

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

# A Bill

SENATE BILL 253

5 By: Senators Crowell, K. Hammer, Dees, M. McKee, J. Petty, Stone  
6 By: Representatives Pilkington, Wing, Achor, Andrews, Barker, Beaty Jr., Beck, Bentley, M. Berry,  
7 Breaux, Brooks, K. Brown, M. Brown, Burkes, Joey Carr, C. Cooper, Cozart, Evans, C. Fite, L. Fite,  
8 Fortner, Furman, Gazaway, Gonzales, Gramlich, Haak, Hawk, Hollowell, Jean, Ladyman, Long,  
9 Lundstrum, Lynch, McAlindon, McClure, McCollum, M. McElroy, McGrew, B. McKenzie, McNair, S.  
10 Meeks, Miller, Milligan, K. Moore, Painter, Pearce, Puryear, R. Scott Richardson, Richmond, Rose, Rye,  
11 Schulz, Steimel, Tosh, Underwood, Vaught, Womack, Wooldridge, Wooten  
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## For An Act To Be Entitled

14 AN ACT TO AMEND THE LAW CONCERNING DAMAGED BALLOTS;  
15 TO AMEND THE LAW CONCERNING ELECTION PROCEDURES; AND  
16 FOR OTHER PURPOSES.  
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## Subtitle

19 TO AMEND THE LAW CONCERNING DAMAGED  
20 BALLOTS; AND TO AMEND THE LAW CONCERNING  
21 ELECTION PROCEDURES.  
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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 § 7-5-615(d) and (e), concerning the  
28 tabulations of votes, defective ballots, and the certification of returns,  
29 are amended to read as follows:

30 (d)(1) If any ballot is damaged or defective so that it cannot  
31 properly be counted by the electronic vote tabulating device, a true  
32 duplicate copy shall be made of the damaged ballot ~~in the presence of~~  
33 ~~tabulation election officials if the votes are tabulated at a central~~  
34 ~~location. The duplicate shall be substituted for the damaged ballot. All~~  
35 ~~duplicate ballots shall be clearly labeled "duplicate" and shall be counted~~  
36 ~~in lieu of the damaged or defective ballot.~~



1           (2) When duplicating a ballot, and in the presence of another  
2 election official, an election official shall:

3                   (A) Reproduce the selections of the voter on a second  
4 ballot that is the same ballot style as the ballot cast by the voter;

5                   (B) Stamp or write the word “duplicate” on the duplicated  
6 ballot;

7                   (C) Stamp or write the word “original” on the original  
8 damaged or defective ballot;

9                   (D) Label both the original damaged or defective ballot  
10 and the duplicate ballot with the same unique serial number;

11                   (E) Substitute the duplicated ballot for the original  
12 damaged or defective ballot;

13                   (F) Count the duplicated ballots in the same manner as  
14 other ballots in that election; and

15                   (G) Secure and separately store the original damaged or  
16 defective ballots in the same manner as other ballots in that election.

17           (3) The duplication of a damaged or defective ballot shall be  
18 conducted by an election official at the same time and location that ballots  
19 with no defects are counted.

20           (e) The return printed by the electronic vote tabulating device, to  
21 which ~~has been added~~ the return of write-in, early, and absentee votes have  
22 been added, shall constitute the official return of each polling site. All  
23 returns shall be certified by the election officials in charge of the  
24 tabulation thereof in the manner provided by law.

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