

**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.  
Act 1952 of the Regular Session**

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005  
4

# A Bill

HOUSE BILL 2966

5 By: Representative Anderson  
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## For An Act To Be Entitled

9 AN ACT CONCERNING VOTER REGISTRATION; TO AMEND  
10 AMENDMENT 51 OF THE ARKANSAS CONSTITUTION; AND  
11 FOR OTHER PURPOSES.  
12

## Subtitle

13 AN ACT TO AMEND AMENDMENT 51 OF THE  
14 ARKANSAS CONSTITUTION.  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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20 SECTION 1. Pursuant to the authority granted in Section 19 of  
21 Amendment 51 to the Arkansas Constitution, Section 9 of Amendment 51 to the  
22 Arkansas Constitution is amended to read as follows:

23 § 9. Application to register.

24 (a) All persons may register who:

25 (1) Are qualified electors and who have not previously  
26 registered;

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

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

31 (b) Registration shall be in progress at all times except during the  
32 thirty-day period immediately prior to any election scheduled within the  
33 county, during which period registration of voters shall cease for that  
34 election, but registration during such period shall be effective for  
35 subsequent elections.



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

4 (2) Any person who assists applicants with a voter registration  
 5 application as part of a voter registration drive or who, in furtherance of a  
 6 voter registration drive, gathers or possesses completed applications for  
 7 submission to the permanent registrar or Secretary of State shall deliver all  
 8 applications in his or her possession to the permanent registrar or Secretary  
 9 of State within twenty-one (21) days of the date on the voter registration  
 10 application and, in any event, no later than the deadline for voter  
 11 registration for the next election.

12 ~~(2)~~(3) The permanent registrar shall register qualified  
 13 applicants who apply to register to vote by mail using the state or federal  
 14 mail voter registration application form if:

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

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

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

26 (d) The permanent registrar shall notify applicants whether their  
 27 applications are accepted or rejected, or are incomplete. If information  
 28 required by the permanent registrar is missing from the voter registration  
 29 application, the permanent registrar shall contact the applicant to obtain  
 30 the missing information.

31 (e) The Secretary of State and the Director of the Office of Driver  
 32 Services shall enter into an agreement to match information in the database  
 33 of the statewide voter registration system with information in the database  
 34 of the Office of Driver Services to the extent required to enable each  
 35 official to verify the accuracy of the information provided on applications  
 36 for voter registration. The Director of the Office of Driver Services shall

1 enter into an agreement with the Commissioner of Social Security to verify  
 2 driver's license information according to § 303 of the Federal Help America  
 3 Vote Act of 2002.

4 (f) Registration records shall be entered promptly in the computerized  
 5 statewide registration record files. If the applicant lacks one (1) or more  
 6 of the qualifications required by law of voters in this state, the permanent  
 7 registrar shall not register the applicant, but shall document the reason for  
 8 denying the applicant's registration and promptly file or enter the  
 9 application and the documented reason for denying registration in the  
 10 statewide registration record files.

11 (g) If the permanent registrar has any reason to doubt the  
 12 qualifications of an applicant for registration, he or she shall submit such  
 13 application to the county board of election commissioners, and such board  
 14 shall make a determination with respect to such qualifications and shall  
 15 instruct the permanent registrar regarding the same.

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

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

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

28 (2) Members of the Merchant Marines in the United States, and  
 29 their spouses and dependents;

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

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

1 (2) No later than ninety (90) days after the date of each  
2 regularly scheduled general election for federal office, the Secretary of  
3 State shall submit a report, based on information submitted to him or her by  
4 the permanent registrars of each county, to the Election Assistance  
5 Commission on the combined number of absentee ballots transmitted to absent  
6 uniformed services voters and overseas voters for the election and the  
7 combined number of the ballots which were returned by the voters and cast in  
8 the election.

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

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

19 (l) If an election law deadline occurs on a Saturday, Sunday, or legal  
20 holiday, the deadline shall be the next day which is not a Saturday, Sunday,  
21 or legal holiday. [As amended by Acts 2003, No. 995, § 3.]

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24 APPROVED: 04/11/2005  
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