

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 87th General Assembly
3 Regular Session, 2009

A Bill

HOUSE BILL 1977

4
5 By: Representative J. Rogers
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7

For An Act To Be Entitled

8
9 AN ACT TO AMEND ARKANSAS LAW CONCERNING EARLY
10 VOTING LOCATIONS; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 TO AMEND ARKANSAS LAW CONCERNING EARLY
14 VOTING LOCATIONS.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 7-5-211 is amended to read as follows:
20 7-5-211. Delivery of election supplies.

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

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

25 (B) The person shall not be an elected official, an
26 elected official's deputy, or a candidate for office; and

27 (2) For each set of election officials in each polling place,
28 the county board shall deliver to the designated person or persons the
29 following additional election supplies, if applicable:

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

31 (B) Sufficient list-of-voters forms adequate to record the
32 names of all registered voters who appear to vote in the polling place;

33 (C) A precinct voter registration list;

34 (D) Sufficient tally sheets;

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

36 (F) Separate sheets containing blank forms of certificates



1 prepared to enable the election officials to properly certify the paper
2 ballot count at the polling site, upon which certificates shall be endorsed a
3 blank form of oath to be taken by the election officials before entering upon
4 the discharge of their duties;

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

8 (H) In those counties in which an optical scanner is used
9 to count paper ballots, the marking instrument recommended by the
10 manufacturer of the optical scanner for proper marking on the ballots shall
11 be provided.

12 (b) The county board shall be responsible for the security of the
13 delivered election materials.

14 (c) The county board shall be responsible for providing ballots and
15 election materials for absentee ~~and early~~ voting to the county clerk prior to
16 the beginning day for absentee ~~and early~~ voting.

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18 SECTION 2. Arkansas Code § 7-5-301(1), concerning the supervision of
19 voting machines and electronic vote tabulating devices used for early voting,
20 is amended to read as follows:

21 (1) The ~~county clerk~~ county board of election commissioners shall have
22 supervision of voting machines and electronic vote tabulating devices used
23 for early voting ~~in the clerk's~~ at the designated early voting location.

24
25 SECTION 3. Arkansas Code § 7-5-401 is amended to read as follows:
26 7-5-401. Duties of county clerk.

27 (a) The county clerk shall be the custodian of the absentee ballots
28 ~~and early voting ballots for any early voting conducted by the county clerk.~~

29 (b) The county clerk shall be furnished a suitable room at the county
30 courthouse or other location designated for the purpose of exercising all the
31 powers and duties concerning the application for, the issuance of, and the
32 voting of absentee ~~and early voting~~ ballots required by law of the county
33 clerk.

34 (c) In counties with more than one (1) county seat, the county clerk
35 shall conduct+

36 ~~(1) Absentee~~ absentee voting in the courthouse or other room provided

1 by the county, ~~and~~

2 ~~(2) Early voting at the county clerk's designated early voting~~
 3 ~~location in each county seat if the county clerk conducts early voting under~~
 4 ~~§ 7-5-418.~~

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 6 SECTION 4. Arkansas Code § 7-5-413(a) and (b), concerning the use of
 7 voting machines in early voting, is amended to read as follows:

8 (a)(1) At least one (1) voting machine equipped for use by individuals
 9 with disabilities shall be placed in the ~~county clerk's~~ designated early
 10 voting location ~~for early voting~~ for the election in accordance with this
 11 subchapter and at any off-site polling locations established by the county
 12 board.

13 (2) Those persons entitled under the law to vote early by
 14 personal appearance shall cast their votes on voting systems under the laws
 15 applicable to early voting, and the ~~clerk or~~ election official shall enter
 16 the name of each voter on a list at the time he or she votes.

17 (b) After regular business hours, the ~~clerk~~ election official at the
 18 ~~clerk's~~ designated early voting location or the election official at any off-
 19 site polling place shall secure the machines against further voting at the
 20 close of each day's voting in the presence of authorized poll watchers, if
 21 any. When early voting is concluded, the ~~clerk or the~~ election official shall
 22 secure the machines against further voting.

