

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

HOUSE BILL 1715

5 By: Representatives Lowery, Wing, Barker, Beaty Jr., Beck, Bentley, M. Berry, S. Berry, Boyd, Bragg,
6 Brooks, Brown, Carr, Cavenaugh, Christiansen, Cloud, Coleman, C. Cooper, Cozart, Crawford, Dalby,
7 M. Davis, Eaves, Eubanks, Evans, L. Fite, Gazaway, Gonzales, M. Gray, Haak, Hawks, Hollowell,
8 Ladyman, Lundstrum, Maddox, McCollum, McGrew, McNair, S. Meeks, Payton, Penzo, Pilkington,
9 Richmond, Rye, B. Smith, S. Smith, Speaks, Vaught, Warren, Watson, Wooten
10 By: Senators K. Hammer, M. Johnson
11

For An Act To Be Entitled

12 AN ACT TO AMEND ARKANSAS LAW CONCERNING ABSENTEE
13 BALLOTS; TO AMEND ELECTION LAW; TO AMEND THE LAW
14 CONCERNING VOTING BY ABSENTEE BALLOT; TO AMEND THE
15 LAW CONCERNING SPOILED BALLOTS; AND FOR OTHER
16 PURPOSES.
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18
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Subtitle

20 TO AMEND ARKANSAS LAW CONCERNING ABSENTEE
21 BALLOTS; TO AMEND ELECTION LAW; TO AMEND
22 THE LAW CONCERNING VOTING BY ABSENTEE
23 BALLOT; AND TO AMEND THE LAW CONCERNING
24 SPOILED BALLOTS.
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28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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30 SECTION 1. Arkansas Code § 7-1-104(a)(8)(B), concerning penalties for
31 miscellaneous felonies related to the voting process, is amended to read as
32 follows:

33 (B) The possession by a person of more than ~~ten~~ (10) ~~four~~
34 (4) absentee ballots creates a rebuttable presumption of intent to defraud.
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36 SECTION 2. Arkansas Code § 7-5-404(a)(1)(A), concerning applications



1 for absentee ballots, is amended to read as follows:

2 (a)(1)(A) Applications for absentee ballots must be signed by the
3 applicant and verified by the county clerk by checking the voter's name,
4 address, date of birth, and signature from the voter registration application
5 ~~records~~ unless the application is sent by electronic means.

6
7 SECTION 3. Arkansas Code § 7-5-404(a)(2)(A), concerning applications
8 for absentee ballots, is amended to read as follows:

9 (2)(A) If the signatures on the absentee ballot application and
10 the voter registration application record are not similar, the county clerk
11 shall not provide an absentee ballot to the voter.

12
13 SECTION 4. Arkansas Code § 7-5-409(a)(1)(A), concerning materials
14 furnished to qualified voters, is amended to read as follows:

15 (a)(1)(A) The county clerk ~~must~~ shall satisfy himself or herself that
16 the applicant for an absentee ballot is a qualified registered elector in the
17 ward, precinct, or township in which he or she claims to be a resident or
18 that the applicant does not require prior registration under § 7-5-406.

19
20 SECTION 5. Arkansas Code § 7-5-409(b)(4)(A)(i) and (ii), concerning
21 materials furnished to qualified voters, are amended to read as follows:

22 (4)(A)(i) A uniform voter statement created and approved by the
23 State Board of Election Commissioners.

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

28
29 SECTION 6. Arkansas Code § 7-5-409(b)(4)(B), concerning materials
30 furnished to qualified voters, is amended to read as follows:

31 (B) Blanks shall be provided for the voter to provide his
32 or her printed name, signature, mailing address, residential voting address,
33 date of birth, printed name and address of the administrator, authorized
34 agent, or designated bearer, signature of administrator, authorized agent, or
35 designated bearer, and address of the administrator, authorized agent, or
36 designated bearer+.

1
 2 SECTION 7. Arkansas Code § 7-5-409, concerning materials furnished to
 3 qualified voters, is amended to add an additional subsection to read as
 4 follows:

5 (h) The county clerk or other designated election official providing
 6 materials to qualified voters shall not distribute:

- 7 (1) Unsolicited absentee ballot applications to electors; or
 8 (2) Unsolicited absentee ballots to electors.

9
 10 SECTION 8. Arkansas Code § 7-5-416(a)(1), concerning counting absentee
 11 ballots, is amended to read as follows:

12 (a)(1) The election officials for absentee ballots may meet in a place
 13 designated by the county board of election commissioners no earlier than the
 14 Tuesday before the election for the purpose of opening the outer envelope,
 15 processing, and canvassing of absentee ballot paper work of the outer
 16 envelope and no earlier than 8:30 a.m. on election day for the purpose of
 17 opening the inner absentee ballot envelope and counting the absentee ballots.

18
 19 SECTION 9. Arkansas Code § 7-5-416(a)(3)-(5), concerning counting
 20 absentee ballots, are amended to read as follows:

21 (3) The county clerk shall provide the county board of election
 22 commissioners with a daily count of absentee applications received, to be
 23 reported weekly or upon request of the county board of election
 24 commissioners.

25 (4) The county clerk shall provide the county board of election
 26 commissioners with a daily count of absentee ballots received, to be reported
 27 weekly or upon request of the county board of election commissioners.

