

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
4 By: Senator Faris

As Engrossed: S3/18/09

A Bill

SENATE BILL 813

For An Act To Be Entitled

AN ACT TO AMEND VARIOUS PROVISIONS OF THE
ARKANSAS CODE IN ORDER TO CLARIFY AND SIMPLIFY
PROVISIONS OF THE ELECTION LAWS; AND FOR OTHER
PURPOSES.

Subtitle

AN ACT TO AMEND VARIOUS PROVISIONS OF
THE ARKANSAS CODE IN ORDER TO CLARIFY
AND SIMPLIFY PROVISIONS OF THE ELECTION
LAWS.

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

SECTION 1. Arkansas Code § 6-13-631(f), concerning the effect of
minority population on elections, is amended to read as follows:

(f)(1) ~~After each federal decennial census and at~~ At least ninety (90)
days before the second annual school election after each federal decennial
census, the local board of directors, with the approval of the controlling
county board of election commissioners, shall:

(A) ~~divide~~ Divide each school district having a ten
percent (10%) or greater minority population into single-member zones; and

(B)(i) File a copy of the plan with the county clerk of
the county where the school district is administratively domiciled.

(ii) The plan shall include a map showing the
boundaries of the zones and documentation showing the population by race in
each zone.

(2) The zones shall be based on the most recent federal
decennial census information and be substantially equal in population.



1 ~~(2)~~(3) At the annual school election following the rezoning, a
2 new school board of directors shall be elected in accordance with procedures
3 set forth in this section.

4
5 SECTION 2. Arkansas Code § 7-1-101 is amended to read as follows:

6 7-1-101. Definitions.

7 As used in this title, unless the context or chapter otherwise
8 requires:

9 (1) "Administrator" means the administrative head of a long-term care
10 or residential care facility licensed by the state who is authorized in
11 writing by a patient of the long-term care or residential care facility to
12 deliver the application for an absentee ballot and to obtain or deliver the
13 absentee ballot to the county clerk;

14 (2) "Audit log" means an electronically stored record of events and
15 ballot images from which election officials may produce a permanent paper
16 record with a manual audit capacity for a voting system using voting
17 machines;

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

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

26 (5) "Certificate of choice" means a certificate, signed by an
27 executive officer of a political group that submits a petition to place its
28 candidates for President and Vice-President on the ballot, designating the
29 names of its candidates to appear on the ballot;

30 (6) "Constitutional officers of this state" means the offices of the
31 Governor, Lieutenant Governor, Secretary of State, Attorney General, Auditor
32 of State, Treasurer of State, and Commissioner of State Lands;

33 ~~(6)~~(7) "Counting location" means a location selected by the county
34 board of election commissioners with respect to all elections for the
35 automatic processing or counting, or both, of votes;

36 ~~(7)~~(8) "Designated bearer" means any person who is identified and

1 authorized by the applicant to obtain from the county clerk or to deliver to
2 the county clerk the applicant's ballot;

3 ~~(8)~~(9) "Election official" or "election officer" means a person who is
4 a member of the county board of election commissioners or a person who is a
5 poll worker designated by a county board of election commissioners to be an
6 election clerk, election judge, or election sheriff;

7 ~~(9)~~(10) "Electronic vote tabulating device" means a device used to
8 electronically scan a marked paper ballot for the purpose of tabulation;

9 ~~(10)~~(11) "Fail-safe voting" means the mechanism established under the
10 National Voter Registration Act of 1993 that allows ~~voters~~ a voter who ~~have~~
11 has moved within the same county to vote at ~~their~~ his or her new precinct
12 without having updated ~~their~~ his or her voter registration records;

13 ~~(11)~~(12) "First-time voter" means any registered voter who has not
14 previously voted in a federal election in the state;

15 ~~(12)~~(13) "General or special election" means the regular biennial or
16 annual elections for election of United States, state, district, county,
17 township, and municipal officials and the special elections to fill vacancies
18 therein and special elections to approve any measure. The term as used in
19 this act shall not apply to school elections for officials of school
20 districts;

21 ~~(13)~~(14) "Majority party" means that political party in the State of
22 Arkansas whose candidates were elected to a majority of the constitutional
23 offices of this state in the last preceding general election;

24 ~~(14)~~(15) "Marking device" means any approved device for marking a
25 paper ballot with ink or other substance that will enable the votes to be
26 tabulated by means of an electronic vote tabulating device;

27 ~~(15)~~(16) "Minority party" means that political party whose candidates
28 were elected to less than a majority of the constitutional offices of this
29 state in the last preceding general election or the political party that
30 polled the second greatest number of votes for the office of Governor in the
31 last preceding general election if all of the elected constitutional officers
32 of this state are from a single political party;

33 ~~(16)~~(17) "Party certificate" means a written statement or receipt
34 signed by the secretary or chair of the county committee or of the state
35 committee, as the case may be, of the political party evidencing the name and
36 title proposed to be used by the candidate on the ballot, the position the

1 candidate seeks, payment of the fees, and filing of the party pledge, if any,
2 required by the political party;

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

7 (B) ~~No~~ A group of electors shall not assume a name or
8 designation that is so similar in the opinion of the Secretary of State to
9 that of an existing political party as to confuse or mislead the voters at an
10 election.

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

14 ~~(18)~~(19) "Polling site" means a location selected by the county board
15 of election commissioners where votes are cast;

16 ~~(19)~~(20) "Precinct" means the geographical boundary lines dividing a
17 county, municipality, township, or school district for voting purposes;

18 ~~(20)~~(21) "Primary election" means any election held by a political
19 party in the manner provided by law for the purpose of selecting nominees of
20 the political party for certification as candidates for election at any
21 general or special election in this state;

22 ~~(21)~~(22) "Provisional ballot" means a ballot:

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

25 (B) Counted contingent upon the verification of the
26 voter's eligibility;

27 ~~(22)~~(23) "Qualified elector" means a person who holds the
28 qualifications of an elector and who is registered ~~pursuant to~~ under Arkansas
29 Constitution, Amendment 51;

30 ~~(23)~~(24) "Sample ballot" means a ballot for distribution to the public
31 or the press marked with the word "SAMPLE" so as to prevent the production of
32 counterfeit ballots;

33 ~~(24)~~(25) "Vacancy in election" means the vacancy in an elective office
34 created by death, resignation, or other good and legal cause, arising prior
35 to election to the office at a general or special election but arising
36 subsequent to the certification of the ballot;

1 ~~(25)~~(26) “Vacancy in nomination” means the circumstances in
2 which the person who received the majority of votes at the preferential
3 primary election or general primary election cannot accept the nomination due
4 to death or notifies the party that he or she will not accept the nomination
5 due to serious illness, moving out of the area from which the person was
6 elected as the party’s nominee, or filing for another office preceding the
7 final date for certification of nominations;

8 ~~(26)~~(27)(A) “Vacancy in office” means the vacancy in an elective
9 office created by death, resignation, or other good and legal cause arising
10 subsequent to election to the office at a general or special election or
11 arising subsequent to taking office and ~~prior to~~ before the expiration of the
12 term of office in those circumstances wherein the vacancy must be filled by a
13 special election rather than by appointment.

14 (B) The phrase “vacancy in office” shall not apply to the
15 election of a person at a general election to fill an unexpired portion of a
16 term of office;

17 ~~(27)~~(28) “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 ~~(28)~~(29) “Voting machine” means either:

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

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

33 (ii) Processes the data by means of a computer
34 program;

35 (iii) Records voting data and ballot images in
36 internal and external memory components; and

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

3 (B) An electronic device for marking a paper ballot to be
4 electronically scanned; and

5 ~~(29)~~(30) "Voting system" means:

6 (A) The total combination of mechanical,
7 electromechanical, or electronic equipment, including the software, firmware,
8 and documentation required to program, control, and support the equipment
9 that is used to:

10 (i) ~~To define~~ Define ballots;

11 (ii) ~~To cast~~ Cast and count votes;

12 (iii) ~~To report~~ Report or display election results;

13 and

14 (iv) ~~To maintain~~ Maintain and produce any audit
15 trail information; and

16 (B) The practices and documentation used to:

17 (i) Identify system components and versions of
18 components;

19 (ii) Test the system during its development and
20 maintenance;

21 (iii) Maintain records of system errors and defects;

22 (iv) Determine specific system changes to be made to
23 a system after the initial qualification of the system; and

24 (v) Make available any materials to the voter,
25 including, ~~but not limited to,~~ without limitation notices, instructions,
26 forms, or paper ballots.

27
28 SECTION 3. Arkansas Code § 7-5-107 is amended to read as follows:

29 7-5-107. Use of voter registration lists by ~~election officials~~ poll
30 workers.

31 (a) In any election conducted in this state, precinct voter
32 registration lists shall be used by ~~election officials~~ poll workers in each
33 ~~precinct~~ polling place.

34 (b) Precinct voter registration lists shall contain the name, address,
35 including zip code, and date of birth of each registered voter within the
36 precinct, including those who have been designated inactive, the precinct

1 number and county wherein the precinct is located, the name and date of the
2 election, and a space for the voter's signature.