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 24 SECTION 5. Arkansas Code § 7-5-415 is amended to read as follows:

25 7-5-415. Compensation of county clerk for extra deputy.

26 The county clerk's budget shall be paid not less than minimum wage for
 27 a period not to exceed thirty-five (35) days for hiring one (1) extra deputy
 28 for the purpose of carrying out the requirements of this act. The fee for
 29 this one (1) extra deputy shall be established and paid by the county, city,
 30 or other political subdivision, the representatives of which call the
 31 election, or in the case of a state-funded election, by the State Board of
 32 Election Commissioners. Any additional deputies beyond the one (1) extra
 33 deputy may be hired as necessary to carry out the purposes of ~~early voting~~
 34 ~~and~~ absentee voting, if approved and paid by the quorum court of the county.
 35 In the regular general election, the fee for the one (1) extra deputy or
 36 additional deputies shall be paid by the county.

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 2 SECTION 6. Arkansas Code § 7-5-418(a) and (b), concerning the times
 3 and locations of early voting, is amended to read as follows:

4 (a)(1)(A) Except as provided in subdivision (a)(1)(B) of this section,
 5 early voting shall be available to any qualified elector who applies to the
 6 ~~county clerk's~~ designated early voting location, beginning fifteen (15) days
 7 before a preferential primary or general election between the hours of 8:00
 8 a.m. and 6:00 p.m. Monday through Friday and 10:00 a.m. and 4:00 p.m.
 9 Saturday and ending at 5:00 p.m. on the Monday before the election.

10 (B) Early voting shall not be available on state or county
 11 holidays.

12 (2) However, ~~on~~ for all other elections, including presidential
 13 preferential primary, general primary, and general runoff elections, early
 14 voting shall be available to any qualified elector who applies to the ~~county~~
 15 ~~clerk during regular office hours~~ designated early voting location between
 16 the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, beginning seven
 17 (7) days before the election and ending on the day before the election day at
 18 ~~the time the county clerk's office regularly closes 5:00 p.m.~~

19 (b)(1) The county board of election commissioners shall designate an
 20 early voting location.

21 ~~(1)(2)(A)~~ The county board ~~of election commissioners~~ may decide
 22 to hold early voting at additional polling sites outside the ~~offices of the~~
 23 ~~county clerk~~ designated early voting location on any of the days and times
 24 provided for in subsection (a) of this section, if it so chooses.

25 (B) The county board shall determine by unanimous vote the
 26 location of additional polling sites for early voting.

27 (2) The county board shall appoint the election officials for
 28 the additional early voting polling site or sites in the same manner as
 29 election officials are appointed for election day.

30 ~~(3)(A)~~ ~~The county board shall notify the county clerk of its~~
 31 ~~decision to hold early voting at additional polling sites outside the office~~
 32 ~~of the county clerk within ten (10) days of the decision.~~

33 ~~(B)(i)(3)(A)~~ If the county board decides to hold early
 34 voting at additional polling sites outside the ~~office of the county clerk~~
 35 designated early voting location, the ~~county clerk~~ county board may choose
 36 not to hold early voting ~~within the office of the county clerk~~ at the

1 designated early voting location. ~~The county clerk shall notify the county~~
2 ~~board within ten (10) days of the receipt of notice from the county board~~
3 ~~regarding early voting at additional polling sites.~~

4 ~~(ii)(B)~~ (B) If the ~~county clerk~~ county board decides not
5 to hold early voting ~~within the office of the county clerk~~ at the designated
6 early voting location as provided in subdivision (b)(3)~~(B)(i)(A)~~ of this
7 section, the county board shall hold early voting 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 shall record the date on
11 all pages of the early voting roster or early voting request form and keep a
12 daily record of the number of early ballots cast.

13 (5) All voted ballots and unvoted ballots and all related
14 election materials at each additional early voting polling site shall be
15 stored in a secure location in the county courthouse or in a secure location
16 as determined by the county board ~~of election commissioners~~ immediately after
17 the close of the additional polling sites each day that early voting is
18 conducted ~~there~~.

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