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2 89th General Assembly
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4

As Engrossed: S3/4/13

A Bill

SENATE BILL 343

5 By: Senator K. Ingram
6 By: Representatives Slinkard, *J. Edwards, Ferguson*
7

For An Act To Be Entitled

9 AN ACT TO PREVENT ELECTION MISCONDUCT; TO AMEND THE
10 LAW CONCERNING ABSENTEE BALLOTS AND THE USE OF
11 ASSISTANTS, DESIGNATED BEARERS, OR ADMINISTRATORS IN
12 THE VOTING PROCESS; TO CLARIFY THE PROCEDURES FOR
13 CASTING AND COUNTING OF ABSENTEE BALLOTS; TO MAKE
14 TECHNICAL CORRECTIONS TO THE LAW; AND FOR OTHER
15 PURPOSES.
16
17

Subtitle

18
19 TO PREVENT ELECTION MISCONDUCT; TO AMEND
20 THE LAW CONCERNING ABSENTEE BALLOTS,
21 ASSISTANTS, DESIGNATED BEARERS, AND
22 ADMINISTRATORS; AND TO CLARIFY THE
23 PROCEDURES FOR CASTING AND COUNTING OF
24 ABSENTEE BALLOTS.
25
26

27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
28

29 SECTION 1. Arkansas Code § 7-5-309(a)(4), concerning voting procedure,
30 is amended to read as follows:

31 (4) ~~A person other than the~~ Only a poll workers worker, and
32 ~~those admitted for the purpose of voting shall not be~~ the voter, and an
33 assistant to a voter requiring assistance under § 7-5-310 are permitted
34 ~~within the immediate voting area, which shall be considered as within six~~
35 ~~feet (6') of the voting booths, except by authority of~~ when the election
36 ~~judge and then only when~~ determines it is necessary to keep order and enforce



1 the law.

2

3 SECTION 2. Arkansas Code § 7-5-309(c), concerning voting procedure, is
4 amended to read as follows:

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

7 (B) A voter shall not be allowed more than five (5)
8 minutes to mark his or her ballot.

9 (2) The voter or the person authorized by the voter to assist
10 him or her shall ~~then~~ personally deposit the ballot into the ballot box
11 provided.

12

13 SECTION 3. Arkansas Code § 7-5-310 is amended to read as follows:

14 7-5-310. Privacy – Assistance to disabled voters.

15 (a) ~~Each voter~~ The poll worker at each polling site or the county
16 clerk conducting early voting shall be provided provide the voter the privacy
17 to mark his or her ballot. ~~Privacy shall be provided by the poll workers at~~
18 ~~each polling site or by the county clerk, if the county clerk conducts early~~
19 ~~voting, to ensure that a voter desiring privacy is not singled out.~~

20 (b)(1) A voter who requires assistance to vote by reason of blindness,
21 disability, or inability to read or write shall inform ~~the a~~ a poll workers
22 worker at the time ~~that~~ the voter presents himself or herself to vote that he
23 or she ~~is unable to mark or cast the ballot without help and~~ needs assistance
24 in casting his or her ballot.

25 (2)(A) ~~The voter~~ poll worker shall ~~be directed~~ direct the voter
26 who requires assistance to a voting machine equipped for use by persons with
27 disabilities. ~~by which he or she~~

28 (B) The voter who requires assistance may elect to cast:

29 (i) Cast his or her ballot on the voting machine
30 without assistance; ~~or the voter may request~~

31 (ii) Request assistance with ~~either~~ the paper ballot
32 or the voting machine, ~~depending on the voting system in use for the~~
33 ~~election,~~ by:

34 (A)(a) Two (2) poll workers; or

35 (B)(b) A person named by the voter.

36 (C) A candidate for office shall not assist a voter who is

1 not:

2 (i) Married to the candidate; or

3 (ii) Related to the candidate within the second
4 degree, by consanguinity or affinity.

5 (3)(A) If the voter is assisted by two (2) poll workers, one (1)
6 of the poll workers shall observe the voting process and one (1) may assist
7 the voter in marking and casting the ballot according to the wishes of the
8 voter ~~without comment or interpretation.~~

9 ~~(4)(A)(B)~~ If the voter is assisted by one (1) person named by
10 the voter, he or she may assist the voter in marking and casting the ballot
11 according to the wishes of the voter ~~without any comment or interpretation.~~

12 ~~(B)(4)~~ No A person other than the following shall not
13 assist more than six (6) voters in marking and casting a ballot at a polling
14 site or early voting location during an election except:

15 (i) A poll worker;

16 (ii) The county clerk during early voting; or

17 (iii) A deputy county clerk during early voting.

18 (5)(A) ~~It shall be the duty of the A poll workers worker at the~~
19 a polling site and county clerk at an early voting location to shall make and
20 maintain a ~~list of the names and addresses~~ register of all persons assisting
21 voters.

