

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 659 of the Regular Session**

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009  
4

*As Engrossed: S2/24/09*

**A Bill**

SENATE BILL 353

5 By: Senator Faris  
6  
7

**For An Act To Be Entitled**

9 AN ACT CONCERNING VOTER REGISTRATION; TO AMEND  
10 AMENDMENT 51 OF THE ARKANSAS CONSTITUTION; TO  
11 AMEND § 7-5-406 TO ALLOW FOR USE OF THE FEDERAL  
12 WRITE-IN ABSENTEE BALLOT WITHOUT PRIOR  
13 REGISTRATION; AND FOR OTHER PURPOSES.  
14

**Subtitle**

15 TO AMEND AMENDMENT 51 OF THE ARKANSAS  
16 CONSTITUTION; TO AMEND § 7-5-406 TO  
17 ALLOW FOR USE OF THE FEDERAL WRITE-IN  
18 ABSENTEE BALLOT WITHOUT PRIOR  
19 REGISTRATION.  
20  
21  
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
24

25 SECTION 1. Pursuant to the Authority granted in Section 19 of  
26 Amendment 51 to the Arkansas Constitution, Section 6 of Amendment 51 to the  
27 Arkansas Constitution is amended to read as follows:

28 6. Voter registration application forms.

29 (a)(1) The mail voter registration application form may only require  
30 identifying information, including signature or mark, and other information,  
31 including data relating to previous registration by the applicant, as is  
32 necessary to assess the applicant's eligibility and to administer voter  
33 registration and other parts of the election process.

34 (2) Such forms shall include, in identical print, statements  
35 that:



- 1 (A) Specify voter eligibility requirements;
- 2 (B) Contain an attestation that the applicant meets all
- 3 *voter eligibility requirements and that the applicant does not claim the*
- 4 *right to vote in another county or state;*
- 5 (C) Specify the penalties provided by law for submission
- 6 of a false voter registration application;
- 7 (D) Inform applicants that where they register to vote
- 8 will be kept confidential; and
- 9 (E) Inform applicants that declining to register will also
- 10 be kept confidential.
- 11 (3) The following information will be required of the applicant:
- 12 (A) Full name;
- 13 (B) Mailing address;
- 14 (C) Residence address and any other information necessary
- 15 to identify the residence of the applicant;
- 16 (D) If previously registered, the name then supplied by
- 17 the applicant, and the previous address, county, and state;
- 18 (E) Date of birth;
- 19 (F) A signature or mark made under penalty of perjury that
- 20 the applicant meets each requirement for voter registration;
- 21 (G) If the applicant is unable to sign his or her name,
- 22 the name, address, and telephone number of the person providing assistance;
- 23 (H) If the applicant has a current and valid driver's
- 24 license, the applicant's driver's license number;
- 25 (I) If the applicant does not have a current and valid
- 26 driver's license, the last four (4) digits of the applicant's social security
- 27 number; and
- 28 (J) If the applicant does not have a current and valid
- 29 driver's license number or social security number, the Secretary of State
- 30 will assign the applicant a number which will serve to identify the applicant
- 31 for voter registration purposes, and this number shall be placed on the
- 32 application.
- 33 (4) The following information may be requested on the
- 34 registration card, but it shall not be required:
- 35 (A) Telephone number where the applicant may be contacted;
- 36 and

1 (B) Political party with which the applicant wishes to be  
2 affiliated, if any.

3 (5) The mail voter registration application shall not include  
4 any requirement for notarization or other formal authentication.

5 (6) The mail voter registration application form shall include  
6 the following questions along with boxes for the applicant to check "yes" or  
7 "no" in response:

8 (A) "Are you a citizen of the United States of America and  
9 an Arkansas resident?";

10 (B) "Will you be eighteen (18) years of age on or before  
11 election day?";

12 (C) "Are you presently adjudged mentally incompetent by a  
13 court of competent jurisdiction?"; and

14 (D) "Have you ever ~~pleaded guilty or nolo contendere to,~~  
15 ~~or found guilty~~ been convicted of a felony without your sentence having been  
16 discharged or pardoned?"; ~~and~~

17 ~~(E) "Do you claim the right to vote in another county or~~  
18 ~~state?".~~

19 (7) The mail voter registration application form shall include  
20 the following statements immediately following the questions asked in  
21 subdivision (a)(6) of this section:

22 (A) "If you checked "No" in response to either questions A  
23 or B, do not complete this form.";

24 (B) "If you checked "Yes" in response to ~~one or more of~~  
25 either questions C, or D, ~~or E~~, do not complete this form."; and

