

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023

A Bill

HOUSE BILL 1487

4

5 By: Representatives Lundstrum, Wing, Achor, Andrews, Barker, Beaty Jr., Beck, Bentley, M. Berry,
6 Breaux, Brooks, K. Brown, M. Brown, Burkes, Joey Carr, C. Cooper, Cozart, Evans, C. Fite, L. Fite,
7 Fortner, Furman, Gazaway, Gonzales, Gramlich, Haak, Hawk, Hollowell, Jean, Ladyman, Long, Lynch,
8 McAlindon, McClure, McCollum, M. McElroy, McGrew, B. McKenzie, McNair, S. Meeks, Miller,
9 Milligan, K. Moore, Pilkington, Puryear, R. Scott Richardson, Richmond, Rose, Rye, Tosh, Underwood,
10 Vaught, Womack, Wooten

11 By: Senators K. Hammer, Dees, M. McKee, J. Petty, Stone

12

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For An Act To Be Entitled

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AN ACT TO CREATE THE BALLOT SECURITY ACT OF 2023; TO
15 AMEND ELECTION LAW CONCERNING THE HANDLING OF
16 ELECTION BALLOTS; AND FOR OTHER PURPOSES.

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18

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Subtitle

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TO CREATE THE BALLOT SECURITY ACT OF
21 2023; AND TO AMEND ELECTION LAW
22 CONCERNING THE HANDLING OF ELECTION
23 BALLOTS.

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

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SECTION 1. DO NOT CODIFY. Title.

29

This act shall be known and may be cited as the "Ballot Security Act Of
30 2023".

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32

SECTION 2. Arkansas Code § 7-5-407(a), concerning the preparation and
33 delivery of ballots, is amended to read as follows:

34

(a)(1) The county board of election commissioners shall:

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(A) prepare ~~prepare~~ Prepare official absentee ballots and securely
36 deliver them to the county clerk for mailing to all qualified applicants as



1 soon as practicable but not later than forty-seven (47) days before a
 2 preferential primary election, general election, school election, nonpartisan
 3 general election, nonpartisan runoff election, or special election;

4 (B) Provide a ballot count report to the county clerk
 5 listing the:

6 (i) Date of delivery;

7 (ii) Method of delivery;

8 (iii) Total number of ballots provided by ballot
 9 style; and

10 (iv) Names and signatures of the persons delivering
 11 the ballots;

12 (C) Maintain the ballot count report for each additional
 13 delivery of ballots with separate entries per delivery by ballot style and
 14 date; and

15 (D) Keep a record of the ballot count report available to
 16 the public.

17 (2) Upon the receipt of the absentee ballots, the county clerk
 18 shall begin delivering ballots to absentee voters as soon as practicable and,
 19 no later than forty-six (46) days before the applicable election, shall
 20 deliver ballots to those absentee voters who made timely application under:

21 (A) Section 7-5-406; or

22 (B) The Uniformed and Overseas Citizens Absentee Voting
 23 Act, 52 U.S.C. § 20301 et seq., as existing on January 1, ~~2011~~ 2023.

24
 25 SECTION 3. Arkansas Code § 7-5-416(a)(1) and (2), concerning counting
 26 of absentee ballots, are amended to read as follows:

27 (a)(1) The election officials for absentee ballots ~~may~~ shall meet in a
 28 place designated by the county board of election commissioners no earlier
 29 than the Tuesday before the election for the purpose of opening the outer
 30 envelope, processing, and canvassing of absentee ballot paper work of the
 31 outer envelope and no earlier than 8:30 a.m. on election day for the purpose
 32 of opening the inner absentee ballot envelope and counting the absentee
 33 ballots.

34 (2) The county board of election commissioners shall:

35 (A) ~~give~~ Give public notice of the time and location of
 36 the opening, processing, canvassing, and counting of absentee ballots and

1 early voting ballots as provided in § 7-5-202; and

2 (B) Allow public access for the in-person viewing of the
 3 absentee canvassing process.

4
 5 SECTION 4. Arkansas Code § 7-5-602(d), concerning the number of
 6 ballots, process for marking spoiled ballots, and the process for providing
 7 ballots to the election sites, is amended to read as follows:

8 (d)(1) A voter who shall by accident or mistake ~~ma~~ mark or spoil any
 9 ballot so that he or she cannot conveniently or clearly vote on the ballot
 10 may return it to the poll workers and receive another ballot, not to exceed
 11 three (3) ballots in total.

12 (2)(A) Spoiled ballots shall be cancelled by a poll worker by
 13 using a stamp marked "CANCELLED" on the face of the ballot.

14 (B) The poll worker shall write the date and time, and
 15 print and sign his or her name next to the stamp marked "CANCELLED".

