

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.

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:

36 (A) Specify voter eligibility requirements;



1 (B) Contain an attestation that the applicant meets all
2 *voter eligibility requirements and that the applicant does not claim the*
3 *right to vote in another county or state;*

4 (C) Specify the penalties provided by law for submission
5 of a false voter registration application;

6 (D) Inform applicants that where they register to vote
7 will be kept confidential; and

8 (E) Inform applicants that declining to register will also
9 be kept confidential.

10 (3) The following information will be required of the applicant:

11 (A) Full name;

12 (B) Mailing address;

13 (C) Residence address and any other information necessary
14 to identify the residence of the applicant;

15 (D) If previously registered, the name then supplied by
16 the applicant, and the previous address, county, and state;

17 (E) Date of birth;

18 (F) A signature or mark made under penalty of perjury that
19 the applicant meets each requirement for voter registration;

20 (G) If the applicant is unable to sign his or her name,
21 the name, address, and telephone number of the person providing assistance;

22 (H) If the applicant has a current and valid driver's
23 license, the applicant's driver's license number;

24 (I) If the applicant does not have a current and valid
25 driver's license, the last four (4) digits of the applicant's social security
26 number; and

27 (J) If the applicant does not have a current and valid
28 driver's license number or social security number, the Secretary of State
29 will assign the applicant a number which will serve to identify the applicant
30 for voter registration purposes, and this number shall be placed on the
31 application.

32 (4) The following information may be requested on the
33 registration card, but it shall not be required:

34 (A) Telephone number where the applicant may be contacted;
35 and

36 (B) Political party with which the applicant wishes to be

1 affiliated, if any.

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

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

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

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

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

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

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

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

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

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

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

32 ~~(ii) When the state acquires the capacity to match~~
33 ~~the registrant's driver's license number and the registrant's social security~~
34 ~~number to the registrant's name, the The mail-in voter registration~~
35 application form shall include the following statement ~~in lieu of the~~
36 ~~statement contained in subdivision (6)(a)(7)(C)(i):~~

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

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

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

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

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

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

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

28 (D) Voter registration eligibility requirements;

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

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

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

35 (2) The voter registration application portion shall require the
36 signature of the applicant under penalty of perjury, but shall not require

1 notarization or other formal authentication.

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

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

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

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

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

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

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

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

32

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

36 9. Application to register.

1 (a) All persons may register who:

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

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

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

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

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

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

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

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

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

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

33 (A) A legible and complete voter registration application
34 form is postmarked not later than thirty (30) days before the date of the
35 election, or, if the form is received by mail without a postmark, not later
36 than twenty-five (25) days before the date of an election; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (3) The Secretary of State shall make the report available to

1 the general public.

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

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

13

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

17 10. Transfer and change of status.

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

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

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

35 (B) Updating his or her new address at a voter registration
36 agency, including without limitation the Office of Driver Services or a state

1 revenue office, public assistance agency, or disabilities agency;

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

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

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

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

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

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

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

35 "We have received notification that you have moved to a new address in
36 _____ County (or in the _____ Congressional

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

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

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

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

35 ~~(e)~~(f) Based on change of address information received pursuant to
36 subsections (a) and (d) of this section, the permanent registrar shall:

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

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

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

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

15 11. Cancellation of registration.

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

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

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

25 (3) Who have died;

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

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

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

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

36 (c)(1) It shall be the duty of the State Registrar of Vital Records to

1 notify promptly the Secretary of State of the death of all residents of this
2 state.

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

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

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

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

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

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

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

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

35 (f)(1) The permanent registrar shall, thirty (30) days before
36 cancellation, notify all persons whose registration records are to be

1 cancelled in accordance with section 11(a)(1) of this amendment. The notice
2 may be either by publication or by first class mail. The notice by mail shall
3 be as follows:

4
5 "NOTICE OF IMPENDING CANCELLATION OF VOTER REGISTRATION.
6

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

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

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

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

32 7-1-101. Definitions.