26 (C) ~~(i) A statement informing the individual that if the~~  
27 ~~form is submitted by mail and the individual is registering for the first~~  
28 ~~time, a current and valid photo identification or a copy of a current utility~~  
29 ~~bill, bank statement, government check, paycheck, or other government~~  
30 ~~document that shows the name and address of the voter, must be submitted with~~  
31 ~~the mailed registration form in order to avoid the additional identification~~  
32 ~~requirements upon voting for the first time; or~~

33 ~~(ii) When the state acquires the capacity to match~~  
34 ~~the registrant's driver's license number and the registrant's social security~~  
35 ~~number to the registrant's name, the The mail-in voter registration~~  
36 application form shall include the following statement ~~in lieu of the~~

1 ~~statement contained in subdivision (6)(a)(7)(C)(i):~~

2 "If your voter registration application form is submitted by mail and  
3 you are registering for the first time, and you do not have a valid driver's  
4 license number or social security number, in order to avoid the additional  
5 identification requirements upon voting for the first time you must submit  
6 with the mailed registration form: ~~(a) your driver's license number; (b) the~~  
7 ~~last four digits of your social security number; (c) (a)~~ a current and valid  
8 photo identification; or ~~(d) (b)~~ a copy of a current utility bill, bank  
9 statement, government check, paycheck, or other government document that  
10 shows your name and address."

11 (8) If an applicant for voter registration fails to provide any  
12 of the information required by this section, the permanent registrar shall  
13 notify the applicant of the failure and provide the applicant with an  
14 opportunity to complete the form in a timely manner to allow for its  
15 completion before the next election for federal office.

16 (9) The mail voter registration application shall be pre-  
17 addressed to the Secretary of State.

18 (b)(1) The voter registration application portion of the process used  
19 by the Office of Driver Services and state revenue offices shall include:

20 (A) The question: "If you are not registered to vote where  
21 you live now, would you like to apply to register to vote here today?";

22 (B) A statement that, if an applicant declines to register  
23 to vote, the fact that the applicant has declined to register will remain  
24 confidential and will be used only for voter registration purposes;

25 (C) A statement that if an applicant does register to  
26 vote, the office at which the applicant submits a voter registration  
27 application will remain confidential and will be used only for voter  
28 registration purposes;

29 (D) Voter registration eligibility requirements;

30 (E) Penalties provided by law for providing false  
31 information;

32 (F) An attestation that the applicant meets each  
33 eligibility requirement and that the applicant does not claim the right to  
34 vote in another county or state; and

35 (G) A space for the applicant's signature or mark.

36 (2) The voter registration application portion shall require the

1 signature of the applicant under penalty of perjury, but shall not require  
2 notarization or other formal authentication.

3 (c) Public assistance agencies and disabilities agencies shall  
4 provide, in addition to the federal or state mail voter registration  
5 application form, a declination form, to be approved by the State Board of  
6 Election Commissioners, which includes the following question and statements:

7 (1) The question, in prominent type, "IF YOU ARE NOT REGISTERED  
8 TO VOTE WHERE YOU LIVE NOW, WOULD YOU LIKE TO APPLY TO REGISTER TO VOTE HERE  
9 TODAY? YES ... NO ...";

10 (2) The statement in close proximity to the question above and  
11 in equally prominent type, "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE  
12 CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME";

13 (3) The statement, "APPLYING TO REGISTER OR DECLINING TO  
14 REGISTER TO VOTE WILL NOT AFFECT THE AMOUNT OF ASSISTANCE THAT YOU WILL BE  
15 PROVIDED BY THIS AGENCY";

16 (4) The statement, "IF YOU WOULD LIKE HELP IN FILLING OUT THE  
17 VOTER REGISTRATION APPLICATION FORM, WE WILL HELP YOU. THE DECISION WHETHER  
18 TO SEEK OR ACCEPT HELP IS YOURS. YOU MAY FILL OUT THE APPLICATION FORM IN  
19 PRIVATE";

20 (5) The statement, "IF YOU BELIEVE THAT SOMEONE HAS INTERFERED  
21 WITH YOUR RIGHT TO REGISTER OR TO DECLINE TO REGISTER TO VOTE, YOUR RIGHT TO  
22 PRIVACY IN DECIDING WHETHER TO REGISTER OR IN APPLYING TO REGISTER TO VOTE,  
23 OR YOUR RIGHT TO CHOOSE YOUR OWN POLITICAL PARTY OR OTHER POLITICAL  
24 PREFERENCE, YOU MAY FILE A COMPLAINT WITH THE SECRETARY OF STATE AT ....."  
25 (filled in with the address and telephone number of the Secretary of State's  
26 office);

