

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

HOUSE BILL 1693

By: Representative Hawk

By: Senator K. Hammer

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING DAMAGED OR DEFECTIVE BALLOTS; TO ALLOW THE STATE BOARD OF ELECTION COMMISSIONERS TO PROMULGATE RULES REGARDING THE DUPLICATION OF DAMAGED OR DEFECTIVE BALLOTS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING DAMAGED OR DEFECTIVE BALLOTS; AND TO ALLOW THE STATE BOARD OF ELECTION COMMISSIONERS TO PROMULGATE RULES REGARDING THE DUPLICATION OF DAMAGED OR DEFECTIVE BALLOTS.

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

SECTION 1. Arkansas Code § 7-5-615(d), concerning the tabulation of votes and damaged or defective ballots, is amended to read as follows:

(d)(1) If any ballot is damaged or defective so that it cannot properly be counted by the electronic vote tabulating device, a true duplicate copy shall be made of the damaged ballot.

(2) When duplicating a ballot, and in the presence of another election official and designated poll watchers, if any, an election official shall:

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

(B) Stamp or write the word "duplicate" on the duplicated



ballot;

(C) Stamp or write the word "original" on the original damaged or defective ballot;

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

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

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

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

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

~~(4) The duplication of a damaged or defective ballot cast at a polling site shall be delivered securely to the county board of election commissioners to be duplicated by election officials or added to the precinct's count manually on the night of the election.~~

~~(5)~~(4) An election official under subdivision (d)(2) of this section shall maintain a recorded count of damaged ballots to be duplicated in the presence of authorized poll watchers, if any, and provide the report to the county board of election commissioners.

SECTION 2. Arkansas Code § 7-5-615, concerning the tabulation of votes and damaged or defective ballots, is amended to add an additional subsection to read as follows:

(g) The State Board of Election Commissioners shall promulgate necessary rules regarding the duplication of damaged or defective ballots under this section.

SECTION 3. Arkansas Code § 7-5-701(a)(3)(C), concerning the certification, delivery, and custody of returns of election results, 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

(c) Number of ballots required to be duplicated under § 7-5-615; 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.

APPROVED: 4/3/25