 (b) Certified lists of nomination shall be filed within the time
8 provided in § 7-7-203.

9
10 SECTION 94. Arkansas Code 7-7-403 is amended to read as follows:

11 7-7-403. Declination of nomination.

12 (a) The Secretary of State shall not certify the name of any candidate
13 whose certificate of nomination shall have been filed in his office who shall
14 have notified him in writing, acknowledged before an officer authorized by
15 law to take acknowledgments, that he will not accept the nomination specified
16 in the certificate of nomination.

17 (b) The ~~county board of election commissioners~~ county election
18 coordinator shall not include on the ballot the name of any candidate whose
19 certificate of nomination shall have been filed with ~~it~~ the county election
20 coordinator, who shall have notified it in like manner that he will not
21 accept the nomination.

22
23 SECTION 95. Arkansas Code 7-8-201 is amended to read as follows:

24 7-8-201. Preferential elections required - Apportionment of delegates.

25 (a)(1) Each political party in the state desiring to select delegates
26 to attend a quadrennial national nominating convention of the party to select
27 a nominee for the office of President of the United States shall hold a
28 presidential preferential primary election in the state, and the delegates to
29 the national party convention shall be apportioned to the presidential
30 candidates whose names were on the ballot at the presidential preferential
31 primary or to "uncommitted" in the proportion that the votes cast for each
32 candidate or for "uncommitted" bear to the total votes cast at the election,
33 rounded to the closest whole number.

34 (2) Presidential preferential primary elections shall be held on
35 the first Tuesday in February of the year in which the convention is held.

36 (3)(A) Any person desiring to have his or her name printed on

1 the presidential preferential primary ballot as a candidate for his or her
2 party's nomination shall file a party certificate with the Secretary of State
3 during regular office hours in the period beginning at 12:00 noon on the
4 first Monday in November and ending at 12:00 noon on the fourteenth day
5 thereafter before the presidential preferential primary election.

6 (B) Each political party shall:

7 (i) Be responsible for determining the
8 qualifications of candidates seeking to appear on the presidential
9 preferential primary ballot of each political party;

10 (ii) Provide necessary applications for candidacy;

11 (iii) Accept and process the applications; and

12 (iv) Determine the order that candidates shall
13 appear on the ballot.

14 (4) The cost of the presidential preferential primary election
15 shall be borne by the State of Arkansas and shall be paid from an
16 appropriation made to the State Board of Election Commissioners for that
17 purpose.

18 (5)(A) ~~The state board shall have the primary responsibility for~~
19 ~~conducting presidential preferential primary elections.~~

20 ~~(B)~~ Within each county, the presidential preferential
21 primary election shall be conducted by the ~~county board of election~~
22 ~~commissioners~~ county election coordinator under the direction of the ~~state~~
23 ~~board~~ county board of election commissioners.

24 ~~(C)~~(B) The state board shall have authority to adopt rules
25 for the administration of presidential preferential primary elections
26 consistent with the election laws of this state.

27 ~~(D)~~(C) The state board may withhold reimbursement of funds
28 to counties for state-funded presidential preferential primary elections for
29 failure to comply with the rules developed by the state board for the
30 administration of primary elections or applicable state election laws until
31 all requirements are met to the satisfaction of the state board.

32 (b)(1) Presidential preferential primary election procedures not
33 addressed in this section shall be governed by the general election laws of
34 this state, including, but not limited to, laws governing primary elections.

35 (2) Party rules shall govern presidential preferential primary
36 election procedures not addressed by the general election laws of this state.

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SECTION 96. Arkansas Code 7-9-102 is amended to read as follows:

7-9-102. Duties of election officers - Penalty for failure to perform.

(a)(1) The duties imposed by this act upon members of the State Board of Election Commissioners and county boards of election commissioners, county election coordinators, election officials, and ~~all other~~ election officers expressly named in this act are declared to be mandatory.

(2) These duties shall be performed in good faith within the time and in the manner provided.

