

## **Advisory Standards 2015-001 and 2015-002**

The following advisory standards have been approved by the Arkansas State Board of Election Commissioners in an effort to ensure compliance with state laws regarding the secrecy of a voter's ballot.

**Findings:** Amendment 50 §2 of the Arkansas State Constitution provides that all elections by the people shall be by ballot or voting machines which insure the secrecy of individual votes. The election code implements this constitutional protection by requiring that:

- A. Voting booths be provided where paper ballots are used (A.C.A. §7-5-310(a)(2));
- B. Voting machines be placed so that no person can see or determine how the voter votes (A.C.A. §7-5-521(b)); and
- C. A 6 foot privacy zone around voting booths be observed (A.C.A. § 7-5-310(a)(2)(C)).

These rules apply equally during early voting and on election day, according to A.C.A. § 7-5-418(e) and (f) and the people of Arkansas have a reasonable expectation that these election laws are followed and strictly construed.

**Advisory Standard 2015-001:** All voting locations in this state must allow any voter to personally and secretly cast his ballot. If voting by paper ballot, voting booths must be provided. Although a voter may waive his right to privately cast a ballot, a sufficient number of voting booths should be made available to accommodate every voter who presents himself to vote. When selecting voting locations, county clerks and county election commissioners must select locations that adequately comply with these requirements.

**Advisory Standard 2015-002:** If voting by machine, the machines must be arranged to ensure that a voter's ballot remains secret at all times. Therefore, the following standards shall be met:

- A. Voting machines must be spaced at least 6 feet apart from the next machine.
- B. Voting machine screens must not face or be visible by other voters within the voting location.
- C. The arrangement of the voting location must not allow voters to see the ballot portion of a voting machine at any time. This includes lines, other wait areas for voters, and entrances and exits to the voting location itself.
- D. If a violation of one of these requirements is brought to the attention of an election official, the State Board of Election Commissioners expects the election officials to take all reasonable steps to ensure compliance with secret ballot and privacy requirements.