

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

# A Bill

SENATE BILL 234

5 By: Senator C. Tucker  
6

## For An Act To Be Entitled

8 AN ACT TO CLARIFY, CREATE UNIFORMITY IN, AND SIMPLIFY  
9 THE ABSENTEE BALLOT PROCESS; TO AMEND THE LAW  
10 CONCERNING THE APPLICATION FORM FOR ABSENTEE BALLOTS;  
11 TO AMEND THE LAW CONCERNING THE MATERIALS FURNISHED  
12 TO QUALIFIED VOTERS WITH AN ABSENTEE BALLOT; AND FOR  
13 OTHER PURPOSES.  
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## Subtitle

16 TO CLARIFY, CREATE UNIFORMITY IN, AND  
17 SIMPLIFY THE ABSENTEE BALLOT PROCESS; AND  
18 TO AMEND THE LAW CONCERNING THE  
19 APPLICATION FORM AND MATERIALS FURNISHED  
20 TO QUALIFIED VOTERS WITH AN ABSENTEE  
21 BALLOT.  
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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27 SECTION 1. Arkansas Code § 7-5-405(a)(1) and (2), concerning the  
28 application form for absentee ballots, are amended to read as follows:

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

32 (2) The form ~~or forms~~ shall contain the following information:

33 (A) The following statement:

34 "IF YOU PROVIDE FALSE INFORMATION ON THIS FORM, YOU MAY BE GUILTY OF PERJURY  
35 AND SUBJECT TO A FINE OF UP TO \$10,000 OR IMPRISONMENT FOR UP TO 10 YEARS.";

36 (B) A statement in which the voter must indicate that he



1 or she is requesting an absentee ballot because he or she will be:

2 (i) Unavoidably absent from the polling site on  
3 election day;

4 (ii) Unable to attend the polls on election day  
5 because of illness or physical disability; or

6 (iii) Unable to attend the polls on election day  
7 because of residence in a long-term care or residential facility licensed by  
8 the state;

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

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

13 (E) A statement indicating whether the voter is in active  
14 service as a member of the ~~armed services of the United States~~ United States  
15 Armed Forces;

16 (F) Mailing information for the ballot or the name and  
17 signature of a designated bearer, an administrator, or an authorized agent;

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

21 (H)(i) The election in which the voter wishes to cast an  
22 absentee ballot.

23 (ii) The language describing the election in which  
24 the voter wishes to cast an absentee ballot:

25 (a) Shall be placed on the form by the  
26 Secretary of State;

27 (b) May use terminology that varies from the  
28 election terms adopted in the Arkansas Code;

29 (c) Shall include a list of election options  
30 for absentee ballot voters to choose from when requesting their absentee  
31 ballot; and

32 (d) In providing the list of election options  
33 in subdivision (a)(2)(H)(ii)(c) of this section, the Secretary of State may:

34 (1) Use plain language terms that:

35 (A) Sufficiently identify which  
36 ballot the voter is requesting; and

1 (B) Are designed to be easily read  
2 by the typical registered voter; and

3 (2) Provide the date on which each such  
4 election is to be held; and

5 (I) A statement requesting the voter’s phone number if  
6 available, and the voter’s email address if available.

7  
8 SECTION 2. Arkansas Code § 7-5-409(b), concerning materials furnished  
9 to qualified voters, is amended to read as follows:

10 (b)(1) If the applicant is registered or is otherwise eligible to vote  
11 ~~absentee as an absentee voter~~, the county clerk, prior to mailing or  
12 delivering the ballot, shall detach the ballot stub and deposit the ballot  
13 stub into a sealed box designated as “Absentee Stub Box” and deliver to the  
14 applicant or to the applicant’s designated bearer, authorized agent, or  
15 administrator for delivery to the applicant the following materials:

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

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

20 ~~(3)(C)~~ An official absentee ballot secrecy envelope on  
21 which there shall be written or printed the words “Ballot Only”;

22 ~~(4)(A)-(i)(D)(i)(a)~~ A uniform voter statement created and  
23 approved by the State Board of Election Commissioners.

24 ~~(ii)(b)~~ The voter statement shall  
25 include the following heading in bold capitalized letters: “THIS VOTER  
26 STATEMENT SHALL BE COMPLETED AND RETURNED IN THE MAILING ENVELOPE OR THE  
27 ABSENTEE BALLOT WILL NOT BE COUNTED.”

28 ~~(iii)(c)~~ The voter statement shall  
29 include the following statement in bold capitalized letters at the bottom of  
30 the page: “THE INFORMATION I HAVE PROVIDED IS TRUE TO THE BEST OF MY  
31 KNOWLEDGE UNDER PENALTY OF PERJURY. IF I HAVE PROVIDED FALSE INFORMATION, I  
32 MAY BE SUBJECT TO A FINE OF UP TO TEN THOUSAND DOLLARS (\$10,000) OR  
33 IMPRISONMENT FOR UP TO TEN (10) YEARS, OR BOTH, UNDER FEDERAL OR STATE LAWS.”

34 ~~(iv)(d)~~ The voter statement shall  
35 include a statement that the voter resides at the address on his or her  
36 application.

1                                   ~~(v)~~(e) The voter statement shall include  
 2 a statement for a first-time voter who registers by mail: “If I am a newly  
 3 registered voter of this county and this is the first time I am voting in  
 4 this county, I am enclosing a copy of a current and valid photo  
 5 identification card or a current utility bill, bank statement, government  
 6 check, paycheck, or other government document that shows my name and  
 7 address.”

8                                   ~~(B)~~(ii) Blanks shall be provided for the voter to  
 9 provide his or her printed name, signature, mailing address, residential  
 10 voting address, date of birth, printed name and address of the administrator,  
 11 authorized agent, or designated bearer, signature of administrator,  
 12 authorized agent, or designated bearer, and address of the administrator,  
 13 authorized agent, or designated bearer.

14                                   ~~(C)~~(i)(iii)(a) The voter statement shall include a  
 15 sworn statement portion that may be completed by the voter stating that the  
 16 voter is registered to vote and that he or she is the person who is  
 17 registered.

18                                   ~~(ii)~~(b) The sworn statement portion of the  
 19 voter statement is not required to be notarized, but the voter shall execute  
 20 the sworn statement under penalty of perjury;

21                                   ~~(5)~~(E) A sealable envelope upon which shall be printed or  
 22 written the words: “Return Envelope”, the address of the county clerk, the  
 23 precinct of the voter, and the words: “ABSENTEE BALLOT,  
 24                                   , ELECTION”; and

25                                   ~~(6)~~(F) An authorized agent authorization form, as follows:

26  
 27 “AGENT AUTHORIZATION FORM  
 28 If applicable, fill out and sign this form and place it in the Return  
 29 Envelope  
 30 I hereby authorize                                   (insert his or her name) as my authorized  
 31 agent, to deliver this ballot as I am medically unable to vote on election  
 32 day. An affidavit verifying my medical status as unable to deliver the  
 33 application or to vote on the day of the election is attached or has been  
 34 provided with my application.  
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 36 Signature of voter

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Printed name of voter

Address of voter

Date of birth of voter.”

(2) The voter statement, instructions, and any other absentee ballot materials required under subdivision (b)(1) of this section shall be on forms:

(A) Prescribed by the State Board of Election Commissioners with the assistance of the Secretary of State; and

(B) That are designed to be easily read by the typical registered voter.