

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas *As Engrossed: H3/13/13 H3/18/13*

2 89th General Assembly

A Bill

3 Regular Session, 2013

HOUSE BILL 1712

4

5 By: Representatives Bragg, Cozart, Dale, Hammer, Scott, Slinkard, Vines

6 By: Senator A. Clark

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For An Act To Be Entitled

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AN ACT TO PREVENT THE USE OF CERTAIN ELECTRONIC

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DEVICES IN THE POLLING PLACE; AND FOR OTHER PURPOSES.

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Subtitle

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TO PREVENT THE USE OF CERTAIN ELECTRONIC

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DEVICES IN THE POLLING PLACE.

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

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SECTION 1. Arkansas Code § 7-5-309 is amended to read as follows:

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7-5-309. Voting procedure.

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~~(a)(1) At general, primary, special, and school elections in counties that use paper ballots, the county board of election commissioners shall provide voting booths for each polling site in a number deemed appropriate by the county board of election commissioners.~~

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~~(2) Each voting booth shall be situated so as to permit a voter to prepare his or her ballot screened from observation and shall be furnished with any supplies and conveniences as will enable the voter to prepare his or her ballot.~~

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~~(3) The voting booths shall be situated in the polling site in plain view of the poll workers.~~

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~~(4) A person other than the poll workers and those admitted for the purpose of voting shall not be permitted within the immediate voting area, which shall be considered as within six feet (6') of the voting booths, except by authority of the election judge and then only when necessary to keep order and enforce the law.~~

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1 ~~(b)~~ Before giving the voter a ballot, a poll worker shall:

2 (1) Initial the back of the ballot;

3 (2) Remove the ballot stub; and

4 (3) Place the stub into the stub box provided.

5 ~~(e)~~(b)(1)(A) Upon receiving his or her ballot, the voter shall proceed
6 to mark it by placing an appropriate mark.

7 (B) A voter shall not be allowed more than five (5)
8 minutes to mark his or her ballot.

9 (2) The voter shall ~~then personally~~ deposit the marked ballot
10 into the ballot box provided.

11 ~~(d)~~(1)(c) The voter shall not be required to sign, initial, or in any
12 way identify himself or herself with the ballot, the ballot stub, or the list
13 of voters other than in the manner ~~set forth~~ provided in this section.

14 ~~(2) However, a~~

15 (d) A poll worker may inspect the back of the ballot before the voter
16 deposits it to see if it has been initialed by an election official.

17 (e) After having voted or ~~having~~ declined to ~~do so~~ vote, the voter
18 shall immediately depart from the polling site.

19 (f) A person shall not ~~be permitted to~~ carry a ballot outside of the
20 polling place.

21 (g)(1) If a paper ballot is left ~~at a voting booth or anywhere else~~ in
22 the polling site ~~without being inserted into~~ outside of the ballot box ~~by~~
23 after the voter ~~before departing the polling site~~ has departed, a poll worker
24 shall:

25 (A) Write "Abandoned" on the face of the paper ballot;

26 (B) Place the paper ballot into an envelope marked
27 "Abandoned Ballot";

28 (C) Note in writing on the outside of the envelope ~~all~~ the
29 circumstances surrounding the abandoned ballot; and

30 (D) Preserve the abandoned ballot separately.

31 (2) The county board of election commissioners shall not count
32 the ballot.

33 (h)(1) If ~~a paper ballot that is fed by a voter into~~ an electronic
34 vote tabulating device at the polling site ~~is rejected by the device but is~~
35 still has rejected a ballot that remains in the receiving part of the ~~counter~~
36 device ~~and the voter has not reported to a poll worker his or her desire to~~

1 ~~cancel or replace the ballot before departing the polling site~~, two (2) poll
2 workers shall ~~take action to~~ override warnings on the device and complete the
3 process of casting the ballot only if:

4 (A) The voter has departed the polling site; and

5 (B) The voter did not indicate that he or she chose to
6 cancel or replace the ballot.

7 (2) The poll workers shall document:

8 (A) The time;

9 (B) The name of the voter;

10 (C) The names of the poll workers completing the process
11 of casting the ballot; and

12 (D) All other circumstances surrounding the abandoned
13 ballot.

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15 SECTION 2. Arkansas Code § 7-5-310(a), concerning privacy in voting
16 booths, is amended to read as follows:

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

21 (2)(A) In a county that uses paper ballots, the county board of
22 election commissioners shall:

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

24 (ii) Determine the appropriate number of voting
25 booths at a polling site.

26 (B) A voting booth shall be:

27 (i) Constructed to permit the voter to prepare his
28 or her ballot screened from observation;

29 (ii) Furnished with supplies and conveniences that
30 will enable the voter to prepare his or her ballot; and

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

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

35 (i) The person is authorized by an election judge;
36 and

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

3 (3) A person may not enter a polling place on election day
4 during voting hours unless the person is:

5 (A) An election official;

6 (B) An authorized poll watcher;

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

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

9 (i) Does not disrupt or interfere with the normal
10 voting procedures; and

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

12 (E) A person lawfully assisting the voter;

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

15 (G) A monitor authorized by the State Board of Election
16 Commissioners or observer authorized by a federal agency with the authority
17 to place the observer at the polling place;

18 (H)(i) A person with business in the polling place that is
19 not connected to the election.

20 (ii) A person with business in the polling place
21 that is not connected to the election shall remain outside of the voting room
22 except to pass through or by the voting room with the purpose to conduct his
23 or her business;

24 (I) A person that the county board of election
25 commissioners has authorized to assist in conducting *the election*; and

26 (J) A person authorized by the State Board of Election
27 Commissioners or county board of election commissioners.

28 (4) A person shall not use photographic, electronic monitoring,
29 recording, or cellular devices in a polling place to take a picture of a
30 voter's marked ballot.

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33 /s/Bragg
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