

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas *As Engrossed: S3/4/13 S3/12/13 S3/13/13 S3/18/13*

89th General Assembly

A Bill

Regular Session, 2013

SENATE BILL 343

By: Senators K. Ingram, *Maloch*, R. Thompson

By: Representatives Slinkard, J. Edwards, Ferguson

For An Act To Be Entitled

AN ACT TO PREVENT ELECTION MISCONDUCT; TO AMEND THE LAW CONCERNING ABSENTEE BALLOTS AND THE USE OF ASSISTANTS, DESIGNATED BEARERS, OR ADMINISTRATORS IN THE VOTING PROCESS; TO CLARIFY THE PROCEDURES FOR CASTING AND COUNTING OF ABSENTEE BALLOTS; TO MAKE TECHNICAL CORRECTIONS TO THE LAW; AND FOR OTHER PURPOSES.

Subtitle

TO PREVENT ELECTION MISCONDUCT; TO AMEND THE LAW CONCERNING ABSENTEE BALLOTS, ASSISTANTS, DESIGNATED BEARERS, AND ADMINISTRATORS; AND TO CLARIFY THE PROCEDURES FOR CASTING AND COUNTING OF ABSENTEE BALLOTS.

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

SECTION 1. Arkansas Code § 7-5-309(a)(4), concerning voting procedure, is amended to read as follows:

(4) ~~A person other than the~~ Only a poll workers worker, and those admitted for the purpose of voting shall not be the voter, and an assistant to a voter requiring assistance under § 7-5-310 are permitted within ~~the immediate voting area, which shall be considered as within six feet (6') of the voting booths, except by authority of~~ when the election judge ~~and then only when~~ determines it is necessary to keep order and enforce



the law.

SECTION 2. Arkansas Code § 7-5-309(c), concerning voting procedure, is amended to read as follows:

(c)(1)(A) Upon receiving his or her ballot, the voter shall ~~proceed to~~ mark it ~~by placing an appropriate mark~~ appropriately.

(B) A voter shall not be allowed more than five (5) minutes to mark his or her ballot.

(2) The voter or the person authorized by the voter to assist him or her shall ~~then~~ personally deposit the ballot into the ballot box provided.

SECTION 3. Arkansas Code § 7-5-310 is amended to read as follows:

7-5-310. Privacy – Assistance to disabled voters.

(a) ~~Each voter~~ The poll worker at each polling site or the county clerk conducting early voting shall be provided provide the voter the privacy to mark his or her ballot. ~~Privacy shall be provided by the poll workers at each polling site or by the county clerk, if the county clerk conducts early voting, to ensure that a voter desiring privacy is not singled out.~~

(b)(1) A voter who requires assistance to vote by reason of blindness, disability, or inability to read or write or a qualified individual with a disability under the Americans with Disability Act of 1990, 42 U.S.C. § 12101 et seq., shall inform the a poll workers worker at the time ~~that~~ the voter presents himself or herself to vote that he or she ~~is unable to mark or cast the ballot without help and~~ needs assistance in casting his or her ballot.

(2)(A) ~~The voter~~ poll worker shall be directed direct the voter who requires assistance to a voting machine equipped for use by persons with disabilities. ~~by which he or she~~

(B) The voter who requires assistance may elect to cast:

(i) Cast his or her ballot on the voting machine without assistance; ~~or the voter may request~~

(ii) Request assistance with ~~either~~ the paper ballot *or the voting machine, depending on the voting system in use for the election, by:*

~~(A)(a)~~ Two (2) poll workers; or

~~(B)(b)~~ A person named by the voter other than

the voter's employer or agent of that employer or officer or agent of the voter's union.

(C) A candidate for office in the election in which a voter requests assistance shall not assist a voter if the voter is not:

(i) Married to the candidate; or

(ii) Related to the candidate within the second degree, by consanguinity or affinity.

(D) If a candidate for office assists a person under subdivision (b)(2)(C) of this section, the candidate shall indicate on the register under subdivision (b)(5) of this section the candidate's relationship to the voter the candidate is assisting.

(3)(A) If the voter is assisted by two (2) poll workers, one (1) of the poll workers shall observe the voting process and one (1) may assist the voter in marking and casting the ballot according to the wishes of the voter without comment or interpretation.

~~(4)(A)(B)~~ If the voter is assisted by one (1) person named by the voter, he or she may assist the voter in marking and casting the ballot according to the wishes of the voter without any comment or interpretation.

~~(B)(4)~~ ~~No~~ A person ~~other than the following~~ shall not assist more than six (6) voters in marking and casting a ballot at a polling site or early voting location during an election except:

(i) A poll worker;

(ii) The county clerk during early voting; or

(iii) A deputy county clerk during early voting.

