

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1665

5 By: Representative Brown
6

For An Act To Be Entitled

8 AN ACT TO STRENGTHEN VOTER TRUST IN THE ELECTION
9 PROCESS; TO AMEND THE LAW CONCERNING ELECTION PROCESS
10 AND ADMINISTRATION; AND FOR OTHER PURPOSES.
11

Subtitle

12 TO STRENGTHEN VOTER TRUST IN THE ELECTION
13 PROCESS; AND TO AMEND THE LAW CONCERNING
14 ELECTION PROCESS AND ADMINISTRATION.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 7-5-310 is amended to read as follows:

22 7-5-310. Privacy – Assistance to voters with disabilities.

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

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

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

30 ~~(ii) Determine~~ determine and provide the appropriate
31 number of voting booths ~~at a~~ for each polling site.

32 (B) A voting booth shall be:

33 (i) Constructed to permit the voter to prepare his
34 or her ballot while screened from observation;

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



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

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

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

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

9 (3) A person may not enter an early voting location on an early
 10 voting day during voting hours or a polling place on election day during
 11 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;

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

27 (ii) A person with business in the polling place
 28 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 voting room
 30 without speaking to a voter or election official and with the purpose to
 31 conduct his or her business;

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

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

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

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

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

11 (B) A person named by the voter.

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

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

19 (ii) If an election official witnesses the person
 20 assisting the voter comment or interpret in violation of subdivision

21 (b)(4)(A)(i) of this section:

22 (a) The election official shall remove the
 23 person assisting the voter from the polling site; and

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

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

29 (i) A poll worker;

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

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

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

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

36 (ii) The candidate may only assist a voter who is

1 related to the candidate within the second degree of consanguinity.

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

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

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

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

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

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

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

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

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