

1 State of Arkansas As Engrossed: H3/28/19 H3/29/19

2 92nd General Assembly

A Bill

3 Regular Session, 2019

HOUSE BILL 1665

4

5 By: Representative Brown

6 By: Senator T. Garner

7

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For An Act To Be Entitled

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AN ACT TO STRENGTHEN VOTER TRUST IN THE ELECTION

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PROCESS; TO AMEND THE LAW CONCERNING ELECTION PROCESS

11

AND ADMINISTRATION; AND FOR OTHER PURPOSES.

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13

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Subtitle

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TO STRENGTHEN VOTER TRUST IN THE ELECTION

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PROCESS; AND TO AMEND THE LAW CONCERNING

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ELECTION PROCESS AND ADMINISTRATION.

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

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

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

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

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

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

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~~(ii) Determine~~ determine and provide the appropriate

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number of voting booths ~~at a~~ for each polling site.

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(B) A voting booth shall be:

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(i) Constructed to permit the voter to prepare his

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or her ballot while screened from observation;

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(ii) Furnished with supplies and conveniences that



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

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

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

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

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

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

12 (A) An election official;

13 (B) An authorized poll watcher;

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

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

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

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

19 (E) A person lawfully assisting the voter;

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

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

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

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

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

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

1 (K) the county clerk.

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

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

11 (A) Two (2) poll workers; or

12 (B) A person named by the voter.

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

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

20 (ii) If an election official witnesses the person
21 assisting the voter comment or interpret in violation of subdivision
22 (b)(4)(A)(i) of this section:

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

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

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

30 (i) A poll worker;

31 (ii) The county clerk during early voting; or

32 (iii) A deputy county clerk during early voting.

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

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

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

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

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

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

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

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

20 (B) The name and address of the facility;

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

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

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

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31 /s/Brown

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34 APPROVED: 4/12/19