

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

A Bill

SENATE BILL 247

4
5 By: Senator C. Tucker
6
7

For An Act To Be Entitled

8
9 AN ACT TO CREATE THE ARKANSAS ABSENTEE VOTER
10 INTEGRITY ACT OF 2025; TO AMEND THE LAW CONCERNING
11 COUNTING ABSENTEE BALLOTS; TO AMEND THE LAW
12 CONCERNING ELECTIONS; TO AMEND THE LAW CONCERNING THE
13 DUTIES OF THE SECRETARY OF STATE; AND FOR OTHER
14 PURPOSES.
15

Subtitle

16
17
18 TO CREATE THE ARKANSAS ABSENTEE VOTER
19 INTEGRITY ACT OF 2025; TO AMEND THE LAW
20 CONCERNING COUNTING ABSENTEE BALLOTS; TO
21 AMEND THE LAW CONCERNING ELECTIONS; AND
22 TO AMEND THE LAW CONCERNING THE DUTIES
23 OF THE SECRETARY OF STATE.
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

27 SECTION 1. DO NOT CODIFY. Title.

28 This act shall be known and may be cited as the "Arkansas Absentee
29 Voter Integrity Act of 2025".
30

31 SECTION 2. Arkansas Code § 7-5-416 is amended to read as follows:
32 7-5-416. Counting of absentee ballots — Definition.

33 (a)(1) The election officials for absentee ballots shall meet in a
34 place designated by the county board of election commissioners no earlier
35 than the Tuesday before the election for the purpose of opening the outer
36 envelope, processing, and canvassing of absentee ballot paper work of the



1 outer envelope and no earlier than 8:30 a.m. on election day for the purpose
2 of opening the inner absentee ballot envelope and counting the absentee
3 ballots.

4 (2) The absentee ballots shall be tabulated or counted no
5 earlier than 8:30 a.m. on election day.

6 (3) The county board of election commissioners shall:

7 (A) Give public notice of the time and location of the
8 opening, processing, canvassing, and counting of absentee ballots and early
9 voting ballots as provided in § 7-5-202; and

10 (B) Allow public access for the in-person viewing of the
11 absentee canvassing process.

12 ~~(3)~~(4) The county clerk shall provide the county board of
13 election commissioners with a daily count of absentee applications received,
14 to be reported weekly or upon request of the county board of election
15 commissioners.

16 ~~(4)~~(5) The county clerk shall provide the county board of
17 election commissioners with a daily count of absentee ballots received, to be
18 reported weekly or upon request of the county board of election
19 commissioners.

20 ~~(5)~~(6) The county clerk shall forward the following items to the
21 election officials designated by the county board of election commissioners
22 to open, process, canvass, and count absentee ballots:

23 (A) The absentee ballot applications sorted alphabetically
24 and by precinct;

25 (B) The absentee ballots; and

26 (C) A written report containing the following information:

27 (i) The number of absentee ballot applications
28 received by the county clerk;

29 (ii) The number of absentee ballots sent by the
30 county clerk;

31 (iii) The number of absentee ballots returned to the
32 county clerk;

33 (iv) The number of absentee ballots rejected by the
34 county clerk and the reason for the rejection;

35 (v) The number of absentee ballots marked as
36 received on the paper absentee ballot applications list; and

1 (vi) If the number of absentee ballots returned to
 2 the county clerk and the number of absentee ballots marked as received on the
 3 paper absentee ballot lists are different and the reason for the difference
 4 is known, the reason for the difference.

5 ~~(6)(7)~~ The processing and counting of absentee ballots shall be
 6 open to the public, and candidates and authorized poll watchers may be
 7 present in person or by a representative designated in writing under § 7-5-
 8 312 during the opening, processing, canvassing, and counting of the absentee
 9 ballots as provided in this subchapter.

