

1 INTERIM STUDY PROPOSAL 2019-079

2
3 REQUESTING THE ARKANSAS LEGISLATIVE COUNCIL TO REFER TO THE HOUSE
4 COMMITTEE ON STATE AGENCIES AND GOVERNMENTAL AFFAIRS A
5 COMPREHENSIVE STUDY OF ARKANSAS'S ELECTION LAWS, ELECTION
6 TECHNOLOGY, ELECTION ADMINISTRATION, VOTER REGISTRATION, AND
7 ELECTION PROCEDURES AND THE IMPACT OF FEDERAL ELECTION LAWS ON
8 ARKANSAS.
9

10 WHEREAS, Arkansas Constitution, Article 3, § 2, states, "Elections
11 shall be free and equal. No power, civil or military, shall ever interfere
12 to prevent the free exercise of the right of suffrage; nor shall any law be
13 enacted whereby such right shall be impaired or forfeited, except for the
14 commission of a felony, upon lawful conviction thereof"; and
15

16 WHEREAS, the right to vote is essential to the fair and appropriate
17 administration of this government by the people and for the people; and
18

19 WHEREAS, technological advancements, including without limitation
20 technological advancements in voting systems and equipment, have proceeded in
21 ways that may render certain Arkansas election laws, policies, and procedures
22 obsolete, insufficient, or unduly burdensome; and
23

24 WHEREAS, while society is evolving toward digital and electronic
25 communication and records, Arkansas election laws still rely heavily on paper
26 documents, verbal and handwritten communication, and physical interactions
27 between election officials and the people; and
28

29 WHEREAS, the election law terminology used in the Arkansas Code varies
30 from federal law terminology and election administration jargon in a way that
31 causes unnecessary confusion; and
32

33 WHEREAS, Arkansas Constitution, Article 5, § 1, concerning the
34 legislative branch of Arkansas government, reserves for the people of
35 Arkansas "the power to propose legislative measures, laws and amendments to

1 the Constitution, and to enact or reject the same at the polls independent of
2 the General Assembly"; and

3
4 WHEREAS, more citizens are raising their voices by utilizing the
5 initiative and referendum processes, the challenges inherent in those
6 processes are becoming more evident, including without limitation the lack of
7 clarity in ballot issue wording, the level of legal expertise necessary to
8 navigate the initiative and referendum processes, and the expense associated
9 with the petition process; and

10
11 WHEREAS, because the electoral process is the foundation of our
12 government, it is the responsibility of the General Assembly to protect fair
13 and equal access to the electoral process for all citizens and to ensure
14 efficient administration of elections in Arkansas,

15
16 NOW THEREFORE,

17 BE IT PROPOSED BY THE LEGISLATIVE COUNCIL OF THE NINETY-SECOND GENERAL
18 ASSEMBLY OF THE STATE OF ARKANSAS:

19
20 THAT the House Committee on State Agencies and Governmental Affairs
21 study:

22 (1) Election administration and processes in Arkansas;
23 (2) Technological upgrades available for voter registration,
24 election processes, and notice and communication to the people concerning
25 elections and voter registration;

26 (3) The need for security and safety measures that, with the
27 advent of technological upgrades to voting machines and equipment, have
28 become necessary to ensure effective and efficient administration of
29 elections throughout the state;

30 (4) Inclement weather policies designed to protect voters'
31 rights in the wake of a disaster or power outage;

32 (5) Methods to improve various aspects of the initiative and
33 referendum processes, including without limitation:

34 (A) Ballot issue wording;
35 (B) The sufficiency or insufficiency of cure periods for
36 ballot title deficiencies; and

- 1 (C) Recount procedures;
- 2 (6) Inconsistent references in the Arkansas Constitution and
- 3 Arkansas Code to the terms "registered voter" and "qualified elector", and
- 4 the need for a definition of each term that clearly distinguishes between the
- 5 state of being qualified to vote and the process of registering to vote;
- 6 (7) Methods of streamlining Arkansas's election-related dates
- 7 and deadlines in a manner that is compatible with federal law;
- 8 (8) Cost efficiency in elections and the fiscal impact of the
- 9 various election policies adopted by the General Assembly;
- 10 (9) Whether to allow certain offices to be elected by a
- 11 plurality vote rather than a majority vote;
- 12 (10) The practical impact of and policy considerations for or
- 13 against simultaneous candidacy for more than one (1) office;
- 14 (11) Technical corrections and updates necessary to implement
- 15 the voter identification requirements of Arkansas law;
- 16 (12) Strategies for bringing absentee ballot dates and deadlines
- 17 into conformity with other election dates and deadlines;
- 18 (13) The hours and days for early voting and election day
- 19 voting;
- 20 (14) Legal approaches to allowing a voter who needs assistance
- 21 to request and receive assistance in voting, while protecting that voter from
- 22 unwarranted or illegal interference with the voter's ballot choices;
- 23 (15) The need for uniformity in election dates;
- 24 (16) Methods by which voter registration through the Office of
- 25 Driver Services of the Revenue Division of the Department of Finance and
- 26 Administration and the State Revenue Offices can be updated for accuracy and
- 27 efficiency; and
- 28 (17) Any other aspect of voter registration, election process,
- 29 or election administration that should be assessed for efficiency and to
- 30 protect voters' rights.

31
32 Respectfully submitted,

33
34
35
36 Representative Justin Boyd

1 District 77

2

3

4 Prepared by: JAW/JAW

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36