

STATE BOARD OF ELECTION COMMISSIONERS

501 Woodlane Street – Suite 122 South
Little Rock, Arkansas 72201
(501) 682-1834 or (800) 411-6996

Secretary of State
John Thurston
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Bilenda Harris-Ritter
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Charles Roberts
James Sharp
J. Harmon Smith
Commissioners



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Tena Arnold
Business Operations Manager

RESOLUTION No. 4 of 2020

In the Matter of: Absentee Voting Procedures

Whereas, under the authority of Ark. Code Ann. § 7-4-120 the SBEC has the duty to enforce election law and interpret the laws which it enforces;

Whereas, the health emergency caused by the COVID-19 virus has led to recommendations that Arkansans distance themselves where possible and that persons with certain health conditions take extra precautions to limit their exposure to the public;

Whereas, the Secretary of State and the 75 counties are taking significant steps to ensure polling sites are safe, sanitary, and will accommodate social distancing requirements;

Whereas, the Secretary of State is in the process of obtaining and distributing Personal Protective Equipment (PPE) to ensure counties have the necessary supplies to provide a safe environment for voters and election officials;

Whereas, existing Arkansas Law allows an Arkansan to apply for an Absentee Ballot if that person is “unavoidably absent from his or her voting place on the day of the election” or if that person is “unable to attend the polls on election day because of illness or physical disability” A.C.A. §7-5-402.

Now, Be It Resolved, by the State Board of Election Commissioners, that:

The State Board of Election Commissioners finds that qualified electors who conclude their attendance at the poll raises concerns to their health or the health of others as a results of the COVID-19 pandemic, and will be therefore unavoidably absent from the polls, may request and submit an absentee ballot pursuant to A.C.A. § 7-5-402.

The State Board of Election Commissioners finds that qualified electors who conclude that they will be unable to attend the poll on election day due to illness, physical disability, or concerns regarding the dangers to their health or the health of others, as they pertain to contracting or transmitting an illness such as COVID-19, may request and submit an absentee ballot pursuant to A.C.A. §7-5-402.

If required, the State Board of Election Commissioners will apply the forgoing provision of A.C.A. §7-5-402 consistent with this interpretation.

The State Board of Election Commissioners concludes that, because existing law is sufficient to address the challenges posed by COVID-19, it is not necessary to modify the current law in this area.

The State Board of Election Commissioners asks State and county officials, including the Governor of the State of Arkansas, to take reasonable steps to aid qualified electors in Arkansas to understand their right to request an absentee ballot for the November 3, 2020 General Election.

Passed and Approved this the 22nd Day of July 2020.



Chair, Secretary John Thurston