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

35 (1) "Administrator" means the administrative head of a long-term
36 care or residential care facility licensed by the state who is authorized in

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

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

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

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

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

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

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

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

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

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

35 (11) "First-time voter" means any registered voter who has not
36 previously voted in a federal election in the state;

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

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

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

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

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

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

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

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

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

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

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

32 ~~(16)~~(17) "Party certificate" means a written statement or
33 receipt signed by the secretary or chair of the county committee or of the
34 state committee, as the case may be, of the political party evidencing the
35 name and title proposed to be used by the candidate on the ballot, the
36 position the candidate seeks, payment of the fees, and filing of the party

1 pledge, if any, required by the political party;

2 ~~(17)~~(18)(A) "Political party" means any group of voters that at
3 the last preceding general election polled for its candidate for Governor in
4 the state or nominees for presidential electors at least three percent (3%)
5 of the entire vote cast for the office.

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

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

13 ~~(18)~~(19) "Polling site" means a location selected by the county
14 board of election commissioners where votes are cast;

15 ~~(19)~~(20) "Precinct" means the geographical boundary lines
16 dividing a county, municipality, township, or school district for voting
17 purposes;

18 ~~(20)~~(21) "Primary election" means any election held by a
19 political party in the manner provided by law for the purpose of selecting
20 nominees of the political party for certification as candidates for election
21 at any general or special election in this state;

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

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

26 ~~(22)~~(23) "Qualified elector" means a person who holds the
27 qualifications of an elector and who is registered pursuant to Arkansas
28 Constitution, Amendment 51;

29 ~~(23)~~(24) "Sample ballot" means a ballot for distribution to the
30 public or the press marked with the word "SAMPLE" so as to prevent the
31 production of counterfeit ballots;

32 (25) "Uniformed services" means the Army, Navy, Air Force,
33 Marine Corps, and Coast Guard, the commissioned corps of the Public Health
34 Service, and the commissioned corps of the National Oceanic and Atmospheric
35 Administration, or as defined in the federal Uniformed and Overseas Citizens
36 Absentee Voting Act if different from the definition stated herein;

1 ~~(24)~~(26) “Vacancy in election” means the vacancy in an elective
2 office created by death, resignation, or other good and legal cause, arising
3 prior to election to the office at a general or special election but arising
4 subsequent to the certification of the ballot;

5 ~~(25)~~(27) “Vacancy in nomination” means the circumstances in
6 which the person who received the majority of votes at the preferential
7 primary election or general primary election cannot accept the nomination due
8 to death or notifies the party that he or she will not accept the nomination
9 due to serious illness, moving out of the area from which the person was
10 elected as the party’s nominee, or filing for another office preceding the
11 final date for certification of nominations;

12 ~~(26)~~(28)(A) “Vacancy in office” means the vacancy in an elective
13 office created by death, resignation, or other good and legal cause arising
14 subsequent to election to the office at a general or special election or
15 arising subsequent to taking office and prior to the expiration of the term
16 of office in those circumstances wherein the vacancy must be filled by a
17 special election rather than by appointment.

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

21 ~~(27)~~(29) “Voter-verified paper audit trail” means a
22 contemporaneous paper record of a ballot printed for the voter to confirm his
23 or her votes before the voter casts his or her ballot that:

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

26 (B) Is not retained by the voter;

27 (C) Does not contain individual voter information;

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

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

32 ~~(28)~~(30) “Voting machine” means either:

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

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

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

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

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

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

9 ~~(29)~~(31) "Voting system" means:

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

14 (i) To define ballots;

15 (ii) To cast and count votes;

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

17 (iv) To maintain and produce any audit trail

18 information; and

19 (B) The practices and documentation used to:

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

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

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

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

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

30
31 *SECTION 6. Arkansas Code § 7-5-406(a), concerning requesting an*
32 *absentee ballot for members of uniformed services, members of the merchant*
33 *marine, and citizens temporarily outside of the United States, is amended to*
34 *read as follows:*

35 (a) Any qualified elector of this state in any of the following
36 categories who is absent from the place of his or her voting residence may

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

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

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

16 (3)-(2) Citizens of the United States residing or temporarily
17 ~~residing~~ outside the territorial limits of the United States and the District
18 of Columbia.

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20 /s/ Faris
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