10 ~~(7)(A)(8)(A)~~ The county board of election commissioners shall
 11 begin tabulating absentee ballots and early votes before the polls close on
 12 election day and continue counting absentee votes until all absentee votes,
 13 except for overseas voters as otherwise provided under this section, and
 14 early votes are counted and completed before counting or tabulating election
 15 day votes ~~Absentee and early votes shall be counted prior to the closing of~~
 16 ~~the polls on election day as provided under this section.~~

17 (B)(i) The county board of election commissioners shall
 18 report by precinct the initial count of early votes and absentee ballot votes
 19 to the Secretary of State as provided under § 7-5-701 as soon as practical
 20 after the polls close on election day.

21 (ii) No election results of the precinct shall be
 22 printed, posted, or released until after the polls close on election day.

23 ~~(8)(A)(9)(A)~~ After the outer envelope of an absentee ballot is
 24 opened, a county clerk and deputies of the county clerk shall not have access
 25 to:

26 (i) The absentee ballots;

27 (ii) Absentee ballot paperwork; or

28 (iii) The inner envelope of an absentee ballot.

29 (B) The county board of election commissioners may grant a
 30 county clerk or deputies of the county clerk access to the absentee ballot
 31 materials in subdivision ~~(a)(8)(A)~~ (a)(9)(A) of this section if the access is
 32 granted by an affirmative vote of the county board of election commissioners
 33 for a specific purpose and for a designated election.

34 (b)(1) ~~The opening, processing, counting, and canvassing of absentee~~
 35 ~~ballots~~ absentee ballot materials shall be ~~conducted~~ opened by two (2)
 36 election officials as follows:

1 (A) One (1) of the election officials shall open outer
 2 absentee ballot envelopes one by one and ~~verify the contents~~ locate the
 3 required voter materials;

4 (B) ~~If the required materials are properly placed in the~~
 5 ~~outer absentee ballot envelope, the election official shall proceed to read~~
 6 ~~aloud from the voter statement the name of the voter;~~ The election officials
 7 shall:

8 (i) Read aloud from the voter statement the name of
 9 the voter and the voting precinct in which the voter claims to be a legal
 10 voter;

11 (ii) List the name and voting precinct of the voter;

12 (iii) Compare the voter materials as provided under
 13 subdivision (b)(2) of this section; and

14 (iv) For first-time voters who registered by mail,
 15 compare the first-time voter's identification document unless the voter
 16 previously provided identification at the time of mailing the voter
 17 registration application;

18 (C) If the required materials are not properly placed in
 19 the outer absentee ~~ballot~~ envelope, ~~a:~~

20 (i) A second election official shall open the inner
 21 absentee ~~ballot~~ envelope to ~~verify the contents~~ locate the required voter
 22 materials no earlier than 8:30 a.m. on election day; and

23 ~~(D)(ii) If all required materials are present within one~~
 24 ~~(1) or the other envelope, the~~ The election officials shall ~~put~~ place the
 25 absentee ballot materials, while preserving the secrecy of the voter's ballot
 26 within the inner absentee envelope, in the ~~proper an~~ envelope while
 27 preserving the secrecy of the voter's ballot and shall proceed to read aloud
 28 from the voter statement the name of the voter and the voting precinct in
 29 which the voter claims to be a legal voter; marked "provisional", and the
 30 absentee ballot shall be considered a provisional ballot; and

31 ~~(E) As each outer envelope is opened and the name of the~~
 32 ~~voter is read, the election officials for the absentee box shall list the~~
 33 ~~name and voting precinct of the voter;~~

34 (D) If the required materials are properly placed in the
 35 outer absentee envelope, then the election officials shall compare the voter
 36 materials as provided under subdivision (b)(2) of this section.

