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February 7, 2023

RE: EXECUTIVE SUMMARY MEMORANDUM

**PROPOSED BILL NO. 2
RECORDING, LIVE STREAMING, AND RETAINING THE COUNTING
OF BALLOTS**

Dear Sir or Madam:

This statute enhances requirements for public counting of the votes and mandates that it be done live and viewable on the internet.

Ark. Code Ann. § 7-5-603

(5)(D)

All votes are to be tabulated in public view of a camera situated so the voter's selection on the ballot can be viewed by the camera.

All tabulation must be recorded and live streamed.

All recordings must be retained as "election materials" for two years to comply with state and federal law.

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 ENSURE PUBLIC COUNTING OF BALLOTS AND A
14 LIVESTREAM VIDEO OF THE SAME
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 603 is amended**
20 **as follows.**

21 When paper ballots are to be counted at the polling site, the following procedures shall be followed:

22 (1)(A) In counting the ballots, the ballot box shall be opened and each ballot shall be
23 counted in turn or by counting by offices and issues.

24 (B) The poll workers shall witness the counting of the ballots and shall keep separate
25 tally lists of the votes cast for each candidate or issue on the ballot;

26 (2)(A) When two (2) or more ballots are found folded together, it shall be considered as
27 conclusive evidence the ballots are fraudulent and neither of the ballots shall be counted.

28 (B) If a ballot is found to contain marks for more than the maximum allowable number
29 of candidates in any one (1) contest, the contest shall be considered overvoted, and it shall be the
30 responsibility of the poll workers to determine the voter's intent;

PROPOSED BILL 2

1 (3)(A) Upon the close of the polls, the poll workers immediately shall certify and attest the
2 list of voters and continue the count to completion.

3 (B) If a poll worker becomes sick or incapacitated from any other cause, the remaining
4 poll workers shall continue the count until it is completed;

5 (4) After the count is completed, the poll workers shall make out the certificates of election
6 in triplicate and immediately post one (1) copy outside the polling site; and

7 (5)(A) The counting of ballots shall be open to the public.

8 (B) Any candidate or political party may be present in person or by representative
9 designated in writing under § 7-5-312 at the count of the ballots in any election for the purpose of
10 determining whether or not the ballots in any election precinct are fairly and accurately counted.

11 (C) The candidate in person or an authorized representative of the candidate or political
12 party shall be permitted, upon a request's being made to a poll worker, to inspect any or all ballots
13 after the ballots have been counted.

14 (D) The county board of election commissioners shall ensure that all ballots are
15 tabulated in public in view of a camera which is situation so that the image of the ballot and how
16 it is marked for voting can be viewed by the camera. The county board of election commissioners
17 shall live stream this video publicly, record the tabulation process, and retain the recording as
18 election materials pursuant to Ark. Code Ann. § 7-5-702.