

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: H3/17/03

A Bill

Act 995 of 2003
SENATE BILL 271

5 By: Senators Faris, Argue, Broadway, Baker, Wilkins, J. Jeffress, Wilkinson, B. Johnson, J. Bookout, T.
6 Smith, G. Jeffress, Glover, Capps
7 By: Representatives King, Agee, Scrimshire, Lendall, Parks, Seawel, Ormond, Elliott, Pritchard, Mathis,
8 D. Evans, Mahony, L. Evans, Hardwick, Thomason, Penix, Sumpter, Sullivan, Pace, Thyer, Edwards,
9 Jackson, Rosenbaum, Biggs

For An Act To Be Entitled

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11
12 AN ACT TO AMEND VARIOUS SECTIONS OF AMENDMENT 51
13 TO THE ARKANSAS CONSTITUTION CONCERNING VOTER
14 REGISTRATION; AND FOR OTHER PURPOSES.
15

Subtitle

16
17 AN ACT TO AMEND VARIOUS SECTIONS OF
18 AMENDMENT 51 TO THE ARKANSAS
19 CONSTITUTION CONCERNING VOTER
20 REGISTRATION.
21

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23
24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. Pursuant to the authority granted in §19 of Amendment 51 to
27 the Arkansas Constitution, § 6(a) of Amendment 51 to the Arkansas
28 Constitution, concerning voter registration application forms, is amended to
29 read as follows:

30 (a)(1) The mail voter registration application form may only require
31 identifying information, including signature or mark, and other information,
32 including data relating to previous registration by the applicant, as is
33 necessary to assess the applicant's eligibility and to administer voter
34 registration and other parts of the election process.

35 (2) Such forms shall include, in identical print, statements
36 that:



- 1 (A) Specify voter eligibility requirements;
- 2 (B) Contain an attestation that the applicant meets all
- 3 voter eligibility requirements;
- 4 (C) Specify the penalties provided by law for submission
- 5 of a false voter registration application;
- 6 (D) Inform applicants that where they register to vote
- 7 will be kept confidential; and
- 8 (E) Inform applicants that declining to register will also
- 9 be kept confidential.

10 (3) The following information will be required of the applicant:

- 11 (A) Full name;
- 12 (B) Mailing address;
- 13 (C) Residence address and any other information necessary
- 14 to identify the residence of the applicant;
- 15 (D) If previously registered, the name then supplied by
- 16 the applicant, and the previous address, county, and state;
- 17 (E) Date of birth;
- 18 (F) A signature or mark made under penalty of perjury that
- 19 the applicant meets each requirement for voter registration; ~~and~~
- 20 (G) If the applicant is unable to sign his or her name,
- 21 the name, address, and telephone number of the person providing assistance;
- 22 (H) If the applicant has a current and valid driver's
- 23 license, the applicant's driver's license number;
- 24 (I) If the applicant does not have a current and valid
- 25 driver's license, the last four (4) digits of the applicant's social security
- 26 number; and
- 27 (J) If the applicant does not have a current and valid
- 28 driver's license number or social security number, the Secretary of State
- 29 will assign the applicant a number which will serve to identify the applicant
- 30 for voter registration purposes, and this number shall be placed on the
- 31 application.

32 (4) The following information may be requested on the

33 registration card, but it shall not be required:

- 34 (A) Telephone number where the applicant may be contacted;
- 35 and
- 36 ~~(B) Social security number or driver's license number; and~~

1 ~~(C)~~(B) Political party with which the applicant wishes to
2 be affiliated, if any.

3 (5) The mail voter registration application shall not include
4 any requirement for notarization or other formal authentication.

5 (6) The mail voter registration application form shall ~~be pre-~~
6 ~~addressed to the Secretary of State.~~ include the following questions along
7 with boxes for the applicant to check “yes” or “no” in response:

8 (A) “Are you a citizen of the United States of America and
9 an Arkansas resident?”;

10 (B) “Will you be eighteen (18) years of age on or before
11 election day?”;

12 (C) “Are you presently adjudged mentally incompetent by a
13 court of competent jurisdiction?”;

14 (D) “Have you ever pleaded guilty or nolo contendere to,
15 or found guilty of a felony without your sentence having been discharged or
16 pardoned?”; and

17 (E) “Do you claim the right to vote in another county or
18 state?”.