3 (c) The following shall be printed at the top of each page of the
4 precinct voter registration list:

5 "IF YOU SIGN THIS FORM AND YOU ARE NOT A LAWFULLY REGISTERED VOTER, YOU ARE
6 MAKING A FALSE STATEMENT AND MAY BE COMMITTING PERJURY. PERJURY IS PUNISHABLE
7 BY UP TO A \$10,000 FINE AND UP TO 10 YEARS IMPRISONMENT."
8

9 SECTION 4. Arkansas Code § 7-5-204(c), concerning transmittal of an
10 amendment or measure for placement when awaiting a determination as to the
11 sufficiency of the petition, is amended to read as follows:

12 (c)(1) If the Secretary of State has not determined the sufficiency of
13 a petition for an amendment or a measure by the seventieth day before the
14 general election, or if an amendment or a measure has been challenged for any
15 reason in a court of competent jurisdiction, the Secretary of State shall
16 nonetheless transmit the amendment or measure and the ballot title of each
17 amendment and measure to the county election commissions to make any required
18 posting and to place the amendment or measure on the ballot.

19 (2) If the petition for the amendment or measure is subsequently
20 declared insufficient by the Secretary of State or a court of competent
21 jurisdiction, or if held to be invalid for any other reason, no votes
22 regarding the amendment or measure shall be counted or certified.
23

24 SECTION 5. Arkansas Code § 7-5-206 is amended to read as follows:
25 7-5-206. Publication requirements.

26 The county board of election commissioners shall make publication of
27 all nominations ~~filed with it, of all nominations certified to it by the~~
28 ~~Secretary of State~~, of all proposed amendments to the Arkansas Constitution,
29 and of all other measures and questions ~~certified to it by the Secretary of~~
30 ~~State or~~ required by law to be submitted to the electors at any election, by
31 posting a list thereof at the door of the courthouse at least ten (10) days
32 before the day of the election.
33

34 SECTION 6. Arkansas Code § 7-5-207 (b), concerning requirements for
35 printing a person's name on a ballot as a candidate for office, is amended to
36 read as follows:

1 (b) ~~No~~ A person's name shall not be printed upon the ballot as a
2 candidate for any public office in this state at any election unless the
3 person is qualified and eligible at the time of filing, or as otherwise may
4 be provided by law, as a candidate for the office to hold the public office
5 for which he or she is a candidate, except if a person is not qualified to
6 hold the office at the time of filing because of age alone, the name of the
7 person shall be printed on the ballot as a candidate for the office if the
8 person will qualify to hold the office at the time prescribed by law for
9 taking office.

10
11 SECTION 7. Arkansas Code § 7-5-211 is amended to read as follows:
12 7-5-211. Delivery of election supplies.

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

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

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

19 (2) For each set of ~~election officials~~ poll workers in each
20 polling place, the county board shall deliver to the designated person or
21 persons the following additional election supplies, if applicable:

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

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

25 (C) A precinct voter registration list;

26 (D) Sufficient tally sheets;

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

28 (F) Separate sheets containing blank forms of certificates
29 prepared to enable the ~~election officials~~ poll workers to properly certify
30 the paper ballot count at the polling site, upon which certificates shall be
31 endorsed a blank form of oath to be taken by the ~~election officials~~ poll
32 workers before entering upon the discharge of their duties;

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

36 (H) In those counties in which an optical scanner is used

1 to count paper ballots, the marking instrument recommended by the
2 manufacturer of the optical scanner for proper marking on the ballots shall
3 be provided.

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

6 (c) The county board shall be responsible for providing ballots and
7 election materials for absentee and early voting to the county clerk ~~prior to~~
8 before the beginning day for absentee and early voting.

9
10 SECTION 8. Arkansas Code § 7-5-301 (b)(1), concerning the requirement
11 that direct recording electronic voting machines include a voter-verified
12 paper audit trail, is amended to read as follows:

13 (b)(1) All direct recording electronic voting machines ~~in use on or~~
14 ~~after January 1, 2006,~~ shall include a voter-verified paper audit trail,
15 except ~~for~~ that those direct recording electronic voting machines in use
16 during the 2004 general election ~~that~~ may include a voter-verified paper
17 audit trail at the discretion of the county election commission.

18
19 SECTION 9. Arkansas Code § 7-5-301 (h), concerning a program to
20 educate voters and election officials in proper use of the voting system, is
21 amended to read as follows:

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

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

29
30 SECTION 10. Arkansas Code § 7-5-304 is amended to read as follows:

31 7-5-304. Opening and closing polls – Time.

32 (a) The polls shall be opened at 7:30 a.m., and they shall remain open
33 continuously until 7:30 p.m.

34 (b) In all counties, when the polls close, all persons who have
35 presented themselves for voting and who are then in line at the polling site
36 shall be permitted to cast their votes.

1 (c)(1) A person who votes in an election as a result of a federal or
2 state court order or any other order extending the time established for
3 closing the polls may vote in that election only by casting a provisional
4 ballot.

5 (2) The ballot shall be separated and held apart from other
6 provisional ballots cast by those not affected by the order.

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

10 (a) Before a person is permitted to vote, the ~~election-official~~ poll
11 worker shall:

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

15 (2) Request the voter, in the presence of the ~~election-official~~
16 poll worker, to state his or her address and state ~~or confirm~~ his or her date
17 of birth;

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

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

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

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

29 (C) If the address is not within the precinct:

30 (i) ~~Contact~~ Verify with the county clerk's office ~~to~~
31 ~~determine~~ the proper precinct; and

32 (ii) Instruct the voter to go to the polling site
33 serving that precinct in order for his or her vote to be counted;

34 (6) If the voter's name is not the same as that on the precinct
35 voter registration list, request the voter to complete a voter registration
36 application form for purposes of updating county voter registration record

1 files;

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

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

13 (B)(i) If a voter is unable to provide this
14 identification, the ~~election official~~ poll worker shall indicate on the
15 precinct voter registration list that the voter did not provide
16 identification.

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

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

25 (iv) The prosecuting attorney may investigate
26 possible voter fraud;

27 (9) Record the voter's name or request the voter to print his or
28 her name on the list-of-voters form;

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

32 (11) 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.

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SECTION 12. Arkansas Code § 7-5-306 is amended to read as follows:

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

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

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

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

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

(4) The voter signs the precinct voter registration list.

(b) If the voter is not listed on the precinct voter registration list and the ~~election official~~ poll worker is unable to verify the voter's registration with the county clerk and the voter contends that he or she is a registered voter in the precinct in which he or she desires to vote and that he or she is eligible to vote, then the voter shall be permitted to cast a provisional ballot.

SECTION 13. Arkansas Code § 7-5-309 is amended to read as follows:

7-5-309. Voting procedure.

(a)(1) At general, primary, special, and school elections in counties that use paper ballots, the county board of election commissioners shall provide in each polling site at least one (1) voting booth for each fifty (50) registered electors voting in the last-preceding comparable election.

(2) Each voting booth shall be situated so as to permit ~~voters a voter~~ to prepare their ballots his or her ballot screened from observation and shall be furnished with any supplies and conveniences as will enable the voter to prepare his or her ballot.

(3) The voting booths shall be situated in the polling site in plain view of the ~~election officials~~ poll workers.

1 (4) ~~No~~ A person other than the ~~election officials~~ poll workers
2 and those admitted for the purpose of voting shall not be permitted within
3 the immediate voting area, which shall be considered as within six feet (6')
4 of the voting booths, except by authority of the election ~~officials~~ judge and
5 then only when necessary to keep order and enforce the law.

6 (b) Before giving the voter a ballot, ~~an election official~~ a poll
7 worker shall:

8 (1) Initial the back of the ballot;

9 (2) Remove the ballot stub; and

10 (3) Place the stub into the stub box provided.

11 (c)(1)(A) Upon receiving his or her ballot, the voter shall proceed to
12 mark it by placing an appropriate mark.

13 (B) ~~No~~ A voter shall not be allowed more than five (5)
14 minutes to mark his or her ballot.

15 (2) The voter shall then personally deposit the ballot into the
16 ballot box provided.

17 (d)(1) The voter shall not be required to sign, initial, or in any way
18 identify himself or herself with the ballot, the ballot stub, or the list of
19 voters other than in the manner set forth in this section.

20 (2) However, ~~an election official~~ a poll worker may inspect the
21 back of the ballot before the voter deposits it to see if it has been
22 initialed by an election official.

23 (e) After having voted or having declined to do so, the voter shall
24 immediately depart from the polling site.

25 (f) ~~No~~ A person shall not be permitted to carry a ballot outside of
26 the polling place.

27 (g)(1) If a paper ballot is left at a voting booth or anywhere else in
28 the polling site without being inserted into the ballot box by the voter
29 ~~prior to~~ before departing the polling site, ~~an election officer~~ a poll worker
30 shall:

31 (A) Write "Abandoned" on the face of the paper ballot;

32 (B) Place the paper ballot ~~in~~ into an envelope marked
33 "Abandoned Ballot";

34 (C) Note in writing on the outside of the envelope all
35 circumstances surrounding the abandoned ballot; and

36 (D) Preserve the abandoned ballot separately.

1 (2) The county board of election commissioners shall not count
2 the ballot.

