

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
90th General Assembly  
Regular Session, 2015

As Engrossed: H3/16/15

# A Bill

HOUSE BILL 1829

By: Representative Ladyman

## For An Act To Be Entitled

AN ACT TO AMEND ARKANSAS LAW CONCERNING THE PROCEDURES TO BE FOLLOWED WHEN A VOTER REQUIRES ASSISTANCE IN CASTING HIS OR HER BALLOT; AND FOR OTHER PURPOSES.

### Subtitle

TO AMEND ARKANSAS LAW CONCERNING THE PROCEDURES TO BE FOLLOWED WHEN A VOTER REQUIRES ASSISTANCE IN CASTING HIS OR HER BALLOT.

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 disabled voters~~ Voters requesting assistance.*

*(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 the appropriate number of voting booths at a polling site.*

*(B) A voting booth shall be:*

*(i) Constructed to permit the voter to prepare his*



or her ballot 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 or voting machines, 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 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;

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

(ii) A person with business in the polling place that is not connected to the election shall remain outside of the voting room except to pass through or by the voting room with the purpose to conduct his or her business;

(I) A person that the county board of election commissioners has authorized to assist in conducting the election; and

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

(b)(1) A voter who requires assistance to vote by reason of blindness, disability, or inability to read or write 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 his or her ballot.

(2) The voter shall be ~~directed to~~ offered use of a voting machine equipped for use by persons with visual or writing 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;

(B) Two (2) members of the staff of the county clerk;

(C) One (1) poll worker and one (1) member of the staff of the county clerk; or

~~(B)(D)~~ A Except as provided in this section, a person named by the voter who is either:

(i) An immediate family member of the voter; or

(ii) A qualified elector of the State of Arkansas.

(3) If the voter is assisted by ~~two (2) poll workers~~ persons under subdivisions (a)(2)(A)-(C) of this section, one (1) of the ~~poll workers~~ persons 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) If the voter is assisted by one (1) person named by the voter under subdivision (a)(2)(D) of this section, 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.~~

(B)(i) No person other than the following shall assist more than ~~six (6)~~ four (4) voters in marking and casting a ballot at an election:

~~(i)(a)~~ A poll worker;

~~(ii)(b)~~ The county clerk during early voting;

or

~~(iii)(c)~~ A deputy county clerk during early

voting.

(ii) Obtaining or delivering an absentee ballot as a

designated bearer shall be considered assisting a voter in marking and casting a ballot under subdivision (b)(4)(B)(i) of this section and shall count towards the limitation under that subdivision.

(C) The following persons, upon request, may assist only an immediate member of their families in casting a ballot under this section:

- (i) A candidate whose name appears on the ballot;
- (ii) The spouse of a candidate whose name appears on the ballot; and
- (iii) The sibling of a candidate whose name appears on the ballot.

(D) The following persons shall not assist a voter under this section:

- (i) The voter's employer;
- (ii) An agent of the voter's employer; and
- (iii) An officer or an agent of a union of which the voter is a member.

(E) A person assisting a voter in marking and casting a ballot under this section shall follow the wishes of the voter without any comment or interpretation.

(5)(A) It shall be the duty of the poll workers or members of the staff of the county clerk at the polling site to make and maintain a list register of:

- (i) Each voter requesting assistance under this section; and
- (ii) ~~the~~ The names and addresses of all persons other than poll workers or members of the staff of the county clerk assisting voters.

(B) The State Board of Election Commissioners shall prepare a register to be used by poll workers or members of the staff of the county clerk at the polling site that includes the following on each page: "I ACKNOWLEDGE THAT ARKANSAS LAW PROHIBITS A PERSON FROM ASSISTING MORE THAN FOUR (4) VOTERS PER ELECTION IN CASTING HIS OR HER BALLOT, INCLUDING SERVING AS A DESIGNATED BEARER OF AN ABSENTEE BALLOT, AND RESTRICTS A CANDIDATE ON THE BALLOT, THEIR SPOUSE, OR THEIR SIBLING TO ASSIST ONLY AN IMMEDIATE FAMILY MEMBER WITH CASTING A BALLOT. IF I AM NOT AN IMMEDIATE FAMILY MEMBER OF THE VOTER BEING ASSISTED, I ATTEST TO BEING A QUALIFIED ELECTOR OF THE STATE OF

ARKANSAS. IF I HAVE NOT PROVIDED CURRENT PHOTOGRAPHIC IDENTIFICATION, I AFFIRM THE NAME AND ADDRESSES ENTERED FOR ME ARE CORRECT. I UNDERSTAND I SHALL ONLY MARK AND CAST THE BALLOT ACCORDING TO THE WISHES OF THE VOTER WITHOUT COMMENT OR INTERPRETATION. I WILL COMPLY WITH ARKANSAS LAW. I UNDERSTAND THAT IF I PROVIDE FALSE INFORMATION ON THIS FORM I MAY BE GUILTY OF PERJURY AND SUBJECT TO A FINE OF UP TO TEN THOUSAND DOLLARS (\$10,000) OR IMPRISONMENT FOR UP TO TEN (10) YEARS, OR BOTH."

(C) The register shall contain spaces for:

(i) The voter and the person assisting the voter to sign the register;

(ii) The name and address of the person assisting the voter to be written by the poll worker or member of the staff of the county clerk beside the name of the voter; and

(iii) The voter to attest to the identity of the person assisting the voter under this section if the person assisting the voter does not have current photographic identification.

(D)(i) A person assisting a voter under this section other than poll workers or members of the staff of the county clerk shall provide current photographic identification to the poll worker.

(ii) If the person assisting the voter does not have current photographic identification, the voter shall attest to the identity of the person assisting the voter.

(E) A person shall not be permitted to assist a voter if the person:

(i) Refuses to produce current photographic identification and the voter does not attest to the identity of the person;

or

(ii) Refuses to sign the register.

(F)(i) If a person is not permitted to assist a voter under subdivisions (b)(5)(E) of this section, persons under subdivisions (b)(2)(A)-(C) of this section may assist the voter.

(ii) If a voter refuses the assistance of persons under subdivision (b)(2)(A)-(C) of this section, the voter may cast a provisional ballot with the assistance of the person not permitted to assist the voter under subdivision (b)(5)(E) of this section. The reason for casting the provisional ballot shall be written on the ballot envelope.

(iii) The ballot shall be counted if the person assisting the voter returns to the office of the county clerk within one (1) week of the election to provide current photographic identification.

(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.

(d) A person who assists a voter in casting his or her ballot is guilty of a Class D felony if the person:

(1) Knowingly votes or marks the ballot in a manner other than as directed by the voter; or

(2) Knowingly informs anyone other than the voter how the vote was cast or the ballot was marked.

/s/Ladyman