

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: H3/17/11

A Bill

HOUSE BILL 2074

5 By: Representative Slinkard
6

For An Act To Be Entitled

8 AN ACT TO AMEND ARKANSAS LAW CONCERNING THE
9 TRANSMISSION OF ABSENTEE BALLOT APPLICATIONS; AND FOR
10 OTHER PURPOSES.
11

Subtitle

12
13 TO AMEND ARKANSAS LAW CONCERNING THE
14 TRANSMISSION OF ABSENTEE BALLOT
15 APPLICATIONS.
16
17
18

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

21 *SECTION 1. Arkansas Code § 7-5-404 is amended to read as follows:*

22 *7-5-404. Applications for ballots.*

23 *(a)(1) Applications for absentee ballots must be signed by the*
24 *applicant and verified by the county clerk by checking the voter's name,*
25 *address, date of birth, and signature from the registration records or, if*
26 *sent by ~~facsimile machine transmitted over telephone lines~~ electronic means,*
27 *the application must bear a verifiable facsimile of the applicant's*
28 *signature.*

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

31 *(A) For applications submitted using the form prescribed*
32 *in § 7-5-405:*

33 *(i) In person at the office of the county clerk of*
34 *the county of residence of the voter no later than the time the county*
35 *clerk's office regularly closes on the day before election day;*

36 *(ii) Applications by mail must be received in the*



1 office of the county clerk of the county of residence of the voter not later
2 than seven (7) days before the election for which the application was made;

3 (iii) A designated bearer may deliver the completed
4 application to the office of the county clerk of the county of residence of
5 the applicant not later than the time the county clerk's office regularly
6 closes on the day before the day of the election;

7 (iv) A person declared as the authorized agent of
8 the applicant may deliver the application to the office of the county clerk
9 of the county of residence of the applicant not later than 1:30 p.m. on the
10 day of the election;

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

15 (vi)(a) Delivery by ~~facsimile machine transmission~~
16 electronic means to the county clerk's office of the county of residence of
17 the voter not later than seven (7) days before the election for which the
18 application was made.

19 (b) The completed ~~facsimile-transmitted~~
20 application sent by electronic means will be accepted only upon verification
21 of the facsimile signature of the applicant by the county clerk.

22 (c) Once verified as a reasonable likeness of
23 the voter's signature, the signature appearing on a ~~facsimile~~ copy of an
24 application sent by electronic means shall be presumed to be authentic until
25 proven otherwise; or

26 (B) If the applicant does not use the form prescribed in §
27 7-5-405, he or she may make an application for an absentee ballot as follows:

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

33 (ii) An applicant may transmit a written request for
34 an absentee ballot ~~over the telephone lines~~ by electronic means that shall
35 contain the voter's signature and other information sufficient for acceptance
36 in lieu of the application form.

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

4 (2)(A) For those persons voting by absentee ballot who reside
5 outside the county in which they are registered to vote, the application
6 shall remain in effect for one (1) year unless revoked by the voter, and the
7 county clerk shall thereafter automatically mail, no later than twenty-five
8 (25) before each election, an absentee ballot for each election.

9 (B)(i) Except for persons of long-term care or residential
10 facilities licensed by the state or other persons who are voters with
11 disabilities as defined in § 7-5-311(d), for those persons voting by absentee
12 ballot who reside within the county in which they are registered to vote, the
13 application shall be valid for only one (1) election cycle.

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

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

23 (d) As used in this section, "electronic means" means a scanned image
24 sent by:

25 (1) Electronic mail; or

26 (2) Facsimile machine.

27
28 /s/Slinkard
29
30
31
32
33
34
35
36