

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

State of Arkansas
95th General Assembly
Regular Session, 2025

As Engrossed: H1/16/25
A Bill

HOUSE BILL 1038

Representatives A. Collins, D. Garner, Springer, Gonzales Worthen

For An Act To Be Entitled

AN ACT TO CREATE THE NO-EXCUSE ABSENTEE VOTING ACT OF 2025; TO AMEND THE LAW CONCERNING ABSENTEE VOTING; TO REPEAL VOTER QUALIFICATIONS FOR ABSENTEE VOTING; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE NO-EXCUSE ABSENTEE VOTING ACT OF 2025; TO AMEND THE LAW CONCERNING ABSENTEE VOTING; AND TO REPEAL VOTER QUALIFICATIONS FOR ABSENTEE VOTING.

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

SECTION 1. DO NOT CODIFY. Title.

This act shall be known and may be cited as "The No-Excuse Absentee Voting Act of 2025".

SECTION 2. Arkansas Code § 7-5-402 is amended to read as follows:
7-5-402. Voter qualification.

~~The following persons, if~~ A person possessing the qualifications of ~~electors,~~ an elector may cast an absentee ballot in any election+

~~(1) Any person who will be unavoidably absent from his or her voting place on the day of the election;~~

~~(2) Any person who will be unable to attend the polls on election day because of illness or physical disability; and~~

~~(3) Any person who is prevented from voting due to observance of a religious discipline or religious holiday during the entire twelve (12)~~



~~hours that the polls are open on election day.~~

SECTION 3. Arkansas Code § 7-5-404(b)(2), concerning the validity of applications for absentee ballots, is amended to read as follows:

~~(2)(A) For those persons voting by absentee ballot who reside outside the county in which they are registered to vote, the application shall remain in effect for one (1) year unless revoked by the voter, and Once the county clerk receives a completed application, the county clerk shall thereafter automatically mail an absentee ballot no later than twenty-five (25) days before each election an absentee ballot for each election.~~

~~(B)(i) For those persons voting by absentee ballot who reside within the county in which they are registered to vote, the application shall be valid for only one (1) election cycle.~~

~~(ii) The election cycle shall include any one (1) election and the corresponding runoff election.~~

~~(C)(i) For a voter residing in a long-term care or residential care facility licensed by the state the An application for an absentee ballot shall remain in effect for one (1) calendar year unless withdrawn by the voter.~~

~~(ii) The county clerk automatically shall mail no later than twenty five (25) days before each election an absentee ballot for each election unless, before mailing, the administrator of the facility has presented an absentee ballot request from the voter authorizing the administrator to receive the absentee ballot on behalf of the voter for that election.~~

~~(D)(i) For a voter with a disability as defined in § 7-5-311, the application shall remain in effect for one (1) calendar year unless withdrawn by the voter.~~

~~(ii) The county clerk automatically shall mail no later than twenty five (25) days before each election an absentee ballot for each election.~~

SECTION 4. Arkansas Code § 7-5-405 is amended to read as follows:

7-5-405. Application form.

(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;~~

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

~~(iv) Unable to attend the polls due to observance of a religious discipline or religious holiday during the entire twelve (12) hours that the polls are open on election day;~~

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

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

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

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

~~(G)~~(E) 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;

~~(H)~~(F) The election in which the voter wishes to cast an absentee ballot; and

~~(I)~~(G) A statement indicating whether the voter has received assistance filling out the application for an absentee ballot, and the name, address, and signature of the person providing assistance.

(3)(A) The form or forms shall contain a portion to include a

sworn statement that may be completed by a voter stating that the voter is registered to vote and that he or she is the person who is registered.

(B) The sworn statement portion of the form or forms under subdivision (a)(3)(A) of this section is not required to be notarized but shall be executed by the voter under penalty of perjury.

~~(b) The Secretary of State may prescribe separate absentee ballot application forms for:~~

~~(1)(A) Persons who reside within the county in which they are registered to vote and will be unavoidably absent from the polls on the date of the election.~~

~~(B) The application shall be valid for one (1) election cycle, which includes any one (1) election and the corresponding runoff election;~~

~~(2)(A) Persons whose application would be valid for one (1) calendar year.~~

~~(B) This includes the following:~~

~~(i) Persons who reside outside the county in which they are registered to vote;~~

~~(ii) Persons in long-term care or residential facilities licensed by the state; and~~

~~(iii) Voters with disabilities; and~~

~~(3) Persons whose applications would be valid through the next regularly scheduled general election for federal office, including any resulting runoff elections.~~

~~(e)(b)~~ Any person may distribute blank applications for absentee ballots.

/s/A. Collins