1	State of Arkansas	
2	94th General Assembly	**A Bill**
3	Regular Session, 2023	SENATE BILL 293

4

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

6 By: Representatives Furman, Wing, Achor, Andrews, Barker, Beaty Jr., Beck, Bentley, Breaux, M. Berry,

7 Brooks, K. Brown, M. Brown, Burkes, Joey Carr, C. Cooper, Cozart, Evans, C. Fite, L. Fite, Fortner,

8 Gazaway, Gonzales, Gramlich, Haak, Hawk, Hollowell, Jean, Ladyman, Long, Lundstrum, Lynch, M.

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10 J. Moore, K. Moore, Pilkington, Puryear, R. Scott Richardson, Richmond, Rose, Rye, Tosh, Underwood,

11 Vaught, Womack, Wooten

12

13 ### For An Act To Be Entitled

14 AN ACT TO AMEND THE LAW CONCERNING THE CORRECTION OF

15 ERRORS ON BALLOTS; TO AMEND THE LAW CONCERNING

16 ELECTION PROCEDURES; TO CREATE A PROCEDURE FOR

17 CANDIDATE REVIEW OF BALLOTS; AND FOR OTHER PURPOSES.

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20 ### Subtitle

21 TO AMEND THE LAW CONCERNING THE

22 CORRECTION OF ERRORS ON BALLOTS; TO AMEND

23 THE LAW CONCERNING ELECTION PROCEDURES;

24 AND TO CREATE A PROCEDURE FOR CANDIDATE

25 REVIEW OF BALLOTS.

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

29

30 SECTION 1. Arkansas Code § 7-5-209 is amended to read as follows:

31 7-5-209. Ballots — Correction of errors.

32 (a) ~~Whenever it shall appear by affidavit that an~~ If the county board

33 of election commissioners learns that an error or omission has occurred in

34 the publication of the names or description of candidates nominated for

35 office or in the preparation of ballots, the county board of election

36 commissioners shall in a public meeting announce the error or omission and

1 immediately correct the error or omission or show cause why the correction
2 should not be done.
3   (b) If an error in the preparation of the ballots has occurred, the
4 error shall be corrected unless the county board of election commissioners
5 determines by unanimous vote that the error:
6   (1) Cannot be corrected prior to the conclusion of voting; or
7   (2) Is of a nature that:
8   (A) It can be effectively mitigated; and
9   (B) The costs to the county do not justify the correction
10 based on the:
11   (i) Cost of correcting the error;
12   (ii) Disruption to the election process; and
13   (iii) Fiscal impact to the county.
14   (c) As soon as possible, a county board of election commissioners
15 shall correct a ballot error in which there is an omission from the ballot
16 of:
17   (1) A contested race;
18   (2) A candidate omitted from a race; or
19   (3) An issue other than a school millage issue in which no
20 change is proposed in the rate of the millage.
21   (d)(1) When an error is identified, the applicable mitigation measures
22 shall be implemented and these measures shall remain in place until the error
23 is corrected or the election concludes.
24   (2) Errors in the rendering of the candidate's name on the
25 ballot shall be mitigated by:
26   (A) Posting a notice on each ballot marking device or
27 voting booth that:
28   (i) Informs voters that an error is present on the
29 ballot; and
30   (ii) Provides the correct rendering of the race
31 including each candidate's name on the ballot as it should have appeared on
32 the ballot for that race in the order in which the candidates appear on the
33 ballot; and
34   (B) Providing a copy of the notice under subdivision
35 (d)(2)(A) of this section to the county clerk who shall include the notice
36 under subdivision (d)(2)(A) of this section in the materials delivered with

1   all absentee ballots sent after the error is discovered.

2   (3) A notice posted under subdivision (d)(2)(A) of this section

3   regarding an error in the rendering of a candidate's name on the ballot shall

4   not identify the specific candidate affected by the error.

5   (4) Errors in the rendering of a ballot issue shall be mitigated

6   by:

7   (A) Posting a notice on each ballot marking device or

8   voting booth which informs voters that an error is present on the ballot and

9   provides the correct text of the ballot issue in question; and

10   (B) Providing a copy of the notice under subdivision

11 (d)(4)(A) of this section in the materials delivered with all absentee

12 ballots sent after the error is discovered.

13   (5) Omission of a race or issue on the ballot shall be mitigated

14 by:

15   (A) The assignment of voters to another ballot style if

16 another ballot style is available in the county which has the same issues and

17 races which should have been included on the ballot containing the error; or

18   (B) The creation by the county board of election

19 commissioners of a special error correction ballot that shall be provided to

20 voters to allow the voters to vote in the omitted race or issue contest.

