

State of Arkansas
87th General Assembly
Regular Session, 2009

A Bill

SENATE BILL 66

By: Senator Madison

For An Act To Be Entitled

AN ACT TO MAKE VARIOUS CORRECTIONS TO TITLE 7 OF
THE ARKANSAS CODE OF 1987 ANNOTATED; AND FOR
OTHER PURPOSES.

Subtitle

AN ACT TO MAKE VARIOUS CORRECTIONS TO
TITLE 7 OF THE ARKANSAS CODE OF 1987
ANNOTATED.

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

SECTION 1. Arkansas Code § 7-1-101(3) is amended to read as follows to
clarify a reference and change an incorrect title:

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

SECTION 2. Arkansas Code § 7-4-101(d)(1) is amended to read as follows
to clarify references:

(d)(1) The term on the board of the ~~elected state official~~ Secretary
of State shall be concurrent with ~~the term of the public elected official~~ his
or her term in office.

SECTION 3. Arkansas Code § 7-5-101(a)(2)(A) is amended to read as



1 follows to conform a term to current Code style:

2 (2)(A)(i) The county board shall ~~fix~~ establish a polling site
3 for each election precinct.

4 (ii)(a) Except as provided in subdivision
5 (a)(2)(A)(ii)(b) of this section, the ~~fixing-establishment~~ of ~~polling sites~~ a
6 polling site shall be by a unanimous vote of the county board.

7 (b) ~~Polling sites for school elections~~ A
8 polling site for a school election shall be ~~fixed~~ established by a majority
9 of the county board.

10
11 SECTION 4. Arkansas Code § 7-5-403(b)(2)(B) is amended to read as
12 follows to clarify a term:

13 (B)(i) Except for persons ~~of~~ in long-term care or
14 residential care facilities licensed by the state or other persons who are
15 voters with disabilities as defined in § 7-5-311(d), for those persons voting
16 by absentee ballot who reside within the county in which they are registered
17 to vote, the application shall be valid for only one (1) election cycle. ~~The~~
18 ~~election cycle shall include any one (1) election and the corresponding~~
19 ~~runoff election.~~

20 (ii) The election cycle shall include any one (1) election and the
21 corresponding runoff election.

22
23 SECTION 5. Arkansas Code § 7-5-405(a)(2)(E) is amended to read as
24 follows to correct a reference:

25 (E) A statement indicating whether the voter is in active
26 service as a member of the ~~uniformed~~ armed services of the United States;

27
28 SECTION 6. Arkansas Code § 7-5-405(a)(2)(H) is amended to read as
29 follows:

30 (H) The election in which the voter wishes to cast ~~a~~ an
31 absentee ballot.

32
33 SECTION 7. Arkansas Code § 7-5-406(a)(1) is amended to read as follows
34 to correct a reference:

35 (1) Members of the ~~uniformed~~ armed services of the United States
36 in active service; and

SECTION 8. Arkansas Code § 7-5-406(c)(4) is amended to read as follows to correct a technical error:

(4) Instructions shall be sent with the special absentee ballot to the ~~qualified~~ voter explaining the instant runoff voting process.

SECTION 9. Arkansas Code § 7-5-409(b)(1)-(3) is amended to read as follows to correct a reference:

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

(2) Instructions for voting and returning the official absentee ballot to the county clerk;

(3) A An official absentee ballot secrecy envelope on which there shall be written or printed the words+ "Ballot Only";

SECTION 10. Arkansas Code § 7-5-409(d) is amended to read as follows to clarify and restructure the section to conform to Code style:

(d) The county clerk shall not deliver an absentee ~~ballots~~ ballot to any person other than the absentee voter unless the person picking up the ~~ballots~~ ballot provides ~~satisfactory photo~~ current and valid photographic identification to the county clerk that he or she ~~is the voter's designated bearer, authorized agent, or the administrator of a long-term care or residential care facility licensed by the state.~~ is:

(1) The voter's:

(A) Designated bearer; or

(B) Authorized agent; or

(2) The administrator of a long-term care or residential care facility licensed by the state in which the voter resides.

