

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1660

By: Representative Mahony

For An Act To Be Entitled

"AN ACT TO AMEND VARIOUS SECTIONS OF CHAPTERS 4, 5, 6, 7,
AND 8 OF TITLE 7 TO REVISE VARIOUS ELECTION LAWS; AND FOR
OTHER PURPOSES."

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

SECTION 1. Arkansas Code 7-4-102 is hereby amended by adding an additional subsection to read as follows:

"(e) Each member of a county board of election commissioners shall annually attend an election seminar conducted by the Office of the Secretary of State. Any member of a county board of election commissioners who fails to meet the requirements of this subsection shall be declared by the Secretary of State to have abandoned the office and a vacancy shall be declared to exist. A vacancy created under this subsection shall be filled by the state executive committee of the political party to which the person belongs, except that vacancies created in a position appointed by the State Board of Election Commissioners shall be filled by the State Board of Election Commissioners.

SECTION 2. Arkansas Code 7-4-111 is hereby amended to read as follows:

"7-4-111. Compensation of county board members.

Each member of the county board of election commissioners shall receive for his services the sum of no less than fifty dollars (\$50.00) per day for each day, or any portion of it, actually engaged in the duties of his office concerning the holding of elections."

SECTION 3. Arkansas Code 7-4-112 (a) is hereby amended to read as follows:

"7-4-112. Compensation of election officers.

(a) The judges, clerks, and sheriffs of the election shall receive a minimum of twenty-five dollars (\$25.00) for holding an election, or such greater amount as may be appropriated by the quorum court of the county."

SECTION 4. Arkansas Code 7-5-205 is hereby amended to read as follows:

"7-5-205. Write-in candidates' votes - When counted.

No votes for write-in candidates in general elections shall be counted or tabulated unless the candidate or his agent shall notify in writing the county board of election commissioners and either the Secretary of State if a state or district candidate, or a county clerk if a candidate for a county township or municipal office, of his intention to be a write-in candidate not later than sixty (60) days before the opening of the polls."

SECTION 5. Arkansas Code 7-5-304 is hereby amended to read as follows:

"7-5-304. Opening and closing polls - Time.

The polls shall be opened at 7:00 a.m., and shall remain open continuously until 7:30 p.m.

SECTION 6. Arkansas Code 7-5-311 is hereby amended to read as follows:

"7-5-311. Disabled voters - Special procedures.

(a) The county boards of election commissioners and the county committees of the respective political parties with respect to general, special, and primary elections under their several jurisdictions shall make every reasonable effort to provide voting locations reasonably accessible to disabled voters and to accomplish reasonable and adequate methods whereby disabled voters may personally and secretly execute their ballots at the polling places. Similar provisions shall be made whereby disabled voters may cast an absentee ballot without third-party assistance if the voter so chooses.

(b) The State Board of Election Commissioners, after conferring with and obtaining the assistance of disabled persons or organizations of disabled citizens, may promulgate rules and regulations for special procedures to be followed by election officials at voting precincts that will assist in accommodating voting by disabled voters. The regulations may include the promulgation of the form of a special ballot, which reasonably complies with the form of the paper ballot now provided by law, to be used by visually

impaired or disabled voters in executing their ballot. Such special ballots may be used at voting places in lawful elections in this state in lieu of voting by voting machine, electronic voting device, or the regular paper ballot, when requested by the disabled person, if suitable accommodations are not provided whereby voters may cast their votes in secret except by the use of the special ballot.

(c) All rules, regulations, and procedures authorized by the State Board of Election Commissioners to enable disabled persons to vote shall be designed to permit the voter to personally and secretly execute his ballot without the assistance of a third party unless third-party assistance is requested by the disabled voter.

(d) As used in this section, the term "disabled voter" shall mean the visually impaired and persons with physical or mental disabilities, but who are legally competent to vote in lawful elections in this state.