(b)(1) If any member of any board, any county election coordinator, any election official, or any ~~other~~ election officer so charged with the duty shall knowingly and willfully fail or refuse to perform his or her duty or shall knowingly and willfully commit a fraud in evading the performance of his or her duty, then he or she shall be guilty of a violation.

(2) Upon conviction, he or she shall be fined any sum not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) and also shall be removed from office.

SECTION 97. Arkansas Code 7-9-114 is amended to read as follows:

7-9-114. Abstract of proposed measure.

(a) The Attorney General shall prepare a concise abstract of the contents of each statewide initiative and referendum measure proposed under Arkansas Constitution, Amendment 7, and he shall transmit it to the Secretary of State not less than twenty (20) days before the election.

(b) Not fewer than eighteen (18) days before the election, the Secretary of State shall transmit a certified copy of the abstract to the ~~county boards of election commissioners~~ county election coordinator, who shall cause copies to be printed and posted conspicuously at all polling places in the county for the information of the voters.

(c) The cost of printing copies of the abstracts shall be borne by the counties as a regular expense of the election.

SECTION 98. Arkansas Code 7-9-115 is amended to read as follows:

7-9-115. Furnishing ballot title and popular name to election commissioners and county election coordinators.

Not less than eighteen (18) days before the election, the Secretary of

1 State shall furnish the State Board of Election Commissioners and ~~county~~
2 ~~boards of election commissioners~~ county election coordinator a certified copy
3 of the ballot title and popular name for each proposed measure and each
4 referred act to be voted upon at the ensuing election.

5
6 SECTION 99. Arkansas Code 7-9-117 is amended to read as follows:

7 7-9-117. Ballot form.

8 (a) It shall be the duty of the ~~county board of election commissioners~~
9 county election coordinator in each county to cause each title and popular
10 name to be printed upon the official ballot to be used in the election at
11 which the measure is to be voted upon, in the order and manner certified by
12 the Secretary of State.

13 (b) The title and popular name shall be stated plainly, followed by
14 these words:

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16
17
18 FOR PROPOSED INITIATIVE (OR REFERRED) AMENDMENT (OR ACT) NO.

19
20 AGAINST PROPOSED INITIATIVE (OR REFERRED) AMENDMENT (OR ACT) NO.

21 .
22 (c) In arranging the ballot titles on the ballot, the ~~county board~~
23 county election coordinator shall place each measure separate and apart from
24 others.

25
26 SECTION 100. Arkansas Code 7-9-118 is amended to read as follows:

27 7-9-118. Failure to place proposal on ballot - Manner of voting.

28 If any ~~election board~~ county election coordinator shall fail or refuse
29 to submit any proposal after its sufficiency has been duly certified, the
30 qualified electors of the county may vote for or against the measure by
31 writing or stamping on their ballot the proposed ballot title, followed by
32 the word "FOR" or "AGAINST". All votes so cast, if otherwise legal, shall be
33 canvassed, counted, and certified.

34
35 SECTION 101. Arkansas Code 7-9-305(a), concerning the election and
36 certification of delegates, is amended to read as follows:

1 (a) ~~The county board of election commissioners~~ county election
2 coordinator shall include on the general election ballots the names of all
3 candidates for delegate to the constitutional convention as certified by the
4 Secretary of State.

5
6 SECTION 102. Arkansas Code 14-40-303(c), concerning annexation
7 ordinances, is amended to read as follows:

8 (c)(1)(A) The city clerk shall certify two (2) copies of the
9 annexation ordinance and a plat or map of the area to be annexed and convey
10 one (1) copy to the county clerk and one (1) copy to the ~~county election~~
11 ~~commission~~ county election coordinator at least sixty (60) days before the
12 election.

13 (B)(i) No later than forty-five (45) days prior to the
14 election, the city shall identify all persons who reside within the area
15 proposed to be annexed, and the county clerk shall assist the city in
16 determining the names and addresses of all qualified electors residing within
17 that area.

18 (ii) The failure to identify all persons residing
19 within the area proposed to be annexed or the failure to determine the names
20 and addresses of all qualified electors residing within that area shall not
21 invalidate or otherwise affect the results of the election.

