

State of Arkansas

76th General Assembly

Regular Session, 1987

HOUSE BILL 1872

By: Representatives Cunningham, Stockley, and McCuiston

"AN ACT TO AMEND SECTIONS 4, 5, 7, AND 10 OF ARTICLE 9 OF ACT 465 OF 1969, AS AMENDED [ARK. STAT. 3-904, 3-905, 3-907, AND 3-910] TO RESTRICT THE DELIVERY OF ABSENTEE BALLOTS AND BALLOT APPLICATIONS TO THE COUNTY CLERK'S OFFICE TO MEMBERS OF THE VOTER'S FAMILY OR TO THE AGENT OF A VOTER HOSPITALIZED ON ELECTION DAY; TO RESTRICT THE DELIVERY OF BALLOTS TO THE THE CLERK'S OFFICE TO NO MORE THAN TWO BALLOTS PER PERSON; AND FOR OTHER PURPOSES."

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

SECTION 1. Section 4 of Article 9 of Act 465 of 1969, as amended, the same being Arkansas Statute 3-904, is hereby amended to read as follows:

"Section 4. (a) Applications for absentee ballots must be signed by the applicant and may be made in one of the following ways, and in no other manner:

(1) For applications submitted using the form prescribed in Article 9, Section 5 of Act 465 of 1969, as amended [Arkansas Statute Section 3-905]:

(i) In person at the office of the County Clerk of the county of residence of the voter.

(ii) By mail; provided that, applications by mail must be received in the office of the County Clerk of the county of residence of the voter not later than one (1) day before the election for which such application was made. Provided, however, that no ballot shall be mailed to any applicant except in strict compliance with the provisions of Amendment 51 to the Arkansas Constitution.

(iii) By delivery of the application to the office of the County Clerk of the county of residence of the applicant not later than 4:30 p.m. on the day immediately preceding the day of the election. Delivery may be made only by a person related to the applicant up to the third degree of

consanguinity (the husband, wife, son, daughter, sister, brother, father, mother, grandparent, grandchild, aunt, uncle, neice, nephew, great-grandparent, or great-grandchild of the applicant), upon proper verification of the signature of the applicant by the County Clerk and validation of the identity of the bearer. The elector may deliver the application to the office of the County Clerk of the county of his or her residence not later than 4:30 p.m. on the day immediately preceding the day of the election.

(iv) By delivery of the application to the office of the County Clerk of the county of residence of the applicant not later than 1:30 p.m. on the day of the election. Delivery may be made by a person as the authorized agent of the applicant who submits to the County Clerk an affidavit of the administrative head of a hospital or nursing home located in this State that said applicant is a patient in said hospital or nursing home and is thereby unable to vote on said election day at their regular voting place. A copy of the affidavit shall be retained by the County Clerk as an attachment to the application for an absentee ballot.

(2) If the applicant does not use the form prescribed in Article 9, Section 5 of Act 465 of 1969, as amended, he may make an application for an absentee ballot by letter or postcard if received by the County Clerk within seven (7) days prior to the date of the election, if said letter or postcard contains information sufficient to the County Board of Election Commissioners and the County Clerk to accept the letter or postcard in lieu of the application form.

(b) Any person eligible to vote by absentee ballot may request the County Clerk to mail to an address within the continental United States, an application for an absentee ballot for each election thereafter. The request shall remain in effect until revoked by the voter and the County Clerk shall thereafter automatically mail, no later than 30 days prior to each election, an application for an absentee ballot.

(c) Citizens of the United States temporarily residing outside the territorial limits of the United States and the District of Columbia, and their spouses and dependents when residing with or accompanying them, may request the absentee ballot for any one or more elections during any one calendar year by submitting only one application during that calendar year in the manner prescribed by paragraph (a) of this Section."

SECTION 2. Section 5 of Article 9 of Act 465 of 1969, as amended, the same being Arkansas Statutes 3-905, is hereby amended to read as follows:

"Section 5. ABSENTEE BALLOT APPLICATION FORM. Applications for absentee ballots may be made on a form furnished by the County Clerk and the County Clerk shall supply the following form on request beginning sixty (60) days before the election.

'County Clerk

.....County

.....,Arkansas

1. Because of....., I will be absent from my voting precinct on the date of the.....election(s) to be held on,therefore I am requesting that you provide me with the appropriate absentee ballot(s).

2. (Voter is to indicate (x) one of the following methods for delivery of this application)

.....A. I am personally delivering this application.

.....B. I am mailing this application.

.....C. I hereby authorize my [husband, wife, son, daughter, sister, brother, father, mother, grandparent, grandchild, aunt, uncle, niece, nephew, great-grandparent, or great-grandchild (circle one and insert their name)],... .., to deliver this application.

D. I hereby authorize.....as my agent to deliver this application as I am medically unable to deliver it. An affidavit verifying my medical status as unable to deliver the application or to vote on the day of the election is attached.

3. (Voter is to indicate (x) one of the following methods for receiving the ballot(s))

.....A. I will come to the office of the County Clerk to receive my ballot(s) by 5:00 p.m. on the day immediately preceding the day of the election.

