

1 State of Arkansas

2 80th General Assembly

3 Regular Session, 1995

4 By: Representative Ferguson

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 7-5-311 TO PROVIDE THAT
9 TWO ELECTION JUDGES MAY ASSIST A DISABLED VOTER IN
10 EXECUTING AN ELECTION BALLOT IF THE DISABLED VOTER
11 REQUESTS ASSISTANCE; AND FOR OTHER PURPOSES."

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Subtitle

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

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22 SECTION 1. Arkansas Code § 7-5-311 is amended to read as follows:

23 "7-5-311. Disabled voters - Special procedures.

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(a) The county boards of election commissioners and the county committees of the respective political parties with respect to general, special, and primary elections under their several jurisdictions shall provide voting locations which are accessible to disabled voters and shall provide reasonable and adequate methods whereby disabled voters may personally and secretly execute their ballots at the polling places.

(b) The State Board of Election Commissioners, after conferring with and obtaining the assistance of disabled persons or organizations of disabled citizens, shall promulgate rules and regulations for special procedures to be followed by election officials at voting precincts that will assist in accommodating voting by disabled voters. The regulations shall include, but are not limited to, the promulgation of the form of a special ballot, which

1 reasonably complies with the form of the paper ballot now provided by law, to
2 be used by visually impaired or disabled voters in executing their ballot.
3 Such special ballots may be used at voting places in lawful elections in this
4 state in lieu of voting by voting machine, electronic voting device, or the
5 regular paper ballot, when requested by the disabled person, if suitable
6 accommodations are not provided whereby voters may cast their votes in secret
7 except by the use of the special ballot.

8 (c)(1) All rules, regulations, and procedures authorized by the State
9 Board of Election Commissioners to enable disabled persons to vote shall be
10 designed to permit the voter to personally and secretly execute his ballot
11 without the assistance of a third party unless third-party assistance is
12 requested by the disabled voter.

13 (2) If third-party assistance is requested by the disabled
14 voter, the voter will be assisted by two (2) election judges who will operate
15 the machine or mark the ballot in accordance with the voter's wishes.

16 (d) As used in this section, the term 'disabled voter' shall mean the
17 visually impaired and persons with physical or mental disabilities, but who
18 are legally competent to vote in lawful elections in this state.

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

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

28 (3) The Secretary of State shall send the copies by certified
29 mail."

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31 SECTION 2. All provisions of this act of a general and permanent
32 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
33 Code Revision Commission shall incorporate the same in the Code.

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35 SECTION 3. If any provision of this act or the application thereof to

1 any person or circumstance is held invalid, such invalidity shall not affect
2 other provisions or applications of the act which can be given effect without
3 the invalid provision or application, and to this end the provisions of this
4 act are declared to be severable.

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6 SECTION 4. All laws and parts of laws in conflict with this act are
7 hereby repealed.

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