

# Department of Finance and Administration

## Legislative Impact Statement

**Bill: HB1004**

**As Engrossed: 3/2/2017**

**Bill Subtitle: TO CREATE THE DEMOCRACY ACT; TO REQUIRE AUTOMATIC VOTER REGISTRATION; AND TO AMEND AMENDMENT 51 OF THE ARKANSAS CONSTITUTION.**

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### **Basic Change :**

**Sponsor: Rep. Blake**

This bill as engrossed with amendments 1 and 2, creates the Democracy Act and amends Amendment 51 of the Arkansas Constitution to provide for automatic voter registration. DFA currently provides electronic voter registration in the Revenue Offices and transmits the data to the Arkansas Secretary of State. This bill adds the additional data elements of telephone number and e-mail address as required information to be obtained from the voters. DFA currently asks voter-related questions when each person is issued, renews, is issued a duplicate or corrected driver's license or identification card.

This bill as engrossed also requires the State Registrar of Vital Records to immediately notify the Secretary of State of the death of all residents in the state. It also requires the Secretary of State to immediately notify the county clerk of the deceased residents in that county.

### **Revenue Impact :**

There is no revenue impact if this bill is passed.

### **Taxpayer Impact :**

Taxpayers may have longer wait times in the Revenue Offices while additional information is being requested on every transaction. In addition, change of address sent by mail or e-mail may need to be returned until all the voter questions and information has been provided. Change of address notifications by phone will take longer as a DFA employee must ask for all the required information and questions and then enter this information into the system along with the requested address change.

### **Resources Required :**

Additional programming will be required if this bill is passed. The programming is estimated to cost approximately \$42,000. Procedure changes and training DFA employees will be required. It is expected the additional duties can be provided by existing personnel.

### **Time Required :**

Additional time will be required to implement this bill. DFA requests an implementation date of November 13, 2017.

### **Procedural Changes :**

DFA will make procedural changes to obtain the required information on all transactions. Voter related questions are not currently asked when a person changes their address. Because persons may now change their address by mail, by internet, by e-mail as well as in person, a new process will need to be developed and employees trained to ask these questions, gather the additional personal information and enter this information into the driver's license system to be electronically transmitted to the

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Secretary of State.

Most DFA employees do not speak Spanish nor does DFA have interpreters employed in the Revenue Offices. If this bill is passed, then DFA employees will hand out the forms printed by the Secretary of State in language other than English when there is an applicant who does not speak English and who does not bring an interpreter.

### **Other Comments :**

None.

### **Legal Analysis :**

HB1004 would require DFA - Office of Driver Services (ODS), in consultation with the Arkansas Secretary of State (SOS), to establish a schedule and method for the ODS to electronically provide certain information to the SOS for purposes of automatic voter registration. Each time a person seeks to obtain or renew a driver's license, personal identification card, or seeks a duplicate or corrected license or card, or changes his or her address or name, the following information will be electronically provided to the SOS: name, date of birth, residence address and/or mailing address, telephone number, e-mail address (if available), political party preference, whether or not the person affirmatively declined to become registered to vote during a transaction with the ODS, a notation that the applicant has attested that he or she is eligible to register to vote, and other information specified in rules adopted pursuant to this bill.

The Federal Driver's Privacy Protection Act (DPPA) at 18 U.S.C. § 2721 generally prohibits the release and use of certain personal information from State motor vehicle records. However, the ODS' disclosure of the information to the SOS would qualify as a permissible use under 18 U.S.C. § 2721(b)(1). The DPPA would prohibit the SOS from redisclosing any records provided by ODS unless the redisclosure is consistent with a DPPA permissible use. See 18 U.S.C. § 2721(c).

Amendment 3 to HB1004 adds that the State Registrar of Vital Records must immediately notify the SOS of the death of all residents of the state. The SOS must then immediately provide the listing to each county clerk so that the deceased's voter registration shall be cancelled. Amendment 3 also provides that the SOS must provide education and outreach materials in languages other than English.