

Stricken language would be deleted from and underlined language would be added to present law.
Act 965 of the Regular Session

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: H3/28/19 H3/29/19
A Bill

HOUSE BILL 1665

By: Representative Brown
By: Senator T. Garner

For An Act To Be Entitled

AN ACT TO STRENGTHEN VOTER TRUST IN THE ELECTION
PROCESS; TO AMEND THE LAW CONCERNING ELECTION PROCESS
AND ADMINISTRATION; AND FOR OTHER PURPOSES.

Subtitle

TO STRENGTHEN VOTER TRUST IN THE ELECTION
PROCESS; AND TO AMEND THE LAW CONCERNING
ELECTION PROCESS AND ADMINISTRATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 7-5-310 is amended to read as follows:

7-5-310. Privacy – Assistance to voters with disabilities.

(a)(1) Each voter shall be provided the privacy to mark his or her ballot. Privacy shall be provided by the poll workers at each polling site or by the county clerk, if the county clerk conducts early voting, to ensure that a voter desiring privacy is not singled out.

(2)(A) In a county that uses paper ballots, the county board of election commissioners shall:

~~(i) Provide voting booths at a polling site; and~~

~~(ii) Determine~~ determine and provide the appropriate number of voting booths ~~at a~~ for each polling site.

(B) A voting booth shall be:

(i) Constructed to permit the voter to prepare his or her ballot while screened from observation;

(ii) Furnished with supplies and conveniences that



will enable the voter to prepare his or her ballot; and

(iii) Situated in the plain view of a poll worker.

(C) If a person is not a poll worker and is not casting a ballot, he or she shall not be within six feet (6') of the voting booths, unless:

(i) The person is authorized by an election judge;

and

(ii) The person's presence is necessary to keep order or enforce the law.

(3) *A person may not enter a polling ~~place~~ site on election day during voting hours unless the person is:*

(A) An election official;

(B) An authorized poll watcher;

(C) A voter present to cast his or her ballot;

(D) A person in the care of a voter if the person:

(i) Does not disrupt or interfere with the normal voting procedures; and

(ii) Is not eligible to vote in that election;

(E) A person lawfully assisting the voter;

(F) A law enforcement officer or emergency service personnel who are acting in the line of duty;

(G) A monitor authorized by the State Board of Election Commissioners or observer authorized by a federal agency with the authority to place the observer at the *polling ~~place~~ site*;

(H)(i) A person with business in the *polling ~~place~~ site* that is not connected to the election.

(ii) A person with business in the *polling ~~place~~ site* that is not connected to the election shall remain outside of the voter processing area or voting room except to pass through or by the voter processing area or voting room without speaking to a voter or an election official and with the purpose to conduct his or her business;

(I) A person ~~that~~ who the county clerk or the county board of election commissioners has authorized to assist in conducting the election;

(J) A person authorized by the State Board of Election Commissioners or the county board of election commissioners; and

(K) the county clerk.

(b)(1) A voter shall inform the poll workers at the time that the voter presents himself or herself to vote that he or she is unable to mark or cast the ballot without help and needs assistance in casting or marking his or her ballot.

(2) The voter shall be directed to a voting machine equipped for use by persons with disabilities by which he or she may elect to cast his or her ballot without assistance, or the voter may request assistance with either the paper ballot or the voting machine, depending on the voting system in use for the election, by:

(A) Two (2) poll workers; or

(B) A person named by the voter.

(3) If the voter is assisted by two (2) poll workers, one (1) of the poll workers shall observe the voting process and one (1) may assist the voter in marking and casting the ballot according to the wishes of the voter without comment or interpretation.

(4)(A)(i) If the voter is assisted by one (1) person named by the voter, he or she may assist the voter in marking and casting the ballot according to the wishes of the voter without any comment or interpretation.

(ii) If an election official witnesses the person assisting the voter comment or interpret in violation of subdivision

(b)(4)(A)(i) of this section:

(a) The election official may cause the person assisting the voter to be removed from the polling site; and

(b) If the voter requests additional assistance in marking and casting his or her ballot, it may be provided by two (2) election officials trained to do so.

(B) No person other than the following shall assist more than six (6) voters in marking and casting a ballot at an election:

(i) A poll worker;

(ii) The county clerk during early voting; or

(iii) A deputy county clerk during early voting.

(C) If the person whose assistance has been requested by the voter is a candidate on the ballot:

(i) The candidate shall not assist more than six (6) voters in the election; and

(ii) The candidate may only assist a voter who is related to the candidate within the second degree of consanguinity.

(5) It shall be the duty of the poll workers at the polling site to make and maintain a list of the names and addresses of all persons assisting voters.

(c) Any voter who because of physical, sensory, or other disability who presents himself or herself for voting and who then informs a poll worker at the polling site that he or she is unable to stand in line for extended periods of time shall be entitled to and assisted by a poll worker to advance to the head of any line of voters then waiting in line to vote at the polling site.

SECTION 2. Arkansas Code § 7-5-403(d)(4), concerning absentee ballots submitted by administrators, is amended to read as follows:

(4) Before obtaining an absentee ballot, an administrator shall submit to the county clerk an affidavit, signed and dated by the administrator, stating:

(A) That he or she is the administrative head of a long-term care or residential care facility licensed by the state;

(B) The name and address of the facility;

(C) That he or she has been authorized by the voters who reside in his or her facility to obtain from the county clerk and return to the county clerk absentee ballots on their behalf; ~~and~~

(D) That each of the voters for whom the administrator seeks to obtain an absentee ballot has named the administrator on his or her application; and

(E) That the administrator understands that Arkansas law requires that the administrator shall assist the voter by marking or casting a ballot on behalf of the voter without any comment or interpretation.

/s/Brown

APPROVED: 4/12/19