SECTION 11. Arkansas Code § 7-5-411(a)(1)(B)(ii) is amended to read as follows to correct a reference:

(ii) The absentee ballots of ~~uniformed~~ armed services personnel serving in active status shall be counted if received by the county clerk no later than 5:00 p.m. ten (10) calendar days after the date of the election and if the absentee ballots were executed no later than the date of the election.

SECTION 12. Arkansas Code § 7-5-411(a)(1)(C) is amended to read as follows to correct a reference:

(C) Each absentee ballot shall be mailed separately by the voter and shall not be included with any other absentee ballot in a bulk mailing, except that an ~~administrative head~~ administrator of a long-term care or residential care facility licensed by the State of Arkansas or hospital may mail the absentee ballots of the residents and patients by bulk mail. Absentee ballots in any bulk mailing not otherwise permitted in this subsection shall not be counted;

SECTION 13. Arkansas Code § 7-5-412 is amended to read as follows to clarify and correct references:

7-5-412. Marking and return of absentee ballots – Delivery of mailed absentee ballots.

(a) Upon receiving the blank absentee ballot, statement, and envelopes, whether in the office of the county clerk or elsewhere, the voter shall mark the absentee ballot and place the absentee ballot in the provided envelope. He or she shall then seal the envelope containing the absentee ballot and place it in the other provided outer envelope with the following:

(1) The executed voter statement; and

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

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

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

(b) ~~An individual~~ A voter who desires to cast an absentee ballot but who does not meet the identification requirements of subdivision (a)(2) of this section may cast his or her absentee ballot by mail, and the absentee

1 ballot shall be considered as a provisional ballot.

2 (c) ~~Ballots~~ Absentee ballots received by mail on election day before
3 the polls close shall be delivered promptly by the county clerk to the
4 election officials designated to canvass and count absentee ballots.

5
6 SECTION 14. Arkansas Code § 7-5-416(b)(1)(F)(iii) is amended to read
7 as follows to add a necessary term:

8 (iii) If a first-time voter fails to provide the
9 required identification with the absentee ballot or at the time of mailing
10 the voter registration application, then the absentee application, absentee
11 ballot envelope, and voter's statement shall be placed in an envelope marked
12 "provisional" and the absentee ballot shall be considered a provisional
13 ballot;

14
15 SECTION 15. Arkansas Code § 7-5-419(a)(4)(B) is amended to read as
16 follows for consistency:

17 (B) The designated bearer shall be named on the voter
18 statement accompanying the absentee ballot.

19
20 SECTION 16. Arkansas Code § 7-5-419(a)(5) is amended to read as
21 follows for consistency and clarify:

22 (5) In order to obtain an absentee ballot from the county clerk:

23 (A) The designated bearer shall show a form of current
24 photographic identification to the county clerk;

25 (B) The county clerk shall print the designated bearer's
26 name and address beside the voter's name on a register; and

27 (C) The designated bearer shall sign the register under
28 oath indicating receipt of the voter's absentee ballot.

29
30 SECTION 17. Arkansas Code § 7-5-419(a)(6) is amended to read as
31 follows for consistency:

32 (6) Upon delivering an absentee ballot to the county clerk:

33 (A) The designated bearer shall present current and valid
34 photographic identification to the county clerk;

35 (B) The county clerk shall print the designated bearer's
36 name and address beside the voter's name on a register; and

1 (C) The designated bearer shall sign the register under
2 oath indicating delivery of the voter's absentee ballot.

3
4 SECTION 18. The enactment and adoption of this act shall not repeal,
5 expressly or impliedly, the acts passed at the regular session of the 87th
6 General Assembly. All such acts shall have full effect and, so far as those
7 acts intentionally vary from or conflict with any provision contained in this
8 act, those acts shall have the effect of subsequent acts and as amending or
9 repealing the appropriate parts of the Arkansas Code of 1987.