19 (7) The mail voter registration application form shall include
20 the following statements immediately following the questions asked in
21 subdivision (a)(6) of this section:

22 (A) “If you checked “No” in response to either questions A
23 or B, do not complete this form.”;

24 (B) “If you checked “Yes” in response to one or more of
25 questions C, D, or E, do not complete this form.”; and

26 (C) A statement informing the individual that if the form
27 is submitted by mail and the individual is registering for the first time, a
28 current and valid photo identification or a copy of a current utility bill,
29 bank statement, government check, paycheck, or other government document that
30 shows the name and address of the voter, must be submitted with the mailed
31 registration form in order to avoid the additional identification
32 requirements upon voting for the first time.

33 (8) If an applicant for voter registration fails to answer the
34 questions included in subdivision (a)(6) of this section, the permanent
35 registrar shall notify the applicant of the failure and provide the applicant
36 with an opportunity to complete the form in a timely manner to allow for its

1 completion before the next election for federal office.

2 (9) The mail voter registration application shall be pre-
3 addressed to the Secretary of State.

4
5 SECTION 2. Pursuant to the authority granted in §19 of Amendment 51 to
6 the Arkansas Constitution, §7 of Amendment 51 to the Arkansas Constitution is
7 amended to read as follows:

8 § 7. Registration record files.

9 ~~(a) In each county, the permanent registrar shall maintain the~~
10 ~~following voter registration record files for all voters legally resident~~
11 ~~within that county:~~

12 ~~(1) The county voter registration file, which shall contain~~
13 ~~voter registration records for the whole county, including the inactive~~
14 ~~registration records of persons who have failed to respond to address~~
15 ~~confirmation mailings described in section 10 of this amendment;~~

16 ~~(2) If a county is divided into more than one (1) congressional~~
17 ~~district, then congressional district voter registration files, which shall~~
18 ~~contain only the voter registration records of county residents that reside~~
19 ~~within the same congressional district;~~

20 ~~(3) A list maintenance file, which shall contain lists of~~
21 ~~persons receiving address confirmation notices or final address confirmation~~
22 ~~notices or both and the person's response; and~~

23 ~~(4) A file of cancelled voter registration records, which shall~~
24 ~~contain cancelled voter registration records and documentation noting the~~
25 ~~reason for cancellation.~~

26 ~~(b) The permanent registrar of each county shall maintain copies of~~
27 ~~the precinct voter registration lists from the county voter registration file~~
28 ~~as necessary for holding elections.~~

29 ~~(c) Persons with an inactive voter registration status may activate~~
30 ~~their voting status by appearing to vote at the precinct in which they~~
31 ~~currently reside or by updating their voter registration records.~~

32 ~~(d) The county board of registration or other lawfully designated~~
33 ~~election officials shall cause the appropriate precinct voter registration~~
34 ~~lists to be at the polling places on the date of elections, and shall return~~
35 ~~them at the close of the election to the office of the permanent registrar~~
36 ~~with the ballot boxes.~~

1 ~~(e) If the legal residence of a voter is renamed, renumbered, or~~
2 ~~annexed, the permanent registrar may change the name or number of the legal~~
3 ~~residence on the voter's registration record and any other voting records.~~
4 ~~Within fifteen (15) days after the records are changed to reflect the new~~
5 ~~name or number of the residence, the permanent registrar shall notify the~~
6 ~~voter by mail that the change has been made.~~

7 (a) The Secretary of State shall define, maintain, and administer the
8 official, centralized, and interactive computerized voter registration list
9 for all voters legally residing within the State, and the list shall include:

10 (1) The name, address, county, precinct, assigned unique
11 identifier and registration information of every legally registered voter in
12 the state;

13 (2) The inactive registration records of persons who have failed
14 to respond to address confirmation mailings described in § 10 of this
15 amendment;

16 (3) List maintenance information for each person receiving
17 address confirmation notices or final address confirmation notices or both
18 and the person's response; and

19 (4) Cancelled voter registration records and documentation
20 noting the reason for cancellation.

