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2 91st General Assembly
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4

As Engrossed: H2/14/17

A Bill

HOUSE BILL 1004

5 By: Representatives Blake, *F. Allen, E. Armstrong, K. Ferguson, V. Flowers, M.J. Gray, Leding, Love,*
6 *Nicks, Sabin, Tucker, Walker, D. Whitaker*
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For An Act To Be Entitled

9 AN ACT TO CREATE THE DEMOCRACY ACT; TO REQUIRE
10 AUTOMATIC VOTER REGISTRATION; TO AMEND AMENDMENT 51
11 OF THE ARKANSAS CONSTITUTION; AND FOR OTHER PURPOSES.
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Subtitle

15 TO CREATE THE DEMOCRACY ACT; TO REQUIRE
16 AUTOMATIC VOTER REGISTRATION; AND TO
17 AMEND AMENDMENT 51 OF THE ARKANSAS
18 CONSTITUTION.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Constitution, Amendment 51, § 5(b), concerning
24 voter registration through voter registration agencies, is amended to read as
25 follows:

26 (b)(1) The Secretary of State is designated as the chief election
27 official. The Secretary shall prepare and distribute the pre-addressed
28 postcard mail voter registration application forms described in 51-6 [section
29 6] of this amendment. Mail registration application forms shall serve for
30 purposes of initial applications to register and shall also serve for changes
31 of name, address, or party affiliation. Bilingual (Spanish/English) forms,
32 braille forms, and large print forms shall be available upon request. The
33 Secretary of State shall make the state mail voter registration application
34 form available for distribution through governmental and private entities
35 with particular emphasis on making them available for organized voter
36 registration programs. Any person may distribute state registration cards.



1 All registration cards shall be distributed to the public without charge.

2 ~~(2) The Office of Driver Services and State Revenue Offices~~
3 ~~shall provide voter registration opportunities to those obtaining or renewing~~
4 ~~drivers licenses, personal identification cards, duplicate or corrected~~
5 ~~licenses or cards, or changing address or name whether in person or by mail.~~
6 ~~The Office of Driver Services and State Revenue Offices shall use a computer~~
7 ~~process, which combines the drivers license and voter registration~~
8 ~~applications, minimizing duplicative information, and shall have available~~
9 ~~the federal or state mail voter registration application form, which may be~~
10 ~~used upon request or when the computer process is not available. If a person~~
11 ~~declines to apply to register to vote, the Office of Driver Services or State~~
12 ~~Revenue Office shall retain the record of declination for two (2) years.~~

13 ~~(3)~~ All public assistance agencies shall provide a federal or
14 state mail voter registration application form with each application for
15 assistance, and with each recertification, renewal or change of address or
16 name relating to such assistance. Public assistance agencies shall provide
17 voter registration application forms as part of the intake process, or as a
18 combined computer process when a computer process is available. Public
19 assistance agencies shall use a process or form that combines the application
20 for assistance with the voter registration application when available. Public
21 assistance agencies shall also provide declination forms as described in 51-6
22 [section 6] of this amendment, which shall be retained for two (2) years if
23 an applicant declines to apply to register to vote.

24 ~~(4)~~(3) All disabilities agencies shall provide a federal or
25 state mail voter registration application form with each application for
26 services and with each recertification, renewal or change of address or name
27 relating to such services. Disabilities agencies shall provide voter
28 registration application forms as part of the intake process, or as a
29 combined computer process when a computer process is available. Disabilities
30 agencies may use a form that combines the application for services or
31 assistance with the voter registration application when available. If the
32 disabilities agency provides services in a person's home, then the agency
33 shall also provide voter registration services at the person's home.
34 Disabilities agencies shall also provide declination forms as described in
35 51-6 [section 6] of this amendment, which shall be retained for two (2) years
36 if an applicant declines to apply to register to vote.

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SECTION 2. Arkansas Constitution, Amendment 51, § 5 is amended to add an additional subsection to read as follows:

(f)(1) The Office of Driver Services with the advice, assistance, and approval of the Secretary of State shall establish a schedule and method for the Office of Driver Services to electronically provide to the Secretary of State the records specified in this section.

(2)(A) The Office of Driver Services shall provide to the Secretary of State, in the manner and method agreed upon by the Office of Driver Services and the Secretary of State, the following information associated with each person who obtains or renews a drivers license, personal identification card, or duplicate or corrected license or card or changes his or her address or name whether in person or by mail:

(i) Name;

(ii) Date of Birth;

(iii) Either or both of the following, as contained in the Office of Driver Service's records:

(a) Residence address; or

(b) Mailing address;

(iv) Telephone number;

(v) Email address, if available;

(vi) Political party preference;

(vii) Whether or not the person affirmatively declined to become registered to vote during a transaction with the Office of Driver Services;

(viii) A notation that the person has attested that he or she is eligible to register to vote; and

(ix) Any other information required to be submitted by rule.

(B)(i) Records provided to the Secretary of State under this subsection shall be used only for the purposes of outreach and education to eligible voters conducted by the Secretary of State.

(ii) The Secretary of State shall provide materials created for purposes of outreach and education as described in this paragraph in languages other than English, as required by 52 U.S.C. § 10503 of the Voting Rights Act of 1965, 52 U.S.C. § 10301 et seq.

1 (3) The Secretary of State shall not sell, transfer, or allow
2 any third party access to the information acquired from the Office of Driver
3 Services pursuant to this subsection without approval of the Office of Driver
4 Services, except as specifically permitted by law.

5 (4)(A) The records of a person collected and transmitted under
6 this subsection shall constitute a completed affidavit of registration.

7 (B) The Secretary of State shall immediately submit the
8 records collected and transmitted under this subsection to the appropriate
9 county clerk.

10 (C) The appropriate county clerk shall register the person
11 to vote unless any of the following conditions are satisfied:

12 (i) The person's records under this subsection
13 reflect that he or she affirmatively declined to become registered to vote
14 during a transaction with the Office of Driver Services;

15 (ii) The person's records under this subsection do
16 not reflect that he or she has attested to meeting all voter eligibility
17 requirements; or

18 (iii) The county clerk determines that the person is
19 ineligible to vote.

20 (D) If a person who is registered to vote under this
21 subsection does not provide a party preference, his or her party preference
22 shall be designated as "Unknown", and he or she shall be treated as having no
23 party preference.

24 (5) A person registered to vote under this subsection may cancel
25 his or her voter registration at any time by any method available to any
26 other registered voter.

27 (6) The Office of Driver Services and the Secretary of State
28 shall adopt rules in furtherance of this section including without limitation
29 the following:

30 (A) A process for canceling the registration of a person
31 who is ineligible to vote, but becomes registered under this subsection;

32 (B) The method for electronically transmitting the records
33 under this subsection; and

34 (C) An education and outreach campaign to be conducted by
35 the Secretary of State informing voters about voter registration under this
36 subsection.

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/s/Blake