

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

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

SENATE BILL 234

By: Senator C. Tucker

For An Act To Be Entitled

AN ACT TO CLARIFY, CREATE UNIFORMITY IN, AND SIMPLIFY THE ABSENTEE BALLOT PROCESS; TO AMEND THE LAW CONCERNING THE APPLICATION FORM FOR ABSENTEE BALLOTS; TO AMEND THE LAW CONCERNING THE MATERIALS FURNISHED TO QUALIFIED VOTERS WITH AN ABSENTEE BALLOT; AND FOR OTHER PURPOSES.

Subtitle

TO CLARIFY, CREATE UNIFORMITY IN, AND SIMPLIFY THE ABSENTEE BALLOT PROCESS; AND TO AMEND THE LAW CONCERNING THE APPLICATION FORM AND MATERIALS FURNISHED TO QUALIFIED VOTERS WITH AN ABSENTEE BALLOT.

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

SECTION 1. Arkansas Code § 7-5-405(a)(1) and (2), concerning the application form for absentee ballots, are amended to read as follows:

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

(2) The form ~~or forms~~ 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 \$10,000 OR IMPRISONMENT FOR UP TO 10 YEARS.”;

(B) A statement in which the voter must indicate that he



or she is requesting an absentee ballot because he or she will be:

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

(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~~ United States Armed Forces;

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

(G) 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.

(ii) The language describing the election in which the voter wishes to cast an absentee ballot:

(a) Shall be placed on the form by the Secretary of State;

(b) May use terminology that varies from the election terms adopted in the Arkansas Code;

(c) Shall include a list of election options for absentee ballot voters to choose from when requesting their absentee ballot; and

(d) In providing the list of election options in subdivision (a)(2)(H)(ii)(c) of this section, the Secretary of State may:

(1) Use plain language terms that:

(A) Sufficiently identify which ballot the voter is requesting; and

(B) Are designed to be easily read by the typical registered voter; and

(2) Provide the date on which each such election is to be held; and

(I) A statement requesting the voter’s phone number if available, and the voter’s email address if available.

SECTION 2. Arkansas Code § 7-5-409(b), concerning materials furnished to qualified voters, is amended to read as follows:

(b)(1) If the applicant is registered or is otherwise eligible to vote ~~absentee as an absentee voter~~, the county clerk, prior to mailing or delivering the ballot, shall detach the ballot stub and deposit the ballot stub into a sealed box designated as “Absentee Stub Box” and deliver to the applicant or to the applicant’s designated bearer, authorized agent, or administrator for delivery to the applicant the following materials:

~~(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 the words “Ballot Only”;

~~(4)(A)-(i)(D)(i)(a)~~ A uniform voter statement created and approved by the State Board of Election Commissioners.

~~(ii)(b)~~ The voter statement shall include the following heading in bold capitalized letters: “THIS VOTER STATEMENT SHALL BE COMPLETED AND RETURNED IN THE MAILING ENVELOPE OR THE ABSENTEE BALLOT WILL NOT BE COUNTED.”

~~(iii)(c)~~ The voter statement shall include the following statement in bold capitalized letters at the bottom of the page: “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)(d)~~ The voter statement shall include a statement that the voter resides at the address on his or her application.

~~(v)~~(e) The voter statement shall include a statement for a first-time voter who registers by mail: “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)~~(ii) Blanks shall be provided for the voter to provide his or her printed name, signature, mailing address, residential voting address, date of birth, printed name and address of the administrator, authorized agent, or designated bearer, signature of administrator, authorized agent, or designated bearer, and address of the administrator, authorized agent, or designated bearer.

~~(C)~~~~(i)~~(iii)(a) The voter statement shall include a sworn statement portion that may be completed by the voter stating that the voter is registered to vote and that he or she is the person who is registered.

~~(ii)~~(b) The sworn statement portion of the voter statement is not required to be notarized, but the voter shall execute the sworn statement under penalty of perjury;

~~(5)~~(E) A sealable envelope upon which shall be 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:

“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.”

(2) The voter statement, instructions, and any other absentee ballot materials required under subdivision (b)(1) of this section shall be on forms:

(A) Prescribed by the State Board of Election Commissioners with the assistance of the Secretary of State; and

(B) That are designed to be easily read by the typical registered voter.