27 (6) The statement, "IF YOU DECLINE TO REGISTER TO VOTE, THE FACT  
28 THAT YOU HAVE DECLINED TO REGISTER WILL REMAIN CONFIDENTIAL AND WILL BE USED  
29 ONLY FOR VOTER REGISTRATION PURPOSES"; and

30 (7) The statement, "IF YOU DO REGISTER TO VOTE, THE OFFICE AT  
31 WHICH YOU SUBMIT A VOTER REGISTRATION APPLICATION WILL REMAIN CONFIDENTIAL  
32 AND WILL BE USED ONLY FOR VOTER REGISTRATION PURPOSES".

33  
34 SECTION 2. Pursuant to the authority granted in Section 19 of  
35 Amendment 51 to the Arkansas Constitution, Section 9 of Amendment 51 to the  
36 Arkansas Constitution is amended to read as follows:

1           9. Application to register.

2           (a) All persons may register who:

3           (1) Have not been convicted of a felony unless the person's  
4 sentence has been discharged or the person has been pardoned;

5           (2) Have not been adjudged mentally incompetent by a court of  
6 competent jurisdiction; and

7           (3) Meet one (1) of the following requirements:

8           (A) Are qualified electors ~~and~~ who have not previously  
9 registered;

10           ~~(2)~~(B) Will become qualified electors during the thirty-  
11 day period immediately prior to the next election scheduled within the  
12 county; or

13           ~~(3)~~(C) Are otherwise qualified electors but whose  
14 registration has been cancelled in a manner provided for by this amendment.

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

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

23           (2) Any person who assists applicants with a voter registration  
24 application as part of a voter registration drive or who in furtherance of a  
25 voter registration drive, gathers or possesses completed applications for  
26 submission to the permanent registrar or Secretary of State shall deliver all  
27 applications in his or her possession to the permanent registrar or Secretary  
28 of State within twenty-one (21) days of the date on the voter registration  
29 application and, in any event, no later than the deadline for voter  
30 registration for the next election.

31           (3) The permanent registrar shall register qualified applicants  
32 who apply to register to vote by mail using the state or federal mail voter  
33 registration application form if:

34           (A) A legible and complete voter registration application  
35 form is postmarked not later than thirty (30) days before the date of the  
36 election, or, if the form is received by mail without a postmark, not later

1 than twenty-five (25) days before the date of an election; and

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

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

9 (d) The permanent registrar shall notify applicants whether their  
10 applications are accepted or rejected, or are incomplete. If information  
11 required by the permanent registrar is missing from the voter registration  
12 application, the permanent registrar shall contact the applicant to obtain  
13 the missing information.

14 (e) The Secretary of State and the Director of the Office of Driver  
15 Services shall enter into an agreement to match information in the database  
16 of the statewide voter registration system with information in the database  
17 of the Office of Driver Services to the extent required to enable each  
18 official to verify the accuracy of the information provided on applications  
19 for voter registration. The Director of the Office of Driver Services shall  
20 enter into an agreement with the Commissioner of Social Security to verify  
21 driver's license information according to § 303 of the Federal Help America  
22 Vote Act of 2002.

23 (f) Registration records shall be entered promptly in the computerized  
24 statewide registration record files. If the applicant lacks one (1) or more  
25 of the qualifications required by law of voters in this state, the permanent  
26 registrar shall not register the applicant, but shall document the reason for  
27 denying the applicant's registration and promptly file or enter the  
28 application and the documented reason for denying registration in the  
29 statewide registration record files.

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

35 (h) If any person eligible to register as a voter is unable to  
36 register in person at the permanent registrar's office by reason of sickness

1 or physical disability, the permanent registrar shall register the applicant  
2 at his or her place of abode within such county, if practicable, in the same  
3 manner as if he or she had appeared at the permanent registrar's office.

4 (i) Notwithstanding other provisions of this amendment, every person  
5 in any of the following categories who is absent from the place of his or her  
6 voting residence may vote without prior registration by absentee ballot by  
7 submission of a federal postal card application as provided for in the  
8 Uniformed and Overseas Citizens Absentee Voting Act in any primary, special,  
9 school, or general election held in his or her election precinct if he or she  
10 is otherwise eligible to vote in that election:

11 (1) Members of the ~~armed forces~~ uniformed services of the United  
12 States while in active duty or service, and their spouses and dependents who,  
13 by reason of the active duty or service of the member, are absent from the  
14 place of residence where the spouse or dependent is otherwise qualified to  
15 vote;

16 (2) ~~Members of the Merchant Marines~~ Marine in the United States  
17 while in active duty or service, and their spouses and dependents who, by  
18 reason of the active duty or service of the member, are absent from the place  
19 of residence where the spouse or dependent is otherwise qualified to vote;  
20 and

21 (3) ~~Citizens of the United States~~ residing or temporarily  
22 residing outside the territorial limits of the United States and the District  
23 of Columbia, and their spouses and dependents when residing with or  
24 accompanying them.

