

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

# A Bill

SENATE BILL 12

5 By: Senator D. Sullivan  
6 By: Representative Gonzales  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND ELECTION LAW; TO CREATE MODIFIED  
10 ELECTION PROCEDURES DURING AN EMERGENCY DECLARED  
11 UNDER THE ARKANSAS EMERGENCY SERVICES ACT OF 1973; TO  
12 DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.  
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## Subtitle

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15 TO AMEND ELECTION LAW; TO CREATE  
16 MODIFIED ELECTION PROCEDURES DURING AN  
17 EMERGENCY DECLARED UNDER THE ARKANSAS  
18 EMERGENCY SERVICES ACT OF 1973; AND TO  
19 DECLARE AN EMERGENCY.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. Arkansas Code Title 7, Chapter 5, Subchapter 1, is amended  
26 to add an additional section to read as follows:

27 7-5-112. Election procedure modifications during emergency declared  
28 under Arkansas Emergency Services Act of 1973.

29 (a) If an emergency is declared by executive order or proclamation of  
30 the Governor under the Arkansas Emergency Services Act of 1973, § 12-75-101  
31 et seq., the following shall be in effect for thirty (30) days after the date  
32 of the executive order or proclamation of the Governor:

33 (1) The fifteen-day requirement for providing notice of a change  
34 made to a polling site under § 7-5-101(d)(3)(A) is suspended and a county  
35 board of election commissioners may consolidate and move polling sites to one  
36 (1) or more polling sites up to three (3) days before the election;



1           (2) The fifteen-day requirement for providing notice of a change  
2 made to a vote center location under § 7-5-101(e)(2)(C) is suspended and a  
3 county board of election commissioners shall post adequate notice of a change  
4 of location for voting at polling sites that would have been used absent the  
5 emergency declaration made by the Governor under the Arkansas Emergency  
6 Services Act of 1973, § 12-75-101 et seq.;

7           (3) An eligible qualified elector is entitled to request an  
8 absentee ballot from his or her county of residence if the eligible qualified  
9 elector concludes his or her attendance at the polls may be a risk to his or  
10 her health or the health of others, as the eligible qualified elector is  
11 determined to be unavoidably absent due to illness or physical disability due  
12 to the emergency declaration made by the Governor under the Arkansas  
13 Emergency Services Act of 1973, § 12-75-101 et seq.;

14           (4) The office of the county clerk of the county of residence of  
15 the eligible qualified elector shall mail an absentee ballot to an eligible  
16 qualified elector who requests an absentee ballot within seven (7) days  
17 before the election for which the request for an absentee ballot was made;  
18 and

19           (5) An election official, as defined in § 7-1-101, may open the  
20 outer envelopes of absentee ballots, and process and canvass the outer  
21 envelopes of absentee voter ballots up to fifteen (15) days before the day of  
22 an election to coincide with early voting under § 7-5-418, with the following  
23 requirements:

24           (A) An election official may not open the inner envelope  
25 of an absentee ballot before 8:30 am on election day;

26           (B) An election official may not publish the contents of  
27 material inside the inner envelope of an absentee ballot before being  
28 authorized to do so under § 7-5-416; and

29           (C) An election official shall publish a notice as  
30 required under § 7-5-416 regarding the opening, processing, and canvassing of  
31 absentee ballots each day, and the notice shall include:

32           (i) The location where the election official will  
33 open, process, and canvass outer envelopes of absentee ballots;

34           (ii) The time when the election official will begin  
35 to open, process, and canvass outer envelopes of absentee ballots; and

36           (iii) The time when the election official expects to

1 cease to open, process, and canvass outer envelopes of absentee ballots.

2 (b) Subsection (a) of this section expires thirty (30) days after the  
 3 date of an emergency declaration made by the Governor under the Arkansas  
 4 Emergency Services Act of 1973, § 12-75-101 et seq., unless:

5 (1) The Governor finds that the threat or danger has passed and  
 6 terminates the state of emergency by executive order or proclamation under  
 7 the Arkansas Emergency Services Act of 1973, § 12-75-101 et seq., before the  
 8 expiration of thirty (30) days after the emergency declaration; or

9 (2) An extension of the thirty-day period under subsection (a)  
 10 of this section is approved by passage of:

11 (A) A concurrent resolution of the General Assembly, if  
 12 the General Assembly is in regular session, fiscal session, or special  
 13 session; or

14 (B) A resolution of the Legislative Council, if the  
 15 General Assembly is not in regular, fiscal, or extraordinary session.

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 17 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
 18 General Assembly of the State of Arkansas that citizen participation in the  
 19 democratic process is crucial to a representative form of government; that it  
 20 is paramount for the State of Arkansas to ensure qualified electors have  
 21 adequate access to polling sites and alternative methods of casting a ballot  
 22 in federal and state elections during an emergency declaration under the  
 23 Arkansas Emergency Services Act of 1973, § 12-75-101 et seq.; that the  
 24 process used by election officials to begin the processing and canvassing of  
 25 absentee ballots is impacted by an emergency declaration; and that this act  
 26 is immediately necessary to ensure the right of all qualified electors to  
 27 have adequate access to polling sites and alternative methods of casting a  
 28 ballot in an election and for election officials to process and canvass  
 29 absentee ballots during an emergency declaration under the Arkansas Emergency  
 30 Services Act of 1973, § 12-75-101 et seq. Therefore, an emergency is  
 31 declared to exist, and this act being immediately necessary for the  
 32 preservation of the public peace, health, and safety shall become effective  
 33 on:

34 (1) The date of its approval by the Governor;

35 (2) If the bill is neither approved nor vetoed by the Governor,  
 36 the expiration of the period of time during which the Governor may veto the

1 bill; or

2 (3) If the bill is vetoed by the Governor and the veto is  
3 overridden, the date the last house overrides the veto.

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