16 (C) The election judge shall report the total number of
 17 spoiled ballots to the county board of election commissioners.

18 (3) The cancelled ballots shall be securely preserved separately
 19 from other ballots with the total number of cancelled ballots and returned to
 20 the county board of election commissioners and shall be open to public
 21 inspection.

22
 23 SECTION 5. Arkansas Code Title 7, Chapter 5, Subchapter 6, is amended
 24 to add an additional section to read as follows:

25 7-5-617. Transport of ballots and chain of custody.

26 (a) Marked absentee or provisional ballots shall be transported in a
 27 secure manner during the election period between locations, including without
 28 limitation between:

29 (1) Polling sites;

30 (2) Vote centers;

31 (3) Offices of the county clerk;

32 (4) Designated absentee or provisional ballot counting
 33 facilities; or

34 (5) Other government offices.

35 (b) Marked absentee or provisional ballots shall be transported in a
 36 secure manner by at least two (2) election officials with the marked absentee

1 or provisional ballots inside of a sealed ballot transfer container to the
2 location designated by the county board of election commissioners.

3 (c) Marked absentee or provisional ballots are subject to the
4 following procedure as a chain of custody:

5 (1) A person collecting marked absentee or provisional ballots
6 shall swear an oath in the same form as § 7-4-110;

7 (2) A marked absentee or provisional ballot team shall include a
8 minimum of two (2) election officials;

9 (3) The ballot transport team shall complete and sign a ballot
10 transfer form upon removing the marked absentee or provisional ballots,
11 including the following information, the:

12 (A) Date;

13 (B) Time;

14 (C) Location the marked absentee or provisional ballots
15 are picked up;

16 (D) Number of marked absentee or provisional ballots per
17 container;

18 (E) Identity of each person collecting the ballots; and

19 (F) Destination location for delivery of the marked
20 absentee or provisional ballots;

21 (4) The ballot transport team shall immediately transfer the
22 secured marked absentee or provisional ballots to the county board of
23 election commissioners, or its designee; and

24 (5)(A) The county board of election commissioners or its
25 designee shall sign the marked absentee or provisional ballot transfer form
26 upon receipt of the marked absentee or provisional ballots.

27 (B) The marked absentee or provisional ballot transfer
28 form under subsection (c)(3) of this section shall be considered a public
29 record.

30 (d)(1) Upon receiving a sealed ballot envelope from a person casting a
31 provisional ballot, the poll worker or election official shall verify that
32 the information requested on the outer ballot envelope is complete.

33 (2) The poll worker or election official shall clearly write and
34 sign his or her name, the polling location, the date, and the reason the
35 ballot is considered provisional on the outer envelope and record the
36 information.

1 (3)(A) The poll worker shall direct the person casting the
2 provisional ballot to place the ballot envelope into the secure container for
3 provisional ballots.

4 (B) The secure container for provisional ballots shall be
5 located within the enclosed space in the polling place where it can be
6 monitored by poll workers and observed by the public.

7 (e)(1) Once the polls have closed, two (2) election officials shall
8 return the secure container of provisional ballots to the county board of
9 election commissioners with the following information marked clearly on the
10 exterior of each secure container, the:

11 (A) Total number of marked provisional ballots;

12 (B) Location the provisional ballots were collected; and

13 (C) Identity of the election officials transporting the
14 marked provisional ballots.

15 (2)(A) Upon receipt of the provisional ballots, the county board
16 of election commissioners, or its designee, shall electronically record the:

17 (i) First and last name of the person casting the
18 provisional ballot;

19 (ii) Address of the person casting the provisional
20 ballot;

21 (iii) Date of birth of the person casting the
22 provisional ballot;

23 (iv) Date the provisional ballot was marked;

24 (v) Early voting or polling location, including
25 precinct number, where the provisional ballot was marked;

26 (vi) Name of the election official recorded on the
27 sealed outer envelope;

28 (vii) Reason for the provisional ballot reflected on
29 the sealed outer envelope; and

30 (viii) Other information deemed necessary by the
31 county board of election commissioners.

32 (B) The county board of election commissioners shall
33 create one (1) paper copy of the outside of each outside provisional envelope
34 to be delivered to the county clerk.

35 (C) The county board of election commissioners shall
36 provide the provisional ballot envelope copies and the electronic provisional

1 ballot list to the county clerk no later than one (1) business day following
2 election day.

3 (3) Following receipt of the electronic provisional ballot list,
4 including the provisional ballot envelope copies, the county board of
5 election commissioners shall reconcile the total number of provisional
6 ballots reviewed by the county clerk to the total number of provisional
7 ballots received and secured by the county board of election commissioners.

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