22 (B) The register of persons assisting voters shall
23 include:

24 (i) The following oath in bold lettering at the top
25 of each page: "THE VOTER WHOSE NAME IS PRINTED BESIDE MY NAME BELOW HAS
26 PERSONALLY INFORMED A POLL WORKER OR COUNTY CLERK THAT HE OR SHE REQUIRES
27 ASSISTANCE TO VOTE. I WILL ASSIST THE VOTER IN MARKING AND CASTING HIS OR
28 HER BALLOT ACCORDING TO THE WISHES OF THE VOTER. I WILL NOT COMMENT ON OR
29 INTERPRET THE BALLOT OR ITS CONTENTS. I UNDERSTAND THAT IF I PROVIDE FALSE
30 INFORMATION ON THIS REGISTER, I MAY BE GUILTY OF PERJURY AND SUBJECT TO A
31 FINE OF UP TO TEN THOUSAND DOLLARS (\$10,000) OR IMPRISONMENT FOR UP TO TEN
32 (10) YEARS, OR BOTH."

33 (ii) The printed name of the voter being assisted;

34 (iii) The printed name and address of the assistant;

35 and

36 (iv) The signature of the assistant.

1 (c) A person who is not a poll worker shall not approach a voter and
 2 offer assistance if the voter is:

3 (1) In the polling site or early voting location;

4 (2) Waiting in line to cast his or her vote at the polling site
 5 or early voting location; or

6 (3) Within one hundred feet (100') of the primary entrance to
 7 the polling site or early voting location.

8 (d) Any If a voter who informs a poll worker or county clerk at a
 9 polling site or early voting location that he or she is unable to stand in
 10 line for extended periods of time because of physical, sensory, or other
 11 disability who presents himself or herself for voting and who then informs a
 12 poll worker at the polling site that he or she is unable to stand in line for
 13 extended periods of time, the poll worker or county clerk shall be entitled
 14 to and assisted by a poll worker allow and assist the voter to advance to the
 15 head of any the line of voters then waiting in line to vote at the polling
 16 site or early voting location.

17
 18 SECTION 4. Arkansas Code § 7-5-403 is amended to read as follows:

19 7-5-403. Designated bearers, authorized agents, and administrators.

20 (a)(1) A designated bearer may obtain absentee ballots from the county
 21 clerk for ~~not~~ no more than two (2) voters.

22 (2)(A) ~~At no time shall a~~ A designated bearer shall not have
 23 more than two (2) absentee ballots in his or her possession.

24 (B) If the county clerk knows or reasonably suspects that
 25 a designated bearer has more than two (2) absentee ballots in his or her
 26 possession, the county clerk shall notify the prosecuting attorney.

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

30 (B) A designated bearer receiving an absentee ballot from
 31 a voter shall obtain the absentee ballot directly from the voter and deliver
 32 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~~ no more than two (2) voters.

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

1 (5) ~~In order~~ When a designated bearer seeks to obtain an
2 absentee ballot from the county clerk:

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

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

7 (C) The designated bearer shall sign the register under
8 oath indicating receipt of the voter's absentee ballot; and

9 (D) The county clerk shall indicate beside the designated
10 bearer's name on the register that he or she obtained an absentee ballot for
11 a voter.

12 (6) ~~Upon delivering~~ When a designated bearer delivers an
13 absentee ballot to the county clerk:

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

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

18 (C) The designated bearer shall sign the register under
19 oath indicating delivery of the voter's absentee ballot; ~~and~~

20 (D) The county clerk shall not accept an absentee ballot
21 from a designated bearer who does not sign the register under oath; and

22 (E) The county clerk shall write or stamp the word
23 "BEARER" and write the designated bearer's name on the absentee ballot return
24 envelope.

25 (7) When providing an absentee ballot to a designated bearer or
26 receiving an absentee ballot from a designated bearer, the county clerk shall
27 provide to the designated bearer a written notice informing the designated
28 bearer that:

29 (A) A designated bearer may obtain ballots for no more
30 than two (2) voters;

31 (B) A designated bearer shall ~~at no time~~ not have more
32 than two (2) ballots in his or her possession;

33 (C) A designated bearer ~~may~~ shall not deliver ballots to
34 the county clerk for ~~no~~ more than two (2) voters; and

35 (D) Possession of an absentee ballot with the intent to
36 defraud a voter or an election official is a felony under § 7-1-104.

1 (b)(1) An authorized agent may deliver applications for absentee
2 ballots to the county clerk and obtain absentee ballots from the county clerk
3 for ~~not~~ no more than two (2) voters who cannot cast a ballot at the
4 appropriate polling place on election day because the voter is a patient in a
5 hospital ~~or~~, long-term care facility, or residential care facility licensed
6 by the state.

7 (2) ~~At no time shall an~~ An authorized agent shall not have more
8 than two (2) absentee ballots in his or her possession.

9 (3)(A) An authorized agent receiving an absentee ballot from the
10 county clerk for a voter shall obtain the absentee ballot directly from the
11 county clerk and deliver the absentee ballot directly to the voter.

12 (B) An authorized agent receiving an absentee ballot from
13 a voter shall obtain the absentee ballot directly from the voter and deliver
14 the absentee ballot directly to the county clerk.

15 (4)(A) ~~In order for an~~ An authorized agent ~~to~~ shall not obtain a
16 ballot from the county clerk, unless the authorized agent ~~shall submit~~
17 submits to the county clerk an affidavit from the administrative head of a
18 hospital ~~or~~, long-term care facility, or residential care facility licensed
19 by the state that the applicant is a patient of the hospital or long-term
20 care or residential care facility licensed by the state and is ~~thereby~~ unable
21 to vote on the election day at his or her regular polling site.