22 (C) All of the qualified electors residing within the
23 territory to be annexed shall be entitled to vote in the election.

24 (D) The city clerk shall give notice of the election by
25 publication by at least one (1) insertion in some newspaper having a general
26 circulation in the city.

27 (2)(A) The county clerk shall give notice of the voter
28 registration deadlines at least forty (40) days before the election by
29 ordinary mail to those persons whose names and addresses are on the list
30 provided by the city clerk.

31 (B) The county clerk shall prepare a list by precinct of
32 all those qualified electors residing within the area to be annexed who are
33 qualified to vote in that precinct and furnish that list to the ~~election~~
34 ~~officials~~ county election coordinator at the time the ballot boxes are
35 delivered.

36 (3) If the county clerk or the county election commission shall

1 fail to perform any duties required of it, then any interested party may
 2 apply for a writ of mandamus to require the performance of the duties. The
 3 failure of the county clerk or the ~~county election commission~~ county election
 4 coordinator to perform the duties shall not void the annexation election
 5 unless a court finds that the failure to perform the duties substantially
 6 prejudiced an interested party.

7
 8 SECTION 103. Arkansas Code 14-44-103(b)(1)(C), concerning the election
 9 of aldermen, is amended to read as follows:

10 (C) Provision shall be made by the ~~election commissioners~~
 11 county election coordinator in these cities so that the qualified electors of
 12 each ward shall have at least one (1) voting precinct in each ward where the
 13 resident electors thereof may cast their ballots.

14
 15 SECTION 104. Arkansas Code 14-47-110(a)(3)(D), concerning the election
 16 of directors, is amended to read as follows:

17 (D)(i) The name of the candidate mentioned in each
 18 petition, together with a copy of the election proclamation if the election
 19 is a special election, shall be certified by the city clerk or recorder to
 20 the ~~county board of election commissioners~~ county election coordinator not
 21 less than thirty-five (35) days before the election unless the clerk or
 22 recorder finds that the petition fails to meet the requirements of this
 23 chapter.

24 (ii)(a) Whether the names of the candidates so
 25 certified to the ~~county board of election commissioners~~ county election
 26 coordinator are to be submitted at a biennial general election or at a
 27 special election held on a different date, the ~~election board~~ county election
 28 coordinator shall have general supervision over the holding of each municipal
 29 election.

30 (b) In this connection, the ~~board~~ county
 31 election coordinator shall post the nominations, print the ballots, establish
 32 the voting precincts, appoint the election judges and clerks, determine and
 33 certify the result of the election, and determine the election expense
 34 chargeable to the city, all in the manner prescribed by law in respect to
 35 general elections. It is the intention of this chapter that the general
 36 election machinery of this state shall be utilized in the holding of all

1 general and special elections authorized under this chapter.

2 (c) The result of the election shall be
3 certified by the ~~election board~~ county board of election commissioners to the
4 city clerk or recorder.

5
6 SECTION 105. Arkansas Code 14-48-114(b)(2) and (3), concerning the
7 removal of mayors or directors, is amended to read as follows:

8 (2) If the petitions are deemed sufficient, the clerk shall
9 certify them to the ~~county board of election commissioners~~ county election
10 coordinator.

11 (3)(A)(i) The ~~county board of election commissioners~~ county
12 election coordinator shall call a special election on the question and shall
13 fix a date for holding it not less than thirty (30) days nor more than sixty
14 (60) days from the date of the certification of the petitions by the clerk.

15 (ii) The special election shall occur on the second
16 Tuesday of any month, except as provided in subdivision (b)(3)(B)-(E) of this
17 section.

18 (B) Special elections held in months in which a
19 presidential preferential primary election, preferential primary election,
20 general primary election, or general election is scheduled to occur shall be
21 held on the date of the presidential preferential primary election,
22 preferential primary election, general primary election, or general election.

23 (C)(i) If a special election is held on the date of the
24 presidential preferential primary election, preferential primary election, or
25 general primary election, the issue or issues to be voted upon at the special
26 election shall be included on the ballot of each political party.