1 (2)(A) After the opening of the absentee ballot materials, the
2 two (2) election officials shall canvass and compare the absentee ballot
3 materials as follows:

4 (i) The election officials shall compare all
5 absentee ballot materials returned, except the voter's ballot, which shall be
6 maintained within the inner absentee ballot envelope to preserve the secrecy
7 of the ballot, including without limitation:

8 (a) Absentee ballot applications;

9 (b) Voter statements;

10 (c) A voter's voter identity documentation;

11 and

12 (d) Any additional information or
13 documentation provided by the voter in the absentee ballot envelope;

14 (ii) The election officials shall review the
15 absentee ballot materials to determine whether:

16 (a) The voter's name, residential voting
17 address, date of birth, and signature are comparable;

18 (b) The voter identification document, voter
19 statement, and inner envelope containing the absentee ballot are present; and

20 (c) If a designated bearer, authorized agent,
21 or administrator delivers the ballot, the name of the designated bearer,
22 authorized agent, or administrator written on the absentee ballot application
23 compares with the information on the voter statement;

24 ~~(F)(i) After the election official reads aloud from the~~
25 ~~statement, the election officials shall compare the name, address, date of~~
26 ~~birth, and signature of the voter's absentee application with the voter's~~
27 ~~statement and, for first time voters who registered by mail, the first time~~
28 ~~voter's identification document unless the voter previously provided~~
29 ~~identification at the time of mailing the voter registration application.~~

30 ~~(ii) If the county board of election commissioners~~
31 ~~determines that the absentee application and the voter's statement do not~~
32 ~~compare as to name, residential voting address, date of birth, and signature,~~
33 ~~the absentee ballot shall not be counted.~~

34 (iii) The election officials shall place the
35 absentee ballot materials, including the inner envelope containing the
36 ballot, in an envelope marked "provisional", and the absentee ballot shall be

1 considered a provisional ballot if:

2 (a) The absentee application and the voter's
3 statement do not compare as to name, residential voting address, date of
4 birth, or signature; or

5 (b) A designated bearer, authorized agent, or
6 administrator delivers the ballot, and the name of the designated bearer,
7 authorized agent, or administrator does not compare with the information on
8 the voter statement;

9 (iv) If a first-time voter fails to provide the
10 required voter identification with the absentee ballot or at the time of
11 mailing the voter registration application, ~~then the absentee application,~~
12 ~~absentee ballot envelope, and voter's statement shall be placed in an~~
13 ~~envelope marked "provisional" and the absentee ballot shall be considered a~~
14 ~~provisional ballot; or if any other voter fails to provide the required voter~~
15 ~~identification with the absentee ballot, the election officials shall place~~
16 ~~the absentee ballot materials including the inner envelope containing the~~
17 ~~ballot in an envelope marked "provisional", and the absentee ballot shall be~~
18 ~~considered a provisional ballot;~~

19 (v) The ballot shall be designated to be counted or
20 tabulated if:

21 (a) All required absentee ballot materials are
22 present;

23 (b) The voter's name, residential voting
24 address, date of birth, and signature compare; and

25 (c) If a designated bearer, authorized agent,
26 or administrator delivered the ballot, the name of the designated bearer,
27 authorized agent, or administrator written on the absentee ballot application
28 compares with the information on the voter statement; and

29 (vi) The absentee ballot materials shall be
30 transmitted to the county board of election commissioners for additional
31 review if:

32 (a) Any required absentee ballot materials are
33 missing;

34 (b) The voter's name, residential voting
35 address, date of birth, and signature do not compare; or

36 (c) If a designated bearer, authorized agent,

1 or administrator delivers the ballot, the name of the designated bearer,
2 authorized agent, or administrator does not compare with the information on
3 the voter statement.

4 (B)(i) A member of a county board of election
5 commissioners, acting in his or her individual capacity as an election
6 official, may perform the duties under subdivision (b)(2)(A) of this section.

7 (ii) However, performance of the duties under
8 subdivision (b)(2)(A) of this section by a member of the county board of
9 election commissioners shall not satisfy or serve as performance of the
10 duties of the whole county board of election commissioners under subdivision
11 (b)(3) of this section.

12 (3) After canvassing and comparison by the election officials,
13 the absentee ballot materials shall be canvassed and compared by the county
14 board of election commissioners as follows:

15 (A)(i) The county board of election commissioners shall
16 review the absentee ballot materials transmitted to it under subdivision
17 (b)(2)(A)(vi) of this section.

