

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Senator Smith**

A Bill

ACT 908 OF 1995
SENATE BILL 845

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 7-5-310 AND 7-5-523 TO SET
9 FORTH REQUIREMENTS FOR ASSISTING A DISABLED VOTER; AND FOR
10 OTHER PURPOSES."

Subtitle

13 "TO SET FORTH REQUIREMENTS FOR ASSISTING
14 A DISABLED VOTER"

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

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

19 "7-5-310. Privacy - Assistance to disabled voters.

20 (a) Each voter shall be provided the privacy to mark his or her ballot.
21 Privacy shall be provided by the county boards of election commissioners to
22 insure that voters desiring privacy are not singled out.

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

28 (c) Any voter because of physical, sensory, or other disability who
29 presents himself or herself for voting and who then informs the election
30 sheriff of each polling place that he or she is unable to stand in line for
31 extended periods of time shall be entitled to and assisted by the election
32 sheriff to advance to the head of any line of voters then waiting in line to
33 vote at the polling place."

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

36 "7-5-523. Assistance to disabled voters.

1 (a) If a voter informs the election judges that the voter is unable,
2 because the voter cannot read or write or because of physical, sensory, or
3 other disability, or other legal cause, to cast his ballot by voting machine
4 and needs the assistance of some other person in casting his ballot, that
5 voter may be assisted by two (2) election judges, or by a person selected by
6 the voter, who shall operate the machine so as to vote the ballot in
7 accordance with the voter's wishes, and shall be permitted to keep the curtain
8 of the machine closed no longer than five (5) minutes. The laws of this state
9 with respect to assisting persons with disabilities in the casting of votes
10 upon printed ballots shall govern, insofar as is practicable, the assistance
11 of a voter in casting his ballot by voting machine.

12 (b) Any voter because of physical, sensory, or other disability who
13 presents himself or herself for voting by voting machine and who then informs
14 the presiding election sheriff of each polling place that he or she is unable
15 to stand in line for extended periods of time shall be entitled to and
16 assisted by the election sheriff to advance to the head of any line of voters
17 then waiting in line to vote at the polling place."

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19 SECTION 3. All provisions of this act of a general and permanent nature
20 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
21 Revision Commission shall incorporate the same in the Code.

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23 SECTION 4. If any provision of this act or the application thereof to
24 any person or circumstance is held invalid, such invalidity shall not affect
25 other provisions or applications of the act which can be given effect without
26 the invalid provision or application, and to this end the provisions of this
27 act are declared to be severable.

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29 SECTION 5. All laws and parts of laws in conflict with this act are
30 hereby repealed.

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APPROVED: 4-5-95

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