

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: H2/25/21 H3/9/21

A Bill

HOUSE BILL 1517

5 By: Representative Boyd
6 By: Senator B. Davis
7

For An Act To Be Entitled

9 AN ACT TO CREATE THE VOTER INTEGRITY AND VOTER
10 REGISTRATION MODERNIZATION ACT OF 2021; TO ALLOW
11 ELECTRONIC VOTER REGISTRATION; TO AMEND ARKANSAS
12 CONSTITUTION, AMENDMENT 51; TO AMEND THE DUTIES OF
13 THE SECRETARY OF STATE; AND FOR OTHER PURPOSES.
14
15

Subtitle

16 TO CREATE THE VOTER INTEGRITY AND VOTER
17 REGISTRATION MODERNIZATION ACT OF 2021;
18 TO ALLOW ELECTRONIC VOTER REGISTRATION;
19 TO AMEND ARKANSAS CONSTITUTION, AMENDMENT
20 51; AND TO AMEND THE DUTIES OF THE
21 SECRETARY OF STATE.
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24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

26
27 SECTION 1. DO NOT CODIFY. Title.

28 This act shall be known and may be cited as the "Voter Integrity and
29 Voter Registration Modernization Act of 2021".
30

31 SECTION 2. Arkansas Constitution, Amendment 51, § 5(b)(1), concerning
32 the duties of registration officials, is amended to read as follows:

33 (b)(1)(A) The Secretary of State is designated as the chief election
34 official. The Secretary shall prepare and distribute the pre-addressed
35 postcard mail voter registration application forms described in 51-6 [section
36 6] of this amendment. Mail registration application forms shall serve for



1 purposes of initial applications to register and shall also serve for changes
2 of name, address, or party affiliation. Bilingual (Spanish/English) forms,
3 braille forms, and large print forms shall be available upon request. The
4 Secretary of State shall make the state mail voter registration application
5 form available for distribution through governmental and private entities
6 with particular emphasis on making them available for organized voter
7 registration programs. Any person may distribute state registration cards.
8 All registration cards shall be distributed to the public without charge.

9 (B) The Secretary of State shall prepare and administer
10 electronic voter registration application forms. Electronic voter
11 registration application forms may serve for purposes of initial applications
12 to register and may serve for changes of name, address, or party affiliation.
13 The system used to access the electronic voter registration application forms
14 shall be accessible without charge.

15
16 SECTION 3. Arkansas Constitution, Amendment 51, § 5(e), concerning the
17 duties of registration officials, is amended to add an additional subdivision
18 to read as follows:

19 (f) The Secretary of State is authorized to prescribe, adopt, publish
20 and distribute detailed specifications for the electronic voter registration
21 application forms, and the security measures for the protection of the voter
22 registration applicant information and the voter registration list, all of
23 which shall be consistent with this amendment and the laws passed by the
24 General Assembly and be uniform throughout the state.

25
26 SECTION 4. Arkansas Constitution, Amendment 51, § 6(a)(1), concerning
27 statements included on the mail voter registration application form, is
28 amended to read as follows:

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

35
36 SECTION 5. Arkansas Constitution, Amendment 51, § 6(a)(3)(F),

1 concerning statements included on the mail voter registration application
2 form, is amended to read as follows:

3 (F) A signature or mark, or electronic signature or mark,
4 made under penalty of perjury that the applicant meets each requirement for
5 voter registration;

6
7 SECTION 6. The introductory language of Arkansas Constitution,
8 Amendment 51, § 6(a)(4), concerning statements included on the mail voter
9 registration application form, is amended to read as follows:

10 (4) The following information may be requested on the
11 registration card or electronic voter registration application form, but it
12 shall not be required:

13
14 SECTION 7. Arkansas Constitution, Amendment 51, § 6(a)(5), concerning
15 statements included on the mail voter registration application form, is
16 amended to read as follows:

17 (5) The mail voter registration application form or the
18 electronic voter registration application form shall not include ~~any~~ a
19 requirement for notarization or other formal authentication.