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

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



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

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

11          (1) If an election law deadline occurs on a Saturday, Sunday, or legal  
12 holiday, the deadline shall be the next day which is not a Saturday, Sunday,  
13 or legal holiday.

14  
15          SECTION 3. Pursuant to the authority granted in Section 19 of  
16 Amendment 51 to the Arkansas Constitution, Section 10 of Amendment 51 to the  
17 Arkansas Constitution is amended to read as follows:

18          10. Transfer and change of status.

19           (a) Upon a change of legal residence within the county, or a  
20 change of name, any registered voter may cause his or her registration to be  
21 transferred to his or her new address or new name by completing and mailing a  
22 federal or state mail voter registration application form, by updating his or  
23 her address at the Office of Driver Services, any state revenue office,  
24 public assistance agency, disabilities agency, or other voter registration  
25 agency, by signing a mailed request to the permanent registrar, giving his or  
26 her present address and the address at which he or she was last registered or  
27 his or her present name and the name under which he or she was last  
28 registered, or by applying in person at the office of the permanent  
29 registrar.

30           (b)(1) Upon a change of legal residence from one (1) county within the  
31 state to another county within the state, any registered voter may cause his  
32 or her registration to be transferred to the new county at his or her new  
33 address by:

34           (A) Completing and mailing a federal or state mail voter  
35 registration application form;

36           (B) Updating his or her new address at a voter registration

1 agency, including without limitation the Office of Driver Services or a state  
2 revenue office, public assistance agency, or disabilities agency;

3 (C) Signing a mailed request to the permanent registrar giving  
4 the voter's present address and the address at which the voter was last  
5 registered; or

6 (D) Applying in person for the transfer at the office of the  
7 permanent registrar.

8 (2)(A) If the updated registration information is actually received in  
9 the office of the county clerk of the voter's new county not later than four  
10 (4) days before a scheduled election, the voter shall have the right to vote  
11 in the scheduled election in the precinct into which the voter just moved in  
12 the new county.

13 (B) If the updated registration information is not actually  
14 ~~received less than four (4) days by the fourth day~~ before a scheduled  
15 election, the voter shall not be eligible to vote in the scheduled election.

16 (c) If the change of legal residence is made pursuant to subsection  
17 (a) or subdivision (d)(1) of this section during the thirty-day  
18 administrative cut-off period immediately prior to any election scheduled  
19 within the county, the registered voter shall retain his or her right to vote  
20 in the scheduled election in the precinct to which he or she just moved.

21 (d) The permanent registrar shall conduct a uniform, nondiscriminatory  
22 address confirmation program during each odd-numbered year to ensure that  
23 voter registration lists are accurate and current. The address confirmation  
24 program shall be completed not later than ninety (90) days prior to a primary  
25 or general election for federal office. Based on change of address data  
26 received from the United States Postal Service or its licensees, or other  
27 unconfirmed data indicating that a registered voter no longer resides at his  
28 or her registered address, the permanent registrar shall send a forwardable  
29 address confirmation notice, including a postage-paid and preaddressed return  
30 card, to enable the voter to verify or correct the address information.

31 (1) If change of address data indicate that the voter has moved  
32 to a new residence address in the same county and, if the county is divided  
33 into more than one (1) congressional district, the same congressional  
34 district, the address confirmation notice shall contain the following  
35 statement:

36 "We have received notification that you have moved to a new address in

1 \_\_\_\_\_ County (or in the \_\_\_\_\_ Congressional  
2 District). We will reregister you at your new address unless, within ten (10)  
3 days, you notify us that your change of address is not a change of your  
4 permanent residence. You may notify us by returning the attached postage-paid  
5 postcard or by calling (\_\_\_\_\_) \_\_\_\_\_-\_\_\_\_\_. If this is not a  
6 permanent change of residence and if you do not notify us within ten (10)  
7 days you may be required to update your residence address in order to vote at  
8 future elections."

