

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: H1/30/03 H3/4/03 S4/2/03

A Bill

Act 1308 of 2003
HOUSE BILL 1129

5 By: Representative King
6
7

For An Act To Be Entitled

9 AN ACT TO REVISE THE PROVISIONS CONCERNING
10 DISABLED VOTERS; AND FOR OTHER PURPOSES.
11

Subtitle

12 AN ACT TO REVISE THE PROVISIONS
13 CONCERNING DISABLED VOTERS.
14
15
16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

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

20 (b)(1) If a A voter shall inform inform the election officials at the
21 time the voter presents himself or herself to vote that he or she is unable
22 to mark his the ballot because he or she cannot read or write or because of
23 physical, sensory, or other disability or other legal cause, or that he or
24 she is unable to complete the ballot without help, such person may be
25 assisted by two (2) election officials or by any person selected by the
26 voter, who shall mark the ballot so as to vote the ballot in accordance with
27 the voter's wishes. :

28 (A) Two (2) election officials; or

29 (B) A person named by the voter.

30 (2) If the voter is assisted by two (2) election officials, one
31 (1) of the election officials shall observe the voting process and one (1)
32 may assist the voter in marking the ballot according to the wishes of the
33 voter without comment or interpretation.

34 (3) If the voter is assisted by one (1) person named by the
35 voter, he or she may assist the voter in marking the ballot according to the
36 wishes of the voter without any comment or interpretation.



1 (4) It shall be the duty of the election officials at the
 2 polling site to make and maintain a list of the names of all persons
 3 assisting voters.

4
 5 SECTION 2. Arkansas Code § 7-5-311(c) is amended to read as follows:

6 (c)(1) All rules, regulations, and procedures authorized by the state
 7 board to enable disabled persons to vote shall be designed to permit the
 8 voter to personally and secretly execute his or her ballot without the
 9 assistance of a ~~third party~~ another person unless ~~third party~~ assistance is
 10 requested by the disabled voter.

11 ~~(2) When any qualified elector notifies an election official at~~
 12 ~~the voting precinct that he or she is unable to read the ballot, the election~~
 13 ~~official shall cause the entire ballot to be read to the voter, unless the~~
 14 ~~voter instructs otherwise. The election official shall then assist the voter~~
 15 ~~without comment or interpretation in marking the ballot.~~

16 ~~(3) If the voter designates a person to assist, the election~~
 17 ~~official shall allow that person to assist the voter, and the person~~
 18 ~~designated shall read the entire ballot to the voter, unless the voter~~
 19 ~~instructs otherwise, and then assist the voter without comment or~~
 20 ~~interpretation in marking the ballot.~~

21
 22 SECTION 3. Arkansas Code § 7-5-523(a) concerning assistance to
 23 disabled voters, is amended to read as follows:

24 (a)(1) ~~If a~~ A voter informs ~~shall inform~~ the election officials at the
 25 time the voter presents himself or herself to vote that the voter is unable,
 26 because the voter cannot read or write or because of physical, sensory, or
 27 other disability, or other legal cause, or that he or she is unable to
 28 complete the ballot without help, to cast his ballot by voting machine and
 29 needs the assistance of some other person in casting his ballot, that voter
 30 may be assisted by ~~two (2) election officials, or by a person selected by the~~
 31 ~~voter, who shall operate the machine so as to vote the ballot in accordance~~
 32 ~~with the voter's wishes, and shall be permitted to keep the curtain of the~~
 33 ~~machine closed no longer than five (5) minutes.;~~

34 (A) Two (2) election officials; or

35 (B) A person named by the voter.

36 (2) If the voter is assisted by two (2) election officials, one

1 (1) of the election officials shall observe the voting process and one (1)
2 may assist the voter in operating the machine so as to vote the ballot in
3 accordance with the wishes of the voter without comment or interpretation,
4 and shall be permitted to keep the curtain closed no longer than five (5)
5 minutes.

6 (3) If the voter is assisted by one (1) person named by the
7 voter, he or she may assist the voter in operating the machine so as to vote
8 the ballot in accordance with the wishes of the voter without comment or
9 interpretation, and shall be permitted to keep the curtain closed no longer
10 than five (5) minutes.

11 (4) The laws of this state with respect to assisting persons
12 with disabilities in the casting of votes upon printed ballots shall govern,
13 insofar as is practicable, the assistance of a voter in casting his ballot by
14 voting machine.

15 (5) It shall be the duty of the election officials at the
16 polling site to make and maintain a list of the names of all persons
17 assisting voters.

18
19 SECTION 4. Arkansas Code § 7-5-305(a), concerning the procedures for
20 identifying qualified voters, is amended to read as follows:

21 7-5-305. Requirements.

22 (a) Before a person is permitted to vote, the election official shall:

23 (1) Request the voter to identify himself in order to verify the
24 existence of his name on the precinct voter registration list;

25 (2) Request the voter, in the presence of the election official,
26 to state his address and state or confirm his date of birth;

27 (3) Determine that the voter's date of birth and address are the
28 same as those on the precinct voter registration list;

29 (4) If the date of birth given by the voter is not the same as
30 that on the precinct voter registration list, request the voter to provide
31 identification as the election official deems appropriate;

32 (5)(A) If the voter's address is not the same as that on the
33 precinct voter registration list, verify with the county clerk that the
34 address is within the precinct.

35 (B) If the address is within the precinct, request the voter to
36 complete a voter registration application form for the purpose of updating

1 county voter registration record files.

2 (C) If the address is not within the precinct, instruct the
3 voter to contact the county clerk's office to determine the proper precinct;

4 (6) If the voter's name is not the same as that on the precinct
5 voter registration list, request the voter to complete a voter registration
6 application form for purposes of updating county voter registration record
7 files;

8 (7) Request the voter, in the presence of the election official,
9 to sign his name, including his given name, his middle name or initial, if
10 any, and his last name in the space provided on the precinct voter
11 registration list. If a person is unable to sign his signature or make his
12 mark or cross, the election official shall enter his initials and the voter's
13 date of birth in the space for the person's signature on the precinct voter
14 registration list; ~~and~~

15 (8)(A) Request the voter for purposes of identification to
16 provide a valid driver's license, photo identification card issued by a
17 governmental agency, voter card, social security card, birth certificate,
18 United States passport, employee identification card issued by a governmental
19 agency containing a photograph, employee identification card issued in the
20 normal course of business of the employer, student identification card,
21 Arkansas hunting license, or United States military identification card.

22 (B)(i) If a voter is unable to provide this
23 identification, the election official shall indicate on the precinct voter
24 registration list that the voter did not provide identification.

25 (ii) Following each election, the county board of
26 election commissioners may review the precinct voter registration lists and
27 may provide the information of the voters not providing identification at the
28 polls to the prosecuting attorney.

29 (iii) The prosecuting attorney may investigate
30 possible voter fraud; ~~and~~

31 (9) Follow the procedures under §§ 7-5-310, 7-5-311, and 7-5-
32 523, if the person is a disabled voter and presents himself or herself to
33 vote.

34 /s/ King

35
36 APPROVED: 4/14/2003