~~(5)(A) It shall be the duty of the A poll workers worker at the a polling site and county clerk at an early voting location to shall make and maintain a list of the names and addresses register of all persons assisting voters.~~

(B) The register of persons assisting voters shall include:

(i) The following oath in bold lettering at the top of each page: "THE VOTER WHOSE NAME IS PRINTED BESIDE MY NAME BELOW HAS PERSONALLY INFORMED A POLL WORKER OR COUNTY CLERK THAT HE OR SHE REQUIRES ASSISTANCE TO VOTE. I WILL ASSIST THE VOTER IN MARKING AND CASTING HIS OR HER BALLOT ACCORDING TO THE WISHES OF THE VOTER. I WILL NOT COMMENT ON OR INTERPRET THE BALLOT OR ITS CONTENTS. I UNDERSTAND THAT IF I PROVIDE FALSE

INFORMATION ON THIS REGISTER, I MAY BE GUILTY OF PERJURY AND SUBJECT TO A FINE OF UP TO TEN THOUSAND DOLLARS (\$10,000) OR IMPRISONMENT FOR UP TO TEN (10) YEARS, OR BOTH."

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

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

and

(iv) The signature of the assistant.

(c) A person shall not approach a voter and offer assistance if the voter is:

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

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

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

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

SECTION 4. Arkansas Code § 7-5-403 is amended to read as follows:

7-5-403. Designated bearers, authorized agents, and administrators.

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

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

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

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

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

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

(B) *The designated bearer shall be named on the voter statement accompanying the absentee ballot.*

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

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

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

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

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

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

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

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

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

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

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

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

(A) A designated bearer may obtain ballots for no more

than two (2) voters;

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

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

(D) Possession of an absentee ballot with the intent to defraud a voter or an election official is a felony under § 7-1-104.

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

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

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

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

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

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

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

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

(B) Clerk shall print the authorized agent's name and

address beside the voter's name on a register; and

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

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

(A) Authorized agent shall ~~show some form of~~ present current photographic identification to the clerk;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) The county clerk shall attach a copy of the administrator's affidavit to each application for an absentee ballot delivered by the administrator to the county clerk.

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

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

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

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

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

(iii) An applicant who cannot sign his or her name due to blindness, disability, or inability to read or write or due to the voter's status as a qualified individual with a disability under the Americans with Disability Act of 1990, 42 U.S.C. § 12101 et seq., may sign the application by mark if there is a witness to the signature and the witness:

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

(b) Signs the application.

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

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

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

~~(i)(a)~~ In person Hand delivery by the applicant, the applicant's designated bearer, or the applicant's administrator at the office of the county clerk of the county of residence of the voter no later than the time the county clerk's office regularly closes on the day before election day;

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

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

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

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

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

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

~~(c)(3)~~ Once verified as a reasonable likeness of the voter's signature, the signature appearing on a copy of an application

sent by electronic means shall be presumed to be authentic until proven otherwise; or

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

~~(i) A letter or postcard must be received in the office of the county clerk not later than seven (7) days before the date of the election. The letter or postcard shall contain information sufficient for the county board of election commissioners and the county clerk to accept the letter or postcard in lieu of the application form; or~~

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

(ii) An application for absentee ballot by letter, postcard, or electronic means shall contain the information prescribed by § 7-5-405.

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

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

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

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

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

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

(A) The ~~following~~ statement: "IF YOU PROVIDE FALSE INFORMATION ON THIS FORM, YOU MAY BE GUILTY OF PERJURY AND SUBJECT TO A FINE OF UP TO TEN THOUSAND DOLLARS (\$10,000) OR IMPRISONMENT FOR UP TO TEN (10)

YEARS.”;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 8. Arkansas Code § 7-5-409 is amended to read as follows:
7-5-409. Materials furnished to qualified voters.

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

(A) The applicant for an absentee ballot is:

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

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

(B) The county clerk shall verify that the application for absentee ballot has been properly signed by the:

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

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

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

~~(G)~~(B) The county clerk shall ~~notify:~~

(i) Contact the applicant; and

(ii) Notify the applicant of the ~~reason for the rejection~~ deficiency.

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

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

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

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

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

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

(2) The absentee ballot materials shall include:

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

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

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

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

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

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

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

~~(ii) A footer in bold capitalized letters at the bottom of the page that states: "THE INFORMATION I HAVE PROVIDED IS TRUE TO THE BEST OF MY KNOWLEDGE UNDER PENALTY OF PERJURY. IF I HAVE PROVIDED FALSE INFORMATION, I MAY BE SUBJECT TO A FINE OF UP TO TEN THOUSAND DOLLARS (\$10,000) OR IMPRISONMENT FOR UP TO TEN (10) YEARS, OR BOTH, UNDER FEDERAL OR STATE LAWS";~~

~~(iv) The voter statement shall include a~~

~~(iii) A statement that the voter resides at the address on his or her application;~~