9 (2) If the change of address data indicates that the voter has  
10 moved to a new address in another county or, if a county is divided into more  
11 than one (1) congressional district, to a new address in the same county but  
12 in a new congressional district, the notice shall include the following  
13 statement:

14 "We have received notification that you have moved to a new address not in  
15 \_\_\_\_\_ County (or not in the \_\_\_\_\_ Congressional  
16 District). If you no longer live in \_\_\_\_\_ County (or in the  
17 \_\_\_\_\_ Congressional District), you must transfer your  
18 registration to your new residence address in order to vote in the next  
19 election. If you are still an Arkansas resident, you may obtain a form to  
20 transfer your registration by calling your county clerk's office or the  
21 Secretary of State. If your change of address is not a change of your  
22 permanent residence, you must return the attached postage-paid postcard. If  
23 you do not return this card and continue to reside in \_\_\_\_\_  
24 County (and in the \_\_\_\_\_ Congressional District), you may be  
25 required to provide identification and update your residence address in order  
26 to vote at future elections, and if you do not vote at any election in the  
27 period between the date of this notice and the second federal general  
28 election after the date of this notice, your voter registration will be  
29 cancelled and you will have to reregister in order to vote. If the change of  
30 address is permanent, please return the attached postage-paid postcard which  
31 will assist us in keeping our voter registration records accurate."

32 (e) The county clerk may send out an address confirmation to any voter  
33 when he or she receives unconfirmed information that the voter no longer  
34 resides at the address on the voter registration records. The county clerk  
35 shall follow the same confirmation procedure as set forth in subsection (d).

36 ~~(e)~~(f) Based on change of address information received pursuant to

1 subsections (a) and (d) of this section, the permanent registrar shall:

2 (1) Update and correct the voter's registration if the  
3 information indicates that the voter has moved to a new address within the  
4 same county and the same congressional district;

5 (2) Designate the voter as inactive if the information indicates  
6 the voter has moved to a new address in another county or to a new address in  
7 another congressional district in the same county or if the address  
8 confirmation notices have been returned as undeliverable; or

9 (3) Cancel the voter registration in the county from which the  
10 voter has moved if the voter verifies in writing that he or she has moved to  
11 a residence address in another county.

12  
13 SECTION 4. Pursuant to the authority granted in Section 19 of  
14 Amendment 51 to the Arkansas Constitution, Section 11 of Amendment 51 to the  
15 Arkansas Constitution is amended to read as follows:

16 11. Cancellation of registration.

17 (a) It shall be the duty of the permanent registrar to cancel  
18 the registration of voters:

19 (1) Who have failed to respond to address confirmation mailings  
20 described in section 10 of this amendment and have not voted or appeared to  
21 vote in an election during the period beginning on the date of the notice and  
22 ending on the day after the date of the second general election for federal  
23 office that occurs after the date of the address confirmation notice;

24 (2) Who have changed their residence to an address outside the  
25 county;

26 (3) Who have died;

27 (4) Who have been convicted of ~~felonies~~ a felony and have not  
28 discharged their sentence or been pardoned;

29 (5) Who are not lawfully qualified or registered electors of  
30 this state, or of the county; or

31 (6) Who have been adjudged mentally incompetent by a court of  
32 competent jurisdiction.

33 (b) It shall be the duty of the permanent registrar of each county  
34 upon the registration of a person who has been registered previously in  
35 another county or state to notify promptly the permanent registrar of such  
36 other county or state of the new registration.

1 (c)(1) It shall be the duty of the State Registrar of Vital Records to  
2 notify promptly the Secretary of State of the death of all residents of this  
3 state.

4 (2)(A) The Secretary of State shall compile a listing of the  
5 deceased residents of this state and shall promptly provide this listing to  
6 the permanent registrar of each county.

7 (B) The deceased voter registration shall be cancelled by  
8 the permanent registrar.

9 (d)(1) It shall be the duty of the circuit clerk of each county upon  
10 the conviction of any person of a felony to notify promptly the permanent  
11 registrar of the county of residence of such convicted felon.

12 (2)(A) It is the duty of any convicted felon who desires to  
13 register to vote to provide the county clerk with proof from the appropriate  
14 state or local agency, or office that the felon has been discharged from  
15 probation or parole, has paid all probation or parole fees, or has satisfied  
16 all terms of imprisonment, and paid all applicable court costs, fines, or  
17 restitution.

18 (B) Proof that the felon has been discharged from  
19 probation or parole, paid all probation or parole fees, or satisfied all  
20 terms of imprisonment, and paid all applicable court costs, fines, or  
21 restitution shall be provided to the felon after completion of the probation,  
22 parole, or sentence by the Department of Correction, the Department of  
23 Community Correction, the appropriate probation office or the circuit clerk  
24 as applicable.