21 (b) The computerized list shall serve as the single system for storing
22 and managing the official list of registered voters throughout the state.

23 (c) The computerized list shall serve as the official voter
24 registration list for the conduct of all elections for federal, state,
25 county, municipal, school, or other office in the state.

26 (d) The permanent registrar of each county shall maintain copies of
27 that county's precinct voter registration list from the statewide
28 computerized list as necessary for holding elections.

29 (e) The computerized list shall be coordinated with other state agency
30 records on felony status as maintained by the Arkansas Crime Information
31 Center, records on death as maintained by the State Department of Health, and
32 driver's license records maintained by the Office of Driver Services,
33 according to § 9 of Amendment 51 to the Arkansas Constitution.

34 (f) A person with an inactive voter registration status may activate
35 his or her voting status by appearing to vote at the precinct in which he or
36 she currently resides or by updating his or her voter registration records

1 with the permanent registrar of the county in which he or she resides.

2 (g) The county board of election commissioners or other lawfully
 3 designated election officials shall cause the appropriate precinct voter
 4 registration lists to be at the polling places on the date of elections, and
 5 shall return them at the close of the election to the office of the permanent
 6 registrar with the ballot boxes.

7 (h) If the legal residence of a voter is renamed, renumbered, or
 8 annexed, the permanent registrar or any local election official may change
 9 the name or number of the legal residence on the voter's registration record
 10 and any other voting records. Within fifteen (15) days after the records are
 11 changed to reflect the new name or number of the residence, the permanent
 12 registrar shall notify the voter by mail that the change has been made.

13 (i)(1) Any election official in the state, including any local
 14 election official, may obtain immediate electronic access to the information
 15 contained in the computerized list.

16 (2) All voter registration information obtained by any local
 17 election official in the state shall be electronically entered into the
 18 computerized list on an expedited basis at the time the information is
 19 provided to the local official.

20 (3) The Secretary of State shall provide the support as may be
 21 required so that local election officials are able to enter the information.

22
 23 SECTION 3. Pursuant to the authority granted in § 19 of Amendment 51
 24 to the Arkansas Constitution, § 9 of Amendment 51 to the Arkansas
 25 Constitution, concerning applications to register to vote, is amended to read
 26 as follows:

27 (a) All persons may register who:

28 (1) Are qualified electors and who have not previously
 29 registered;

30 (2) Will become qualified electors during the thirty-day period
 31 immediately prior to the next election scheduled within the county; or

32 (3) Are qualified electors but whose registration has been
 33 cancelled in a manner provided for by this amendment.

34 (b) Registration shall be in progress at all times except during the
 35 thirty-day period immediately prior to any election scheduled within the
 36 county, during which period registration of voters shall cease for that

1 election, but registration during such period shall be effective for
2 subsequent elections.

3 (c)(1) The permanent registrar shall register qualified applicants
4 when a legible and complete voter registration application is received and
5 acknowledged by the permanent registrar.

6 (2) The permanent registrar shall register qualified applicants
7 who apply to register to vote by mail using the state or federal mail voter
8 registration application form if:

9 (A) a A legible and complete voter registration application
10 form is postmarked not later than thirty (30) days before the date of the
11 election, or, if the form is received by mail without a postmark, not later
12 than twenty-five (25) days before the date of an election; and

13 (B)(i) The applicant provides a current valid driver's
14 license number or the last four (4) digits of the applicant's social security
15 number; or

16 (ii) If an applicant for voter registration does not
17 have a valid driver's license or a social security number, the Secretary of
18 State shall assign the applicant a number that will serve as a unique
19 identifier of the applicant for voter registration purposes.