18 (ii) The county board of election commissioners may:
19 (a) Review the absentee ballot materials that
20 were designated to be counted or tabulated by the election officials before
21 counting or tabulation; and

22 (b) Accept the designation of the election
23 officials that the ballot is to be counted or reverse the designation of the
24 election officials and mark the ballot as provisional;

25 (B)(i) A ballot shall be counted or tabulated if the:

26 (a) Required absentee ballot materials are
27 present;

28 (b) Voter's name, residential voting address,
29 date of birth, and signatures compare; and

30 (c) If a designated bearer, authorized agent,
31 or administrator delivered the ballot, the name of the designated bearer,
32 authorized agent, or administrator written on the absentee ballot application
33 compares with the information on the voter statement.

34 (ii) The absentee ballot materials and the absentee
35 ballot shall be placed in an envelope marked "provisional" and the absentee
36 ballot shall be considered a provisional ballot if:

1 (a) The required absentee ballot materials are
 2 incomplete or missing;

3 (b) The voter's name, residential voting
 4 address, date of birth, and signature do not compare; or

5 (c) If a designated bearer, authorized agent,
 6 or administrator delivers the ballot, the name of the designated bearer,
 7 authorized agent, or administrator does not compare with the information on
 8 the voter statement;

9 ~~(G)(i) The election officials shall compare the name and~~
 10 ~~address of the bearer, agent, or administrator written on the absentee ballot~~
 11 ~~return envelope with the information on the voter statement. If the~~
 12 ~~information does not match, then the outer envelope, absentee application,~~
 13 ~~secrecy envelope containing the ballot, and the voter's statement shall be~~
 14 ~~placed in an envelope marked "provisional" and the absentee ballot shall be~~
 15 ~~considered a provisional ballot.~~

16 ~~(ii) The election officials shall compare the name~~
 17 ~~of the bearer written on the absentee ballot application with the information~~
 18 ~~on the voter statement, and if the information does not compare, the ballot~~
 19 ~~shall be a provisional ballot.~~

20 ~~(iii) An absentee ballot designated as a provisional~~
 21 ~~ballot for the lack of a designation of, or name of, a designated bearer~~
 22 ~~shall be counted only if the county board of election commissioners does not~~
 23 ~~determine that the provisional ballot is invalid and should not be counted~~
 24 ~~based on other grounds;~~

25 ~~(H) If the absentee voter fails to return the voter~~
 26 ~~statement, the vote shall not be counted;~~

27 ~~(I)(C)~~ Failure of the voter to submit the required
 28 absentee materials in the proper envelopes shall not be grounds for
 29 disqualifying the voter; and

30 (D)(i) An absentee ballot that has been designated
 31 provisional shall be cured according to the procedure set out in Arkansas
 32 Constitution, Amendment 51, § 13(b)(5)(A) and (B) if, upon a public vote, the
 33 county board of election commissioners determines that the absentee ballot:

34 (a) Does not include the required voter
 35 identification with the absentee ballot materials;

36 (b) Does not include the voter statement with

1 the absentee ballot materials;
2 (c) Has a signature that does not compare; or
3 (d) Has an address on the voter statement that
4 is materially and substantially different from either the voting residence
5 address of the voter or the address at which the voter requested to receive
6 the absentee ballot by mail as set forth on the absentee ballot application.
7 (ii) An absentee ballot that has otherwise been
8 designated provisional under this section may be cured by the voter:
9 (a) By 12:00 noon the Monday following the
10 election;
11 (b) In person or in writing to the county
12 clerk, county board of election commissioners, or appropriately designated
13 staff or election officials; and
14 (c) By:
15 (1) Providing or correcting the absentee
16 ballot materials or verification if the reason for designation as a
17 provisional ballot was an incomplete submission;
18 (2) Verifying in writing under penalty
19 of perjury that he or she voted the ballot received by the county clerk if
20 the reason for designation as a provisional ballot was that:
21 (A) The voter's name, residential
22 voting address, except as set out under subdivision (b)(3)(D)(i)(d) of this
23 section, date of birth, or signature did not compare; or
24 (B) If a designated bearer,
25 authorized agent, or administrator delivered the ballot, and the name of the
26 designated bearer, authorized agent, or administrator did not compare with
27 the information on the voter statement; or
28 (3) Reviewing the ballot located inside
29 the inner envelope marked as provisional in a private and independent manner
30 to verify that the ballot marked as provisional is the ballot submitted by
31 the voter.
32 (iii) An absentee ballot shall not be counted if the
33 absentee ballot has been marked provisional and is not cured under either
34 subdivision (b)(3)(D)(i) or subdivision (b)(3)(D)(ii) of this section.
35 (iv) An absentee ballot designated as a provisional
36 ballot for the lack of a designation of, or name of, a designated bearer,