~~(v) The voter statement shall include a statement~~

~~for~~

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

~~(B) Blanks shall be provided~~

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

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

(vii) A section applicable only to a voter who requires assistance to vote by reason of blindness, disability, or inability to read or write or because he or she is a qualified individual with a disability under the Americans with Disabilities Act OF 1990, 42 U.S.C. § 12101 et seq., including:

(a) A statement that the absentee voter requires assistance to mark and cast his or her ballot;

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

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

(d) A space for a description of the assistant's current and valid photographic identification or a description of the assistant's current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the assistant;

(e) An oath in bold capitalized letters stating: "I HAVE ASSISTED THE VOTER IN MARKING AND CASTING THE BALLOT ACCORDING TO THE WISHES OF THE VOTER. I HAVE ASSISTED OR WILL ASSIST NO MORE THAN SIX (6) ABSENTEE VOTERS FOR ANY ONE ELECTION. I UNDERSTAND THAT IF I PROVIDE FALSE INFORMATION ON THIS STATEMENT, I MAY BE GUILTY OF PERJURY AND SUBJECT TO A FINE OF UP TO TEN THOUSAND DOLLARS (\$10,000) OR IMPRISONMENT FOR

UP TO TEN (10) YEARS, OR BOTH"; and

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

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

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

"AGENT AUTHORIZATION FORM

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

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

.
signature of voter

.
printed name of voter

.
address of voter

.
date of birth of voter"

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

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

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

if the voter is temporarily at a different address.

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

(A) The address is outside the territorial limits of the

United States;

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

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

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

(1) The voter's+

~~(A) Designated~~ designated bearer; or

~~(B) Authorized~~ authorized agent; or

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

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

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

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

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

SECTION 9. Arkansas Code § 7-5-412 is amended to read as follows:

7-5-412. Marking and return of absentee ballots – Delivery of mailed absentee ballots.

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

(1) Mark the absentee ballot and place;
(2) Place the absentee ballot in the provided ballot secrecy envelope. He or she shall then seal;
(3) Seal the ballot secrecy envelope containing the absentee ballot and place it; and
(4) Place in the other provided outer return envelope with the following:

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

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

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

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

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

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

(5) Seal the return envelope.

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

(c)(1) An absentee voter who requires assistance to mark and cast his or her ballot by reason of blindness, disability, or inability to read or write or because the voter is a qualified individual with a disability under the Americans with Disability Act of 1990, 42 U.S.C. § 12101 et seq., may be assisted by the person of his or her choice.

(2) The assistant shall:

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

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

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

(4) An assistant shall:

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

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

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

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

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

7-5-416. Counting of absentee ballots.

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

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

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

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

(ii) The absentee ballots.

(B) The county clerk shall:

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

- (ii) The number of absentee ballots received;
- (iii) The number of absentee ballots marked as received on the absentee ballot applications list; and
- (iv) If the numbers are different and the reason for the difference is known, the reason for the difference in numbers.

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

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

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

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

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

(B) If more than one (1) ballot secrecy envelope is contained in the return envelope, the ballots contained in the return envelope shall not be counted unless the ballots were mailed by:

(i) An administrator of a long-term care facility or residential care facility licensed by the State of Arkansas or a hospital that provided the required affidavit and is named on the voters' absentee ballot applications; or

(ii) An elections officer on behalf of a member of the uniformed services of the United States while on active duty or service;

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

~~(C)(D)~~ (D) If the required materials are not properly placed in the ~~outer absentee ballot~~ return envelope, a second election official shall open the ~~inner absentee~~ ballot secrecy envelope to verify the contents under the observation of another election official;

~~(D)(E)~~ (E) If all required materials are present ~~within one~~

~~(1) or the other envelopes~~ in the ballot secrecy envelope or the return envelope, the election officials shall ~~put~~:

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

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

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

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

(ii) A duplicate copy of that list;

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

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

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

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

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

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

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

~~(iii)~~(iv) If a first-time voter fails to provide the required identification with the absentee ballot or at the time of mailing

the voter registration application, then the absentee application, absentee ballot envelope, and ~~voter's~~ voter statement shall be placed in an envelope marked "provisional" and the absentee ballot shall be considered a provisional ballot;

(v) If the ballot was returned by a designated bearer or authorized agent, the ballot shall be designated as provisional; and

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

(b) If the required affidavits were not submitted to the clerk, the ballots shall be designated as provisional;

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

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

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

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

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

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

(a) Preserve the voter statements of voters and ~~the~~ voters' identification documents; ~~and deliver them~~

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

(ii) The county clerk shall file and keep them for ~~the same length of time after the election as is required for retention of other ballots~~ the voter statements and voters' identification documents for

at least two (2) years.

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

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

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

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

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

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

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

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

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

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

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

(A) Identify a ballot marked as a "special runoff ballot" received from a qualified voter from one (1) of the categories in § 7-5-406(a);

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

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

~~ballot and read~~

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

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

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

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

(5) The Secretary of State shall ~~prepare:~~

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

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

/s/K. Ingram