20
21 SECTION 8. The introductory language of Arkansas Constitution,
22 Amendment 51, § 6(a)(6), concerning statements included on the mail voter
23 registration application form, is amended to read as follows:

24 (6) The mail voter registration application form and the
25 electronic voter registration application form shall include the following
26 questions along with boxes or other means for the applicant to check “yes” or
27 “no” in response:

28
29 SECTION 9. The introductory language of Arkansas Constitution,
30 Amendment 51, § 6(a)(7), concerning statements included on the mail voter
31 registration application form, is amended to read as follows:

32 (7) The mail voter registration application form and the
33 electronic voter registration application form shall include the following
34 statements immediately following the questions asked in subdivision (a)(6) of
35 *this section*:

36

1 SECTION 10. Arkansas Constitution, Amendment 51, § 7, concerning voter
2 registration record files, is amended to add an additional subsection to read
3 as follows:

4 (j)(1) To ensure the accuracy of the voter registration record files
5 maintained by the Secretary of State, the Secretary of State shall:

6 (A) Regularly and before each election identify registered
7 voters who are deceased by comparing the information received from the Social
8 Security Administration, including without limitation a master death file or
9 index compiled by the Social Security Administration, and assist the State
10 Board of Election Commissioners to obtain information for the purpose of
11 conducting a post-election audit if a post-election audit is conducted;

12 (B) Establish and implement a process for the verification
13 of address information submitted by a person registering to vote or by a
14 registered voter updating his or her address;

15 (C) Cooperate with other states to develop systems to
16 compare voters, voter histories, and voter registration lists to ensure the
17 accuracy of the voter registration rolls, to identify voters whose addresses
18 have changed, to prevent duplication of registration in more than one (1)
19 state, and to determine eligibility of individuals to vote in Arkansas;

20 (D) Ensure all confidential voter registration information
21 and data remains confidential and protected under state and federal law;

22 (E) Allow view-only access to the voter registration
23 record files and data to all county boards of election commissioners to carry
24 out the county board of election commissioners' election administration
25 responsibilities; and

26 (F) Provide annual reports to the General Assembly
27 concerning the accuracy of the voter registration record files.

28 (2) The Secretary of State may adopt rules necessary to
29 implement the requirements of this subsection under the Arkansas
30 Administrative Procedure Act, § 25-15-201 et seq.

31
32 SECTION 11. Arkansas Constitution, Amendment 51, § 8(a)(2), concerning
33 voter registration application records and reports, is amended to read as
34 follows:

35 (2) The Secretary of State shall transmit all mail voter
36 registration applications and electronic voter registration applications to

1 the appropriate permanent registrar no later than ten (10) days after the
2 date of receipt. When applications are received within five (5) days before
3 the last day of registration for an election, they must be transmitted no
4 later than five (5) days after date of receipt. If forms are received by the
5 wrong election office, they shall be forwarded to the appropriate permanent
6 registrar not later than the fifth day after receipt.

7
8 SECTION 12. The introductory language of Arkansas Constitution,
9 Amendment 51, § 8(c)(1), concerning voter registration application records
10 and reports, is amended to read as follows:

11 (c)(1) The Secretary of State shall collect, maintain, and publish
12 monthly statistical data reflecting the number of new voter registration
13 applications, changes of address, name, and party affiliation, and
14 declinations received by mail, electronically, and in:

15
16 SECTION 13. Arkansas Constitution, Amendment 51, § 9(c), concerning
17 the application to register to vote, is amended to add an additional
18 subdivision to read as follows:

19 (4) The permanent registrar shall register qualified applicants
20 who apply to register to vote by electronic voter registration application
21 form if:

22 (A) The electronic voter registration application form is
23 submitted no later than thirty (30) days before the date of the election; and

24 (B) The applicant for electronic voter registration
25 provides a current valid driver's license number or the last four (4) digits
26 of the applicant's Social Security number.

27
28 SECTION 14. Arkansas Constitution, Amendment 51, § 10(a), concerning
29 the transfer and change of status for a registered voter, is amended to read
30 as follows:

31 (a) Upon a change of legal residence within the county, or a change of
32 name, any registered voter may cause his or her registration to be
33 transferred to his or her new address or new name by completing and mailing a
34 federal or state mail voter registration application form, by completing an
35 electronic voter registration application form, by updating his or her
36 address at the Office of Driver Services, any state revenue office, public

1 assistance agency, disabilities agency, or other voter registration agency,
2 by signing a mailed request to the permanent registrar, giving his or her
3 present address and the address at which he or she was last registered or his
4 or her present name and the name under which he or she was last registered,
5 or by applying in person at the office of the permanent registrar.