25 (C) The circuit clerk, or any other entity responsible for  
26 collection, shall provide proof to the Department of Correction, the  
27 Department of Community Correction, or the appropriate probation office that  
28 the felon has paid all applicable court costs, fines, or restitution.

29 (D) Upon compliance with subdivision (d)(2)(A) of this  
30 section, the felon shall be deemed eligible to vote.

31 (e) Within ten (10) days following the receipt or possession of  
32 information requiring any cancellation of registration, other than under  
33 section 11(a)(1) of this amendment, the permanent registrar shall cancel the  
34 registration, note the date of the cancellation, the reason for the  
35 cancellation, and the person cancelling the registration.

36 (f)(1) The permanent registrar shall, thirty (30) days before

1 cancellation, notify all persons whose registration records are to be  
2 cancelled in accordance with section 11(a)(1) of this amendment. The notice  
3 may be either by publication or by first class mail. The notice by mail shall  
4 be as follows:

5

6 "NOTICE OF IMPENDING CANCELLATION OF VOTER REGISTRATION.

7

8 According to our records you have not responded to our address  
9 confirmation notice and you have not voted in any election during the period  
10 beginning on the date of the notice and ending on the day after the date of  
11 the second general election for federal office after the date of the first  
12 notice. This may indicate that you no longer live at the residence address  
13 printed on the postcard. If your permanent residence address is still the  
14 same as the printed address on this postcard YOU MUST CONFIRM YOUR RESIDENCE  
15 ADDRESS in order to remain on the voter registration list. If you do not  
16 return the attached postcard within thirty (30) days after the date  
17 postmarked on this card YOUR REGISTRATION WILL BE CANCELLED and you will have  
18 to re-register to vote."

19 (2) When, in response to the notice, a qualified voter requests  
20 the permanent registrar not to cancel the voter registration, the voter  
21 registration shall not be cancelled under section 11(a)(1) of this amendment.

22 (g) The permanent registrar is authorized, and may be directed by the  
23 county board of registration, to determine by mail check, house to house  
24 canvass, or any other reasonable means at any time within the whole or any  
25 part of the county whether active record registration files contain the names  
26 of any persons not qualified by law to vote. Further, upon application based  
27 upon affidavits of one (1) or more qualified voters by the prosecuting  
28 attorney for the county, the circuit judge of the county, for good cause  
29 shown, may order the permanent registrar to make sure determination or to  
30 cancel the registration of such unqualified persons.

31

32 SECTION 5. Arkansas Code § 7-1-101 is amended to read as follows:

33 7-1-101. Definitions.

34 *As used in this title, unless the context or chapter otherwise*  
35 *requires:*

36 (1) "Administrator" means the administrative head of a long-term

1 care or residential care facility licensed by the state who is authorized in  
2 writing by a patient of the long-term care or residential care facility to  
3 deliver the application for an absentee ballot and to obtain or deliver the  
4 absentee ballot to the county clerk;

5 (2) "Audit log" means an electronically stored record of events  
6 and ballot images from which election officials may produce a permanent paper  
7 record with a manual audit capacity for a voting system using voting  
8 machines;

9 (3) "Authorized agent" means a person who is identified and  
10 authorized to deliver the application, obtain a ballot, and deliver the  
11 ballot on the day of the election to the county clerk by an applicant who is  
12 medically unable to cast a ballot at a polling site due to unforeseen medical  
13 necessity as set forth in an affidavit from the administrative head of a  
14 hospital or long-term or residential care facility;

15 (4) "Canvassing" means examining and counting the returns of  
16 votes cast at a public election to determine authenticity;

17 (5) "Constitutional officers of this state" means the offices of  
18 the Governor, Lieutenant Governor, Secretary of State, Attorney General,  
19 Auditor of State, Treasurer of State, and Commissioner of State Lands;

20 (6) "Counting location" means a location selected by the county  
21 board of election commissioners with respect to all elections for the  
22 automatic processing or counting, or both, of votes;

23 (7) "Designated bearer" means any person who is identified and  
24 authorized by the applicant to obtain from the county clerk or to deliver to  
25 the county clerk the applicant's ballot;

26 (8) "Election official" or "election officer" means a person who  
27 is a member of the county board of election commissioners or a person who is  
28 a poll worker designated by a county board of election commissioners to be an  
29 election clerk, election judge, or election sheriff;