3 (h)(1) If a paper ballot that is fed by a voter into an electronic
4 vote tabulating device at the polling site is rejected by the device but is
5 still in the receiving part of the counter and the voter has not reported to
6 an election officer his or her desire to cancel or replace the ballot ~~prior~~
7 ~~to~~ before departing the polling site, two (2) election officers shall take
8 action to override warnings on the device and complete the process of casting
9 the ballot.

10 (2) The ~~election officers~~ poll workers shall document:

11 (A) The time;

12 (B) The name of the voter;

13 (C) The names of the election officers completing the
14 process of casting the ballot; and

15 (D) All other circumstances surrounding the abandoned
16 ballot.

17

18 SECTION 14. Arkansas Code § 7-5-310(a), concerning a voter's right to
19 privacy to mark his or her ballot, is amended to read as follows:

20 (a) Each voter shall be provided the privacy to mark his or her
21 ballot. Privacy shall be provided by the poll workers at each polling site
22 ~~each county board of election commissioners~~ or by the county clerk, if the
23 county clerk conducts early voting, to ensure that ~~voters~~ a voter desiring
24 privacy ~~are~~ is not singled out.

25

26 SECTION 15. Arkansas Code §§ 7-5-317 and 7-5-318 are amended to read
27 as follows:

28 7-5-317. Processing and delivery of election materials.

29 (a) After the count of the ballots is completed, all of the election
30 returns shall be processed and delivered in the following manner:

31 (1) The poll workers shall total the number of voters on the
32 list of voters form and certify and attest the form;

33 (2) The list-of-voters form, precinct voter registration list,
34 voter registration application forms, and other recordkeeping supplies shall
35 be delivered to the county clerk;

36 ~~(2)~~(3) Certificates of election results and tally sheets:

1 (A) One (1) copy of the certificate of election results
2 with one (1) copy of the tally sheets shall be delivered to the county clerk;
3 and

4 (B) One (1) copy of the certificate of election results
5 shall be returned with one (1) copy of the tally sheets and reports of
6 challenges of voters, if any, to the county board of election commissioners;

7 ~~(3)~~(4) Ballots:

8 (A) The ~~election officials~~ poll workers shall securely
9 envelope the voted ballots separately from the unused ballots and place the
10 ballots in a container with a numbered seal and then deliver the ballots with
11 the tally sheets and other election materials to the county board of election
12 commissioners; and

13 (B) All cancelled ballots shall be preserved separately
14 from the other ballots and returned to the county board of election
15 commissioners; and

16 ~~(4)~~(5) Stub boxes: Sealed stub boxes shall be delivered to the
17 county treasurer for storage.

18 (b) All of the election materials and returns shall be delivered to
19 the county board of election commissioners by the ~~election officials~~ poll
20 workers immediately after the polls close.

21
22 7-5-318. Failure to deliver materials – Penalty – Messenger to obtain
23 delinquent returns.

24 (a) If the ~~election officials~~ poll workers fail to deliver the
25 ballots, ballot stubs, certification of election, voter lists, and other
26 election returns ~~within the time period and~~ in the manner provided for in §
27 7-5-317, the ~~election officials~~ poll workers shall forfeit the sum of two
28 hundred dollars (\$200) to be recovered by action of debt in the name of the
29 state for the use of the county.

30 (b) Upon failure of delivery of the election returns immediately after
31 the polls close, the county board of election commissioners shall dispatch a
32 peace officer to obtain the election returns, and all expenses incurred by
33 sending the messenger shall be paid by the defaulting ~~election officials~~ poll
34 workers.

35
36 SECTION 16. Arkansas Code § 7-5-403 is amended to read as follows:

1 ~~7-5-403~~ 7-5-404. Applications for ballots.

2 (a)(1) Applications for absentee ballots must be signed by the
3 applicant and verified by the county clerk by checking the voter's name,
4 address, date of birth, and signature from the registration records or, if
5 sent by facsimile machine transmitted over telephone lines, the application
6 must bear a verifiable facsimile of the applicant's signature.

7 (2) Delivery of the request for an absentee ballot to the county
8 clerk may be made in one (1) of the following ways, and in no other manner:

9 (A) For applications submitted using the form prescribed
10 in § 7-5-405:

11 (i) In person at the office of the county clerk of
12 the county of residence of the voter no later than the time the county
13 clerk's office regularly closes on the day before election day;

14 (ii) Applications by mail must be received in the
15 office of the county clerk of the county of residence of the voter not later
16 than seven (7) days before the election for which the application was made;

17 (iii) A designated bearer may deliver the completed
18 application to the office of the county clerk of the county of residence of
19 the applicant not later than the time the county clerk's office regularly
20 closes on the day before the day of the election;

21 (iv) A person declared as the authorized agent of
22 the applicant may deliver the application to the office of the county clerk
23 of the county of residence of the applicant not later than 1:30 p.m. on the
24 day of the election; ~~or~~

25 (v) An administrator may deliver the application in
26 person at the office of the county clerk of the county of residence of the
27 voter no later than the time the county clerk's office regularly closes on
28 the day before election day; or

29 ~~(v)~~(vi)(a) Delivery by facsimile machine
30 transmission to the county clerk's office of the county of residence of the
31 voter not later than seven (7) days before the election for which the
32 application was made.

33 (b) The completed facsimile-transmitted
34 application will be accepted only upon verification of the facsimile
35 signature of the applicant by the county clerk.

36 (c) Once verified as a reasonable likeness of

1 the voter's signature, the signature appearing on a facsimile copy of an
2 application shall be presumed to be authentic until proven otherwise; or

3 (B) If the applicant does not use the form prescribed in §
4 7-5-405, he or she may make an application for an absentee ballot as follows:

5 (i) A letter or postcard must be received in the
6 office of the county clerk not later than seven (7) days before the date of
7 the election. The letter or postcard shall contain information sufficient for
8 the county board of election commissioners and the county clerk to accept the
9 letter or postcard in lieu of the application form; or

10 (ii) An applicant may transmit a written request for
11 an absentee ballot over the telephone lines that shall contain the voter's
12 signature and other information sufficient for acceptance in lieu of the
13 application form.

14 (b)(1) Any person eligible to vote by absentee ballot may request the
15 county clerk to mail to an address within the continental United States an
16 application for an absentee ballot.

17 (2)(A) For those persons voting by absentee ballot who reside
18 outside the county in which they are registered to vote, the application
19 shall remain in effect for one (1) year unless revoked by the voter, and the
20 county clerk shall thereafter automatically mail, no later than twenty-five
21 (25) days ~~prior to~~ before each election, an absentee ballot for each
22 election.

23 (B) Except for persons of long-term care or residential
24 facilities licensed by the state or other persons who are voters with
25 disabilities as defined in § 7-5-311(d), for those persons voting by absentee
26 ballot who reside within the county in which they are registered to vote, the
27 application shall be valid for only one (1) election cycle. The election
28 cycle shall include any one (1) election and the corresponding runoff
29 election.

30 (c) Citizens of the United States temporarily residing outside the
31 territorial limits of the United States may request the absentee ballot for
32 any one (1) or more elections through the next two (2) regularly scheduled
33 general elections for federal office, including any runoff elections that may
34 occur as a result of the outcome of the general elections, by submitting only
35 one (1) application during that period of time in the manner prescribed by
36 subsection (a) of this section.

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SECTION 17. Arkansas Code § 7-5-410 is amended to read as follows:

7-5-410. Instructions and notice included with voting materials –
Other enclosures prohibited.

It shall be unlawful for any person to place any notice, advertising material, or other advice with the material delivered or mailed to the applicant, other than instructions as to the method of casting an absentee ballot including a procedure to be followed by absentee voters such as, ~~in instances of adhesion of the balloting materials, a notation of the fact on the back of the envelope duly signed by the voter and witnessing officer;~~ express information covering the type or types of writing instruments which may be used to mark the absentee ballot, preferably pen or indelible pencil; , the consequences of voting for more than one (1) candidate for a particular office, and notice of the last day on which the ballot may be received and counted. The instructions and notice shall not be signed by the name of any person.

SECTION 18. Arkansas Code § 7-5-414 is amended to read as follows:

7-5-414. Appointment of ~~special election officials~~ election clerks –
Qualifications — ~~Compensation.~~

(a) The county board of election commissioners shall appoint ~~election officials~~ election clerks to process, count, and canvass the absentee voters' ballots in all elections.

(b)(1) The ~~election officials~~ election clerks who are to canvass the absentee ballots shall be appointed in the same manner and at the same time the ~~election officials~~ poll workers are selected to serve at the regular voting precincts.

(2) The ~~election officials~~ election clerks shall possess the same qualifications as the ~~election officials~~ poll workers who serve at the regular voting precincts.

(c) The processing, counting, and canvassing of the absentee ballots shall be under the supervision and at the direction of the county board of election commissioners.

SECTION 19. Arkansas Code § 7-5-416(b)(1)(B), concerning the reading of the voter statement, is amended to read as follows:

1 (B) If the required materials are properly placed in the
2 outer absentee ballot envelope, the election official shall proceed to read
3 aloud from the voter statement the name of the voter ~~and the voting precinct~~
4 ~~in which the voter claims to be a legal voter;~~

5
6 SECTION 20. Arkansas Code § 7-5-416(b)(1)(F)(ii), concerning the
7 comparison of an absentee voter application and the voter's statement, is
8 amended to read as follows:

9 (ii) If the county board of election commissioners
10 determines that the application and the voter's statement do not compare as
11 to name, address, date of birth, and signature, the absentee ballot shall not
12 be counted.