6
7 SECTION 15. Arkansas Constitution, Amendment 51, § 10(b)(1),
8 concerning the transfer and change of status for a registered voter, is
9 amended to add an additional subdivision to read as follows:

10 (E) Completing an electronic voter registration
11 application form.

12
13 SECTION 16. Arkansas Code § 7-5-201(e)(1), concerning voter
14 qualification, are amended to read as follows:

15 (e)(1) A person registering to vote by mail or by electronic voter
16 registration application form and who has not previously voted in a federal
17 election in this state shall:

18 (A) Present to the election official a current and valid
19 photo identification or a copy of a current utility bill, bank statement,
20 government check, paycheck, or other government document that shows the name
21 and address of the voter when appearing to vote in person either early or at
22 the polls on election day; or

23 (B) When voting by mail, submit with the ballot a copy of
24 a current and valid photo identification or a copy of a current utility bill,
25 bank statement, government check, paycheck, or other government document that
26 shows the name and address of the voter.

27
28 SECTION 17. Arkansas Code § 7-5-201(e)(3)(E) and (F), concerning voter
29 qualification, are amended to read as follows:

30 (E) Persons who register to vote by mail or by electronic
31 voter registration application form and submit as part of the registration
32 any of the identification documents listed in subdivision (e)(1) of this
33 section; or

34 (F) Persons who register to vote by mail or using an
35 electronic voter registration application form and submit with the
36 registration either a driver's license number or at least the last four (4)

1 digits of the individual's Social Security number and with respect to whom a
2 state or local election official matches the license number or Social
3 Security number with an existing state identification record bearing the same
4 number, name, and date of birth as provided in the registration.

5
6 SECTION 18. Arkansas Code § 7-5-416(b)(1)(F), concerning the counting
7 of absentee ballots, is amended to read as follows:

8 (F)(i) After the election official reads aloud from the
9 statement, the election officials shall compare the name, address, date of
10 birth, and signature of the voter's absentee application with the voter's
11 statement; and,

12 (ii)(a) ~~for~~ For first-time voters who registered by
13 mail, the first-time voter's identification document unless the voter
14 previously provided identification at the time of mailing the voter
15 registration application; or

16 (b) For first time voters who registered using
17 an electronic voter registration application form, the first-time voter's
18 identification document unless the voter previously provided identification
19 at the time of electronically registering using an electronic voter
20 registration application form.

21 (iii) If the county board of election commissioners
22 determines that the application and the voter's statement do not compare as
23 to name, address, date of birth, and signature, the absentee ballot shall not
24 be counted.

25 (iv) If a first-time voter fails to provide the
26 required identification with the absentee ballot, ~~or~~ at the time of mailing
27 the voter registration application, or at the time of registration using an
28 electronic voter registration application form, then the absentee
29 application, absentee ballot envelope, and voter's statement shall be placed
30 in an envelope marked "provisional" and the absentee ballot shall be
31 considered a provisional ballot;

32
33 SECTION 19. Arkansas Code Title 7, Chapter 5, Subchapter 3, is amended
34 to add an additional section to read as follows:

35 7-5-325. Electronic voter registration.

36 (a) The Secretary of State shall establish and maintain a secure

1 online voter registration system.

2 (b) The online voter registration system shall allow:

3 (1) The submission of an online voter registration application
4 form meeting the requirements established in Arkansas Constitution, Amendment
5 51, § 6; and

6 (2) A voter registration to be completed using the online voter
7 registration system and included on the voter registration list.

8 (c) The Secretary of State shall:

9 (1) Employ security measures the Secretary of State
10 determines to be necessary to ensure the integrity, accuracy, and security of
11 the online voter registration system; and

12 (2) Establish and implement a process for the verification
13 of address information submitted by a person registering to vote, or a
14 registered voter updating his or her address:

15 (A) Using the electronic voter registration
16 application form;

17 (B) When providing a state agency charged with voter
18 registration address information; or

19 (C) Using a state mail voter registration
20 application form.

21 (d) Each person using the online voter registration system shall be
22 informed as to whether:

23 (1) The online voter registration application form has been
24 successfully submitted and is pending approval; or

25 (2) The online voter registration system encountered an error in
26 processing the online voter registration application form and the online
27 voter registration application form was not successfully submitted.

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29 SECTION 20. EFFECTIVE DATE. This act shall become effective on
30 and after January 1, 2022.

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32 /s/Boyd