

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

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: S3/7/23
A Bill

SENATE BILL 253

By: Senators Crowell, K. Hammer, Dees, M. McKee, J. Petty, Stone

By: Representatives Pilkington, Wing, Achor, Andrews, Barker, Beaty Jr., Beck, Bentley, M. Berry, Breaux, Brooks, K. Brown, M. Brown, Burkes, Joey Carr, C. Cooper, Cozart, Evans, C. Fite, L. Fite, Fortner, Furman, Gazaway, Gonzales, Gramlich, Haak, Hawk, Hollowell, Jean, Ladyman, Long, Lundstrum, Lynch, McAlindon, McClure, McCollum, M. McElroy, McGrew, B. McKenzie, McNair, S. Meeks, Miller, Milligan, K. Moore, Painter, Pearce, Puryear, R. Scott Richardson, Richmond, Rose, Rye, Schulz, Steimel, Tosh, Underwood, Vaught, Womack, Wooldridge, Wooten

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING DAMAGED BALLOTS;
TO AMEND THE LAW CONCERNING ELECTION PROCEDURES; AND
FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING DAMAGED
BALLOTS; AND TO AMEND THE LAW CONCERNING
ELECTION PROCEDURES.

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

SECTION 1. Arkansas Code § 7-5-615(d) and (e), concerning the tabulations of votes, defective ballots, and the certification of returns, are 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 ~~in the presence of tabulation election officials if the votes are tabulated at a central location. The duplicate shall be substituted for the damaged ballot. All duplicate ballots shall be clearly labeled "duplicate" and shall be counted in lieu of the damaged or defective ballot.~~



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(2) When duplicating a ballot, and in the presence of another election official, 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.

(e) The return printed by the electronic vote tabulating device, to which ~~has been added~~ the return of write-in, early, and absentee votes have been added, shall constitute the official return of each polling site. All returns shall be certified by the election officials in charge of the tabulation thereof in the manner provided by law.

/s/Crowell