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**RE: EXECUTIVE SUMMARY MEMORANDUM**

**PROPOSED BILL NO. 12  
OFFICIAL MANNER OF TABULATION**

Dear Sir or Madam:

This bill changes tabulation requirements for both hand counted and machine voted ballots

**Ark. Code Ann. § 7-5-601**

(a)

Requires that all ballots be placed into a clear secured box monitored by a camera that records the box and livestreams that recording to the internet.

It determines when the box must be completely locked and when it can be opened for tabulation purposes.

Clarifies that a ballot cannot be retrieved from the box except for tabulation purposes.

Permits an electronic tabulation to be the unofficial report of election results.

(b)

Mandates that the official count of the ballots be done by hand and that an election can only be certified by hand counted ballots.

(c)

Requires notice be given to any candidate whose election could be affected if there is a discrepancy between hand counted totals and electronically tabulated results.

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 IMPROVE BALLOT AND VOTING TABULATION TO  
14 PROTECT AGAINST ELECTION FRAUD  
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 601 is amended**  
20 **as follows:**

21 (a) All ballot summary cards generated by any electronic voting machine shall be placed  
22 in clear, shatterproof glass or plexiglass ballot box with hand marked paper ballots and hand  
23 counted.

24 (1) The clear box shall be visible to a camera that records who approaches the ballot  
25 box and livestreams the recording to the internet. The camera shall be on and active from the time  
26 the election begins until tabulation is complete.

27 (2) The ballot box shall be locked during voting hours in such a manner that a ballot  
28 may only be inserted into the box.

29 (3) When polling is closed, the ballot box shall be locked in such a manner that no  
30 items may be inserted or removed from the ballot box.

PROPOSED BILL 12

1           (4) The ballot box may only be opened for the tabulation of votes at the designated  
2 time for counting votes and no other reason.

3           (5) Once a ballot is cast or otherwise placed into the box, it may not be retrieved by the  
4 voter or any other person for any reason until tabulation occurs, at which time all ballots in the  
5 box shall be counted, tallied, and reported.

6           (6) The county board of election commissioners ~~shall~~ may compile countywide totals  
7 from the activation pack or device used to collect votes from each voting machine and that  
8 number may be used as a preliminary, unofficial tabulation of the voting returns.

9           (b) Prior to certification of the official election results, the county board of election  
10 commissioners shall manually ~~compile countywide totals from the polling location's certified~~  
11 ~~return records and verify that they match the electronically derived totals from the activation pack~~  
12 ~~or device used to collect votes from each machine~~ count the ballots and tabulate the returns of each  
13 ballot by hand and the hand count shall be the count used to certify the results of the election.

14           (c) The county board of election commissioners shall compile countywide totals from the  
15 polling location's certified return records and verify that they match the electronically derived  
16 totals from the activation pack or device used to collect votes from each machine. If the number  
17 of votes or ballots hand counted is different than the number from any electronic tabulation device,  
18 then the county board election commissioners shall immediately provide notice to any candidate  
19 whose name or race appears on any ballot for which there is a discrepancy.