

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005  
4

# A Bill

HOUSE BILL 2004

5 By: Representative Edwards  
6 By: Senator Madison  
7

## For An Act To Be Entitled

10 AN ACT CONCERNING THE PRESERVATION OF BALLOTS,  
11 STUBS, AND CERTIFICATES; AND FOR OTHER PURPOSES.  
12

### Subtitle

14 AN ACT CONCERNING THE PRESERVATION OF  
15 BALLOTS, STUBS, AND CERTIFICATES.  
16  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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20 SECTION 1. Arkansas Code § 7-5-702 is amended to read as follows:

21 7-5-702. Preservation of ballots, stubs, and certificates.

22 (a) The county board of election commissioners shall retain the  
23 custody of and safely keep in a sealed container appropriately marked all  
24 ballots and certificates returned to it from the several precincts for a  
25 period of twenty (20) days, after which time the ballots and certificates  
26 shall be stored for a period of two (2) years from the date of the election,  
27 unless the county board shall be sooner notified in writing that:

28 (1) The election of some person voted for at the election and  
29 declared to have been elected has been contested; or

30 (2) Criminal prosecution has been begun before a tribunal of  
31 competent jurisdiction against any officer of election or person voting  
32 thereat for any fraud in the election.

33 (b) If the county board is notified as provided in subsection (a) of  
34 this section, then so many of the ballots and certificates as may relate to  
35 matters involved in the contest or any prosecution shall be preserved for use  
36 as evidence in the contest or prosecution.



1 (c) During the time the ballots may be retained or stored, the package  
 2 containing them shall not be opened by anyone unless directed to do so by  
 3 some competent tribunal before which an election contest or prosecution is  
 4 pending in which the ballots are to be used as evidence.

5 (d) For a period of twenty (20) days, the county treasurer shall  
 6 retain the custody of and safely keep all ballot stubs in a sealed container  
 7 appropriately marked which are delivered to him from the several precincts,  
 8 after which time they shall be stored unless an election contest has been  
 9 filed or a criminal prosecution has been initiated in connection with the  
 10 election.

11 (e) After a period of two (2) years, all marked ballots ~~and ballot~~  
 12 ~~stubs~~ may be destroyed in the following manner:

13 (1) The county board shall enter an order directing the  
 14 destruction of marked ballots ~~and ballot stubs~~;

15 (2) The county board shall make and retain a record of marked  
 16 ballots ~~and ballot stubs~~ destroyed; and

17 (3) The county board shall file the order and record pertaining  
 18 to marked ballots and ballot stubs destroyed with the county clerk.

19 (f)(1) Except as provided in subdivision (f)(2) of this section,  
 20 after a period of thirty (30) days following certification of the election,  
 21 all ballot stubs which were previously attached to marked ballots and all  
 22 unmarked ballots may be destroyed as provided for the destruction of marked  
 23 ballots in subsection (e) of this section.

24 (2) If an election contest has been filed, all ballot stubs  
 25 which were previously attached to marked ballots may be destroyed thirty (30)  
 26 days following the final judicial resolution of the election contest.

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