

LANCASTER LAW FIRM, PLLC

clint@thelancasterlawfirm.com
Licensed Attorney and Registered Lobbyist

(501) 776-2224

jennifer@thelancasterlawfirm.com
Licensed Attorney and Registered Lobbyist

RE: EXECUTIVE SUMMARY MEMORANDUM

**PROPOSED BILL NO. 8
RIGHT TO PAPER BALLOTS**

Dear Sir or Madam:

This bill clarifies the right of the voter to choose a paper ballot and prohibits an election official from refusing to provide a paper ballot to a requesting voter.

This bill creates a wholly new statute.

Ark. Code Ann. § 7-5-325

(a)(1)

Clarifies the constitutional right to vote on a paper ballot that is hand counted.

(a)(2)

Requires an election official to provide a requesting voter with a paper ballot that complies with the enhanced paper ballot requirements of § 7-5-601.

(b)

Requires that paper ballots voted under this statute to be counted by hand. Requires that hand counted votes be manually added to the total of electronically tabulated votes, if any.


(c)

Requires election officials to ensure there are an adequate number of paper ballots at a polling site to accommodate voters requesting the same.

(d)

Creates criminal penalties for the failure to provide a voter with a paper ballot.

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 THE RIGHT OF THE VOTER TO A BALLOT OF
14 HIS OR HER OWN CHOOSING
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 3, Section 325 is created**
20 **as follows:**

21 (a)(1) Any registered and eligible voter shall be entitled to cast his or her ballot on a paper
22 ballot.

23 (2) The county clerk, an election official, or an election worker shall provide a voter
24 with a paper ballot that conforms with § 7-5-601 upon the request of the voter. If the paper ballot
25 needs to be spoiled, it shall be spoiled in the same manner as any other ballot.

26 (b) All paper ballots voted or cast in an election shall be counted by hand as set forth in
27 this title. The results or tabulations of any hand counted paper ballots shall be manually added to
28 the total from all electronic tabulation devices. All tabulations of paper ballots, including manually
29 adding the paper ballot tabulations to any electronic tabulations, shall be done in public, in view
30 of a camera, and meet the requirements of § 7-5-603.

PROPOSED BILL 8

1 (c) The county board of election commissioners shall ensure there are an adequate number
2 of paper ballots at each polling site or vote center to accommodate the persons who request a paper
3 ballot. No voter who requests a paper ballot shall be refused a paper ballot for any reason.

4 (d)(1) The grossly negligent violation of this section by any person shall be a class C
5 misdemeanor and a conviction shall be deemed an “infamous crime.” Additionally, a person
6 convicted for a violation of this section shall not be permitted to serve as an election official in any
7 future elections.

8 (2) The intentional or willful violation of this section shall be a class A misdemeanor
9 for each person refused a paper ballot for any reason and a conviction shall be deemed an
10 “infamous crime.” Additionally, a person convicted for a violation of this section shall not be
11 permitted to serve as an election official in any future elections.