

Stricken language would be deleted from and underlined language would be added to present law.
Act 350 of the Regular Session

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: S2/27/23
A Bill

SENATE BILL 250

By: Senators K. Hammer, Dees, J. English, B. Johnson, M. Johnson, M. McKee, J. Petty, Stone
By: Representatives Long, Wing, Achor, Andrews, Barker, Beaty Jr., Beck, Bentley, M. Berry, Breaux, Brooks, K. Brown, M. Brown, Burkes, Joey Carr, C. Cooper, Cozart, Crawford, Evans, C. Fite, L. Fite, Fortner, Furman, Gazaway, Gonzales, Gramlich, Haak, Hawk, D. Hodges, Hollowell, Jean, Ladyman, Lundstrum, Lynch, McAlindon, McClure, McCollum, M. McElroy, McGrew, B. McKenzie, McNair, S. Meeks, Miller, Milligan, K. Moore, Painter, Pearce, Pilkington, Puryear, R. Scott Richardson, Richmond, Rose, Rye, Schulz, Steimel, Tosh, Underwood, Vaught, Womack, Wooldridge, Wooten

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING PAPER BALLOTS; TO AMEND THE LAW CONCERNING MARKING AND COUNTING PAPER BALLOTS; TO AMEND THE LAW CONCERNING THE DECLARATION OF ELECTION RESULTS; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING PAPER BALLOTS; TO AMEND THE LAW CONCERNING MARKING AND COUNTING PAPER BALLOTS; TO AMEND THE LAW CONCERNING THE DECLARATION OF ELECTION RESULTS; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 7-5-601, concerning paper ballots, is amended to add additional subsections to read as follows:

(f) Each paper ballot shall be compatible with the electronic vote tabulation devices selection by the Secretary of State under § 7-5-301.

(g) A county that chooses to use paper ballots in place of approved



voting machines shall be responsible for the cost of the paper ballots and any devices or machines required for the printing and tabulation of paper ballots under this subchapter.

(h) The county board of election commissioners of any county that chooses to use paper ballots instead of approved voting machines shall be responsible for compliance with § 7-5-311 and with Pub. L. No. 98-435, the Americans with Disabilities Act, Title II of Pub. L. No. 101-336, and the Help America Vote Act of 2002, Pub. L. No. 107-252 regarding the accessibility of voting locations for voters with disabilities.

SECTION 2. Arkansas Code § 7-5-602(b) and (c), concerning ballots, number of ballots, marking devices, spoiled ballots, and official ballots, are amended to read as follows:

(b) A ballot shall not be received or counted in any election to which this subchapter applies unless it is approved and provided by the county board of election commissioners under this section.

(c) At all elections in counties that use paper ballots and in which those ballots are counted by hand, the ballots shall:

(1) First be marked using permanent ink; and

(2) Be run through an electronic vote tabulation device before a hand count is conducted.

SECTION 3. Arkansas Code § 7-5-603(1)(A), concerning counting paper ballots at the polling site, is amended to read as follows:

(1)(A) In counting the ballots, the ballot box shall be opened and each ballot shall be counted in turn or by counting by offices and issues by first being run through a tabulation device before any hand count is conducted.

SECTION 4. Arkansas Code § 7-5-603(3), concerning counting paper ballots at the polling site, is amended to read as follows:

(3)(A) Upon the close of the polls, the poll workers immediately shall certify and attest the list of voters and continue the count to completion, within twenty-four (24) hours of the close of the polls, and with no significant breaks in the counting process.

(B)(1) If a poll worker becomes sick or incapacitated from

any other cause, the remaining poll workers shall continue the count until it is completed.

(2) The county board of election commissioners shall ensure there is more than one (1) poll worker available to continue the count.

SECTION 5. Arkansas Code § 7-5-701(a)(3)(A), concerning the declaration of results, and certification, delivery, and custody of returns, is amended to read as follows:

(3)(A) As results are received and tabulated on election night for all state and federal elections, the county board of election commissioners shall declare preliminary and unofficial results of the *election as soon as early voting, absentee, or individual precinct results are tabulated but no later than twenty-four (24) hours after polls close on election night* and immediately shall transmit the results by precinct to the Secretary of State through the election night reporting interface provided by the Secretary of State.

SECTION 6. Arkansas Code § 7-5-701(a)(3)(C), concerning the declaration of results, and certification, delivery, and custody of returns, is amended to read as follows:

(C) On election night for all state and federal elections, *immediately after the count of the vote is complete but no later than twenty-four (24) hours after polls close on election night*, the county board of election commissioners shall:

(i) Declare preliminary and unofficial results of the election, including a statement of the number of outstanding:

(a) Ballots of voters who requested ballots under the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301 et seq.; and

(b) Provisional ballots; and

(ii) Immediately transmit the results by precinct to the Secretary of State through the election night reporting interface provided by the Secretary of State.

SECTION 7. EMERGENCY CLAUSE. It is found and determined by the General

Assembly of the State of Arkansas that sufficient laws to ensure the integrity of paper ballot elections do not currently exist; that this act is immediately necessary to establish adequate guidelines and requirements to ensure that elections conducted by paper ballot are safe and secure and to fortify the integrity of each and every election conducted within the State of Arkansas; that adequate guidelines are required to ensure elections conducted by paper ballots accommodate disabled Arkansas citizens and are in compliance with the Americans with Disabilities Act; and that the preservation of safe and secure elections is necessary to preserve the public peace, health and safety. Therefore, an emergency is declared to exist, and this act being immediately necessary to preserve the public peace, health and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/K. Hammer

APPROVED: 3/21/23