22 (B) ~~A~~ The county clerk shall retain a copy of the
23 affidavit ~~shall be retained by the county clerk~~ as an attachment to the
24 application for an absentee ballot.

25 (5) ~~In order to~~ When an authorized agent seeks to obtain an
26 absentee ballot from the county clerk, the:

27 (A) Authorized agent shall present current photographic
28 identification to the clerk;

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

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

33 (6) ~~Upon delivering~~ When an authorized agent delivers an
34 absentee ballot to the county clerk, the:

35 (A) Authorized agent shall ~~show some form of~~ present
36 current photographic identification to the clerk;

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

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

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

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

12 (d)(1) An administrator may deliver ~~to the county clerk~~ an application
13 for an absentee ballot to the county clerk for ~~any a~~ voter who ~~is a~~:

14 (A) Is a patient of a long-term care facility or
15 residential care facility licensed by the state; and ~~who names~~

16 (B) Names the administrator on his or her application as
17 the administrator of the facility where the voter resides.

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

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

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

26 (4) An administrator shall submit to the county clerk an
27 affidavit, signed and dated by the administrator, stating:

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

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

31 (C) That ~~he or she~~ the administrator has been authorized
32 by the voters of his or her facility who named ~~him or her~~ the administrator
33 in their applications for absentee ballot and voter statement ~~to deliver~~
34 ~~their absentee ballots~~.

35 (5) The county clerk shall attach a copy of the administrator's
36 affidavit to each application for an absentee ballot delivered by the

1 administrator to the county clerk.

2 (6) The county clerk shall write or stamp the word
 3 "ADMINISTRATOR" and the administrator's name on the voter's absentee ballot
 4 return envelope.

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

9
 10 SECTION 5. Arkansas Code § 7-5-404(a), concerning applications for
 11 ballots, is amended to read as follows:

12 (a)(1)~~(A)~~(i) Applications for absentee ballots ~~must~~ shall be signed by
 13 the applicant ~~and verified by the.~~

14 (ii) Applications sent by electronic means must bear
 15 a verifiable facsimile of the applicant's signature.

16 (iii) An applicant who cannot sign his or her name
 17 due to blindness, disability, or inability to read or write may sign the
 18 application by mark if there is a witness to the signature and the witness:

19 (a) Prints the witness's name and address on
 20 the application; and

21 (b) Signs the application.

22 (B)(i) The county clerk shall verify the application by
 23 checking the applicant's name, address, date of birth, and signature from the
 24 application to the voter's name, address, date of birth, and signature from
 25 the registration records ~~or, if sent by electronic means, the application~~
 26 ~~must bear a verifiable facsimile of the applicant's signature.~~

27 ~~(2)(ii) Delivery of the request~~ An application for an absentee
 28 ballot using the form prescribed under § 7-5-405 shall be delivered to the
 29 county clerk ~~may be made in one (1) of the following ways, and in no other~~
 30 ~~manner by:~~

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

33 ~~(i)(a) In person~~ Hand delivery by the applicant, the
 34 applicant's designated bearer, or the applicant's administrator at the office
 35 *of the county clerk of the county of residence of the voter no later than the*
 36 *time the county clerk's office regularly closes on the day before election*

1 day;

2 ~~(ii)(b)~~ Applications by mail must be Mail if
3 received in the office of the county clerk of the county of residence of the
4 voter not later than seven (7) days before the election for which the
5 application was made;

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

10 ~~(iv)~~ A person declared as Hand delivery by the
11 authorized agent of the applicant may deliver the application to the office
12 of the county clerk of the county of residence of the applicant not later
13 than 1:30 p.m. on the day of the election;

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

18 ~~(vi)(a)(d)(1)~~ Delivery by electronic Electronic
19 means to the county clerk's office of the county of residence of the voter
20 not no later than seven (7) days before the election for which the
21 application was made.

22 ~~(b)(2)~~ The county clerk shall accept the
23 completed application sent by electronic means will be accepted only upon
24 verification of the facsimile signature of the applicant by the county clerk.

25 ~~(e)(3)~~ Once verified as a reasonable likeness
26 of the voter's signature, the signature appearing on a copy of an application
27 sent by electronic means shall be presumed to be authentic until proven
28 otherwise; or

29 ~~(B)(C)(i)~~ If the applicant does not use the An application
30 for absentee ballot not using the form prescribed in § 7-5-405, he or she may
31 make an application for an absentee ballot as follows; may be made by letter,
32 postcard, or email received in the office of the county clerk not later than
33 seven (7) days before the date of the election.

34 ~~(i)~~ A letter or postcard must be received in the
35 office of the county clerk not later than seven (7) days before the date of
36 the election. The letter or postcard shall contain information sufficient for

1 ~~the county board of election commissioners and the county clerk to accept the~~
 2 ~~letter or postcard in lieu of the application form; or~~

3 ~~(ii) An applicant may transmit a written request for~~
 4 ~~an absentee ballot by electronic means that shall contain the voter's~~
 5 ~~signature and other information sufficient for acceptance in lieu of the~~
 6 ~~application form.~~

7 (ii) An application for absentee ballot by letter,
 8 postcard, or email shall contain:

9 (a) A statement indicating that the applicant
 10 requests an absentee ballot;

11 (b) A statement indicating that the request is
 12 made because the applicant will be unavoidably absent from the polling site
 13 on election day or is unable to attend the polls on election day due to
 14 illness or physical disability;

15 (c) The mailing address of the applicant or
 16 the name and signature of the applicant's designated bearer, administrator,
 17 or authorized agent;

18 (d) The date application is made;

19 (e) The applicant's printed name;

20 (f) The address at which the applicant is
 21 registered to vote;

22 (g) The applicant's date of birth;

23 (h) The applicant's signature; and

24 (i) The date or description of the election in
 25 which the voter wishes to cast an absentee ballot.