27 (ii) However, separate ballots containing only the
28 issue or issues to be voted upon at the special election shall be prepared
29 and made available to voters requesting a separate ballot.

30 (D) No voter shall be required to vote in a political
31 party's presidential preferential primary, preferential primary, or general
32 primary in order to be able to vote in the special election.

33 (E) Special elections scheduled to occur in a month in
34 which the second Tuesday is a legal holiday shall be held on the third
35 Tuesday of the month.

36

1 SECTION 106. Arkansas Code 14-61-113(1)(C)(i), concerning the petition
2 process for certain municipal special elections, is amended to read as
3 follows:

4 (C)(i) The special election shall be held not less than
5 thirty (30) nor more than sixty (60) days after the proclamation calling the
6 election, provided that if the ~~county board of election commissioners~~ county
7 election coordinator certifies in writing that ~~it~~ he or she cannot prepare
8 the ballots because of other pending elections, then the election can be held
9 not more than seventy-five (75) days after the proclamation.

10
11 SECTION 107. Arkansas Code 15-4-3020(f), concerning consent by
12 qualified electors to issue certain bonds, is amended to read as follows:

13 (f)(1) The ~~county boards of election commissioners~~ county election
14 coordinators of the several counties of the state shall conduct the election.

15 (2) Each ~~board~~ county board of election coordinators and county
16 election coordinator shall take action with respect to the appointment of
17 election ~~officials~~ officers and other matters as the law requires.

18 (3) The vote shall be canvassed and the result declared in each
19 county by the several county boards.

20 (4) The results shall be certified within ten (10) calendar days
21 after the date of the election by the county boards to the Secretary of
22 State, who shall tabulate all returns so received and certify to the Governor
23 the total vote for and against the proposition.

24 (5) The result of the election shall be proclaimed by the
25 Governor by publication one (1) time in a newspaper published in the City of
26 Little Rock, and the results as proclaimed shall be conclusive unless
27 attacked in the courts within thirty (30) calendar days after the date of the
28 publication.

29
30 SECTION 108. Arkansas Code 23-110-306(a) and (b)(1)(A), concerning
31 subsequent referendum elections on horse racing, is amended to read as
32 follows:

33 (a) After the elapse of not less than two (2) years next following the
34 date of any election conducted pursuant to § 23-110-304, upon petitions filed
35 with ~~it~~ the county election coordinator containing the signatures of
36 qualified electors of the county of not less than fifteen percent (15%) of

1 the total number voting in the election for county clerk of the county at the
2 next preceding general election, together with a sum of money estimated by
3 the ~~county board of election commissioners~~ county election coordinator as
4 sufficient to pay all expenses of the election, the board shall call a
5 special election on the proposition of continuing horse racing in the county.

6 (b)(1)(A) The date of the special election shall be fixed by the ~~board~~
7 county election coordinator on a day not less than thirty (30) days nor more
8 than ninety (90) days following the date of filing the petitions. The deposit
9 of the funds and the election shall be conducted and shall be subject to
10 contest under the general election laws of this state.

11
12 SECTION 109. Arkansas Code 23-111-306(a) and (b)(1)(A), concerning
13 subsequent referendum elections on horse racing, is amended to read as
14 follows:

15 (a) After the elapse of not less than four (4) years next following
16 the date of any election conducted pursuant to § 23-111-304, the ~~county board~~
17 ~~of election commissioners~~ county election coordinator shall call a special
18 election on the proposition of continuing greyhound racing in the county. The
19 election shall be called upon petitions filed with ~~the~~ the county election
20 coordinator containing the signatures of qualified electors of the county of
21 not less than five percent (5%) of the total number voting in the election
22 for county clerk of the county at the next preceding general election,
23 together with a sum of money estimated by the ~~board~~ county election
24 coordinator as sufficient to pay all expenses of the election.

25 (b)(1)(A) The date of the special election shall be fixed by the ~~board~~
26 county election coordinator on a day not less than thirty (30) days nor more
27 than ninety (90) days following the date of filing the petitions. The deposit
28 of the funds as provided in subsection (a) of this section and the election
29 shall be conducted and shall be subject to contest under the general election
30 laws of this state.

