

1 **State of Arkansas**

2 **78th General Assembly**

3 **Regular Session, 1991**

4 **By: Representatives McGee, McCuiston, J.J. Roberts and J. Wilson**

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A Bill

HOUSE BILL 1629

For An Act To Be Entitled

8 "AN ACT TO AMEND ARK. CODE ANN. §7-5-312 TO PROVIDE THAT
9 ANY PERSON REPRESENTING A CANDIDATE WITHIN A POLLING PLACE
10 OR ROOM SO AS TO OBSERVE AND ASCERTAIN THE IDENTITY OF
11 PERSONS PRESENTING THEMSELVES TO VOTE FOR THE PURPOSE OF
12 CHALLENGING ANY VOTER SHALL BE A RESIDENT OF THAT COUNTY;
13 AND FOR OTHER PURPOSES."

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

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17 SECTION 1. Ark. Code Ann. §7-5-312 is hereby amended to read as
18 follows:

19 "7-5-312. Challenge of voter's ballot.

20 (a) During the progress of any election in this state, any candidate in
21 person or by representative designated in writing shall have the right to be
22 present within the polling place or room so as to observe and ascertain the
23 identity of those persons presenting themselves to vote for the purpose of
24 challenging any voter who appears for the purpose of casting a ballot. Any
25 representative designated by the candidate to be present within any polling
26 place or room shall be a resident of the county in which he is observing.

27 (b) When the ballot of any voter is thus challenged, it shall be the
28 duty of the judges and clerks in the election precinct to make and retain a
29 list of the names of all persons so challenged and the ballots of all
30 challenged persons shall be counted, preserved, and separated from the
31 remaining ballots to the end that the right of any person to vote may be
32 determined later either by the county board of election commissioners or the
33 county committee in a primary or the court in which an election contest may
34 thereafter be filed.

35 (c) If the outcome of the election could not be changed if the

1 challenged ballots are invalidated, the county board of election commissioners
2 is not required to examine those ballots. However, if the outcome of the
3 election could be changed if the challenged ballots were invalidated, then the
4 county board of election commissioners shall, prior to certification of the
5 results of the election, determine whether the challenged ballots are valid.
6 If, upon examination of any challenged ballots, the county board of election
7 commissioners suspects that a violation of the election laws has occurred, the
8 board may refer the matter to the prosecuting attorney."

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10 SECTION 2. All provisions of this act of a general and permanent nature
11 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
12 Revision Commission shall incorporate the same in the Code.

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14 SECTION 3. If any provision of this act or the application thereof to
15 any person or circumstance is held invalid, such invalidity shall not affect
16 other provisions or applications of the act which can be given effect without
17 the invalid provision or application, and to this end the provisions of this
18 act are declared to be severable.

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20 SECTION 4. All laws and parts of laws in conflict with this act are
21 hereby repealed.

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24 */s/Ben McGee, et al*

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