

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

State of Arkansas  
93rd General Assembly  
Regular Session, 2021

# A Bill

SENATE BILL 12

By: Senator D. Sullivan  
By: Representative Gonzales

## For An Act To Be Entitled

AN ACT TO AMEND ELECTION LAW; TO CREATE MODIFIED  
ELECTION PROCEDURES DURING AN EMERGENCY DECLARED  
UNDER THE ARKANSAS EMERGENCY SERVICES ACT OF 1973; TO  
DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

## Subtitle

TO AMEND ELECTION LAW; TO CREATE  
MODIFIED ELECTION PROCEDURES DURING AN  
EMERGENCY DECLARED UNDER THE ARKANSAS  
EMERGENCY SERVICES ACT OF 1973; AND TO  
DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code Title 7, Chapter 5, Subchapter 1, is amended to add an additional section to read as follows:

7-5-112. Election procedure modifications during emergency declared under Arkansas Emergency Services Act of 1973.

(a) If an emergency is declared by executive order or proclamation of the Governor under the Arkansas Emergency Services Act of 1973, § 12-75-101 et seq., the following shall be in effect for thirty (30) days after the date of the executive order or proclamation of the Governor:

(1) The fifteen-day requirement for providing notice of a change made to a polling site under § 7-5-101(d)(3)(A) is suspended and a county board of election commissioners may consolidate and move polling sites to one (1) or more polling sites up to three (3) days before the election;



(2) The fifteen-day requirement for providing notice of a change made to a vote center location under § 7-5-101(e)(2)(C) is suspended and a county board of election commissioners shall post adequate notice of a change of location for voting at polling sites that would have been used absent the emergency declaration made by the Governor under the Arkansas Emergency Services Act of 1973, § 12-75-101 et seq.;

(3) An eligible qualified elector is entitled to request an absentee ballot from his or her county of residence if the eligible qualified elector concludes his or her attendance at the polls may be a risk to his or her health or the health of others, as the eligible qualified elector is determined to be unavoidably absent due to illness or physical disability due to the emergency declaration made by the Governor under the Arkansas Emergency Services Act of 1973, § 12-75-101 et seq.;

(4) The office of the county clerk of the county of residence of the eligible qualified elector shall mail an absentee ballot to an eligible qualified elector who requests an absentee ballot within seven (7) days before the election for which the request for an absentee ballot was made; and

(5) An election official, as defined in § 7-1-101, may open the outer envelopes of absentee ballots, and process and canvass the outer envelopes of absentee voter ballots up to fifteen (15) days before the day of an election to coincide with early voting under § 7-5-418, with the following requirements:

(A) An election official may not open the inner envelope of an absentee ballot before 8:30 am on election day;

(B) An election official may not publish the contents of material inside the inner envelope of an absentee ballot before being authorized to do so under § 7-5-416; and

(C) An election official shall publish a notice as required under § 7-5-416 regarding the opening, processing, and canvassing of absentee ballots each day, and the notice shall include:

(i) The location where the election official will open, process, and canvass outer envelopes of absentee ballots;

(ii) The time when the election official will begin to open, process, and canvass outer envelopes of absentee ballots; and

(iii) The time when the election official expects to

cease to open, process, and canvass outer envelopes of absentee ballots.

(b) Subsection (a) of this section expires thirty (30) days after the date of an emergency declaration made by the Governor under the Arkansas Emergency Services Act of 1973, § 12-75-101 et seq., unless:

(1) The Governor finds that the threat or danger has passed and terminates the state of emergency by executive order or proclamation under the Arkansas Emergency Services Act of 1973, § 12-75-101 et seq., before the expiration of thirty (30) days after the emergency declaration; or

(2) An extension of the thirty-day period under subsection (a) of this section is approved by passage of:

(A) A concurrent resolution of the General Assembly, if the General Assembly is in regular session, fiscal session, or special session; or

(B) A resolution of the Legislative Council, if the General Assembly is not in regular, fiscal, or extraordinary session.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that citizen participation in the democratic process is crucial to a representative form of government; that it is paramount for the State of Arkansas to ensure qualified electors have adequate access to polling sites and alternative methods of casting a ballot in federal and state elections during an emergency declaration under the Arkansas Emergency Services Act of 1973, § 12-75-101 et seq.; that the process used by election officials to begin the processing and canvassing of absentee ballots is impacted by an emergency declaration; and that this act is immediately necessary to ensure the right of all qualified electors to have adequate access to polling sites and alternative methods of casting a ballot in an election and for election officials to process and canvass absentee ballots during an emergency declaration under the Arkansas Emergency Services Act of 1973, § 12-75-101 et seq. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of 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.