13
14 SECTION 21. Arkansas Code § 7-5-418 is amended to read as follows:

15 7-5-418. Early voting.

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

22 (B) Early voting shall not be available on state or county
23 holidays.

24 (2) However, on all other elections, including presidential
25 preferential primary, general primary, and general runoff elections, early
26 voting shall be available to any qualified elector who applies to the county
27 clerk during regular office hours, beginning seven (7) days before the
28 election and ending on the day before the election day at the time the county
29 clerk's office regularly closes.

30 (b)(1)(A) The county board of election commissioners may decide to
31 hold early voting at additional polling sites outside the offices of the
32 county clerk on any of the days and times provided for in subsection (a) of
33 this section, if it so chooses.

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

36 (2) The county board shall appoint the election officials for

1 the additional early voting polling site or sites in the same manner as
2 election officials are appointed for election day.

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

6 (B)~~(i)~~ If the county board decides to hold early voting ~~at~~
7 ~~additional polling sites outside the office of the county clerk~~ at one (1) or
8 more conveniently located polling sites on the days and times under
9 subsection (a) of this section, the county clerk may choose not to hold early
10 voting within the office of the county clerk. The county clerk shall notify
11 the county board within ten (10) days of the receipt of notice from the
12 county board regarding early voting at additional polling sites.

13 ~~(ii) If the county clerk decides not to hold early~~
14 ~~voting within the office of the county clerk as provided in subdivision~~
15 ~~(b)(3)(B)(i) of this section, the county board shall hold early voting at one~~
16 ~~(1) or more conveniently located polling sites on the days and times provided~~
17 ~~in subsection (a) of this section.~~

18 (4) The early voting election official shall record the date on
19 all pages of the early voting roster or early voting request form and keep a
20 daily record of the number of early ballots cast.

21 (5) All voted ballots and unvoted ballots and all related
22 election materials at each additional early voting polling site shall be
23 stored in a secure location in the county courthouse or in a secure location
24 as determined by the county board of election commissioners immediately after
25 the close of the additional polling sites each day that early voting is
26 conducted there.

27 (c) Before a person is permitted to cast an early vote, the county
28 clerk or election official shall:

29 (1) Request the voter to identify himself or herself by stating
30 his or her name, date of birth, and address in order to verify his or her
31 registration;

32 (2) If the voter's name or address is not the same as that in
33 the county voter registration record files, request the voter to complete an
34 updated voter registration application form;

35 (3) Request the voter to sign an early voting roster or early
36 voting request form that identifies his or her name, address, date of birth,

1 and the date on the roster or form; and

2 (4) Enter the voter's precinct number on the early voting roster
3 or early voting request form.

4 (d) If the voter is not listed in the county voter registration record
5 files and the county clerk is unable to verify the voter's registration and
6 if the voter contends that he or she is eligible to vote, then the voter may
7 vote a provisional ballot that shall be counted only upon verification of the
8 voter's registration status.

9 (e) The county clerk or county board shall furnish voting locations
10 that adequately allow the early voter to personally and secretly execute his
11 or her ballot.

12 ~~(f) Upon casting his or her ballot, the voter shall then deposit the~~
13 ~~ballot in the appropriate box in the same manner as for votes cast on the day~~
14 ~~of the election.~~

15 ~~(g)~~(f) Except as provided in this section, early voting shall be
16 conducted in the same manner as voting on election day. Conduct that is
17 prohibited or restricted on election day shall be subject to the same
18 prohibitions and restrictions on the days on which early voting is conducted.

19

20 SECTION 22. Arkansas Code § 7-5-419 is amended to read as follows:

21 ~~7-5-419~~ 7-5-403. Designated bearers, authorized agents, and
22 administrators.

23 (a)(1) A designated bearer may ~~deliver applications for absentee~~
24 ~~ballots to the county clerk and~~ obtain absentee ballots from the county clerk
25 for not more than two (2) voters.

26 (2) At no time shall a designated bearer have more than two (2)
27 absentee ballots in his or her possession.

28 (3)(A) A designated bearer receiving an absentee ballot from the
29 county clerk for a voter shall deliver the absentee ballot directly to the
30 voter.

31 (B) A designated bearer receiving an absentee ballot from
32 a voter shall deliver the absentee ballot directly to the county clerk.

33 (4)(A) A designated bearer may deliver to the county clerk the
34 absentee ballots for not more than two (2) voters.

35 (B) The bearer shall be named on the voter statement
36 accompanying the absentee ballot.

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

2 (A) The designated bearer shall show a form of current
3 photographic identification to the clerk;

4 (B) The clerk shall print the bearer's name and address
5 beside the voter's name on a register; and

6 (C) The bearer shall sign the register under oath
7 indicating receipt of the voter's ballot.

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

9 (A) The designated bearer shall present current
10 photographic identification to the clerk;

11 (B) The clerk shall print the bearer's name and address
12 beside the voter's name on a register; and

13 (C) The bearer shall sign the register under oath
14 indicating delivery of the voter's ballot.

15 (b)(1) ~~On the day of an election, an~~ An authorized agent may deliver
16 applications for absentee ballots to the county clerk and obtain absentee
17 ballots from the county clerk for not more than two (2) voters who cannot
18 cast a ballot at the appropriate polling place on election day because the
19 voter is a patient in a hospital or long-term care or residential care
20 facility licensed by the state.

21 (2) At no time shall an authorized agent have more than two (2)
22 absentee ballots in his or her possession.

23 (3)(A) An authorized agent receiving an absentee ballot from the
24 county clerk for a voter shall deliver the absentee ballot directly to the
25 voter.

26 (B) An authorized agent receiving an absentee ballot from
27 a voter shall deliver the absentee ballot directly to the county clerk.

28 (4)(A) In order for an authorized agent to obtain a ballot from
29 the county clerk, the authorized agent shall submit to the county clerk an
30 affidavit from the administrative head of a hospital or long-term care or
31 residential care facility licensed by the state that the applicant is a
32 patient of the hospital or long-term care or residential care facility
33 licensed by the state and is thereby unable to vote on the election day at
34 his or her regular polling site.

35 (B) A copy of the affidavit shall be retained by the
36 county clerk as an attachment to the application for an absentee ballot.

1 (5) In order to obtain an absentee ballot from the county clerk,
2 the:

3 (A) Authorized agent shall present current photographic
4 identification to the clerk;

5 (B) Clerk shall print the authorized agent's name and
6 address beside the voter's name on a register; and

7 (C) Authorized agent shall sign the register under oath
8 indicating receipt of the voter's ballot.

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

10 (A) Authorized agent shall show some form of current
11 photographic identification to the clerk;

12 (B) Clerk shall print the authorized agent's name and
13 address beside the voter's name on a register; and

14 (C) Authorized agent shall sign the register under oath
15 indicating delivery of the voter's ballot.

16 (c)(1) The county clerk shall keep a register of designated bearers
17 and authorized agents.

18 (2) The designated bearer and authorized agent register shall
19 contain the following oath on each page: "IF YOU PROVIDE FALSE INFORMATION ON
20 THIS FORM, YOU MAY BE GUILTY OF PERJURY AND SUBJECT TO A FINE OF UP TO TEN
21 THOUSAND DOLLARS (\$10,000) OR IMPRISONMENT FOR UP TO TEN (10) YEARS, OR BOTH,
22 UNDER FEDERAL AND STATE LAWS."

23 (d)(1) An administrator may deliver to the county clerk an application
24 for an absentee ballot for any voter who is a patient of a long-term care or
25 residential care facility licensed by the state and who names the
26 administrator on his or her application as the administrator of the facility
27 where the voter resides.

28 (2) An administrator may receive absentee ballots for as many
29 qualified residents of the facility as apply for absentee ballots upon
30 presentation of photographic identification to the county clerk.

31 (3)(A) An administrator may deliver the absentee ballot to the
32 county clerk for any voter who names the administrator on his or her
33 application and voter statement.

34 (B) Absentee ballots may be delivered to the county clerk
35 in person by the administrator or by mail.

36 (4) An administrator shall submit to the county clerk an

1 affidavit, signed and dated by the administrator, stating:

2 (A) That he or she is the administrative head of a long-
3 term care or residential care facility licensed by the state;

4 (B) The name and address of the facility; and

5 (C) That he or she has been authorized by the voters of
6 his or her facility who named him or her in their applications for absentee
7 ballot and voter statement to deliver their absentee ballots.

8 (e) Any person who knowingly makes a false statement on an affidavit
9 required by this section shall be guilty of perjury and subject to a fine of
10 up to ten thousand dollars (\$10,000) or imprisonment of up to ten (10) years.

11

12 SECTION 23. Arkansas Code § 7-5-510 is amended to read as follows:

13 7-5-510. Forms for complaints about function of voting machine –
14 Investigation.

15 (a) At each polling place at which voting machines are used, the
16 county board of election commissioners shall provide forms that voters may
17 use for complaints about the function of a voting machine. The complaint form
18 shall include space for the following information:

19 (1) The name, address, and telephone number of the person making
20 the complaint;

21 (2) The identification number of the voting machine;

22 (3) The complaint; and

23 (4) Such other information concerning the complaint as the State
24 Board of Election Commissioners determines to be appropriate to carry out the
25 intent of this section.