(e) The county board of election commissioners shall be responsible for compliance with Public Law 98-435; except that county political parties shall be responsible for compliance with Public Law 98-435 for primary elections. The Secretary of State shall provide the chairman of each county board of election commissioners and the chairman of each county political party a copy of Public Law 98-435. The Secretary of State shall send the copy by certified mail."

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

"7-5-405. 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, 19.; 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 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):

.

 printed or typed name of voter signature of voter

.

 residence address of voter per date of birth
 registration card

.
 county and precinct of voter"

SECTION 8. Arkansas Code 7-5-411 (a) (3) is hereby amended to read as

follows:

"(3) 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 a person related to the voter up to the third degree of consanguinity, which includes the husband, wife, son, daughter, sister, brother, father, mother, grandparent, grandchild, aunt, uncle, niece, nephew, great-grandparent, or great-grandchild of the voter, or 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. However, no person may deliver applications for absentee ballots or 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."

SECTION 9. Arkansas Code 7-6-102 is hereby amended to read as follows:

"7-6-102. Political practices pledge - Penalty for falsification.

(a) (1) Candidates for state or district offices shall file with the Secretary of State and candidates for county, municipal, or township offices shall file with the county clerk of the county not later than 12:00 noon on the first Tuesday of April, before the preferential primary election, a pledge in writing, stating that they are familiar with the requirements of §§ 7-1-103, 7-1-104, 7-3-108, and 7-6-101 - 7-6-104 and will, in good faith, comply with their terms.

(2) Persons nominated as independent candidates shall file the political practices pledge at the time of filing the petition for nomination.

(3) Independent candidates for municipal office shall file their political practices pledges with the county clerk of the county not less than sixty (60) calendar days before the general election.

(4) Persons who wish to be write-in candidates shall file the political practices pledge at the time of filing the notice to be a write-in candidate. A write-in candidate shall file the political practices pledge with the Secretary of State if a candidate for a state or district office, or with the county clerk if a candidate for a county township or municipal office.

(b) All political practices pledge forms for state or district offices and county, municipal, or township offices shall be required to contain the

following additional pledge:

"I hereby certify that I have never been convicted of a felony in Arkansas or in any other jurisdiction outside of Arkansas."

(c) Any person who has been convicted of a felony and signs the pledge stating that he has not been convicted of a felony shall be guilty of a Class D felony.

(d) For purposes of this section, a person shall be qualified to be a candidate for a state, district, county, municipal, and township office and may certify that he has never been convicted of a felony if his record was expunged in accordance with §§ 16-93-301 - 16-93-303, or a similar expunction statute in another state, provided, the candidate presents a certificate of expunction from the court that convicted the prospective candidate.

(e) The failure of any candidate to sign and file the pledge shall be justifiable grounds to keep the candidate's name from appearing on the ballot."

SECTION 10. Arkansas Code 7-7-303 (a) is hereby amended to read as follows:

"(a) The election precincts in all political party primary elections shall be the same as established by the county board of election commissioners for general elections. The county committee of a political party may change the boundaries of existing precincts or create new precincts, or additional voting boxes within precincts, for the holding of primary elections, but the boundaries of election precincts may not be changed at a date later than the date prescribed in § 7-7-203 (f)."

SECTION 11. Arkansas Code 7-7-304 (d) is hereby amended to read as follows:

"(d) Where there are two (2) or more nominees to be selected for the same office, such as Associate Justice of the Supreme Court, State Senator, State Representative, justice of the peace, alderman, or for any other office or place, the proper committee shall require the candidates to designate in writing a particular position, i.e., Position Number 1, Position Number 2, Position Number 3, etc., at the time a party pledge is required to be filed with the secretary of the committee. An independent candidate shall designate his position prior to circulation of his petition. When a candidate has once

filed and designated for a certain position, he shall not be permitted to thereafter change the position."

SECTION 12. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 13. All laws and parts of laws in conflict with this Act are hereby repealed.