1 authorized agent, or administrator shall be counted only if the county board
2 of election commissioners does not determine that the provisional ballot is
3 invalid and should not be counted based on other grounds.

4 ~~(J) If the voter statement does not authorize a bearer,~~
5 ~~agent, or administrator to receive or return his or her absentee ballot and~~
6 ~~the ballot was received or returned by a bearer, agent, or administrator, the~~
7 ~~vote shall not be counted;~~

8 (4) Absentee ballot information is comparable or compares if,
9 after a review of the information available to the election official or
10 county board of election commissioners, the election official or county board
11 of election commissioners determines that the absentee ballot that was
12 submitted was voted by the person in whose name the absentee ballot was
13 submitted after review of that person's address or other information that was
14 submitted with the absentee ballot, absentee ballot application, voter
15 statement, voter identification, or other documentation possessed by, on file
16 with, or available to the county clerk or the county board of election
17 commissioners.

18 (5)(A)(i) After an absentee ballot is designated by an election
19 official or by the county board of election commissioners as provisional, the
20 county board of election commissioners shall notify the voter of the deadline
21 and process for curing his or her absentee ballot as soon as possible but no
22 later than forty-eight (48) hours after the absentee ballot is designated as
23 a provisional ballot.

24 (ii) The county board of election commissioners
25 shall notify the voter of the deadline and process for curing his or her
26 absentee ballot by email, telephone, and text message as soon as possible but
27 no later than forty-eight (48) hours after the absentee ballot is designated
28 as a provisional ballot if the voter's email address or telephone number is
29 available.

30 (iii) If a voter has not provided an email address
31 or telephone number, the county board of election commissioners shall notify
32 the voter of the deadline and process for curing his or her absentee ballot
33 by mail as soon as possible but no later than forty-eight (48) hours after
34 the absentee ballot is designated as a provisional ballot.

35 (B) As used in this section, "cure" a ballot means to
36 remove or repair the issue causing a ballot not to be counted through the

1 process set forth in this section, such that the ballot shall then be
2 counted.

3 (C)(i) If an absentee ballot that was previously
4 designated as needing additional review under subdivision (b)(2)(A)(vi) of
5 this section is reviewed by the county board of election commissioners and
6 approved to be counted or tabulated without being designated as provisional,
7 the county board of election commissioners shall, by email, telephone, and
8 text message, if the voter's email address or telephone number is available,
9 notify the voter as soon as possible but no later than forty-eight (48) hours
10 after the absentee ballot is approved that he or she no longer needs to cure
11 his or her ballot.

12 (ii) If a voter has not provided an email address or
13 telephone number, the county board of election commissioners shall notify the
14 voter by mail as soon as possible but no later than forty-eight (48) hours
15 after the absentee ballot is approved that he or she no longer needs to cure
16 his or her ballot.

17 (6)(A) After all of the outer envelopes have been opened, the
18 election officials of the absentee box shall preserve all the statements of
19 voters, the voters' identification documents, and all other materials
20 submitted with the absentee ballot except the ballot itself and deliver them
21 to the county clerk, who shall file and keep them for the same length of time
22 after the election as is required for the retention of other ballots.

23 (B) The voter statements shall be made available for
24 public inspection and copying during regular business hours no earlier than
25 8:30 a.m. on the day following the actual delivery of the statement of the
26 number of outstanding ballots and provisional ballots to the Secretary of
27 State, and declaration of preliminary and unofficial results of the election
28 under § 7-5-701(a)(3)(C).