26
 27 SECTION 6. Arkansas Code § 7-5-405(a), concerning application form, is
 28 amended to read as follows:

29 ~~(a)(1) Applications for absentee ballots may be made on a form or~~
 30 ~~forms prescribed by the The Secretary of State and furnished by the county~~
 31 ~~clerk at least sixty (60) days before the election shall:~~

32 (A) Prescribe a form or forms for application for absentee
 33 ballot;

34 (B) Disseminate the form or forms to the county clerks;
 35 and

36 (C) Continuously publish the form or forms on the

1 Secretary of State's website.

2 (2) The form or forms for application for absentee ballot shall
3 contain the following information:

4 (A) The ~~following~~ statement+ "IF YOU PROVIDE FALSE
5 INFORMATION ON THIS FORM, YOU MAY BE GUILTY OF PERJURY AND SUBJECT TO A FINE
6 OF UP TO TEN THOUSAND DOLLARS (\$10,000) OR IMPRISONMENT FOR UP TO TEN (10)
7 YEARS.";

8 (B) A statement ~~in which the voter must indicate that he~~
9 ~~or she~~ indicating that the voter is requesting an absentee ballot because he
10 or she will be:

11 (i) Unavoidably absent from the polling site on
12 election day; or

13 (ii) Unable to attend the polls on election day
14 because of illness or physical disability; ~~or~~

15 ~~(iii) Unable to attend the polls on election day~~
16 ~~because of residence in a long-term care or residential facility licensed by~~
17 ~~the state;~~

18 (C) A statement by the voter indicating whether he or she
19 resides outside the county;

20 (D) A statement indicating whether the voter is a United
21 States citizen residing outside the territorial limits of the United States;

22 (E) A statement indicating whether the voter is in active
23 service as a member of the armed services of the United States;

24 (F) A statement indicating whether the voter resides in a
25 hospital, long-term care facility, or residential facility licensed by the
26 state;

27 (G) Mailing information for the ballot or the name and
28 signature of a designated bearer, an administrator, or an authorized agent;

29 ~~(G)~~(H) The date, the voter's printed or typed name, voting
30 residence address, date of birth, and the voter's signature attesting to the
31 correctness of the information provided under penalty of perjury; and

32 ~~(H)~~(I) The election in which the voter wishes to cast an
33 absentee ballot.

34

35 SECTION 7. Arkansas Code § 7-5-408 is amended to read as follows:

36 7-5-408. List of applications – Preparation, preservation, and

1 inspection.

2 (a)(1) The county clerk shall ~~make;~~

3 (A) Make a list of the applications for absentee ballots
4 as the applications are received; and ~~shall keep~~

5 (B) Maintain the list of applications and ~~retain~~ the
6 application forms ~~after the election in which they are to be used~~ for the
7 same period as is required for retaining ballots.

8 (2) For each absentee ballot that is returned to the county
9 clerk, the clerk shall place a mark on the list of applications indicating
10 that the absentee ballot was returned.

11 (b) The list of applications and the applications shall be available
12 ~~to~~ for public inspection during regular business hours ~~from sixty (60) days~~
13 ~~prior to the election~~ until they are destroyed.

14

15 SECTION 8. Arkansas Code § 7-5-409 is amended to read as follows:

16 7-5-409. Materials furnished to qualified voters.

17 (a)(1)~~(A)~~ The county clerk ~~must satisfy himself or herself that the~~
18 shall determine whether:

19 (A) The applicant for an absentee ballot is;

20 (i) A qualified registered elector in the ward,
21 precinct, or township in which he or she claims to be a resident; ~~or that the~~
22 ~~applicant is exempted~~

23 (ii) Exempt from registration under § 7-5-406+; and

24 (B) The county clerk shall verify that the application for
25 absentee ballot has been properly signed by the;

26 (i) The applicant; and, if necessary, the

27 (ii) The designated bearer, administrator, or
28 authorized agent if required by law.

29 (2)(A) If the application ~~is~~ does not properly signed meet the

30 requirements of subdivision (a)(1) of this section, the application shall be

31 rejected by the county clerk.

32 ~~(G)(B)~~ The county clerk shall ~~notify;~~

33 (i) Contact the applicant; and

34 (ii) Notify the applicant of the ~~reason for the~~
35 rejection deficiency.

36 ~~(2)(3)(A)~~ If the county clerk is unable to contact the applicant

1 to cure ~~the~~ a deficiency in the application, the county clerk shall forward
 2 *the application with the reason for the rejection to the county* board of
 3 election commissioners.

4 (B) The When the county board of election
 5 commissioners ~~shall determine~~ determines whether the applicant is a qualified
 6 elector, the county board of election commissioners shall notify the
 7 applicant of a determination that the applicant is not a qualified elector.