31
32 SECTION 110. Arkansas Code 24-11-402(c), concerning votes to effect
33 the subchapter concerning police pensions, is amended to read as follows:

34 (c) Upon filing with the ~~county board of election commissioners~~ county
35 election coordinator not later than ten (10) days before the date of the
36 election the petition signed by twenty (20) or more qualified electors of the

1 city affected and praying that the question of police officers' pensions be
2 submitted, it shall be the duty of the ~~county board of election commissioners~~
3 county election coordinator to place the question upon the ballot.

4
5 SECTION 111. Arkansas Code § 24-11-404(b)(3), concerning tax levies
6 for pensions in cities of the first and second class, is amended to read as
7 follows:

8 (3) Upon the filing with the ~~county board of election~~
9 ~~commissioners~~ county election coordinator not later than sixty (60) days
10 before the date of the election of a petition signed by twenty (20) or more
11 qualified electors of the city affected and praying that the question of a
12 policemen's pension be submitted, it shall be the duty of the ~~county board of~~
13 ~~election commissioners~~ county election coordinator to place the question upon
14 the ballot.

15
16 SECTION 112. Arkansas Code § 24-11-812(b)(3), concerning tax levies by
17 city councils, is amended to read as follows:

18 (3) Upon the filing with the ~~county board of election~~
19 ~~commissioners~~ county election coordinator not later than sixty (60) days
20 before the date of the election of a petition signed by twenty (20) or more
21 qualified electors of the city or town affected, stating the amount of tax to
22 be voted on, not to exceed one (1) mill on the dollar, and praying that the
23 question of a firemen's pension be submitted, it shall be the duty of the
24 ~~county board of election commissioners~~ county election coordinator to place
25 the question upon the ballot.

26
27 SECTION 113. Arkansas Code § 24-12-103(c), concerning elections on the
28 issue of paid nonuniformed employees pensions, is amended to read as follows:

29 (c) Upon the filing with the ~~county board of election commissioners~~
30 county election coordinator not later than ten (10) days before the date of
31 the election of a petition signed by twenty (20) or more qualified electors
32 of the city affected and praying that the question of paid nonuniformed
33 employees' pensions and the levying of a tax therefor, not exceeding one and
34 one-half (1 1/2) mills, be submitted, it shall be the duty of the ~~county board~~
35 ~~of election commissioners~~ county election coordinator to place the question
36 on the ballot.

1
2 SECTION 114. Arkansas Code § 26-52-605(d), concerning special
3 elections on the imposition of an additional sales tax, is amended to read as
4 follows:

5 (d) The special election shall be held by the ~~county board of election~~
6 ~~commissioners~~ county election coordinator, and the special election judges
7 and clerks shall be selected and the special election shall be conducted and
8 the results shall be tabulated and certified in the manner now provided by
9 law for the holding of elections in this state.

10
11 SECTION 115. Arkansas Code § 26-73-111(d)(1), concerning special local
12 sales and use tax elections, is amended to read as follows:

13 (d)(1) The governing body of the county or municipality shall notify
14 the ~~county board of election commissioners~~ county election coordinator that
15 the measure has been referred to a vote of the people and shall submit a copy
16 of the ballot title to the ~~county board of election commissioners~~ county
17 election coordinator.

18
19 SECTION 116. Arkansas Code § 26-74-210(a)(2)(C)(i), concerning
20 resubmission of questions of levy or repeal, is amended to read as follows:

21 (C)(i) If the petition requests that the issue be
22 submitted at a special election, the special election shall be called for a
23 date not less than thirty (30) days nor more than sixty (60) days from the
24 date on which the county clerk certifies the sufficiency of the petition to
25 the ~~county board of election commissioners~~ county election coordinator.