30 (9) "Electronic vote tabulating device" means a device used to  
31 electronically scan a marked paper ballot for the purpose of tabulation;

32 (10) "Fail-safe voting" means the mechanism established under  
33 the National Voter Registration Act of 1993 that allows voters who have moved  
34 within the same county to vote at their new precinct without having updated  
35 their voter registration records;

36 (11) "First-time voter" means any registered voter who has not

1 previously voted in a federal election in the state;

2 (12) "General or special election" means the regular biennial or  
3 annual elections for election of United States, state, district, county,  
4 township, and municipal officials and the special elections to fill vacancies  
5 therein and special elections to approve any measure. The term as used in  
6 this act shall not apply to school elections for officials of school  
7 districts;

8 (13) "Majority party" means that political party in the State of  
9 Arkansas whose candidates were elected to a majority of the constitutional  
10 offices of this state in the last preceding general election;

11 (14) "Marking device" means any approved device for marking a  
12 paper ballot with ink or other substance that will enable the votes to be  
13 tabulated by means of an electronic vote tabulating device;

14 (15) "Member of the merchant marine" means:

15 (A) An individual employed as an officer or crew member  
16 of:

17 (i) A vessel documented under the laws of the  
18 United States;

19 (ii) A vessel owned by the United States; or

20 (iii) A vessel of foreign-flag registry under  
21 charter or control of the United States;

22 (B) An individual enrolled with the United States for  
23 employment or training for employment or maintained by the United States for  
24 emergency relief service as an officer or crew member of any such vessel; or

25 (C) As defined in the federal Uniformed and Overseas  
26 Citizens Absentee Voting Act if different from the definition stated herein;

27 (16) "Minority party" means that political party whose  
28 candidates were elected to less than a majority of the constitutional offices  
29 of this state in the last preceding general election or the political party  
30 that polled the second greatest number of votes for the office of Governor in  
31 the last preceding general election if all of the elected constitutional  
32 officers of this state are from a single political party;

33 ~~(16)~~(17) "Party certificate" means a written statement or  
34 receipt signed by the secretary or chair of the county committee or of the  
35 state committee, as the case may be, of the political party evidencing the  
36 name and title proposed to be used by the candidate on the ballot, the



1 position the candidate seeks, payment of the fees, and filing of the party  
2 pledge, if any, required by the political party;

3 ~~(17)~~(18)(A) "Political party" means any group of voters that at  
4 the last preceding general election polled for its candidate for Governor in  
5 the state or nominees for presidential electors at least three percent (3%)  
6 of the entire vote cast for the office.

7 (B) No group of electors shall assume a name or  
8 designation that is so similar in the opinion of the Secretary of State to  
9 that of an existing political party as to confuse or mislead the voters at an  
10 election.

11 (C) When any political party fails to obtain three percent  
12 (3%) of the total votes cast at an election for the office of Governor or  
13 nominees for presidential electors, it shall cease to be a political party;

14 ~~(18)~~(19) "Polling site" means a location selected by the county  
15 board of election commissioners where votes are cast;

16 ~~(19)~~(20) "Precinct" means the geographical boundary lines  
17 dividing a county, municipality, township, or school district for voting  
18 purposes;

19 ~~(20)~~(21) "Primary election" means any election held by a  
20 political party in the manner provided by law for the purpose of selecting  
21 nominees of the political party for certification as candidates for election  
22 at any general or special election in this state;

23 ~~(21)~~(22) "Provisional ballot" means a ballot:

24 (A) Cast by special procedures to record a vote when there  
25 is some question concerning a voter's eligibility; and (B)  
26 Counted contingent upon the verification of the voter's eligibility;

27 ~~(22)~~(23) "Qualified elector" means a person who holds the  
28 qualifications of an elector and who is registered pursuant to Arkansas  
29 Constitution, Amendment 51;

30 ~~(23)~~(24) "Sample ballot" means a ballot for distribution to the  
31 public or the press marked with the word "SAMPLE" so as to prevent the  
32 production of counterfeit ballots;

33 (25) "Uniformed services" means the Army, Navy, Air Force,  
34 Marine Corps, and Coast Guard, the commissioned corps of the Public Health  
35 Service, and the commissioned corps of the National Oceanic and Atmospheric  
36 Administration, or as defined in the federal Uniformed and Overseas Citizens

1 Absentee Voting Act if different from the definition stated herein;

2 ~~(24)~~(26) "Vacancy in election" means the vacancy in an elective  
3 office created by death, resignation, or other good and legal cause, arising  
4 prior to election to the office at a general or special election but arising  
5 subsequent to the certification of the ballot;