29 (C) The voters' identification documents shall not be
30 subject to public inspection except as part of a recount or judicial
31 proceeding to contest the election.

32 (7) The absentee ballots that have been designated to be counted
33 or tabulated shall be opened and processed for counting or tabulation as
34 follows:

35 ~~(K)~~(A) If no challenge is made by a qualified poll watcher,
36 the election official shall remove the inner envelope, from the absentee

1 ballot materials without opening the inner envelope containing the ballot,
2 and place it in ~~the ballot~~ a box designated for ballots to be counted or
3 tabulated without marking it in any way;

4 (B) When all of the inner envelopes containing the ballots
5 have been placed in the ballot box, the ballot box shall be shaken thoroughly
6 to mix the ballots in such a way to ensure that the inner envelopes
7 containing the ballots shall be randomized; and

8 (C) The ballot box shall be opened and the ballots shall
9 be removed from the inner envelopes, canvassed, and counted.

10 (8) After the counting and tabulation, the county board of
11 election commissioners shall preserve all absentee ballots and absentee
12 ballot materials and shall retain them as election materials for the same
13 length of time after the election as is required for retention of other
14 ballots.

15 (9)(A) If after review of the absentee ballot materials an
16 election official or the county board of election commissioners suspects that
17 an absentee ballot was fraudulently submitted, the county board of election
18 commissioners shall:

19 (i) File complaints concerning the ballot with the
20 State Board of Election Commissioners and the county prosecuting attorney no
21 later than thirty (30) days after certification of the election;

22 (ii) Provide copies of the relevant absentee ballot
23 materials, and the county clerk shall provide any relevant absentee ballot
24 materials in their possession;

25 (iii) Fully assist all appropriate law enforcement
26 agencies in the investigation; and

27 (iv) Notify all candidates of any affected race.

28 (B) A ballot is not automatically considered fraudulently
29 submitted merely because it was not counted because:

30 (i) Not all the required voter materials were
31 included;

32 (ii) The voter materials did not compare; or

33 (iii) A designated bearer, authorized agent, or
34 administrator delivered the ballot, and the name of the designated bearer,
35 authorized agent, or administrator did not compare with the information on
36 the voter statement;

1 (C) A ballot is not automatically considered fraudulently
 2 submitted if the voter's actions did not indicate or evince an intention to
 3 violate the election laws of Arkansas or those of the United States
 4 Government.

5 (D) A ballot is fraudulently submitted if a voter
 6 knowingly violates voting laws, including without limitation by submitting:

7 (i) More than one (1) ballot;

8 (ii) A ballot under a false identity; or

9 (iii) A ballot on behalf of another person without
 10 that person's lawful authorization.

11 ~~(L)(i) After all of the outer envelopes have been opened,~~
 12 ~~the election officials of the absentee box shall preserve all the statements~~
 13 ~~of voters and the voters' identification documents and deliver them to the~~
 14 ~~county clerk, who shall file and keep them for the same length of time after~~
 15 ~~the election as is required for retention of other ballots.~~

16 ~~(ii) The voter statements shall be made available~~
 17 ~~for public inspection and copying during regular business hours no earlier~~
 18 ~~than 8:30 a.m. on the day following the actual delivery of the statement of~~
 19 ~~the number of outstanding ballots and provisional ballots to the Secretary of~~
 20 ~~State, and declaration of preliminary and unofficial results of the election~~
 21 ~~under § 7-5-701(a)(3)(C).~~

22 ~~(iii) The voters' identification documents shall not~~
 23 ~~be subject to public inspection except as part of a judicial proceeding to~~
 24 ~~contest the election;~~

25 ~~(M) When all of the inner envelopes containing the ballots~~
 26 ~~have been placed in the ballot box, the ballot box shall be shaken thoroughly~~
 27 ~~to mix the ballots; and~~

28 ~~(N) The ballot box shall be opened and the ballots~~
 29 ~~canvassed and counted.~~

30 ~~(2)(10)~~ No election results shall be printed or released prior
 31 to the closing of the polls on election day.