26 (b) A voter may file a complaint form with ~~an election official~~ a poll
27 worker who shall forward the complaint form to the county board of election
28 commissioners. It shall be the duty of the county board of election
29 commissioners to investigate complaints regarding the function of a voting
30 machine.

31

32 SECTION 24. Arkansas Code § 7-5-516 is amended to read as follows:

33 7-5-516. Notice to candidates of preparation – Rules and statutes
34 unaffected.

35 ~~(a)~~ Before the county board of election commissioners begins the
36 preparation of the machines for any election, it shall ~~mail a notice in due~~

1 ~~time to candidates or any representatives designated by candidates~~ publish a
2 notice in a newspaper of general circulation in the county 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 ~~(b) Nothing herein shall change, alter, or amend any party primary~~
9 ~~rule or statute with reference to drawing by the candidates for position on~~
10 ~~the ballot, write in candidates, or determining the amount of ballot fees.~~

11
12 SECTION 25. Arkansas Code § 7-5-518 is amended to read as follows:

13 7-5-518. Machines inactivated until polls open – Adjustment of
14 counters.

15 (a) The voting machine shall remain inactivated against voting until
16 the polls are formally opened and shall not be operated except by voters for
17 voting.

18 (b) If any counter is found not to register zero (000), the ~~election~~
19 ~~officials~~ poll workers shall immediately notify the county board of election
20 commissioners, who shall cause the counters to be adjusted at zero (000).

21 (c)(1) The ~~election officials~~ poll workers shall produce one (1)
22 printout from each machine showing whether the candidate and question
23 counters register zero (000) and shall sign and post the printout upon the
24 wall of the polling room, where it shall remain throughout the election day.

25 (2) The certified printout shall be filed with the election
26 returns.

27
28 SECTION 26. Arkansas Code §§ 7-5-521 and 7-5-522 are amended to read
29 as follows:

30 7-5-521. Arrangement of polling place.

31 (a) The exterior of the voting machine and every part of the polling
32 place shall be in plain view of the ~~election officials~~ poll workers.

33 (b) The machine shall be placed so that no person can see or determine
34 how the voter casts his or her vote.

35 (c) After the opening of the polls, the ~~election officials~~ poll
36 workers shall not allow any person to pass to the part of the room where the

1 machine is situated, except for the purpose of voting.

2
3 7-5-522. Voting procedure.

4 (a)(1) When a voter presents himself or herself for the purpose of
5 voting, the ~~election officials~~ poll workers shall ascertain whether he or she
6 is properly qualified and registered ~~pursuant to~~ under § 7-5-305.

7 (2) In preparing the machines, the ~~election official~~ poll worker
8 shall ensure that each voter will have access only to the proper ballot.

9 (b) Only one (1) voter at a time shall be permitted to approach a
10 voting machine. Having cast his or her vote, the voter shall at once move
11 away from the voting machine and leave the polling room by the exit provided.

12 (c) ~~No voter after~~ A voter having left the voting machine shall not be
13 permitted to return to the voting machine except to complete the voting
14 process.

15 (d) If a voter leaves an electronic ballot on a voting machine on
16 which the voter has either made some or no selections and has failed to
17 complete the process of casting the ballot and failed to notify ~~an election~~
18 ~~officer~~ a poll worker of his or her desire to cancel the ballot ~~prior to~~
19 before departing the polling site, two (2) ~~election officers~~ poll workers
20 shall take action to complete the process of casting the ballot and shall
21 document:

22 (1) The time;

23 (2) The name of the voter, if known;

24 (3) The names of the ~~election officers~~ poll workers completing
25 the process of casting the ballot; and

26 (4) All other circumstances surrounding the abandoned ballot.

27
28 SECTION 27. Arkansas Code §§ 7-5-526 and 7-5-527 are amended to read
29 as follows:

30 7-5-526. Closing of polls – Securing machines – ~~Election officials'~~
31 Poll workers' certificate.

32 (a) At the official time for closing the polls and upon termination of
33 the voting, the ~~election officials~~ poll workers shall announce that the polls
34 have closed and in the presence of all persons authorized to be present shall
35 remove the activation packs or devices from the voting machines to make them
36 inaccessible to further voting.

1 (b) At the same time, the ~~election officials~~ poll workers shall sign a
2 certificate provided by the county board of election commissioners stating
3 that the machines were made inaccessible to further voting and giving the
4 exact time and the number of votes shown on the public counters.

5
6 7-5-527. Exposure of count – Verification – Return record – Official
7 signatures.

8 (a) The ~~election officials~~ poll workers shall then expose the count in
9 the presence of all persons authorized to be present.

10 (b) It is the intention of this section to accord a full, complete,
11 and public view of the count from each voting machine to all ~~election~~
12 ~~officials~~ poll workers and designated watchers for the candidates or parties.

13 (c)(1) The ~~election official~~ poll worker shall proceed to produce the
14 return record in a minimum of three (3) copies.

15 (2)(A) The return record shall be deemed the official count for
16 that machine.

17 (B) One (1) copy of the completed return record for that
18 machine shall be posted upon the wall of the polling room for all to see.

19 (d) The ~~election officials~~ poll workers shall sign the machine return
20 record produced by the device.

21 (e)(1) The activation pack or device used to collect votes from each
22 voting machine and all certified return records shall be placed in a package
23 that shall be sealed and signed by all the ~~election officials~~ poll workers
24 and any watchers that may desire to affix a signature.

25 (2)(A) The sealed package shall be immediately returned to the
26 county board of election commissioners by one (1) of the ~~election officials~~
27 poll workers selected for this purpose, accompanied by those other ~~election~~
28 ~~officials~~ poll workers and watchers who desire to join the ~~election official~~
29 poll worker.

30 (B) The ~~election official~~ poll worker shall obtain a
31 receipt for the sealed package.

32
33 SECTION 28. Arkansas Code § 7-5-532(e), concerning recount in an
34 election using a voter-verified paper audit trail, is amended to read as
35 follows:

36 (e)(1) ~~For any recount of an election in which ballots are cast using~~

1 ~~a direct recording electronic voting machine with a voter verified paper~~
2 ~~audit trail, the voter verified paper audit trail shall serve as the official~~
3 ~~ballot to be recounted.~~

4 ~~(2)~~ Voter-verified paper audit trails shall be preserved in the
5 same manner and for the same time period as ballots and certificates are
6 preserved under § 7-5-702.

7
8 SECTION 29. Arkansas Code § 7-5-611(b), concerning a certified
9 printout from the vote tabulating device prior to the opening of the polls,
10 is amended to read as follows:

11 (b)(1) Before the opening of the polls, the ~~election officials~~ poll
12 workers shall generate a printout from the electronic vote tabulating device
13 or devices to verify that the candidates and measures are correct for the
14 location and that no votes are recorded on the electronic vote tabulating
15 device or devices.

16 (2) The ~~election officials~~ poll workers shall sign and post the
17 printout upon the wall of the polling room where it shall remain throughout
18 the election day.

19 (3) The certified printout shall be filed with the election
20 returns.

21
22 SECTION 30. Arkansas Code §§ 7-5-613 and 7-5-614 are amended to read
23 as follows:

24 7-5-613. Counting ballots and write-in votes.

25 In precincts where an electronic vote tabulating device is used, as
26 soon as the polls are closed:

27 (1) The ~~election officials~~ poll workers shall compare the total
28 number of voters indicated by the electronic vote tabulating device with the
29 list of voters to ensure that the number recorded by the tabulator is the
30 same as the number of voters shown on the list of voters who received a
31 ballot at the polling site. If the totals are different, this fact shall be
32 reported in writing to the county board of election commissioners with the
33 reasons, if known; and

34 (2) The ~~election officials~~ poll workers shall count the write-in
35 votes and prepare a return of the votes on forms provided for that purpose.

36

1 7-5-614. Locations for vote tabulation – Procedures.

2 For the tabulation of votes of a precinct by electronic vote tabulating
3 devices at a central counting location:

4 (1)(A) The ~~election officials~~ poll workers shall place all
5 ballots that have been cast in the container provided for that purpose.

6 (B) The container shall be sealed and delivered to the
7 county board of election commissioners forthwith by the ~~election officials~~
8 poll workers together with the unused, void, and defective ballots; and

9 (2)~~(A)~~ All proceedings at the counting location shall be under
10 the direction of ~~at least two (2) election officials named by~~ the county
11 board of election commissioners with respect to all elections.

12 ~~(B) In all elections, when possible, the election~~
13 ~~officials shall represent the majority party and the minority party.~~

14
15 SECTION 31. Arkansas Code § 7-5-702 is amended to read as follows:

16 7-5-702. Preservation of ballots, stubs, ~~and~~ certificates, and other
17 election materials.

