

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 85th General Assembly
3 Regular Session, 2005
4

A Bill

HOUSE BILL 1905

5 By: Representative Rosenbaum
6
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For An Act To Be Entitled

9 AN ACT CONCERNING VOTER QUALIFICATIONS AFTER
10 OBTAINING AN ABSENTEE BALLOT; AND FOR OTHER
11 PURPOSES.
12

Subtitle

13 AN ACT CONCERNING VOTER QUALIFICATIONS
14 AFTER OBTAINING AN ABSENTEE BALLOT.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code § 7-5-201 is amended to add an additional
21 subsection to read as follows:

22 (e)(1) Any person who received an absentee ballot but elects to vote
23 by early voting or to vote at his or her polling site on election day and
24 surrenders his or her absentee ballot shall be permitted to vote.

25 (2) A person who is unable to surrender his or her absentee
26 ballot when attempting to vote by early voting or attempting to vote at his
27 or her polling site on election day shall be permitted to cast a provisional
28 ballot.
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30 SECTION 2. Arkansas Code § 7-5-305 is amended to read as follows:
31 7-5-305. Requirements.

32 (a) Before a person is permitted to vote, the election official shall:

33 (1) Request the voter to identify himself or herself in order to
34 verify the existence of his or her name on the precinct voter registration
35 list;

36 (2) Request the voter, in the presence of the election official,



1 to state his or her address and state or confirm his or her date of birth;

2 (3) Determine that the voter's date of birth and address are the
3 same as those on the precinct voter registration list;

4 (4) If the date of birth given by the voter is not the same as
5 that on the precinct voter registration list, request the voter to provide
6 identification as the election official deems appropriate;

7 (5)(A) If the voter's address is not the same as that on the
8 precinct voter registration list, verify with the county clerk that the
9 address is within the precinct.

10 (B) If the address is within the precinct, request the
11 voter to complete a voter registration application form for the purpose of
12 updating county voter registration record files.

13 (C) If the address is not within the precinct, instruct
14 the voter to contact the county clerk's office to determine the proper
15 precinct;

16 (6) If the voter's name is not the same as that on the precinct
17 voter registration list, request the voter to complete a voter registration
18 application form for purposes of updating county voter registration record
19 files;

20 (7) Request the voter, in the presence of the election official,
21 to sign his or her name, including the given name, middle name or initial, if
22 any, and last name in the space provided on the precinct voter registration
23 list. If a person is unable to sign his or her signature or make his or her
24 mark or cross, the election official shall enter the voter's initials and the
25 voter's date of birth in the space for the person's signature on the precinct
26 voter registration list;

27 (8)(A) Request the voter for purposes of identification to
28 provide a current and valid photo identification or a copy of a current
29 utility bill, bank statement, government check, paycheck, or other government
30 document that shows the name and address of the voter.

31 (B)(i) If a voter is unable to provide this
32 identification, the election official shall indicate on the precinct voter
33 registration list that the voter did not provide identification.

34 (ii) A first-time voter who registers by mail
35 without providing ~~identification~~ identification when registering, and
36 desires to vote in person, but who does not meet the identification

1 requirements of subdivision (a)(8)(A) may cast a provisional ballot.

2 (iii) Following each election, the county board of
3 election commissioners may review the precinct voter registration lists and
4 may provide the information of the voters not providing identification at the
5 polls to the prosecuting attorney.

6 (iv) The prosecuting attorney may investigate
7 possible voter fraud; ~~and~~

8 (9) Follow the procedures under §§ 7-5-310, 7-5-311, and 7-5-
9 523, if the person is a disabled voter and presents himself or herself to
10 vote; and

11 (10)(A) If the person received an absentee ballot, request that
12 the person surrender his or her absentee ballot in order to be permitted to
13 vote.

14 (B) A person who is unable to surrender his or her
15 absentee ballot shall be permitted to cast a provisional ballot.

16 (b) A person not listed on the precinct voter registration list may
17 vote only in accordance with § 7-5-306.

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19 SECTION 3. Arkansas Code § 7-5-411 is amended to add an additional
20 subsection to read as follows:

21 (c)(1) Any person who receives an absentee ballot but elects to vote
22 by early voting or to vote at his or her polling site on election day and
23 surrenders his or her absentee ballot shall be permitted to vote.

24 (2) A person who is unable to surrender his or her absentee
25 ballot when attempting to vote by early voting or attempting to vote at his
26 or her polling site on election day shall be permitted to cast a provisional
27 ballot.

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