32 (c) If any person casting an absentee ballot dies before the polls
 33 open on election day, his or her ballot shall be accepted by the county clerk
 34 if the absentee ballot is:

35 (1) Signed, dated, postmarked, and mailed before the date of
 36 death;

1 (2) Signed, dated, and delivered to the county clerk by a
2 designated bearer, authorized agent, or administrator before the date of
3 death; or

4 (3) The ballot of a member of the armed services or Arkansas
5 National Guard in active duty or state active duty executed before the date
6 of death.

7 ~~(d) It is the intent of this section to require the election officials~~
8 ~~for absentee ballots to meet and process, canvass, and count absentee ballots~~
9 ~~according to this section prior to the closing of the polls on election day.~~

10 ~~(e)(1)(d)(1)~~ Absentee votes shall be cast on paper ballots.

11 (2)(A) The ballots shall first be counted for write-in votes by
12 the election officials.

13 (B) Then, at the discretion of the county board of
14 election commissioners, the ballots may be either hand counted or counted on
15 an electronic vote tabulating device.

16 ~~(f)(1)(e)(1)~~ Absentee ballots marked as "special runoff ballots"
17 received from a qualified voter from one (1) of the categories in § 7-5-
18 406(a) shall be opened for general primary elections and general runoff
19 elections according to the procedures described in subsection (b) of this
20 section.

21 (2) However, in counting the special runoff ballot, one (1) of
22 the election officials shall open the envelope containing the special runoff
23 ballot and read the numbers indicated next to the names of the two (2)
24 candidates in the general primary election or in the general runoff election.

25 (3) The candidate with the highest ranking shall receive the
26 vote.

27 (4) A special runoff ballot received with the preferential
28 primary absentee ballot shall be counted in the general primary election, and
29 a special runoff ballot received with the general election absentee ballot
30 shall be counted in the general runoff election.

31 (5) The Secretary of State shall prepare instructions for
32 opening, counting, and canvassing special runoff ballots and provide the
33 instructions to each county board of election commissioners.

34
35 SECTION 3. Arkansas Code Title 7, Chapter 5, Subchapter 4, is amended
36 to add an additional section to read as follows:

1 7-5-420. State Board of Election Commissioners – Rules.

2 (a) The State Board of Election Commissioners shall adopt rules that:

3 (1) Set procedures for the maintenance and storage of absentee
4 ballot materials and absentee ballots;

5 (2) Set uniform methods for labeling ballot storage containers
6 that, at a minimum, document the:

7 (A) Chain of custody concerning the opening and closing of
8 the sealed boxes; and

9 (B) Contents of the boxes in a readily identifiable
10 manner;

11 (3) Set standards for the processes, software, and methods used
12 to list and describe the contents of the ballots, including without
13 limitation the appropriate use of spreadsheets and summaries;

14 (4) Prescribe forms for the lists that are required to be
15 generated and maintained under § 7-5-416;

16 (5) Set the procedure for the handling of absentee ballots and
17 voter materials such that the absentee ballots and voter materials are
18 secured in such a manner that the boxes cannot be opened and the ballots
19 cannot be handled, viewed, or tampered with except by an authorized election
20 officials; and

21 (6) Set the procedures for timely compliance with the Freedom of
22 Information Act of 1967, § 25-19-101 et seq., that ensure the secrecy and
23 integrity of the voter materials.

24 (b) The rules shall be promulgated under the Arkansas Administrative
25 Procedure Act, § 25-15-201 et seq.

26
27 SECTION 4. DO NOT CODIFY. Rules.

28 (a) When adopting the initial rules required under this act, the State
29 Board of Election Commissioners shall file the final rules with the Secretary
30 of State for adoption under § 25-15-204(f):

31 (1) On or before January 1, 2026; or

32 (2) If approval under § 10-3-309 has not occurred by January 1,
33 2026, as soon as practicable after approval under § 10-3-309.

34 (b) The board shall file the proposed rules with the Legislative
35 Council under § 10-3-309(c) sufficiently in advance of January 1, 2026, so
36 that the Legislative Council may consider the rules for approval before

1 January 1, 2026.

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