8 (b)(1) If the applicant is registered or is otherwise eligible to vote
 9 absentee, the application meets the requirements of subdivision (a)(1) of
 10 this section, the county clerk, prior to mailing or delivering the ballot,
 11 shall detach:

12 (A) Detach the ballot stub ~~and deposit;~~

13 (B) Deposit the ballot stub into a sealed box designated
 14 as "Absentee Stub Box"; ~~and deliver~~

15 (C) Deliver the absentee ballot materials required under
 16 subdivision (b)(2) of this section to the applicant or to the applicant's
 17 designated bearer, authorized agent, or administrator for delivery to the
 18 applicant ~~the following materials:~~

19 (2) The absentee ballot materials shall include:

20 ~~(1)(A)~~ (A) An official absentee ballot ~~for each election named~~
 21 ~~in the application;~~

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

24 ~~(3)(C)~~ (C) An official absentee ballot secrecy envelope ~~on~~
 25 ~~which there shall be written or printed~~ with the written or printed words
 26 "Ballot Only";

27 ~~(4)(A)-(i)(D)~~ (D) A voter statement, that includes:

28 ~~(ii) The voter statement shall include the following~~

29 (i) A heading in bold capitalized letters, that
 30 states: "THIS VOTER STATEMENT MUST BE COMPLETED AND RETURNED IN THE MAILING
 31 ENVELOPE OR THE ABSENTEE BALLOT WILL NOT BE COUNTED-";

32 ~~(iii) The voter statement shall include the~~
 33 ~~following statement~~

34 (ii) A footer in bold capitalized letters at the
 35 bottom of the page that states: "THE INFORMATION I HAVE PROVIDED IS TRUE TO
 36 THE BEST OF MY KNOWLEDGE UNDER PENALTY OF PERJURY. IF I HAVE PROVIDED FALSE

1 INFORMATION, I MAY BE SUBJECT TO A FINE OF UP TO TEN THOUSAND DOLLARS
 2 (\$10,000) OR IMPRISONMENT FOR UP TO TEN (10) YEARS, OR BOTH, UNDER FEDERAL OR
 3 STATE LAWS-”;

4 ~~(iv) The voter statement shall include a~~

5 (iii) A statement that the voter resides at the
 6 address on his or her application-;

7 ~~(v) The voter statement shall include a statement~~
 8 ~~for~~

9 (iv) A section applicable only to a voter who is a
 10 first-time voter who registers by mail stating: “If I am a newly registered
 11 voter of this county and this is the first time I am voting in this county, I
 12 am enclosing a copy of a current and valid photo identification card or a
 13 current utility bill, bank statement, government check, paycheck, or other
 14 government document that shows my name and address-”;

15 ~~(B) Blanks shall be provided~~

16 (v) Spaces for the voter to provide his or her
 17 printed name, signature, address, and date of birth, ~~signature of;~~

18 (vi) Spaces for the administrator, authorized agent,
 19 ~~or designated bearer, or assistant of the voter to provide his or her printed~~
 20 name, signature, and address, and date of birth of the administrator,
 21 ~~authorized agent, or designated bearer; and~~

22 (vii) A section applicable only to a voter who
 23 requires assistance to vote by reason of blindness, disability, or inability
 24 to read or write including:

25 (a) A statement that the absentee voter
 26 requires assistance to mark and cast his or her ballot by reason of
 27 blindness, disability, or inability to read or write;

28 (b) A space to state the printed name and
 29 address of the assistant;

30 (c) A space to state the date assistance was
 31 provided;

32 (d) A space for the assistant’s driver’s
 33 license number or, if none, a description of other identification document;

34 (e) An oath in bold capitalized letters
 35 stating: "I HAVE ASSISTED THE VOTER IN MARKING AND CASTING THE BALLOT
 36 ACCORDING TO THE WISHES OF THE VOTER. I HAVE ASSISTED OR WILL ASSIST NO MORE

1 THAN SIX (6) ABSENTEE VOTERS FOR ANY ONE ELECTION. I UNDERSTAND THAT IF I
2 PROVIDE FALSE INFORMATION ON THIS STATEMENT, I MAY BE GUILTY OF PERJURY AND
3 SUBJECT TO A FINE OF UP TO TEN THOUSAND DOLLARS (\$10,000) OR IMPRISONMENT FOR
4 UP TO TEN (10) YEARS, OR BOTH"; and

5 (f) A space adjacent to the oath for the
6 assistant's signature;

7 ~~(5)~~(E) A sealable envelope ~~upon which shall be~~ with the printed
8 or written ~~the~~ words: "Return Envelope", the address of the county clerk, the
9 precinct of the voter, and the words: "ABSENTEE BALLOT,
10 , , ELECTION"; and

11 ~~(6)~~(F) An authorized agent authorization form, ~~as follows~~
12 stating:

13
14 "AGENT AUTHORIZATION FORM

15 If applicable, fill out and sign this form and place it in the Return
16 Envelope

17 I hereby authorize (insert his
18 or her name) as my authorized agent, to deliver this ballot as I am
19 medically unable to vote on election day. An affidavit verifying my
20 medical status as unable to deliver the application or to vote on the
21 day of the election is attached or has been provided with my
22 application.