26
27 SECTION 117. Arkansas Code § 26-74-603(c), concerning the calling of
28 tax elections, is amended to read as follows:

29 (c) The quorum court shall notify its ~~county board of election~~
30 ~~commissioners~~ county election coordinator that the measure has been referred
31 to the vote of the people and shall submit a copy of the ordinance calling
32 the election and the proposed ballot language to its ~~county board of election~~
33 ~~commissioners~~ county election coordinator.

34
35 SECTION 118. Arkansas Code § 26-75-208, as amended by Act 116 of the
36 2007 Regular Session, is amended to read as follows:

1 26-75-208. *Special election required.*

2 (a)(1) *On the date of the filing of a petition described in § 26-75-*
3 *207(b) or on the date of adoption of an ordinance levying a local sales and*
4 *use tax for the benefit of the city, or within thirty (30) days following the*
5 *filing of the petition described in § 26-75-207(b) or adoption of the*
6 *ordinance, the city by ordinance shall provide for the calling and holding of*
7 *a special election on the question.*

8 (2)(A) *The special election shall be called for a date within*
9 *one hundred twenty (120) days from the date of action of the governing body*
10 *in establishing the date of the special election.*

11 (B)(i) *The special election shall occur on the second*
12 *Tuesday of any month, except as provided in subdivision (a)(2)(B)(ii) of this*
13 *section.*

14 (ii) *A special election held in a month in which a*
15 *presidential preferential primary election, preferential primary election,*
16 *general primary election, or general election is scheduled to occur shall be*
17 *held on the date of the presidential preferential primary election,*
18 *preferential primary election, general primary election, or general election.*

19 (2)(A)(i) *If the special election is held on the date of the presidential*
20 *preferential primary election, preferential primary election, or general*
21 *primary election, the issue or issues to be voted upon at the special*
22 *election shall be included on the ballot of each political party.*

23
24 However, a separate ballot containing only the issue
25 or issues to be voted upon at the special election shall be prepared and made
26 available to a voter requesting a separate ballot.

27 (B) *No voter shall be required to vote in*
28 *a political party's presidential preferential primary election, preferential*
29 *primary election, or general primary election in order to be able to vote in*
30 *the special election.*

31 (b) *A special election scheduled to occur in a*
32 *month in which the second Tuesday is a legal holiday shall be held on the*
33 *third Tuesday of the month.*

34 (3) *The date for the special election may be the same as the*
35 *date for the next regular municipal election if the next regular municipal*
36 *election is to be held within the one-hundred-twenty-day period.*

1 (4) The governing body of the city shall notify the ~~county board~~
 2 ~~of election commissioners~~ county election coordinator that the question has
 3 been referred to the vote of the people and shall submit a copy of the ballot
 4 title to the ~~county board of election commissioners~~ county election
 5 coordinator.

6 (b)(1) The ballot title to be used at such election shall be
 7 substantially in the following form:

8 [] "FOR adoption of a . . . percent (. . . %) local sales and use tax
 9 within name of city)."

10
 11
 12 [] "AGAINST adoption of a . . . percent (. . . %) local sales and use
 13 tax within (name of city)."

14 (2) If an expiration date as described in § 26-75-207(c) for the
 15 local sales and use tax has been provided for by the governing body of the
 16 city in the levying ordinance or the petition described in § 26-75-207(b),
 17 the ballot title shall also include an expiration date for the levy of the
 18 tax, and, if adopted in this form, the tax shall cease to be levied on the
 19 date noted on the ballot.

20 (3) The election shall be conducted in the manner provided by
 21 law for all other municipal elections unless otherwise specified in this
 22 subchapter.

23 (c)(1)(A) The ballot may also indicate designated uses of the revenues
 24 derived from the sales and use tax.

25 (B) If the ballot indicates designated uses and the tax is
 26 approved, the proceeds shall only be used for the designated uses set forth
 27 in the ballot.

28 (2) The proceeds may be used for other designated uses if the
 29 electors approve a change in the designated use of the revenues by vote under
 30 this subsection.

31 (3)(A) The governing body of a city may refer to the voters a
 32 change in the designated use of revenues derived from a sales or use tax that
 33 was approved by the voters.