6 ~~(25)~~(27) "Vacancy in nomination" means the circumstances in  
7 which the person who received the majority of votes at the preferential  
8 primary election or general primary election cannot accept the nomination due  
9 to death or notifies the party that he or she will not accept the nomination  
10 due to serious illness, moving out of the area from which the person was  
11 elected as the party's nominee, or filing for another office preceding the  
12 final date for certification of nominations;

13 ~~(26)~~(28)(A) "Vacancy in office" means the vacancy in an elective  
14 office created by death, resignation, or other good and legal cause arising  
15 subsequent to election to the office at a general or special election or  
16 arising subsequent to taking office and prior to the expiration of the term  
17 of office in those circumstances wherein the vacancy must be filled by a  
18 special election rather than by appointment.

19 (B) The phrase "vacancy in office" shall not apply to the  
20 election of a person at a general election to fill an unexpired portion of a  
21 term of office;

22 ~~(27)~~(29) "Voter-verified paper audit trail" means a  
23 contemporaneous paper record of a ballot printed for the voter to confirm his  
24 or her votes before the voter casts his or her ballot that:

25 (A) Allows the voter to verify the voter-verified paper  
26 audit trail before the casting of the voter's ballot;

27 (B) Is not retained by the voter;

28 (C) Does not contain individual voter information;

29 (D) Is produced on paper that is sturdy, clean, and  
30 resistant to degradation; and

31 (E) Is readable in a manner that makes the voter's ballot  
32 choices obvious to the voter without the use of computer or electronic code;

33 ~~(28)~~(30) "Voting machine" means either:

34 (A) A direct recording electronic voting machine that:

35 (i) Records votes by means of a ballot display  
36 provided with mechanical or electro-optical components that may be actuated

1 by the voter;

2 (ii) Processes the data by means of a computer  
3 program;

4 (iii) Records voting data and ballot images in  
5 internal and external memory components; and

6 (iv) Produces a tabulation of the voting data stored  
7 in a removable memory component and on a printed copy; or

8 (B) An electronic device for marking a paper ballot to be  
9 electronically scanned; and

10 ~~(29)~~(31) "Voting system" means:

11 (A) The total combination of mechanical,  
12 electromechanical, or electronic equipment, including the software, firmware,  
13 and documentation required to program, control, and support the equipment  
14 that is used:

15 (i) To define ballots;

16 (ii) To cast and count votes;

17 (iii) To report or display election results; and

18 (iv) To maintain and produce any audit trail

19 information; and

20 (B) The practices and documentation used to:

21 (i) Identify system components and versions of  
22 components;

23 (ii) Test the system during its development and  
24 maintenance;

25 (iii) Maintain records of system errors and defects;

26 (iv) Determine specific system changes to be made to  
27 a system after the initial qualification of the system; and

28 (v) Make available any materials to the voter,  
29 including, but not limited to, notices, instructions, forms, or paper  
30 ballots.

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32 *SECTION 6. Arkansas Code § 7-5-406(a), concerning requesting an*  
33 *absentee ballot for members of uniformed services, members of the merchant*  
34 *marine, and citizens temporarily outside of the United States, is amended to*  
35 *read as follows:*

36 (a) Any qualified elector of this state in any of the following

1 categories who is absent from the place of his or her voting residence may  
 2 make a request for an absentee ballot by submission of a federal postal card  
 3 application as provided for in the Uniformed and Overseas Citizens Absentee  
 4 *Voting Act* ~~or may use the federal Write-in Absentee Ballot~~ and may vote  
 5 without prior registration by regular absentee ballot, or by federal Write-in  
 6 Absentee Ballot without registering, in any primary, special, runoff, or  
 7 ~~general~~ election held in his or her election precinct if he or she is  
 8 otherwise eligible to vote in that election:

9 (1) *Members of the uniformed services of the United States while*  
 10 *in active duty or service, and their spouses and dependents who, by reason of*  
 11 the active duty or service of the member, are absent from the place of  
 12 residence where the spouse or dependent is otherwise qualified to vote; and

13 (2) *Members of the Merchant Marine while in active duty or*  
 14 service and their spouses and dependents who, by reason of the active duty or  
 15 service of the member, are absent from the place of residence where the  
 16 spouse or dependent is otherwise qualified to vote; and

17 (3)~~(2)~~ *Citizens of the United States residing or temporarily*  
 18 ~~residing~~ outside the territorial limits of the United States and the District  
 19 of Columbia.

20  
 21 /s/ Faris

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 23 APPROVED: 3/27/2009  
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