23
24 signature of voter

25
26 printed name of voter

27
28 address of voter

29
30 date of birth of voter"

31 (c)(1) ~~Except for absentee ballots mailed to an address outside the~~
32 ~~county in which the applicant is registered, an~~ The county clerk shall mail
33 an absentee ballot shall be mailed to the voter at the address that appears:

34 (A) Appears on the applicant's registration record; or

35 (B) Appears on the applicant's absentee ballot application

36 if the voter is temporarily at a different address.

1 (2) The county clerk shall not mail more than two (2) absentee
2 ballots to the same address unless:

3 (A) The address is outside the territorial limits of the
4 United States;

5 (B) The address is for a long-term care facility or
6 residential care facility licensed by the state; or

7 (C) There are more than two (2) persons lawfully
8 registered at the same address.

9 (d) The county clerk shall not deliver an absentee ballot to ~~any a~~
10 person other than the absentee voter unless the person ~~picking up the ballot~~
11 provides current and valid photographic identification to the county clerk
12 that he or she is:

13 (1) The voter's+

14 ~~(A) Designated~~ designated bearer; or

15 ~~(B) Authorized~~ authorized agent; or

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

18 (e)(1) The county clerk shall not provide more than two (2) absentee
19 ballots per election to any designated bearer or authorized agent, ~~nor shall~~
20 ~~the.~~

21 (2) ~~The~~ county clerk shall not accept delivery of more than two
22 (2) absentee ballots per election from any designated bearer or authorized
23 agent.

24 (f) A designated bearer ~~shall be allowed to~~ may pick up ~~only~~ no more
25 than two (2) absentee ballots from the county clerk ~~only~~ during the fifteen
26 (15) days ~~prior to~~ before a school election, special election, preferential
27 primary election, or general election and seven (7) days ~~prior to~~ before a
28 runoff election, including a general primary election.

29 (g) Upon delivery of an absentee ballot to an individual authorized to
30 receive an absentee ballot, the county clerk shall mark the precinct voter
31 registration list to indicate that an absentee ballot has been delivered to
32 the voter.

33
34 SECTION 9. Arkansas Code § 7-5-412 is amended to read as follows:

35 7-5-412. Marking and return of absentee ballots – Delivery of mailed
36 absentee ballots.

1 (a) ~~Upon receiving~~ When the voter receives the blank absentee ballot,
 2 ~~statement, and envelopes, whether in the office of the county clerk or~~
 3 ~~elsewhere,~~ materials, the voter shall ~~mark~~:

4 (1) Mark the absentee ballot ~~and place~~;

5 (2) Place the absentee ballot in the provided ballot secrecy
 6 envelope. ~~He or she shall then seal~~;

7 (3) Seal the ballot secrecy envelope containing the absentee
 8 ballot ~~and place it~~; and

9 (4) Place in the ~~other provided outer~~ return envelope with the
 10 following:

11 (A) The absentee ballot sealed in the ballot secrecy
 12 envelope;

13 ~~(1)~~(B) The executed voter statement; and

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

19 ~~(A)~~(i) The voter registered to vote by mail and
 20 provided the identification at ~~that~~ the time he or she registered to vote; or

21 ~~(B)~~(ii)(a) The ~~first-time voter registered to vote~~
 22 ~~by mail and~~ submitted his or her driver's license number or ~~at least~~ the last
 23 four (4) digits of his or her social security number at the time the voter
 24 registered to vote by mail; ~~and this information~~

25 (b) The driver's license number or social
 26 security card number provided matches the information in an existing state
 27 identification record bearing the same number, name, and date of birth as
 28 provided in the registration-; and

29 (5) Seal the return envelope.

30 (b) ~~A voter who desires to cast an~~ An absentee ballot ~~but~~ cast by a
 31 voter who does not meet the identification requirements of subdivision ~~(a)(2)~~
 32 (a)(4)(C) of this section ~~may cast his or her absentee ballot by mail, and~~
 33 ~~the absentee ballot~~ shall be considered as a provisional ballot.

34 (c)(1) An absentee voter who requires assistance to mark and cast his
 35 or her ballot by reason of blindness, disability, or inability to read or
 36 write may be assisted by the person of his or her choice.

1 (2) The assistant shall:

2 (A) Follow the wishes of the voter in assisting in marking
3 and casting the ballot; and

4 (B) Not comment on or interpret the ballot or the contents
5 of the ballot.

6 (3) A person may not assist more than six (6) absentee voters in
7 marking and casting a ballot for an election.

8 (4) An assistant shall:

9 (A) Sign the voter statement under penalty of perjury;

10 (B) Provide a copy of the assistant's current and valid
11 photographic identification or a copy of a current utility bill, bank
12 statement, government check, paycheck, or other government document that
13 shows the name and address of the assistant; and

14 (C) Provide all other information required on the voter
15 statement provided under § 7-5-409.

16 (d) The county clerk promptly shall deliver ~~Absentee~~ absentee ballots
17 received by mail on election day before the polls close ~~shall be delivered~~
18 ~~promptly by the county clerk~~ to the election officials designated to canvass
19 and count absentee ballots.

20
21 SECTION 10. Arkansas Code § 7-5-416 is amended to read as follows:

22 7-5-416. Counting of absentee ballots.