34 (B) If the governing body of a city refers a change in the
 35 designated use of revenues derived from a sales or use tax to the voters, the
 36 governing body shall:

1 (i) Notify the ~~county board of election~~
2 ~~commissioners~~ county election coordinator that the measure has been referred
3 to the voters; and

4 (ii) Submit a copy of the ballot title to the ~~county~~
5 ~~board of election commissioners~~ county election coordinator.

6 (C)(i) An election to change the designated use of
7 revenues derived from a sales or use tax shall be conducted in the manner
8 provided by law for all other municipal elections.

9 (ii) The results of an election under this
10 subsection shall be certified, proclaimed, and subject to challenge under the
11 procedures stated in § 26-75-209.

12 (4) If the voters approve a change in the designated use of
13 revenues derived from a sales or use tax, the change in the designated use
14 shall apply to all revenues collected on the first day of the calendar month
15 following the expiration of the thirty-day challenge period under § 26-75-
16 209.

17 (5)(A) If the voters do not approve a change in the designated
18 use of revenues derived from a sales or use tax, the tax shall continue to be
19 collected, and the revenues derived from the tax shall continue to be used
20 for the purposes indicated in the ballot for the tax.

21 (B) An election to change the designated use of revenues
22 derived from a sales or use tax shall not constitute an election on the levy
23 of the tax.

24 (6) Any city that has levied a local sales and use tax under
25 this subchapter with a portion of the revenues derived from the tax pledged
26 to secure lease rentals or bonds may not change the tax to reduce the pledge
27 in favor of the lease or bonds.

28
29 SECTION 119. Arkansas Code § 26-75-308(a)(3), concerning special
30 elections to approve local and use taxes, is amended to read as follows:

31 (3) The governing body of the city shall notify the ~~county board~~
32 ~~of election commissioners~~ county election coordinator that the question has
33 been referred to the vote of the people and shall submit a copy of the ballot
34 title to the ~~county board of election commissioners~~ county election
35 coordinator.

36

1 SECTION 120. Arkansas Code § 26-75-308(d)(3)(B), concerning special
2 elections to approve local and use taxes, is amended to read as follows:

3 (B) If the governing body of a city refers a change in the
4 designated use of revenues derived from a sales or use tax to the voters, the
5 governing body shall:

6 (i) Notify the ~~county board of election~~
7 ~~commissioners~~ county election coordinator that the measure has been referred
8 to the voters; and

9 (ii) Submit a copy of the ballot title to the ~~county~~
10 ~~board of election commissioners~~ county election coordinator.

11
12 SECTION 121. Arkansas Code § 26-75-404(b), effective July 1, 2007 and
13 concerning election requirements and procedures, is amended to read as
14 follows:

15 (b) The governing body of the city or town shall notify the ~~county~~
16 ~~board of election commissioners~~ county election coordinator that the question
17 of the levy of the tax has been referred to a vote of the people at the next
18 regular municipal election or at a special election to be held on the date
19 set by ordinance and shall submit a copy of the ballot title to the ~~county~~
20 ~~board of election commissioners~~ county election coordinator.

21
22 SECTION 122. Arkansas Code § 27-64-206(b)(1)(B), concerning State
23 Highway Commission bonds, is amended to read as follows:

24 (B) Notice thereof shall be mailed to each ~~county board of~~
25 ~~election commissioners~~ county election coordinator and the sheriff of each
26 county at least sixty (60) days prior to such election.

27
28 SECTION 123. Arkansas Code § 27-64-206(d)(1), concerning State Highway
29 Commission bonds, is amended to read as follows:

30 (d)(1) The ~~county boards of election commissioners~~ county election
31 coordinator in each of the several counties of the state shall hold and
32 conduct the election, and each ~~such board~~ county board of election
33 commissioners and county election coordinator is hereby authorized and
34 directed to take such action with respect to the appointment of election
35 ~~officials~~ officers and such other matters as are required by the laws of the
36 state. The vote shall be canvassed and the result thereof declared in each

1 county by ~~such boards~~ the county board of election commissioners.

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3 /s/ Faris

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