.....B. I authorize the mailing of my ballot(s) to the following address:

.....

.....

.....C. I authorize the delivery of my ballot(s) to the following person:

.....

.....
printed or typed name of voter	signature of voter
.....
residence address of voter per registration card	date of birth

	County and precinct of voter'

Any qualified elector of this State who is in any of the following categories who is absent from the place of his voting residence may make a request for an absentee ballot(s) by submission of a federal postcard application as provided for in the Federal Voting Assistance Act of 1955, as amended, and may vote by absentee ballot(s) in any primary, special or general election held in his election precinct if he is otherwise eligible to vote in that election:

(a) Members of the Armed Forces of the United States while in active service, and their spouses and dependents,

(b) Members of the Merchant Marine of the United States, and their spouses and dependents,

(c) Citizens of the United States temporarily residing outside the territorial limits of the United States and the District of Columbia, and their spouses and dependents when residing with or accompanying them."

SECTION 3. Section 7 of Article 9 of Act 465 of 1969, as amended, the same being Arkansas Statute 3-907, is hereby amended to read as follows:

"Section 7. ABSENTEE BALLOT MATERIALS FURNISHED BY COUNTY CLERK. (A) The County Clerk must satisfy himself that the applicant for an absentee ballot is a qualified, registered elector in the ward, precinct or township in which he claims to be a resident. Provided, however, that the following persons may

vote without registration by absentee ballot in accordance with the laws of this State.

(1) Members of the Armed Forces while in the active service, and their spouses and dependents when residing with or accompanying them.

(2) Members of the Merchant Marine of the United States, and their spouses and dependents when residing with or accompanying them.

(3) Citizens of the State of Arkansas temporarily residing outside the territorial limits of the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them.

(b) If the applicant is registered or is otherwise eligible to vote absentee, the County Clerk shall deliver or mail to the applicant or deliver to the person who delivers the application to the office of the County Clerk, pursuant to Section 4 the following materials:

(1) An official ballot for each election named in the application.

(2) A small envelope on which there shall be no identifying marks. This envelope shall have gummed flap separated by wax paper or other appropriate protective insert from the remaining balloting materials.

(3) A large envelope upon which shall be printed the address of the County Clerk and the words: "Absentee Ballot,..... Election,.....19..." This large envelope shall have a gummed flap separated by wax paper or other protective insert from the remaining ballot materials.

(4) A blank statement in the following form:

'I,.....,do swear that on the date of the election to be held,, 19..., I will be unavoidably absent from by voting precinct because of..... I am a qualified, registered elector of the(ward, precinct or township) of, Arkansas. I have enclosed my ballot, duly marked, in a small envelope which I shall place with this statement and by ballot stub in a large envelope. I will not vote again in this election. (Check one).....I am personally delivering my ballot.I am mailing this ballot to the County Clerk.I am hereby authorizing my [husband, wife, son, daughter, sister, brother, father, mother, grandparent, grandchild, aunt, uncle, neice, nephew, great-grandparent, or great grandchild (circle one and insert their name)],....., to deliver this ballot to the County Clerk.I am hereby authorizing.....

(insert their name) as my agent to deliver this ballot as I am medically unable to vote on election day.

.....

Signature

.....

Address'"

SECTION 4. Section 10 of Article 9 of Act 465 of 1969, as amended, the same being Arkansas Statutes 3-910, is hereby amended to read as follows:

"Section 10. METHODS OF ABSENTEE VOTING. Absentee voting may be accomplished in one (1) of the three (3) following methods, and in no other manner:

(a) On ballots cast in the office of the County Clerk in the county of residence of the voter during regular business hours of any day not earlier than the fifteenth (15th) day before election day and not later than on the day before election day at the time the County Clerk's office regularly closes.

(b) By ballot cast by mail which must be received in the office of the County Clerk of the county of residence of the voter not later than 7:30 p.m. on election day. Provided however, absentee ballots applied for, not later than thirty (30) days immediately preceding the election, by qualified electors outside the United States on election day which are signed and dated by the voter no later than the day of the election, and received by the County Clerk no later than 5:00 p.m. ten (10) calendar days after the date of the election.

(c) By delivery of the ballot to the office of the County Clerk of the county of residence of the voter not later than 7:30 p.m. on election day by:

(1) a person related to the voter up to the third degree of consanguinity (the husband, wife, son, daughter, sister, brother, father, mother, grandparent, grandchild, aunt, uncle, neice, nephew, great-grandparent, or great-grandchild of the voter); or (2) the authorized agent of the absentee voter who is medically unable to vote at the regular place of voting; upon proper verification of the signature of the voter by the County Clerk and validation of the identity of the bearer. Provided, no person may deliver absentee ballots to the Clerk's office for more than two (2) persons. The

voter may deliver the ballot to the office of the County Clerk of the county of his or her residence not later than 5:30 p.m. on the day immediately preceding the date of the election.

(d) Any person who knowingly makes a false statement on an affidavit required by this Section shall be guilty of a class B misdemeanor, as defined by Act 280 of 1975, as amended or as may be amended."

SECTION 5. All laws and parts of laws in conflict with this Act are hereby repealed.