28 (5) The county clerk shall forward the following items to the
 29 election officials designated by the county board of election commissioners
 30 to open, process, canvass, and count absentee ballots:

- 31 (A) The absentee ballot applications sorted alphabetically
 32 ~~or~~ and by precinct;
 33 (B) The absentee ballots; and
 34 (C) A written report containing the following information:
 35 (i) The number of absentee ballot applications
 36 received by the county clerk;

1 (ii) The number of absentee ballots sent by the
2 county clerk;

3 (iii) The number of absentee ballots returned to the
4 county clerk;

5 (iv) The number of absentee ballots rejected by the
6 county clerk and the reason for the rejection;

7 (v) The number of absentee ballots marked as
8 received on the paper absentee ballot applications list; and

9 (vi) If the number of absentee ballots returned to
10 the county clerk and the number of absentee ballots marked as received on the
11 paper absentee ballot lists are different and the reason for the difference
12 is known, the reason for the difference.

13 ~~(4)(6)~~ The processing and counting of absentee ballots shall be
14 open to the public, and candidates and authorized poll watchers may be
15 present in person or by a representative designated in writing under § 7-5-
16 312 during the opening, processing, canvassing, and counting of the absentee
17 ballots as provided in this subchapter.

18 ~~(5)(A)(7)(A)~~ Absentee and early votes shall be counted prior to
19 the closing of the polls on election day as provided under this section.

20 (B)(i) The county board of election commissioners shall
21 report by precinct the initial count of early votes and absentee ballot votes
22 to the Secretary of State as provided under § 7-5-701 as soon as practical
23 after the polls close on election day.

24 (ii) No election results of the precinct shall be
25 printed, posted, or released until after the polls close on election day.

26 (8)(A) After the outer envelope of an absentee ballot is opened,
27 a county clerk and deputies of the county clerk shall not have access to:

28 (i) The absentee ballots;

29 (ii) Absentee ballot paperwork; or

30 (iii) The inner envelope of an absentee ballot.

31 (B) The county board of election commissioners may grant a
32 county clerk or deputies of the county clerk access to the absentee ballot
33 materials in subdivision (a)(8)(A) of this section if the access is granted
34 by an affirmative vote of the county board of election commissioners for a
35 specific purpose and for a designated election.

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1 SECTION 10. Arkansas Code § 7-5-416(b)(1)(C), concerning counting
2 absentee ballots, is amended to read as follows:

3 (C) If the required materials are not properly placed in
4 the outer absentee ballot envelope, a second election official shall open the
5 inner absentee ballot envelope to verify the contents no earlier than 8:30
6 a.m. on election day;

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8 SECTION 11. Arkansas Code § 7-5-416(b)(1)(F)(ii), concerning counting
9 absentee ballots, is amended to read as follows:

10 (ii) If the county board of election commissioners
11 determines that the absentee application and the voter's statement do not
12 compare as to name, residential voting address, date of birth, and signature,
13 the absentee ballot shall not be counted.

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15 SECTION 12. Arkansas Code § 7-5-416(b)(1)(G), concerning counting
16 absentee ballots, is amended to read as follows:

17 (G)(i) The election officials shall compare the name and
18 address of the bearer, agent, or administrator written on the absentee ballot
19 return envelope with the information on the voter statement. If the
20 information does not match, then the outer envelope, absentee application,
21 secrecy envelope containing the ballot, and the voter's statement shall be
22 placed in an envelope marked "provisional" and the absentee ballot shall be
23 considered a provisional ballot.

24 (ii) The election officials shall compare the name
25 and address of the bearer written on the absentee ballot application with the
26 information on the voter statement, and if the information does not compare,
27 the ballot shall not be counted;

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29 SECTION 13. Arkansas Code § 7-5-416(b)(1)(L)(ii), concerning counting
30 absentee ballots, is amended to read as follows:

31 (ii) The voter statements shall be made available
32 for public inspection and copying during regular business hours thirty (30)
33 days after the certification of the election by the county board of election
34 commissioners.

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36 SECTION 14. Arkansas Code § 7-5-416(c), concerning counting absentee

1 ballots, is amended to read as follows:

2 (c) If any person casting an absentee ballot dies before the polls
 3 open on election day, his or her ~~vote~~ ballot shall be accepted by the county
 4 clerk if the absentee ballot is:

5 (1) Signed, dated, postmarked, and mailed before the date of
 6 death;

7 (2) Signed, dated, and delivered to the county clerk by a
 8 designated bearer, authorized agent, or administrator before the date of
 9 death; or

10 (3) The ballot of a member of the armed services or Arkansas
 11 National Guard in active duty or state active duty executed before the date
 12 of death.

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 14 SECTION 15. Arkansas Code § 7-5-602(d)(2), concerning ballots, the
 15 number of ballots, the marking device used on ballots, and spoiled ballots,
 16 is amended to read as follows:

17 (2)(A) Spoiled ballots shall be cancelled by a poll ~~worker's~~
 18 writing worker by using a stamp marked "CANCELLED" on its the face and
 19 initialing of the ballot.

20 (B) The poll worker shall write the date and time, and
 21 print and sign his or her name next to the stamp marked "CANCELLED".

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