20 (d) The permanent registrar shall notify applicants whether their
21 applications are accepted or rejected, or are incomplete. If information
22 required by the permanent registrar is missing from the voter registration
23 application, the permanent registrar shall contact the applicant to obtain
24 the missing information.

25 (e) The Secretary of State and the Director of the Office of Driver
26 Services shall enter into an agreement to match information in the database
27 of the statewide voter registration system with information in the database
28 of the Office of Driver Services to the extent required to enable each
29 official to verify the accuracy of the information provided on applications
30 for voter registration. The Director of the Office of Driver Services shall
31 enter into an agreement with the Commissioner of Social Security to verify
32 driver's license information according to § 303 of the Federal Help America
33 Vote Act of 2002.

34 ~~(e)(f)~~ Registration records shall be ~~filed~~ or entered promptly in the
35 computerized statewide registration record files. If the applicant lacks one
36 (1) or more of the qualifications required by law of voters in this state,

1 the permanent registrar shall not register the applicant, but shall document
 2 the reason for denying the applicant's registration and promptly file or
 3 enter the application and the documented reason for denying registration in
 4 the statewide registration record files.

5 (f)(g) If the permanent registrar has any reason to doubt the
 6 qualifications of an applicant for registration, he or she shall submit such
 7 application to the county board of ~~registration~~ election commissioners, and
 8 such board shall make a determination with respect to such qualifications and
 9 shall instruct the permanent registrar regarding the same.

10 ~~(g)~~(h) If any person eligible to register as a voter is unable to
 11 register in person at the permanent registrar's office by reason of sickness
 12 or physical disability, the permanent registrar shall register the applicant
 13 at his or her place of abode within such county, if practicable, in the same
 14 manner as if he or she had appeared at the permanent registrar's office.

15 ~~(h)~~(i) Notwithstanding other provisions of this amendment, every
 16 person in any of the following categories who is absent from the place of his
 17 or her voting residence may vote without registration by absentee ballot in
 18 any primary, special, or general election held in his or her election
 19 precinct if he or she is otherwise eligible to vote in that election:

20 (1) Members of the armed forces while in active service, and
 21 their spouses and dependents;

22 (2) Members of the Merchant Marines in the United States and
 23 their spouses and dependents;

24 (3) Citizens of the United States temporarily residing outside
 25 the limits of the United States and the District of Columbia, and their
 26 spouses and dependents when residing with or accompanying them.

27 (j)(1) The Secretary of State shall be responsible for providing to
 28 all absent uniformed services voters and overseas voters who wish to register
 29 to vote or vote in any jurisdiction in the state, information regarding voter
 30 registration procedures and absentee ballot procedures.

31 (2) No later than ninety (90) days after the date of each
 32 regularly scheduled general election for federal office, the Secretary of
 33 State shall submit a report, based on information submitted to him or her by
 34 the permanent registrars of each county, to the Election Assistance
 35 Commission on the combined number of absentee ballots transmitted to absent
 36 uniformed services voters and overseas voters for the election and the

1 combined number of the ballots which were returned by the voters and cast in
2 the election.

3 (3) The Secretary of State shall make the report available to
4 the general public.

5 ~~(i)~~(k) Any person whose registration status or voting eligibility is
6 affected adversely by an administrative determination under this amendment
7 may appeal such adverse determination within five (5) days of receipt of
8 notice thereof to the county board of ~~registration~~ election commissioners.
9 The county board of ~~registration~~ election commissioners shall act on such
10 appeal and render its decision within ten (10) days of its receipt. Within
11 thirty (30) days after receipt of such decision, any aggrieved party may
12 appeal further to the circuit court of the county.

13 ~~(j)~~(l) If an election law deadline occurs on a Saturday, Sunday or
14 legal holiday, the deadline shall be the next day which is not a Saturday,
15 Sunday or legal holiday.

16
17 */s/ Faris, et al*
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20 **APPROVED: 4/1/2003**
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