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**RE: EXECUTIVE SUMMARY MEMORANDUM**

**PROPOSED BILL NO. 10  
REGULATES WHEN AND HOW VOTES CAN BE COUNTED**

Dear Sir or Madam:

This bill dictates when, where, and how votes are to be counted.

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**Ark. Code Ann. § 7-5-614**

(1)(A)(B)(C)

Requires that all voting centers or precincts holding 400 or less voted ballots to tabulate those ballots on site and not transport them to a central count location for tabulation.

Allows for 401 or more ballots to be transported to a central count location but imposes a requirement to account for the quantity of ballots shipped from a polling site. Upon arrival to the central count location, all ballots transported must be accounted for to ensure all have been received and that the count has not changed.

Defines which state and federal entities the clerks must use to determine voter eligibility.

Sincerely,



**/S/ CLINTON W. LANCASTER**  
Attorney at Law

# A Bill

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023

SENATE BILL \_\_\_\_\_

4  
5 By: Representative  
6 By Senator

## For An Act to Be Entitled

7  
8 AN ACT TO AMEND THE LAW CONCERNING ELECTIONS  
9 AND TO RESTORE ELECTION INTEGRITY IN ARKANSAS  
10 AND AMENDED ELECTION PROCEDURES  
11

### Subtitle

12  
13 TO REGULATE THE SYSTEM OF COUNTING BALLOTS  
14 CAST BY THE VOTERS  
15

16  
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
18

19 **SECTION 1. Arkansas Code Title 7, Chapter 5, Subchapter 6, Section 614 is**  
20 **amended as follows:**

21 ~~(1)(A) For the tabulation of votes of a precinct by electronic vote tabulating devices at a~~  
22 ~~central counting location. In all elections, when there are less than 400 ballots cast at any precinct~~  
23 ~~or vote center, those ballots shall be hand tabulated at the polling site in which they were cast by~~  
24 ~~the voters. If there are more than 400 ballots cast at any voting center or precinct, then the decision~~  
25 ~~to tabulate the votes at the polling site or a central count location shall rest with the county board~~  
26 ~~of election commissioners.~~

27 (B) In cases in which there are more than 400 ballots cast at any precinct or voting  
28 center, the tabulation of votes may occur at central count location. However, all ballots shall be  
29 counted at the polling site to determine the quantity of ballots cast at each polling site before they  
30 are transported to the central counting location.

PROPOSED BILL 10

1            (C) The ballots shall be counted again for quantity at the central count location. If the  
2 number of ballots counted at the polling site differs from the number of ballots counted at the  
3 central count location, the county board of election commissioners shall give notice to all  
4 candidates whose names or races appear on the ballots at the polling site in which the discrepancy  
5 has occurred.

6            ~~(1)~~(2)(A) The poll workers shall place all ballots that have been cast in the container  
7 provided for that purpose.

8            (B) The container shall be sealed and delivered to the county board of election  
9 commissioners forthwith by the poll workers together with the unused, void, and defective ballots;  
10 and

11            ~~(2)~~(3) All proceedings at the counting location shall be under the direction of the county  
12 board of election commissioners with respect to all elections.