

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**  
4 **By: Senator Keet**

# A Bill

**SENATE BILL 57**

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 7-5-310 AND § 7-5-523 TO  
9 REDUCE THE AMOUNT OF TIME DISABLED VOTERS ARE REQUIRED TO  
10 REMAIN IN LINE AT A POLLING PLACE; TO AMEND ARKANSAS CODE  
11 § 7-5-311 TO REQUIRE THAT ALL POLLING PLACES BE ACCESSIBLE  
12 TO DISABLED VOTERS AND TO REQUIRE COUNTY ELECTION  
13 COMMISSIONS AND TO CERTIFY THEIR COMPLIANCE WITH THIS ACT;  
14 AND FOR OTHER PURPOSES."

## Subtitle

17 "AN ACT TO ALLOW DISABLED VOTERS TO ADVANCE IN LINE AT A  
18 POLLING PLACE AND TO REQUIRE POLLING PLACES BE ACCESSIBLE  
19 TO THE DISABLED."

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

22  
23 SECTION 1. Arkansas Code § 7-5-310 is hereby amended to read as  
24 follows:

25 "7-5-310. Privacy - Assistance to disabled.

26 (a) Each voter shall be provided the privacy to mark his or her ballot.  
27 *Privacy shall be provided by the County Board of Election Commissioners to*  
28 *insure that voters desiring privacy are not singled out.*

29 (b) If a voter informs the judges that he is unable to mark his ballot  
30 because he cannot read or write or because of physical, *sensory, or other*  
31 *disability* or other legal cause, such person may be assisted by two (2)  
32 election judges or by a person selected by the voter, who shall mark the  
33 ballot so as to vote the ballot in accordance with the voter's wishes.

34 (c) Any voter because of physical, *sensory, or other disability* who  
35 presents himself or herself for voting and who then informs the *election*

1 *sheriff* of each polling place that he or she is unable to stand in line for  
2 extended periods of time shall be entitled to and assisted by the *election*  
3 *sheriff* to advance to the head of any line of voters then waiting in line to  
4 vote at the polling place. *This section shall become null and void on January*  
5 *1, 1995."*

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7 SECTION 2. Arkansas Code § 7-5-523 is hereby amended to read as  
8 follows:

9 "7-5-523. Assistance to disabled voters.

10 (a) If the voter is unable, because of physical, *sensory*, or other  
11 *disability*, or other legal cause, to cast his ballot by voting machine and  
12 needs the assistance of some other person in casting his ballot, that voter  
13 may be assisted by two (2) election judges, or by a person selected by the  
14 voter, who shall operate the machine so as to vote the ballot in accordance  
15 with the voter's wishes, and shall be permitted to keep the curtain of the  
16 machine closed no longer than five (5) minutes. The laws of this state with  
17 respect to assisting persons *with disabilities* in the casting of votes upon  
18 printed ballots shall govern, insofar as is practicable, the assistance of a  
19 voter in casting his ballot by voting machine.

20 (b) Any voter because of physical, *sensory*, or other disability who  
21 presents himself or herself for voting by voting machine and who then informs  
22 the presiding election *election sheriff* of each polling place that he or she  
23 is unable to stand in line for extended periods of time shall be entitled to  
24 and assisted by the *election sheriff* to advance to the head of any line of  
25 voters then waiting in line to vote at the polling place. *This section shall*  
26 *become null and void on January 1, 1995."*

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28 SECTION 3. Arkansas Code § 7-5-311 is hereby amended to read as  
29 follows:

30 "7-5-311. Disabled voters - Special procedures.

31 (a) The county boards of election commissioners and the county  
32 committees of the respective political parties with respect to general,  
33 special, and primary elections under their several jurisdictions shall provide  
34 voting locations which are accessible to disabled voters and shall provide  
35 reasonable and adequate methods whereby disabled voters may personally and

1 secretly execute their ballots at the polling places.

2 (b) The State Board of Election Commissioners, after conferring with  
3 and obtaining the assistance of disabled persons or organizations of disabled  
4 citizens, shall promulgate rules and regulations for special procedures to be  
5 followed by election officials at voting precincts that will assist in  
6 accommodating voting by disabled voters. The regulations shall include, but  
7 are not limited to, the promulgation of the form of a special ballot, which  
8 reasonably complies with the form of the paper ballot now provided by law, to  
9 be used by visually impaired or disabled voters in executing their ballot.  
10 Such special ballots may be used at voting places in lawful elections in this  
11 state in lieu of voting by voting machine, electronic voting device, or the  
12 regular paper ballot, when requested by the disabled person, if suitable  
13 accommodations are not provided whereby voters may cast their votes in secret  
14 except by the use of the special ballot.

15 (c) All rules, regulations, and procedures authorized by the State  
16 Board of Election Commissioners to enable disabled persons to vote shall be  
17 designed to permit the voter to personally and secretly execute his ballot  
18 without the assistance of a third party unless third-party assistance is  
19 requested by the disabled voter.

20 (d) As used in this section, the term *\_disabled voter\_* shall mean the  
21 visually impaired and persons with physical or mental disabilities, but who  
22 are legally competent to vote in lawful elections in this state.

23 (e) (1) The county board of election commissioners shall be responsible  
24 for compliance with this section and with Public Law 98-435 *and title II of*  
25 *Public Law 101-336, the Americans with Disabilities Act regarding the*  
26 *accessibility of voting locations for disabled voters*, except that county  
27 political parties shall be responsible for compliance with this section and  
28 with Public Law 98-435 for primary elections.

29 (2) The Secretary of State shall provide the chairman of each  
30 county board of election commissioners and the chairman of each county  
31 political party a copy of this section and Public Law 98-435.

32 (3) The Secretary of State shall send the copies by certified  
33 mail.

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35 SECTION 4. All provisions of this act of general and permanent nature

1 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
2 Revision Commission shall incorporate the same in the Code.

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4 SECTION 5. If any provisions of this act or the application thereof to  
5 any person or circumstance is held invalid, the invalidity shall not affect  
6 other provisions or applications of the act which can be given effect without  
7 the invalid provisions or application, and to this end the provisions of this  
8 act are declared to be severable.

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10 SECTION 6. All laws and parts of laws in conflict with this act are  
11 hereby repealed.

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*/s/ Jim Keet*

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***As Engrossed: 2/2/93 2/9/93 2/11/93 4/8/93***

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