23 (a)(1) The election officials for absentee ballots shall meet ~~in the~~
24 ~~courthouse~~ in a place designated by the county board of election
25 commissioners on election day for the purpose of processing absentee ballots.

26 (2) The county board shall give public notice of the time and
27 location of the opening, processing, canvassing, and counting of absentee
28 ballots and early voting ballots as provided in § 7-5-202.

29 (3)~~(A)~~ The county clerk shall ~~forward the absentee ballot~~
30 ~~applications sorted alphabetically or by precinct~~ provide to the election
31 officials for absentee ballots-;

32 (i) The absentee ballot applications sorted
33 alphabetically or by precinct; and

34 (ii) The absentee ballots.

35 (B) The county clerk shall:

36 (i) Report in writing to the election officials for

1 absentee ballots:

2 (ii) The number of absentee ballots received;

3 (iii) The number of absentee ballots marked as
4 received on the absentee ballot applications list; and

5 (iv) If the numbers are different and the reason for
6 the difference is known, the reason for the difference in numbers.

7 (4) The processing and counting of absentee ballots shall be
8 open to the public, and candidates and ~~political parties~~ authorized poll
9 watchers may be present in person or by a representative designated in
10 writing ~~pursuant to~~ under § 7-5-312 during the opening, processing,
11 canvassing, and counting of the absentee ballots as provided in this
12 subchapter.

13 (5)(A) Absentee or early votes may be processed and counted
14 ~~prior to~~ before the closing of the polls ~~on election day~~.

15 (B) Election results shall not be printed or released
16 before the closing of the polls.

17 (6) The processing, counting, and canvassing of the absentee
18 ballots shall be under the supervision and direction of the county board of
19 election commissioners under § 7-5-414.

20 (b)(1) The opening, processing, counting, and canvassing of absentee
21 ballots shall be conducted as follows:

22 (A) One (1) of the election officials shall open outer
23 absentee ballot envelopes one (1) by one (1) and verify the contents;

24 (B) If more than one (1) ballot secrecy envelope is
25 contained in the return envelope, the ballots contained in the return
26 envelope shall not be counted unless the ballots were mailed by an
27 administrator of a long-term care facility or residential care facility
28 licensed by the State of Arkansas or hospital who provided the required
29 affidavit and is named on the voters' absentee ballot applications;

30 (C) If the required materials are properly placed in the
31 ~~outer absentee ballot~~ return envelope, the election official shall proceed to
32 read aloud from the voter statement the name of the voter;

33 ~~(C)(D)~~ (D) If the required materials are not properly placed
34 in the ~~outer absentee ballot~~ return envelope, a second election official
35 shall open the ~~inner absentee~~ ballot secrecy envelope to verify the contents
36 under the observation of another election official;

1 ~~(D)~~(E) If all required materials are present ~~within one~~
 2 ~~(1) or the other envelopes~~ in the ballot secrecy envelope or the return
 3 envelope, the election officials shall ~~put~~:

4 (i) Place the materials in the proper envelopes
 5 ~~while preserving the secrecy of the voter's ballot;~~ and ~~shall proceed to read~~

6 (ii) Read aloud from the voter statement the name of
 7 the voter and the voting precinct in which the voter claims to be a legal
 8 voter;

9 ~~(E)~~(F) As each ~~outer~~ return envelope is opened and the
 10 name of the voter is read, the election officials for the absentee box shall
 11 compile:

12 (i) A list in duplicate of the name and voting
 13 precinct of the voter who returned the ballot; and

14 (ii) A duplicate copy of that list;

15 ~~(F)~~(i)(G)(i) After the election official reads aloud from
 16 the voter statement, the election officials shall compare the ~~name, address,~~
 17 ~~date of birth,~~:

18 (a) Name on the voter's absentee application
 19 and name on the voter's statement;

20 (b) Address on the voter's absentee
 21 application and address on the voter's statement;

22 (c) Date of birth on the voter's absentee
 23 application and date of birth on the voter's statement; and ~~signature of~~

24 (d) Signature on the voter's absentee
 25 application ~~with the~~ and signature on the voter's statement; and, ~~for~~

26 (ii) The election official shall verify a voter's
 27 identification document if the voter is a first-time voters voter who
 28 registered by mail and did not provide identification at the time of mailing
 29 the voter registration application, ~~the first-time voter's identification~~
 30 ~~document unless the voter previously provided identification at the time of~~
 31 ~~mailing the voter registration application;~~

32 ~~(ii)~~(iii) If the county board of election
 33 commissioners determines that the application and the ~~voter's~~ voter statement
 34 do not compare as to name, address, date of birth, and signature, the
 35 absentee ballot shall not be counted;

36 ~~(iii)~~(iv) If a first-time voter fails to provide the

1 required identification with the absentee ballot or at the time of mailing
 2 the voter registration application, then the absentee application, absentee
 3 ballot envelope, and ~~voter's~~ voter statement shall be placed in an envelope
 4 marked "provisional" and the absentee ballot shall be considered a
 5 provisional ballot;

6 (v)(a) If the ballot was returned by a designated
 7 bearer or authorized agent, the election officials shall verify the signature
 8 of the voter by checking the voter's signature on the voter statement and the
 9 voter's signature on the voter registration list.

