

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 238 of the Regular Session

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

A Bill

SENATE BILL 256

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5 By: Senator Faris
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For An Act To Be Entitled

8
9 AN ACT TO AMEND ARKANSAS LAWS CONCERNING THE
10 CONDUCT OF ELECTIONS; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 AN ACT TO AMEND ARKANSAS LAWS CONCERNING
14 THE CONDUCT OF ELECTIONS.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 7-5-305 is amended to read as follows:
20 7-5-305. Requirements.

21 (a) Before a person is permitted to vote, the election official shall:

22 (1) Request the voter to identify himself or herself in order to
23 verify the existence of his or her name on the precinct voter registration
24 list;

25 (2) Request the voter, in the presence of the election official,
26 to state his or her address and state or confirm his or her date of birth;

27 (3) Determine that the voter's date of birth and address are the
28 same as those on the precinct voter registration list;

29 (4) If the date of birth given by the voter is not the same as
30 that on the precinct voter registration list, request the voter to provide
31 identification as the election official deems appropriate;

32 (5)(A) If the voter's address is not the same as that on the
33 precinct voter registration list, verify with the county clerk that the
34 address is within the precinct.

35 (B) If the address is within the precinct, request the



1 voter to complete a voter registration application form for the purpose of
2 updating county voter registration record files.

3 (C) If the address is not within the precinct, instruct
4 the voter to:

5 (i) Contact the county clerk's office to determine
6 the proper precinct; and

7 (ii) Go to the polling site serving that precinct in
8 order for his or her vote to be counted;

9 (6) If the voter's name is not the same as that on the precinct
10 voter registration list, request the voter to complete a voter registration
11 application form for purposes of updating county voter registration record
12 files;

13 (7) Request the voter, in the presence of the election official,
14 to sign his or her name, including the given name, middle name or initial, if
15 any, and last name in the space provided on the precinct voter registration
16 list. If a person is unable to sign his or her signature or make his or her
17 mark or cross, the election official shall enter the voter's initials and the
18 voter's date of birth in the space for the person's signature on the precinct
19 voter registration list;

20 (8)(A) Request the voter for purposes of identification to
21 provide a current and valid photo identification or a copy of a current
22 utility bill, bank statement, government check, paycheck, or other government
23 document that shows the name and address of the voter.

24 (B)(i) If a voter is unable to provide this
25 identification, the election official shall indicate on the precinct voter
26 registration list that the voter did not provide identification.

27 (ii) A first-time voter who registers by mail
28 without providing ~~identification~~ identification when registering, and
29 desires to vote in person, but who does not meet the identification
30 requirements of subdivision (a)(8)(A) may cast a provisional ballot.

31 (iii) Following each election, the county board of
32 election commissioners may review the precinct voter registration lists and
33 may provide the information of the voters not providing identification at the
34 polls to the prosecuting attorney.

35 (iv) The prosecuting attorney may investigate
36 possible voter fraud; and

1 (9) Follow the procedures under §§ 7-5-310, 7-5-311, and 7-5-
 2 523, if the person is a ~~disabled~~ voter with a disability and presents himself
 3 or herself to vote.

4 (b) A person not listed on the precinct voter registration list may
 5 vote only in accordance with § 7-5-306.

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 7 SECTION 2. Arkansas Code § 7-5-306 is amended to read as follows:
 8 7-5-306. Procedure when voter's name is not on the precinct voter
 9 registration list.

10 (a) If the voter's name is not on the precinct voter registration
 11 list, the election official shall permit the voter to vote only under the
 12 following conditions:

13 (1) The voter identifies himself or herself by stating his or
 14 her name and date of birth and is verified by the county clerk as a
 15 registered voter within the county and, if the county is divided into more
 16 than one (1) congressional district, within the same congressional district;

17 (2) The voter gives and affirms his or her current residence and
 18 the election official verifies with the county clerk that the voter's
 19 residence is within the precinct;

20 (3) The voter completes an updated voter registration
 21 application form; and

22 (4) The voter signs the precinct voter registration list.

23 (b) If the voter is not listed on the precinct voter registration list
 24 and the election official is unable to verify the voter's registration with
 25 the county clerk and the voter contends that he or she is a registered voter
 26 in the precinct in which he or she desires to vote and that he or she is
 27 eligible to vote, then the voter shall be permitted to cast a provisional
 28 ballot as follows:

29 (1) An election official at the polling place shall notify the
 30 individual that the individual may cast a provisional ballot in that
 31 election;

32 (2) The individual shall be permitted to cast a provisional
 33 ballot at that polling place upon the execution of a written affirmation by
 34 the individual before an election official at the polling place stating that
 35 the individual is:

36 (A) A registered voter in the ~~jurisdiction~~ precinct in

1 which the individual desires to vote; and

2 (B) Eligible to vote in that election;

3 (3) The provisional ballot shall be counted only upon
4 verification of the voter's registration status in the precinct by the county
5 board of election commissioners before certification of the election; and

6 (4)(A) Whenever a person casts a provisional ballot, the
7 election official shall provide the voter written information that states
8 that the individual who casts a provisional ballot will be able to ascertain
9 whether the vote was counted, and if not, the reason the vote was not
10 counted, by accessing a toll-free telephone number, Internet website, or
11 other free access system established by the Secretary of State for that
12 purpose.

13 (B) Access to information about an individual provisional
14 ballot shall be restricted to the individual who cast the ballot.

15 (c) The election official shall ~~indicate on the list of voters those~~
16 ~~persons who vote under these circumstances~~ make a list of all voters who cast
17 a provisional ballot.

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20 APPROVED: 2/17/2005
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