21   (e) A special error correction ballot shall be governed by the

22 following provisions:

23   (1) The county board of election commissioners shall work with

24 the county clerk to develop a list of voters effected by the error who

25 require access to the special error correction ballot in addition to their

26 assigned regular ballot;

27   (2)(A) Each voter who has previously cast a ballot that did not

28 include the race or issue omitted shall be contacted by the county board of

29 election commissioners using any contact information provided in the voter's

30 voter registration records;

31   (B) Each voter who has previously cast a ballot that did

32 not include the race or issue omitted may cast the special error correction

33 ballot;

34   (3) When a special error correction ballot is in use, the poll

35 workers shall:

36   (A) Review the list of voters affected by the error when

1   checking in a voter to the poll to vote;
2   (B)   Issue the special error correction ballot assigned to
3   each voter identified on the list of affected voters;
4   (C)   Note each voter who cast a special error correction
5   ballot on the list of voters; and
6   (D)   Ensure each voter deposits the special error
7   correction ballot cast as a regular ballot into a separate sealed ballot box
8   or the emergency bin of the tabulator if no additional ballot box is
9   available; and
10   (4)(A)   Poll workers shall allow a voter to cast the special
11 error correction ballot as a provisional ballot if no list of affected voters
12 is available or if a voter believes he or she is entitled to vote in the
13 omitted race but has not been identified on the list of voters affected by
14 the error.
15   (B)   A voter who is eligible to cast his or her assigned
16 ballot as a regular ballot and has not been designated as requiring a special
17 error correction ballot may cast a special error correction ballot as a
18 provisional ballot while casting his or her assigned ballot as a regular
19 ballot.
20   (C)   If the voter under subdivision (e)(4)(B) of this
21 section is also casting a provisional ballot for any reason not related to
22 the error addressed by the special error correction ballot, the special error
23 correction ballot shall be included in the same provisional envelope as the
24 assigned ballot which is cast provisionally.
25
26   SECTION 2.   Arkansas Code Title 7, Chapter 5, Subchapter 2, is amended
27 to add an additional section to read as follows:
28   7-5-213.   Counting votes when special error correction ballots are
29 utilized — Procedures.
30   (a)   In the event that special error correction ballots are utilized
31 under § 7-5-209, a county board of election commissioners shall count all
32 special error correction ballots cast as regular ballots under the following
33 procedures:
34   (1)   The special error correction ballots shall be counted at the
35 time designated in the notice of election for the canvassing and counting of
36 absentee ballots on election day; and

1   (2)   The vote totals shall be included with the vote totals for

2 the issue or race which appeared on the special error correction ballots.

3   (b) In the event that a special error correction ballot is utilized

4 under § 7-5-209, county board of election commissioners shall count all

5 special error correction ballots cast as provisional ballots under the

6 following procedures:

7   (1)   The special error correction ballots shall be canvassed at

8 the time and location as other provisional ballots;

9   (2)   The ballot shall be counted if:

10   (A)   The voter was a qualified elector for the issue or

11 race that was the subject of the special error correction ballot;

12   (B)   The voter cast a ballot that was affected by the error

13 necessitating the special error correction ballot; and

14   (C)   The county board of election commissioners does not

15 determine that the provisional ballot is invalid and should not be counted

16 based on other grounds.

17   (3)   The provisional special error correction ballots that are

18 approved by the county board of election commissioners shall be hand counted

19 at the time other provisional ballots are counted; and

20   (4)   The vote totals shall be manually included with the vote

21 totals for the issue or race which appeared on the special error correction

22 ballots.

23

24   SECTION 3. Arkansas Code Title 7, Chapter 5, Subchapter 2, is amended

25 to add an additional section to read as follows:

26   7-5-214. Candidate review of ballot content.

27   (a) The political practices pledge shall contain a request that a

28 candidate provide an email address at which the campaign can be contacted.

29   (b) No less than forty-two (42) days before an election, the county

30 board of election commissioners shall submit the one (1) of the following

31 information by email to a candidate that filed for office and that included

32 an email address on their political practices pledge:

33   (1)   A proof copy of each ballot style for the county; or

34   (2)   A report generated from the ballot programming software

35 which includes the following information:

36   (A)   The name of the candidate as it appears on the ballot;

1   (B)   The ballot contest that the candidate is assigned; and

2   (C)   The precincts or precinct parts that the race is

3   assigned.

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6   APPROVED: 3/16/23

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