18 (a) After the election has been finally certified by the county board
19 of election commissioners, ~~The~~ the county board of election commissioners
20 shall retain the custody of and safely keep in a sealed container
21 appropriately marked in a secure location in the county courthouse or other
22 county storage facility all ballots and certificates returned to it from the
23 several precincts for a period of twenty (20) days, after which time the
24 ballots and certificates shall be stored in a secure location in the county
25 courthouse or other county storage facility for a period of two (2) years
26 from the date of the election, unless the county board of election
27 commissioners shall be sooner notified in writing that:

28 (1) The election of some person voted for at the election and
29 declared to have been elected has been contested; or

30 (2) Criminal prosecution has begun before a tribunal of
31 competent jurisdiction against any officer of election or person voting
32 thereat for any fraud in the election.

33 (b) If the county board of election commissioners is notified as
34 provided in subsection (a) of this section, then so many of the ballots and
35 certificates as may relate to matters involved in the contest or any
36 prosecution shall be preserved for use as evidence in the contest or

1 prosecution.

2 (c) During the time the ballots may be retained or stored, the package
3 containing them shall not be opened by anyone unless directed to do so by
4 some competent tribunal before which an election contest or prosecution is
5 pending in which the ballots are to be used as evidence.

6 (d) For a period of twenty (20) days, the county treasurer shall
7 retain the custody of and safely keep all ballot stubs in a sealed container
8 appropriately marked which are delivered to him or her from the several
9 precincts, after which time they shall be stored unless an election contest
10 has been filed or a criminal prosecution has been initiated in connection
11 with the election.

12 (e) After a period of two (2) years, all marked ballots may be
13 destroyed in the following manner:

14 (1) The county board shall enter an order directing the
15 destruction of marked ballots;

16 (2) The county board shall make and retain a record of marked
17 ballots destroyed; and

18 (3) The county board shall file the order and record pertaining
19 to marked ballots and ballot stubs destroyed with the county clerk.

20 ~~(f)(1) Except as provided in subdivision (f)(2) of this section, after~~
21 ~~a period of thirty (30) days following certification of the election, all~~
22 ~~ballot stubs which were previously attached to marked ballots and all~~
23 ~~unmarked ballots may be destroyed as provided for the destruction of marked~~
24 ~~ballots in subsection (e) of this section.~~

25 ~~(2) If an election contest has been filed, all ballot stubs which~~
26 ~~were previously attached to marked ballots may be destroyed thirty (30) days~~
27 ~~following the final judicial resolution of the election contest.~~

28

29 SECTION 32. Arkansas Code § 7-5-704 is amended to read as follows:

30 7-5-704. Votes for legislative, judicial, and executive officers – Tie
31 vote.

32 (a). It shall be the duty of the Secretary of State, in the presence
33 of the Governor, within thirty (30) days after the time allowed in this
34 subchapter to make returns of elections by the county board of election
35 commissioners, or sooner, if all the returns have been received, to cast up
36 and arrange the votes from the several counties for each person ~~voted for~~ who

1 received votes for any legislative, judicial, or executive office, except the
2 offices named in Arkansas Constitution, Article 6, § 3. The persons who have
3 received the greatest number of legal votes for Justice of the Supreme Court
4 and Commissioner of State Lands, within the state; judges of the Court of
5 Appeals and of the circuit courts, and prosecuting attorneys, in their
6 respective districts or circuits; judges of the county and probate courts,
7 circuit clerk, county clerk, sheriff, coroner, surveyor, and assessor, in
8 their respective counties; and all other officers required by law, shall be
9 ~~immediately~~ commissioned by the Governor.

10 (b)(1) If two (2) or more persons have an equal number of votes for
11 the same office and a higher number than any other person, the names of the
12 two (2) candidates receiving the highest number of votes for any legislative,
13 ~~judicial~~, or executive office, except those officers named in Arkansas
14 Constitution, Article 6, § 3, and constables, shall be certified to a special
15 runoff election which shall be held three (3) weeks from the day on which the
16 general election is held. The special runoff election shall be conducted in
17 the same manner as is now provided by law, and the election results thereof
18 shall be canvassed and certified in the manner provided by law.

19 (2) Subdivision (b) of this section shall not apply to the
20 offices of Justice of the Supreme Court, Judge of the Court of Appeals,
21 circuit judge, or district judge.

22
23 SECTION 33. Arkansas Code § 7-5-707 is amended to read as follows:

24 7-5-707. Vote certification - ~~Affidavit of compliance~~ - Report =
25 Checklist.

26 (a) For all state and federal elections, the county board of election
27 commissioners shall transmit the certified results for each polling place to
28 the county clerk, who shall immediately transmit the results to the Secretary
29 of State through the Internet website interface provided by the Secretary of
30 State.

31 (b) At the time that the county board certifies the vote to the
32 Secretary of State, the county board shall submit to the State Board of
33 Election Commissioners a written report of:

- 34 (1) The total number of persons who voted in the election;
35 (2) The total number of early votes cast by voting machine;
36 (3) The total number of votes cast by voting machine on election

- 1 day;
- 2 (4) The total number of absentee ballots, including without
3 limitation:
- 4 (A) The total number of nonprovisional absentee ballots
5 cast;
- 6 (B) The total number of provisional absentee ballots cast;
- 7 (C) The total number of provisional absentee ballots
8 counted; and
- 9 (D) The total number of provisional absentee ballots
10 disqualified;
- 11 (5) The total number of early votes cast by paper ballot,
12 including without limitation:
- 13 (A) The total number of nonprovisional early paper ballots
14 cast;
- 15 (B) The total number of provisional early ballots cast;
- 16 (C) The total number of provisional early ballots counted;
17 and
- 18 (D) The total number of provisional early ballots
19 disqualified;
- 20 (6) The total number of paper ballots cast on election day,
21 including without limitation:
- 22 (A) The total number of nonprovisional paper ballots cast
23 on election day;
- 24 (B) The total number of provisional ballots cast on
25 election day;
- 26 (C) The total number of provisional election day ballots
27 counted; and
- 28 (D) The total number of provisional election day ballots
29 disqualified;
- 30 (7) The total number of spoiled ballots;
- 31 (8) The total number of unused ballots; ~~and~~
- 32 (9) The total number of ballots printed; and
- 33 (10) Other information at the request of the Secretary of State
34 as may be required by federal law or regulation.
- 35 (c) The county board shall post a copy of the written report submitted
36 to the state board in a public place in the county clerk's office for twenty

1 (20) days and file a copy with the clerk's office.

2 (d) The county board shall transmit the number of overvotes and
3 undervotes cast in each race and issue in the election to the county clerk,
4 who shall enter and transmit it to the state board through the Secretary of
5 State's Internet website interface.

6 (e) Fifteen (15) days following any regularly scheduled preferential
7 primary election, general election, or statewide special election, each
8 county election commissioner shall file ~~an affidavit, under the signature of~~
9 ~~all three (3) commissioners or individually, with the state board in a form~~
10 ~~approved by the state board to the effect that all duties and~~
11 ~~responsibilities of the county election commissioner have been complied with~~
12 a statement with the State Board of Election Commissioners in the form of a
13 checklist provided by the State Board of Election Commissioners showing
14 compliance with all duties and responsibilities of the county election
15 commissioner.

16
17 SECTION 34. Arkansas Code § 7-7-102 is amended to read as follows:

18 7-7-102. Party nominees certified at primary election.

19 ~~(a)~~ Nominees of any political party for United States Senate, United
20 States House of Representatives, or state, district, ~~or~~ county, township, or
21 applicable municipal office to be voted upon at a general election shall be
22 certified as having received a majority of the votes cast for the office, or
23 as an unopposed candidate, at a primary election held by the political party
24 in the manner provided by law.

25 ~~(b) Nominees of any political party for township or municipal office~~
26 ~~shall be declared by certification of a primary election as provided in~~
27 ~~subsection (a) of this section.~~

28
29 SECTION 35. Arkansas Code § 7-7-202 is amended to read as follows:

30 7-7-202. Preferential and general primaries – When required – Common
31 polling places.

32 (a) Whenever any political party shall select by primary election
33 party nominees as candidates at any general election for any United States,
34 state, district, county, township, or municipal office, there shall be held a
35 preferential primary election and a general primary election, if required, on
36 the respective dates provided in § 7-7-203(a) and (b).

1 (b) A general primary election for a political party shall not be held
2 if there are no races in which three (3) or more candidates qualify for the
3 same office or position as provided in subsection (c) of this section unless
4 a general primary election is necessary to break a tie vote for the same
5 office or position at the preferential primary.

6 (c) If there are no races in which three (3) or more candidates
7 qualify for the same office or position, only the preferential primary
8 election shall be held for the political party. If all nominations have been
9 determined at the preferential primary election or by withdrawal of
10 candidates as provided in § 7-7-304(a) and (b), the general primary election
11 shall not be held.

12 (d) The county board of election commissioners shall establish common
13 polling places for the joint conduct of the primary elections of all
14 political parties.

15
16 SECTION 36. Arkansas Code § 7-7-203 is amended to read as follows:
17 7-7-203. Dates.

18 (a) The general primary election shall be held on the second Tuesday
19 in June preceding the general election.

20 (b) The preferential primary election shall be held on the Tuesday
21 three (3) weeks ~~prior to~~ before the general primary election.

22 (c)(1) Party pledges, if any, shall be filed and any filing fees of a
23 political party, if any, shall be paid during regular office hours in the
24 period beginning at 12:00 noon on the first weekday in March and ending at
25 12:00 noon on the seventh day thereafter before the preferential primary
26 election.

