

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 2193 of the Regular Session

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

As Engrossed: H3/10/05

A Bill

HOUSE BILL 1905

5 By: Representative Rosenbaum  
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8 **For An Act To Be Entitled**

9 AN ACT CONCERNING VOTER QUALIFICATIONS AFTER  
10 OBTAINING AN ABSENTEE BALLOT; AND FOR OTHER  
11 PURPOSES.  
12

13 **Subtitle**

14 AN ACT CONCERNING VOTER QUALIFICATIONS  
15 AFTER OBTAINING AN ABSENTEE BALLOT.  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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20 SECTION 1. Arkansas Code § 7-5-201 is amended to add an additional  
21 subsection to read as follows:

22 (e) Any person who receives an absentee ballot according to the  
23 precinct voter registration list but elects to vote by early voting or to  
24 vote at his or her polling site on election day shall be permitted to cast a  
25 provisional ballot.  
26

27 SECTION 2. Arkansas Code § 7-5-305 is amended to read as follows:

28 7-5-305. Requirements.

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

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

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

35 (3) Determine that the voter's date of birth and address are the



1 same as those on the precinct voter registration list;

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

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

8 (B) If the address is within the precinct, request the  
9 voter to complete a voter registration application form for the purpose of  
10 updating county voter registration record files.

11 (C) If the address is not within the precinct, instruct  
12 the voter to contact the county clerk's office to determine the proper  
13 precinct;

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

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

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

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

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

36 (iii) Following each election, the county board of

1 election commissioners may review the precinct voter registration lists and  
2 may provide the information of the voters not providing identification at the  
3 polls to the prosecuting attorney.

4 (iv) The prosecuting attorney may investigate  
5 possible voter fraud; ~~and~~

6 (9) Follow the procedures under §§ 7-5-310, 7-5-311, and 7-5-  
7 523, if the person is a disabled voter and presents himself or herself to  
8 vote; and

9 (10) Permit the person to cast a provisional ballot if the  
10 person received an absentee ballot according to the precinct voter  
11 registration list.

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

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15 SECTION 3. Arkansas Code § 7-5-409 is amended to add an additional  
16 subsection to read as follows:

17 (i) Upon delivery of an absentee ballot to an individual authorized to  
18 receive an absentee ballot, the county clerk shall mark the precinct voter  
19 registration list to indicate that the individual has received an absentee  
20 ballot.

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22 SECTION 4. Arkansas Code § 7-5-411 is amended to add an additional  
23 subsection to read as follows:

24 (c)(1) Any person who receives an absentee ballot according to the  
25 precinct voter registration list but elects to vote by early voting or to  
26 vote at his or her polling site on election day shall be permitted to cast a  
27 provisional ballot.

28  
29 /s/ Rosenbaum

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32 APPROVED: 4/13/2005

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