

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

SENATE BILL 343

5 By: Senator K. Ingram
6 By: Representative Slinkard
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 BECAUSE OF BLINDNESS, DISABILITY, OR INABILITY TO READ OR
28 WRITE. I WILL ASSIST THE VOTER IN MARKING AND CASTING HIS OR HER BALLOT
29 ACCORDING TO THE WISHES OF THE VOTER. I WILL NOT COMMENT ON OR INTERPRET THE
30 BALLOT OR ITS CONTENTS. I UNDERSTAND THAT IF I PROVIDE FALSE INFORMATION ON
31 THIS REGISTER, I MAY BE GUILTY OF PERJURY AND SUBJECT TO A FINE OF UP TO TEN
32 THOUSAND DOLLARS (\$10,000) OR IMPRISONMENT FOR UP TO TEN (10) YEARS, OR
33 BOTH."

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

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

36 and

1 (iv) The signature of the assistant.

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

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

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

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

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

18
 19 SECTION 4. Arkansas Code § 7-5-403 is amended to read as follows:
 20 7-5-403. Designated bearers, authorized agents, and administrators.

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

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

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

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

31 (B) A designated bearer receiving an absentee ballot from
 32 a voter shall obtain the absentee ballot directly from the voter and deliver
 33 the absentee ballot directly to the county clerk.

34 ~~(4)(A)~~ A designated bearer may deliver to the county clerk the
 35 absentee ballots for ~~not~~ no more than two (2) voters.

36 ~~(B) The designated bearer shall be named on the voter~~

1 ~~statement accompanying the absentee ballot.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (D) Possession of an absentee ballot with the intent to

1 defraud a voter or an election official is a felony under § 7-1-104.

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

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

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

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

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

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

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

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

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

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

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

36 (A) Authorized agent shall ~~show some form of~~ present

1 current photographic identification to the clerk;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (5) The county clerk shall attach a copy of the administrator's

1 affidavit to each application for an absentee ballot delivered by the
2 administrator to the county clerk.

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

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

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

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

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

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

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

22 (b) Signs the application.

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

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

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

34 ~~(i)(a) In person~~ Hand delivery by the applicant, the
35 applicant's designated bearer, or the applicant's administrator at the office
36 of the county clerk ~~of the county of residence of the voter~~ no later than the

1 time the county clerk's office ~~regularly~~ closes on the day before election
 2 day;

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

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

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

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

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

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

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

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

35 ~~(i)~~ A letter or postcard must be received in the
 36 office of the county clerk not later than seven (7) days before the date of

1 ~~the election. The letter or postcard shall contain information sufficient for~~
2 ~~the county board of election commissioners and the county clerk to accept the~~
3 ~~letter or postcard in lieu of the application form; or~~

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

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

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

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

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

19 (d) The date application is made;

20 (e) The applicant's printed name;

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

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

24 (h) The applicant's signature; and

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

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

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

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

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

1 (C) Continuously publish the form or forms on the
 2 Secretary of State's website.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 7-5-408. List of applications – Preparation, preservation, and
2 inspection.

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

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

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

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

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

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

17 7-5-409. Materials furnished to qualified voters.

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

20 (A) The applicant for an absentee ballot is:

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

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

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

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

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

30 (2) If the application ~~is~~ does not properly signed meet the
31 requirements of subdivision (a)(1) of this section, the application shall be
32 rejected by the county clerk.

33 ~~(C) The county clerk shall notify;~~

34 (A) Contact the applicant; and

35 (B) Notify the applicant of the reason for the rejection
36 deficiency.

1 ~~(2)~~(3)(A) If the county clerk is unable to contact the applicant
2 to cure ~~the~~ a deficiency in the application, the county clerk shall forward
3 the application with the reason for the ~~rejection~~ deficiency to the county
4 board of election commissioners.

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

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

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

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

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

20 (2) The absentee ballot materials shall include:

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

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

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

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

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

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

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

35 (ii) A footer in bold capitalized letters at the
36 bottom of the page that states: "THE INFORMATION I HAVE PROVIDED IS TRUE TO

1 THE BEST OF MY KNOWLEDGE UNDER PENALTY OF PERJURY. IF I HAVE PROVIDED FALSE
 2 INFORMATION, I MAY BE SUBJECT TO A FINE OF UP TO TEN THOUSAND DOLLARS
 3 (\$10,000) OR IMPRISONMENT FOR UP TO TEN (10) YEARS, OR BOTH, UNDER FEDERAL OR
 4 STATE LAWS-”;

5 ~~(iv) The voter statement shall include a~~
 6 (iii) A statement that the voter resides at the
 7 address on his or her application-;

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

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

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

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

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

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

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

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

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

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

35 (e) An oath in bold capitalized letters
 36 stating: "I HAVE ASSISTED THE VOTER IN MARKING AND CASTING THE BALLOT

1 ACCORDING TO THE WISHES OF THE VOTER. I HAVE ASSISTED OR WILL ASSIST NO MORE
2 THAN SIX (6) ABSENTEE VOTERS FOR ANY ONE ELECTION. I UNDERSTAND THAT IF I
3 PROVIDE FALSE INFORMATION ON THIS STATEMENT, I MAY BE GUILTY OF PERJURY AND
4 SUBJECT TO A FINE OF UP TO TEN THOUSAND DOLLARS (\$10,000) OR IMPRISONMENT FOR
5 UP TO TEN (10) YEARS, OR BOTH"; and

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

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

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

14
15 "AGENT AUTHORIZATION FORM

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

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

24
25 signature of voter

26
27 printed name of voter

28
29 address of voter

30
31 date of birth of voter"

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

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

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

1 if the voter is temporarily at a different address.

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

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

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

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

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

- 14 (1) The voter's+
 - 15 ~~(A) Designated~~ designated bearer; or
 - 16 ~~(B) Authorized~~ authorized agent; or

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

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

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

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

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

34

35 SECTION 9. Arkansas Code § 7-5-412 is amended to read as follows:
36 7-5-412. Marking and return of absentee ballots – Delivery of mailed

1 absentee ballots.

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

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

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

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

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

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

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

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

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

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

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

30 (5) Seal the return envelope.

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

35 (c)(1) An absentee voter who requires assistance to mark and cast his
36 or her ballot by reason of blindness, disability, or inability to read or

1 write may be assisted by the person of his or her choice.

2 (2) The assistant shall:

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

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

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

9 (4) An assistant shall:

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

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

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

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

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

23 7-5-416. Counting of absentee ballots.

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

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

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

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

35 (ii) The absentee ballots.

36 (B) The county clerk shall:

1 (i) Report in writing to the election officials for
 2 absentee ballots:

3 (ii) The number of absentee ballots received;

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

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

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

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

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

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

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

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

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

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

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

1 under the observation of another election official;

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

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

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

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

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

15 (ii) A duplicate copy of that list;

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

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

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

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

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

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

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

1 ~~(iii)~~(iv) If a first-time voter fails to provide the
 2 required identification with the absentee ballot or at the time of mailing
 3 the voter registration application, then the absentee application, absentee
 4 ballot envelope, and ~~voter's~~ voter statement shall be placed in an envelope
 5 marked "provisional" and the absentee ballot shall be considered a
 6 provisional ballot;

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

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

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

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

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

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

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

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

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

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

36 (a) Preserve the voter statements of voters

1 and the voters' identification documents; and ~~deliver them~~

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (A) Identify a ballot marked as a "special runoff ballot"

1 received from a qualified voter from one (1) of the categories in § 7-5-
 2 406(a) and temporarily residing outside the territorial limits of the United
 3 States;

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

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

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

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

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

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

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

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

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

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