27 (2) A party certificate and the political practice pledge for
28 primary elections shall be filed with the county clerk or the Secretary of
29 State, as the case may be, during regular office hours in the period
30 beginning at 12:00 noon on the first weekday in March and ending at 12:00
31 noon on the seventh day thereafter before the preferential primary election.

32 (3) The name of a candidate who fails to file a party
33 certificate by the filing deadline with the Secretary of State or county
34 clerk, as the case may be, shall not appear on the ballot.

35 (4) Party pledges, if any, shall be filed, filing fees, if any,
36 shall be paid, and party certificates and political practice pledges shall be

1 filed for special primary elections on or before the deadline established by
2 proclamation of the Governor.

3 (d)(1) At least seventy (70) days before the preferential primary
4 election, the Secretary of State shall certify ~~the ballot~~ to the various
5 county committees and to the various county boards of election commissioners
6 with a list of the names of all candidates who have ~~qualified with the state~~
7 ~~committee for election by filing the party pledge and paying the filing fees~~
8 ~~of the political party~~ filed party certificates with the Secretary of State
9 within the time required by law.

10 (2) At least seventy (70) days before the preferential primary
11 election, the county clerk shall certify to the county committees and to the
12 county board of election commissioners a list of the names of all candidates
13 who have filed party certificates with the county clerk within the time
14 required by law.

15 (e)(1) The county board shall convene, at the time specified in the
16 notice to the members given by the chair of the board, no later than the
17 tenth day after each primary election for the purpose of canvassing the
18 returns and certifying the election results.

19 (2) If no time is specified for the meeting of the county board,
20 the meeting shall be at 5:00 p.m.

21 (f) The county convention of a political party holding a primary
22 election shall be held on the first Monday following the date of the general
23 primary election.

24 (g)(1) The county board of election commissioners shall certify to the
25 county clerk and the county committee a list of all nominated candidates for
26 county, township, and municipal offices, and the political parties' county
27 committee members and delegates.

28 (2) At the same time, the county board of election commissioners
29 shall certify to the Secretary of State and the secretary of the state
30 committee the results of the contests for all United States, state, and
31 district offices. Immediately after ascertaining the results for all United
32 States, state, and district offices, the Secretary of State shall certify to
33 the state committee a list of all nominated candidates for the offices.

34 (h)(1)(A) The Secretary of State shall at least one hundred (100) days
35 ~~prior to~~ before the date of the general election notify by registered mail
36 the chair and secretary of the state committee of the respective political

1 parties that a certificate of nomination is due for all nominated candidates
2 for United States, state, and district offices in order that the candidates'
3 names be placed on the ballot of the general election.

4 (B)(i) The state committee shall issue certificates of
5 nomination to all nominated candidates for United States, state, and district
6 offices, who shall file the certificates with the Secretary of State at least
7 ninety (90) days ~~prior to~~ before the general election.

8 (ii) However, if the chair and secretary of the
9 state committee of the respective political parties are not properly notified
10 as directed by subdivision (h)(1)(A) of this section, the failure of a
11 candidate to file a certificate of nomination by the deadline shall not
12 prevent that candidate's name from being placed on the ballot of the general
13 election.

14 (2)(A) Each county clerk shall at least ninety (90) days ~~prior~~
15 ~~to~~ before the date of the general election notify by registered mail the
16 chairs and secretaries of the county committees of the respective political
17 parties that a certified list of all nominated candidates for county,
18 township, and municipal offices is due and shall be filed with ~~the county~~
19 ~~board of election commissioners and~~ the county clerk in order that the
20 candidates' names be placed on the ballot for the general election.

21 (B)(i) Each county committee shall issue the certified
22 list on behalf of those nominated candidates and submit the certified list to
23 ~~the county board of election commissioners and~~ the county clerk at least
24 eighty (80) days ~~prior to~~ before the general election.

25 (ii) However, if the chairs and secretaries of the
26 county committees of the respective political parties are not properly
27 notified as directed by subdivision (h)(2)(A) of this section, the failure of
28 a certified list to be filed by the deadline shall not prevent any
29 candidate's name from being placed on the ballot of the general election.

30
31 SECTION 37. Arkansas Code § 7-7-205(a)(2), concerning the number of
32 signature required at a petition for certification of a new political party,
33 is amended to read as follows:

34 (2) The petition shall contain at the time of filing the
35 signatures of ~~qualified electors of this state equal in number to the~~
36 ~~signatures of~~ at least ten thousand (10,000) registered voters in the state.

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SECTION 38. Arkansas Code § 7-7-303 is amended to read as follows:

7-7-303. Precincts – Boundaries — ~~Policing.~~

~~(a) The election precincts in all political party primary elections shall be the same as established by the county board of election commissioners for general elections.~~

~~(b)(1) The county board shall provide for the preservation of order at all primary election precincts and shall allow no crowd to collect at the polling place nearer than authorized by law.~~

~~(2) No person charged with the duty of preserving order at the polling place shall in any manner influence or endeavor to influence any person in casting his or her vote.~~

~~(3) No person who is a public officeholder, candidate for office, or deputy of a public officer shall be eligible to serve as an officer to keep order at any primary election polling place.~~

~~(4) Persons appointed as election sheriffs to keep order at polling places in primary elections shall have the authority of police officers in keeping order and enforcing the laws of this state with respect to polling places in primary elections.~~

SECTION 39. Arkansas Code §§ 7-7-305 and 7-7-306 are amended to read as follows:

7-7-305. Printing of ballots – Form.

(a) The ballots of the primary election shall be provided by the county board of election commissioners. The form of the ballots shall be the same as is provided by law for ballots in general or special elections in this state. A different color ballot may be used to distinguish between political parties.

(b) ~~The order in which the names of the respective candidates, including candidates for federal, state, and local offices and including persons nominated for committee members and delegates to the county convention, and the order in which issues and measures are to appear on the~~ ballots at all preferential and general primary elections shall be determined by lot at the public meeting of the county board of election commissioners held not later than sixty-five (65) days before the preferential primary election. The county board shall give at least ten (10) days' written notice

1 of the time and place of the meeting to the chairs of the county committee
2 committees, if the chairs are not members of the board, and shall, at least
3 three (3) days before the meeting, publish notice of the time and place of
4 holding the meeting in some newspaper of general circulation in the county.

5 (c)(1)(A) Any person who shall file for any elective office in this
6 state may use not more than three (3) given names, one (1) of which may be a
7 nickname or any other word used for the purpose of identifying the person to
8 the voters, and may add as a prefix to his or her name the title or an
9 abbreviation of an elective public office the person currently holds.

10 (B) A person may only use as the prefix “Judge”,
11 “Justice”, or “Chief Justice” the title of a judicial office in an election
12 for a judgeship if the person is currently serving in a judicial position to
13 which the person has been elected.

14 (C) A nickname shall not include a professional or
15 honorary title.

16 (2) The names and titles as proposed to be used by each
17 candidate on the political practice pledge or, if the political practice
18 pledge is not filed by the filing deadline, then the names and titles that
19 appear on the party certificate shall be reviewed no later than one (1)
20 business day after the filing deadline by the Secretary of State for state
21 and district offices and by the county board of election commissioners for
22 county, township, school, and municipal offices.

23 (3)(A) The name of every candidate shall be printed on the
24 ballot in the form as certified by either the Secretary of State or the
25 county board.

26 (B) However, the county board of election commissioners
27 may substitute an abbreviated title if the ballot lacks space for the title
28 requested by a candidate.

29 (C) The county board of election commissioners shall
30 immediately notify a candidate whose requested title is abbreviated by the
31 county board of election commissioners.

32 (4) ~~No~~ A candidate shall not be permitted to change the form in
33 which his or her name will be printed on the ballot after the deadline for
34 filing the political practices pledge.

35
36 7-7-306. Partisan and nonpartisan judicial general ballots ~~only~~.

1 (a) At each party primary and nonpartisan judicial general election
 2 each county board of election commissioners shall furnish separate ballots
 3 for each political party containing:

4 (1) The names of persons seeking offices to be voted on as a
 5 nominee or candidate of that political party; ~~and~~

6 (2) The names of all qualified candidates for the general
 7 election to nonpartisan judicial offices ~~pursuant to~~ under § 7-10-101; and

8 (3) All measures and questions, if any, to be decided by the
 9 voters.

10 (b) The county board of election commissioners shall also furnish a
 11 separate nonpartisan ballot containing the names of all qualified candidates
 12 for the general election to nonpartisan judicial offices and all measures, if
 13 any, to be decided by the voters.

14
 15 SECTION 40. Arkansas Code § 7-7-308 ~~are~~ is amended to read as follows:

16 ~~7-7-308. Determination of right to vote—Precinct registration lists~~
 17 Voting procedure and requirements.

18 ~~(a) Before a person is permitted to vote, an election official shall:~~
 19 The procedure for voting in primary elections is the same as for general
 20 elections.

