

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 84th General Assembly
3 Regular Session, 2003

A Bill

SENATE BILL 271

4
5 By: Senator Faris
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For An Act To Be Entitled

8
9 AN ACT TO AMEND VARIOUS SECTIONS OF AMENDMENT 51
10 TO THE ARKANSAS CONSTITUTION CONCERNING VOTER
11 REGISTRATION; AND FOR OTHER PURPOSES.
12

Subtitle

13
14 AN ACT TO AMEND VARIOUS SECTIONS OF
15 AMENDMENT 51 TO THE ARKANSAS
16 CONSTITUTION CONCERNING VOTER
17 REGISTRATION.
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19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Pursuant to the authority granted in §19 of Amendment 51 to
23 the Arkansas Constitution, § 6(a) of Amendment 51 to the Arkansas
24 Constitution, concerning voter registration application forms, is amended to
25 read as follows:

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

31 (2) Such forms shall include, in identical print, statements
32 that:

- 33 (A) Specify voter eligibility requirements;
34 (B) Contain an attestation that the applicant meets all
35 voter eligibility requirements;
36 (C) Specify the penalties provided by law for submission



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1 of a false voter registration application;

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

4 (E) Inform applicants that declining to register will also
5 be kept confidential.

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

7 (A) Full name;

8 (B) Mailing address;

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

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

13 (E) Date of birth;

14 (F) A signature or mark made under penalty of perjury that
15 the applicant meets each requirement for voter registration; ~~and~~

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

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

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

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

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

30 (A) Telephone number where the applicant may be contacted;
31 and

32 ~~(B) Social security number or driver's license number; and~~

33 ~~(C)~~(B) Political party with which the applicant wishes to
34 be affiliated, if any.

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

1 (6) The mail voter registration application form shall be pre-
2 addressed to the Secretary of State, include the following questions along
3 with boxes for the applicant to check “yes” or “no” in response:

4 (A) “Are you a citizen of the United States of America and
5 an Arkansas resident?”;

6 (B) “Will you be eighteen (18) years of age on or before
7 election day?”;

8 (C) “Are you presently adjudged mentally incompetent by a
9 court of competent jurisdiction?”;

10 (D) “Have you ever pleaded guilty or nolo contendere to,
11 or found guilty of a felony without your sentence having been discharged or
12 pardoned?”; and

13 (E) “Do you claim the right to vote in another county or
14 state?”.

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

18 (A) “If you checked “No” in response to either questions A
19 or B, do not complete this form.”;

20 (B) “If you checked “Yes” in response to one or more of
21 questions C, D, or E, do not complete this form.”; and

22 (C) A statement informing the individual that if the form
23 is submitted by mail and the individual is registering for the first time, a
24 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, must be submitted with the mailed
27 registration form in order to avoid the additional identification
28 requirements upon voting for the first time.

29 (8) If an applicant for voter registration fails to answer the
30 questions included in subdivision (a)(6) of this section, the permanent
31 registrar shall notify the applicant of the failure and provide the applicant
32 with an opportunity to complete the form in a timely manner to allow for its
33 completion before the next election for federal office.

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

36

1 SECTION 2. Pursuant to the authority granted in §19 of Amendment 51 to
 2 the Arkansas Constitution, §7 of Amendment 51 to the Arkansas Constitution is
 3 amended to read as follows:

4 § 7. Registration record files.

5 ~~(a) In each county, the permanent registrar shall maintain the~~
 6 ~~following voter registration record files for all voters legally resident~~
 7 ~~within that county:~~

8 ~~(1) The county voter registration file, which shall contain~~
 9 ~~voter registration records for the whole county, including the inactive~~
 10 ~~registration records of persons who have failed to respond to address~~
 11 ~~confirmation mailings described in section 10 of this amendment;~~

12 ~~(2) If a county is divided into more than one (1) congressional~~
 13 ~~district, then congressional district voter registration files, which shall~~
 14 ~~contain only the voter registration records of county residents that reside~~
 15 ~~within the same congressional district;~~

16 ~~(3) A list maintenance file, which shall contain lists of~~
 17 ~~persons receiving address confirmation notices or final address confirmation~~
 18 ~~notices or both and the person's response; and~~

19 ~~(4) A file of cancelled voter registration records, which shall~~
 20 ~~contain cancelled voter registration records and documentation noting the~~
 21 ~~reason for cancellation.~~

22 ~~(b) The permanent registrar of each county shall maintain copies of~~
 23 ~~the precinct voter registration lists from the county voter registration file~~
 24 ~~as necessary for holding elections.~~

25 ~~(c) Persons with an inactive voter registration status may activate~~
 26 ~~their voting status by appearing to vote at the precinct in which they~~
 27 ~~currently reside or by updating their voter registration records.~~

28 ~~(d) The county board of registration or other lawfully designated~~
 29 ~~election officials shall cause the appropriate precinct voter registration~~
 30 ~~lists to be at the polling places on the date of elections, and shall return~~
 31 ~~them at the close of the election to the office of the permanent registrar~~
 32 ~~with the ballot boxes.~~

33 ~~(e) If the legal residence of a voter is renamed, renumbered, or~~
 34 ~~annexed, the permanent registrar may change the name or number of the legal~~
 35 ~~residence on the voter's registration record and any other voting records.~~
 36 ~~Within fifteen (15) days after the records are changed to reflect the new~~