10 (b) If the voter's signatures on the voter
 11 statement and the register are not similar the ballot shall not be counted;
 12 and

13 (vi)(a) If the return envelope was returned by an
 14 administrator or authorized agent, the election officials shall verify that
 15 the required affidavits were submitted to the clerk.

16 (b) If the required affidavits were not
 17 submitted to the clerk, the ballots shall not be counted;

18 ~~(G)(H)~~ (H) If the absentee voter fails to return the voter
 19 statement, the vote shall not be counted;

20 ~~(H)(I)~~ (I) ~~Failure of the voter to~~ The voter shall not be
 21 disqualified for failure to submit the required absentee materials in the
 22 proper envelopes ~~shall not be grounds for disqualifying the voter;~~

23 ~~(I)(J)~~ (J) ~~If no a qualified poll watcher does not make a~~
 24 ~~challenge is made by a qualified poll watcher,~~ the election official shall
 25 ~~remove;~~

26 (i) Remove the inner sealed ballot secrecy envelope,
 27 ~~without opening the inner envelope~~ containing the ballot, ~~and place it~~

28 (ii) Place the sealed ballot secrecy envelope
 29 containing the ballot in the ballot box without marking it in any way;

30 ~~(J)(i)(K)(i)~~ (K)(i) ~~After all of the outer the return envelopes~~
 31 ~~have been~~ are opened and a ~~list has been made in duplicate~~ the lists of the
 32 name and voting precinct of the voters have been completed as required in
 33 this section, the election officials ~~of~~ supervising the absentee box shall
 34 ~~preserve all;~~

35 (a) Preserve the voter statements of voters
 36 and the voters' identification documents; and deliver them

1 (b) Deliver the voter statements and voters'
 2 identification documents to the county clerk, ~~who.~~

3 (ii) The county clerk shall file and keep ~~them for~~
 4 ~~the same length of time after the election as is required for retention of~~
 5 ~~other ballots~~ the voter statements and voters' identification documents for
 6 at least two (2) years.

7 ~~(ii)(iii)~~ (iii) The voter statements shall be made
 8 available for public inspection during regular business hours.

9 ~~(iii)(iv)~~ (iv) The voters' identification documents shall
 10 not be subject to public inspection except as part of a judicial proceeding
 11 to contest the election;

12 ~~(K)(L)~~ (L) When all of the ~~inner~~ ballot secrecy envelopes
 13 containing the ballots have been placed in the ballot box, the ballot box
 14 shall be shaken thoroughly to mix the ballots; and

15 ~~(L)(M)~~ (M) The ballot box shall be opened and the ballots
 16 canvassed and counted.

17 ~~(2) No election results shall be printed or released prior to~~
 18 ~~the closing of the polls.~~

19 (c) If ~~any~~ a person casting an absentee ballot dies before the polls
 20 open on election day, his or her vote shall not be counted.

21 ~~It is the intent of this section to permit the election officials~~
 22 ~~for absentee ballots to meet and process, canvass, and count absentee ballots~~
 23 ~~according to this section prior to the closing of the polls on election day.~~

24 ~~(e)(1)~~ (1) Absentee votes shall be cast on paper ballots.

25 (2)(A) ~~The ballots~~ First, the election officials shall ~~first be~~
 26 ~~counted for~~ count the write-in votes ~~by the election officials.~~

27 (B) Then, at the discretion of the county board, ~~the~~
 28 ~~ballots~~ the poll workers may ~~be either hand counted or counted on~~ count the
 29 ballots by hand or by using an electronic vote tabulating device.

30 ~~(f)(1)(e)(1)~~ (e)(1) Absentee ballots marked as "special runoff ballots"
 31 ~~received from a qualified voter from one (1) of the categories in § 7-5-~~
 32 ~~406(a) and who is temporarily residing outside the territorial limits of the~~
 33 ~~United States shall be opened for~~ In a general primary elections election and
 34 or a general runoff elections election, an election official shall:

35 (A) Identify a ballot marked as a "special runoff ballot"
 36 received from a qualified voter from one (1) of the categories in § 7-5-

1 406(a) and temporarily residing outside the territorial limits of the United
2 States;

3 (B) Open the "special runoff ballot" according to the
4 procedures described in subsection (b) of this section; and

5 ~~(2) However, in counting the special runoff ballot, one (1) of~~
6 ~~the election officials shall open the envelope containing the special runoff~~
7 ~~ballot and read~~

8 (C) Read the numbers indicated next to the names of the
9 two (2) candidates in the general primary election or in the general runoff
10 election.

11 ~~(3)(2)~~ The candidate with the highest ranking on the "special
12 runoff ballot" under § 7-5-406 shall receive the vote.

13 ~~(4)(3)~~ A special runoff ballot under § 7-5-406 received with the
14 preferential primary absentee ballot shall be counted in the general primary
15 election, ~~and a.~~

16 (4) A special runoff ballot under § 7-5-406 received with the
17 general election absentee ballot shall be counted in the general runoff
18 election.

19 (5) The Secretary of State shall ~~prepare;~~

20 (A) Prepare instructions for opening, counting, and
21 canvassing special runoff ballots; and ~~provide~~

22 (B) Provide the instructions to each county board of
23 election commissioners.

24

25 */s/K. Ingram*

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