

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

As Engrossed: H1/16/25

A Bill

HOUSE BILL 1038

5 *Representatives A. Collins, D. Garner, Springer, Gonzales Worthen*
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For An Act To Be Entitled

9 AN ACT TO CREATE THE NO-EXCUSE ABSENTEE VOTING ACT OF
10 2025; TO AMEND THE LAW CONCERNING ABSENTEE VOTING; TO
11 REPEAL VOTER QUALIFICATIONS FOR ABSENTEE VOTING; AND
12 FOR OTHER PURPOSES.
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Subtitle

15 TO CREATE THE NO-EXCUSE ABSENTEE VOTING
16 ACT OF 2025; TO AMEND THE LAW CONCERNING
17 ABSENTEE VOTING; AND TO REPEAL VOTER
18 QUALIFICATIONS FOR ABSENTEE VOTING.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. DO NOT CODIFY. Title.

24 This act shall be known and may be cited as "The No-Excuse Absentee
25 Voting Act of 2025".
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27 SECTION 2. Arkansas Code § 7-5-402 is amended to read as follows:

28 7-5-402. Voter qualification.

29 ~~The following persons, if~~ A person possessing the qualifications of
30 ~~electors,~~ an elector may cast an absentee ballot in any election+

31 ~~(1) Any person who will be unavoidably absent from his or her~~
32 ~~voting place on the day of the election;~~

33 ~~(2) Any person who will be unable to attend the polls on~~
34 ~~election day because of illness or physical disability; and~~

35 ~~(3) Any person who is prevented from voting due to observance of~~
36 ~~a religious discipline or religious holiday during the entire twelve (12)~~



1 ~~hours that the polls are open on election day.~~

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3 SECTION 3. Arkansas Code § 7-5-404(b)(2), concerning the validity of
4 applications for absentee ballots, is amended to read as follows:

5 (2)(A) ~~For those persons voting by absentee ballot who reside~~
6 ~~outside the county in which they are registered to vote, the application~~
7 ~~shall remain in effect for one (1) year unless revoked by the voter, and Once~~
8 ~~the county clerk receives a completed application, the county clerk shall~~
9 ~~thereafter automatically mail an absentee ballot no later than twenty-five~~
10 ~~(25) days before each election an absentee ballot for each election.~~

11 (B)(i) ~~For those persons voting by absentee ballot who~~
12 ~~reside within the county in which they are registered to vote, the~~
13 ~~application shall be valid for only one (1) election cycle.~~

14 (ii) ~~The election cycle shall include any one (1)~~
15 ~~election and the corresponding runoff election.~~

16 (C)(i) ~~For a voter residing in a long-term care or~~
17 ~~residential care facility licensed by the state the An application for an~~
18 ~~absentee ballot shall remain in effect for one (1) calendar year unless~~
19 ~~withdrawn by the voter.~~

20 (ii) ~~The county clerk automatically shall mail no~~
21 ~~later than twenty five (25) days before each election an absentee ballot for~~
22 ~~each election unless, before mailing, the administrator of the facility has~~
23 ~~presented an absentee ballot request from the voter authorizing the~~
24 ~~administrator to receive the absentee ballot on behalf of the voter for that~~
25 ~~election.~~

26 (D)(i) ~~For a voter with a disability as defined in § 7-5-~~
27 ~~311, the application shall remain in effect for one (1) calendar year unless~~
28 ~~withdrawn by the voter.~~

29 (ii) ~~The county clerk automatically shall mail no~~
30 ~~later than twenty five (25) days before each election an absentee ballot for~~
31 ~~each election.~~

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33 SECTION 4. Arkansas Code § 7-5-405 is amended to read as follows:

34 7-5-405. Application form.

35 (a)(1) Applications for absentee ballots may be made on a form or
36 forms prescribed by the Secretary of State and furnished by the county clerk

1 at least sixty (60) days before the election.

2 (2) The form or forms shall contain the following information:

3 (A) The following statement:

4 "IF YOU PROVIDE FALSE INFORMATION ON THIS FORM, YOU
5 MAY BE GUILTY OF PERJURY AND SUBJECT TO A FINE OF UP TO \$10,000 OR
6 IMPRISONMENT FOR UP TO 10 YEARS.";

7 ~~(B) A statement in which the voter must indicate that he
8 or she is requesting an absentee ballot because he or she will be:~~

9 ~~(i) Unavoidably absent from the polling site on
10 election day;~~

11 ~~(ii) Unable to attend the polls on election day
12 because of illness or physical disability;~~

13 ~~(iii) Unable to attend the polls on election day
14 because of residence in a long-term care or residential facility licensed by
15 the state; or~~

16 ~~(iv) Unable to attend the polls due to observance of
17 a religious discipline or religious holiday during the entire twelve (12)
18 hours that the polls are open on election day;~~

19 ~~(C) A statement by the voter indicating whether he or she
20 resides outside the county;~~

21 ~~(D)~~(B) A statement indicating whether the voter is a
22 United States citizen residing outside the territorial limits of the United
23 States;

24 ~~(E)~~(C) A statement indicating whether the voter is in
25 active service as a member of the armed services of the United States;

26 ~~(F)~~(D) Mailing information for the ballot or the name and
27 signature of a designated bearer, an administrator, or an authorized agent;

28 ~~(G)~~(E) The date, the voter's printed or typed name, voting
29 residence address, date of birth, and the voter's signature attesting to the
30 correctness of the information provided under penalty of perjury;

31 ~~(H)~~(F) The election in which the voter wishes to cast an
32 absentee ballot; and

33 ~~(I)~~(G) A statement indicating whether the voter has
34 received assistance filling out the application for an absentee ballot, and
35 the name, address, and signature of the person providing assistance.

36 (3)(A) The form or forms shall contain a portion to include a

1 sworn statement that may be completed by a voter stating that the voter is
2 registered to vote and that he or she is the person who is registered.

3 (B) The sworn statement portion of the form or forms under
4 subdivision (a)(3)(A) of this section is not required to be notarized but
5 shall be executed by the voter under penalty of perjury.

6 ~~(b) The Secretary of State may prescribe separate absentee ballot
7 application forms for:~~

8 ~~(1)(A) Persons who reside within the county in which they are
9 registered to vote and will be unavoidably absent from the polls on the date
10 of the election.~~

11 ~~(B) The application shall be valid for one (1) election
12 cycle, which includes any one (1) election and the corresponding runoff
13 election;~~

14 ~~(2)(A) Persons whose application would be valid for one (1)
15 calendar year.~~

16 ~~(B) This includes the following:~~

17 ~~(i) Persons who reside outside the county in which
18 they are registered to vote;~~

19 ~~(ii) Persons in long-term care or residential
20 facilities licensed by the state; and~~

21 ~~(iii) Voters with disabilities; and~~

22 ~~(3) Persons whose applications would be valid through the next
23 regularly scheduled general election for federal office, including any
24 resulting runoff elections.~~

25 ~~(e)(b)~~ Any person may distribute blank applications for absentee
26 ballots.

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28 /s/A. Collins
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