1 ~~name or number of the residence, the permanent registrar shall notify the~~
2 ~~voter by mail that the change has been made.~~

3 (a) The Secretary of State shall define, maintain, and administer the
4 official, centralized, and interactive computerized voter registration list
5 for all voters legally residing within the State, and the list shall include:

6 (1) The name, address, county, precinct, assigned unique
7 identifier and registration information of every legally registered voter in
8 the state;

9 (2) The inactive registration records of persons who have failed
10 to respond to address confirmation mailings described in § 10 of this
11 amendment;

12 (3) List maintenance information for each person receiving
13 address confirmation notices or final address confirmation notices or both
14 and the person's response; and

15 (4) Cancelled voter registration records and documentation
16 noting the reason for cancellation.

17 (b) The computerized list shall serve as the single system for storing
18 and managing the official list of registered voters throughout the state.

19 (c) The computerized list shall serve as the official voter
20 registration list for the conduct of all elections for federal, state,
21 county, municipal, school, or other office in the state.

22 (d) The permanent registrar of each county shall maintain copies of
23 that county's precinct voter registration list from the statewide
24 computerized list as necessary for holding elections.

25 (e) The computerized list shall be coordinated with other state agency
26 records on felony status as maintained by the Arkansas Crime Information
27 Center, records on death as maintained by the State Department of Health, and
28 driver's license records maintained by the Office of Driver Services,
29 according to § 9 of Amendment 51 to the Arkansas Constitution.

30 (f) A person with an inactive voter registration status may activate
31 his or her voting status by appearing to vote at the precinct in which he or
32 she currently resides or by updating his or her voter registration records
33 with the permanent registrar of the county in which he or she resides.

34 (g) The county board of election commissioners or other lawfully
35 designated election officials shall cause the appropriate precinct voter
36 registration lists to be at the polling places on the date of elections, and

1 shall return them at the close of the election to the office of the permanent
 2 registrar with the ballot boxes.

3 (h) If the legal residence of a voter is renamed, renumbered, or
 4 annexed, the permanent registrar or any local election official may change
 5 the name or number of the legal residence on the voter's registration record
 6 and any other voting records. Within fifteen (15) days after the records are
 7 changed to reflect the new name or number of the residence, the permanent
 8 registrar shall notify the voter by mail that the change has been made.

9 (i)(1) Any election official in the state, including any local
 10 election official, may obtain immediate electronic access to the information
 11 contained in the computerized list.

12 (2) All voter registration information obtained by any local
 13 election official in the state shall be electronically entered into the
 14 computerized list on an expedited basis at the time the information is
 15 provided to the local official.

16 (3) The Secretary of State shall provide the support as may be
 17 required so that local election officials are able to enter the information.

18
 19 SECTION 3. Pursuant to the authority granted in § 19 of Amendment 51
 20 to the Arkansas Constitution, § 9 of Amendment 51 to the Arkansas
 21 Constitution, concerning applications to register to vote, is amended to read
 22 as follows:

23 (a) All persons may register who:

24 (1) Are qualified electors and who have not previously
 25 registered;

26 (2) Will become qualified electors during the thirty-day period
 27 immediately prior to the next election scheduled within the county; or

28 (3) Are qualified electors but whose registration has been
 29 cancelled in a manner provided for by this amendment.

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

35 (c)(1) The permanent registrar shall register qualified applicants
 36 when a legible and complete voter registration application is received and

1 acknowledged by the permanent registrar.

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

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

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

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

16 (d) The permanent registrar shall notify applicants whether their
17 applications are accepted or rejected, or are incomplete. If information
18 required by the permanent registrar is missing from the voter registration
19 application, the permanent registrar shall contact the applicant to obtain
20 the missing information.

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

30 ~~(e)~~(f) Registration records shall be ~~filed or~~ entered promptly in the
31 computerized statewide registration record files. If the applicant lacks one
32 (1) or more of the qualifications required by law of voters in this state,
33 the permanent registrar shall not register the applicant, but shall document
34 the reason for denying the applicant's registration and promptly file or
35 enter the application and the documented reason for denying registration in
36 the statewide registration record files.

1 (f)(g) If the permanent registrar has any reason to doubt the
 2 qualifications of an applicant for registration, he or she shall submit such
 3 application to the county board of ~~registration~~ election commissioners, and
 4 such board shall make a determination with respect to such qualifications and
 5 shall instruct the permanent registrar regarding the same.

6 ~~(g)(h)~~ If any person eligible to register as a voter is unable to
 7 register in person at the permanent registrar's office by reason of sickness
 8 or physical disability, the permanent registrar shall register the applicant
 9 at his or her place of abode within such county, if practicable, in the same
 10 manner as if he or she had appeared at the permanent registrar's office.

11 ~~(h)(i)~~ Notwithstanding other provisions of this amendment, every
 12 person in any of the following categories who is absent from the place of his
 13 or her voting residence may vote without registration by absentee ballot in
 14 any primary, special, or general election held in his or her election
 15 precinct if he or she is otherwise eligible to vote in that election:

16 (1) Members of the armed forces while in active service, and
 17 their spouses and dependents;

18 (2) Members of the Merchant Marines in the United States and
 19 their spouses and dependents;

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

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

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

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

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

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

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