21 ~~(1) Request the voter to identify himself or herself in order to~~
 22 ~~verify the existence of his or her name on the precinct voter registration~~
 23 ~~list;~~

24 ~~(2) Request the voter, in the presence of the election official,~~
 25 ~~to state his or her date of birth and address;~~

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

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

31 ~~(5)(A) If the voter's address is not the same as that on the~~
 32 ~~precinct voter registration list, verify with the county clerk that the~~
 33 ~~address is within the precinct.~~

34 ~~(B) If the address is within the precinct, request the~~
 35 ~~voter to complete a voter registration application form for the purpose of~~
 36 ~~updating county voter registration record files.~~

1 ~~(C) If the address is not within the precinct;~~

2 ~~(i) Contact the county clerk's office to determine~~
3 ~~the proper precinct; and~~

4 ~~(ii) Instruct the voter to go to the polling site~~
5 ~~servng that precinct in order for his or her vote to be counted;~~

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

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

17 ~~(8) Record the voter's name on or request the voter to print his~~
18 ~~or her name on the list of voters form.~~

19 (b) At the same time that the voter identifies himself or herself and
20 the party primary or other election in which he or she intends to vote, the
21 election official shall mark next to the voter's name on the precinct voter
22 registration list the party primary or other election in which the voter
23 chooses to vote.

24 ~~(c) If a voter's name does not appear on the precinct voter~~
25 ~~registration list, the election official shall permit the voter to vote only~~
26 ~~under the following conditions:~~

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

31 ~~(2) The voter gives and affirms his or her current residence,~~
32 ~~and the election official verifies with the county clerk that the voter's~~
33 ~~residence is within the precinct;~~

34 ~~(3) The voter completes an updated voter registration~~
35 ~~application form; and~~

36 ~~(4) The voter signs the precinct voter registration list.~~

1 ~~(d) If the voter is not listed on the precinct voter registration list~~
2 ~~and the county clerk is unable to verify the voter's registration but the~~
3 ~~voter contends that he or she is eligible to vote, then the voter may vote a~~
4 ~~provisional ballot that shall only be counted upon verification of the~~
5 ~~voter's registration status.~~

6 ~~(e) The election officials shall make and retain a separate list of~~
7 ~~all voters who cast a provisional ballot.~~

8 ~~(f) After the polls close, the election official shall total the~~
9 ~~number of voters on the list of voters form.~~

10 ~~(g) The precinct registration lists shall at all times be available to~~
11 ~~public inspection.~~

12
13 SECTION 41. Arkansas Code § 7-7-310 is repealed.

14 ~~7-7-310. Filing and preservation of returns, ballots, and other~~
15 ~~documents.~~

16 ~~(a) The county board of election commissioners, immediately upon~~
17 ~~having canvassed the returns and, when demanded, examined the ballots and~~
18 ~~upon having certified the results of the primary as required in this~~
19 ~~subchapter, shall store in a secure location in the county courthouse or~~
20 ~~otherwise designated county storage facility all ballots and other election~~
21 ~~materials received from the election officials.~~

22 ~~(b) All voter lists, precinct voter registration lists, affidavits,~~
23 ~~and other voter registration documents shall be returned to the county clerk,~~
24 ~~who shall preserve them for a period of two (2) years, subject to the orders~~
25 ~~of any court of competent jurisdiction or if a contest is pending, until the~~
26 ~~contest is determined.~~

27
28 SECTION 42. Arkansas Code § 7-8-302(5), concerning placing the name of
29 a political party's candidates for President and Vice President on the
30 ballot, is amended to read as follows:

31 (5)(A)(i) In order to have the name of a political party's
32 candidates for President and Vice President printed on the ballot, a
33 political party shall hold a presidential preferential primary election.

34 (ii) A new political party formed pursuant to under
35 the petition process may nominate by convention if the presidential election
36 is the first general election after certification as a party by the Secretary

1 of State.

2 (B) A political group desiring to have the names of its
3 candidates for President and Vice President printed on the ballot shall file
4 a petition with the Secretary of State by noon on the first Monday of August
5 of the year of the election. The petition shall contain at the time of filing
6 the names of one thousand (1,000) qualified electors of the state declaring
7 their desire to have printed on the ballot the names of their candidate for
8 President and Vice President. The Secretary of State shall verify the
9 sufficiency of the petition within ten (10) days from the filing of the
10 petition. If the petition is determined to be insufficient, the Secretary of
11 State shall notify in writing the political group through its designated
12 agent and shall set forth his or her reasons for so finding.

13 (C) Any challenges to the certification of the Secretary
14 of State shall be filed in the Pulaski County Circuit Court.

15 (D) ~~By September 1 in the year of~~ No later than seventy
16 (70) days before the election, a political group that qualifies by petition
17 to place its candidate on the ballot shall submit a certificate of choice
18 stating the names of its candidates for President and Vice President, signed
19 under oath by either the chair, vice chair, or secretary of the political
20 group's convention.

21 ~~(E) By September 15 in the year of the election, a~~
22 ~~political group which qualifies by petition to place its candidate on the~~
23 ~~ballot shall submit a certificate of choice stating the names of its~~
24 ~~candidates for President and Vice President, signed under oath by either the~~
25 ~~chair, vice chair, or secretary of the political group's convention; and~~

26

27 SECTION 43. Arkansas Code § 7-8-302(6)(C), concerning certification of
28 independent candidates who qualify by petition to be on the ballot, is
29 amended to read as follows:

30 (C) By September ~~1~~ 15 in the year of the election,
31 independent candidates who qualify by petition to be on the ballot shall
32 certify to the Secretary of State the total list of electors together with
33 electors at large. The filing of the certificate with the Secretary of State
34 shall be deemed and taken to be the choice and selection of the electors of
35 this state, if the independent candidate is successful at the polls, as
36 provided in this subchapter.

1
2 SECTION 44. Arkansas Code § 7-10-102(c), concerning the requirement to
3 receive a majority of votes to be elected to a nonpartisan judicial office,
4 is amended to read as follows:

5 (c)(1) ~~No~~ A person shall not be elected to a nonpartisan judicial
6 office without receiving a majority of the votes cast at the election for the
7 office.

8 (2) In any nonpartisan judicial election in which no
9 person receives a majority of the votes cast, the two (2) candidates
10 receiving the highest and next highest number of votes shall be certified to
11 a runoff election which shall be held on the same date and at the same times
12 and places as the November general election.

13 (3) The names of the candidates in a nonpartisan judicial runoff
14 election shall be placed on the same ballots as used for the November general
15 elections.

16
17 SECTION 45. Arkansas Code § 7-10-103 is amended to add a new
18 subsection to read as follows:

19 (f)(1)(A) A candidate for nonpartisan judicial office may not use more
20 than three (3) given names, one (1) of which may be a nickname or any other
21 word used for the purpose of identifying the candidate to the voters.

22 (B)(i) A candidate for nonpartisan judicial office
23 may add as a prefix to his or her name the title or an abbreviation of an
24 elective public office the candidate currently holds.

25 (ii) A candidate may only use as the prefix the
26 title of a judicial office in an election for a judgeship if the candidate is
27 currently serving in a judicial position to which the candidate has been
28 elected.

29 (C) A nickname shall not include a professional or
30 honorary title.

31 (2) The names and titles as proposed to be used by each
32 candidate on the political practice pledge shall be reviewed no later than
33 one (1) business day after the filing deadline by the Secretary of State for
34 Supreme Court, Court of Appeals, and circuit court positions and by the
35 county board of election commissioners for district court positions.

36 (3)(A) The name of every candidate shall be printed on the

1 ballot in the form as certified by either the Secretary of State or the
 2 county board of election commissioners.

3 (B) However, the county board of election commissioners
 4 may substitute an abbreviated title if the ballot lacks space for the title
 5 requested by a candidate.

6 (C) The county board of election commissioners shall
 7 immediately notify a candidate whose requested title is abbreviated by the
 8 county board of election commissioners.

9 (4) A candidate shall not be permitted to change the form in
 10 which his or her name will be printed on the ballot after the deadline for
 11 filing the political practices pledge.

12
 13 SECTION 46. Arkansas Code § 6-14-102(c), concerning no polls school
 14 elections, is amended to read as follows:

15 (c)(1) In any election year, if no more than one (1) candidate for
 16 school district director presents a petition or notice ~~in writing to the~~
 17 ~~county board of election commissioners~~ as required by § 6-14-111 and if there
 18 are no other ballot issues to be submitted to school district electors for
 19 consideration, with the exception of the local tax rate if that rate is not
 20 being changed or restructured, the board of directors of any school district,
 21 by resolution, may request the county board of election commissioners to
 22 reduce the number of polling places or to open no polling places on election
 23 day so that the election can be conducted by absentee ballot and early voting
 24 only.

25 (2)(A) If requested by proper resolution adopted by the board of
 26 directors of any school district, the county board of election commissioners
 27 may provide that no polling places be open on election day so that the
 28 election can be conducted by absentee ballot and early voting only, ~~if+~~

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

32 ~~(B) There are no other ballot issues to be submitted to~~
 33 ~~school district electors for consideration, with the exception of the local~~
 34 ~~tax rate if that rate is not being changed or restructured.~~

35 ~~(3)(B)~~ In a county that uses voting machines or electronic vote
 36 tabulating devices, the county board of election commissioners may choose to

1 use paper ballots counted by hand ~~in combination with voting machines~~
2 ~~equipped for use by individuals with disabilities~~ and may provide that no
3 voting machines shall be used in the election, notwithstanding any other
4 provision in the Arkansas Code.

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/s/ Faris