

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

# A Bill

SENATE BILL 206

4  
5 By: Senators Holt, Altes  
6  
7

## For An Act To Be Entitled

9 AN ACT TO CREATE THE ARKANSAS TAXPAYER AND  
10 CITIZEN PROTECTION ACT; CONCERNING MATTERS  
11 PERTAINING TO VOTING AND THE ADMINISTRATION OF  
12 PUBLIC BENEFITS; TO AMEND AMENDMENT 51 OF THE  
13 ARKANSAS CONSTITUTION; AND FOR OTHER PURPOSES.  
14

## Subtitle

15 AN ACT TO CREATE THE ARKANSAS TAXPAYER  
16 AND CITIZEN PROTECTION ACT.  
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18  
19

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

22 SECTION 1. Short title.

23 This act may be cited as the "Arkansas Taxpayer and Citizen Protection  
24 Act".  
25

26 SECTION 2. Legislative intent.

27 (a) The General Assembly finds that illegal immigration is creating  
28 economic hardship to this state and that illegal immigration is encouraged by  
29 public agencies within this state that provide public benefits without  
30 verifying immigration status.

31 (b) The General Assembly further finds that illegal immigrants have  
32 been given a safe haven in this state with the aid of identification cards  
33 that are issued without verifying immigration status, and this conduct  
34 contradicts federal immigration policy, undermines the security of our  
35 borders and demeans the value of citizenship.

36 (c) It is the purpose of this act to require all public agencies



1 within this state to cooperate with federal immigration authorities and to  
 2 discourage illegal immigration.

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 4 SECTION 3. Pursuant to the authority granted in Section 19 of  
 5 Amendment 51 of the Arkansas Constitution, Section 6(a)(3) of Amendment 51 to  
 6 the Arkansas Constitution, concerning information required from applicants  
 7 when registered to vote, is amended to read as follows:

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

9 (A) Full name;

10 (B) Mailing address;

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

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

15 (E) Date of birth;

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

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

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

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

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

30 (K)(i) Evidence of United States citizenship, including  
 31 any of the following:

32 (a) A legible copy of the applicant's valid  
 33 driver's license or identification card issued by this state or another  
 34 state, if the issuing agency indicates on the driver's license or  
 35 identification card that the applicant provided satisfactory proof of United  
 36 States citizenship upon issuance of the card;

1 (b) A legible copy of the applicant's birth  
 2 certificate that verifies United States citizenship to the satisfaction of  
 3 the permanent registrar;

4 (c) A legible copy of the applicant's  
 5 passport, identifying the applicant and his or her passport number;

6 (d)(1) A legible copy of the applicant's  
 7 naturalization documents or the number of the applicant's certificate of  
 8 naturalization.

9 (2) If the applicant provides the number  
 10 of his or her certificate of naturalization, the applicant shall not be added  
 11 to the voter registration list until the number of the certificate of  
 12 naturalization is verified with the United States Citizenship and Immigration  
 13 Services of the Department of Homeland Security;

14 (e) The applicant's Bureau of Indian Affairs  
 15 of the United States Department of the Interior card number, tribal treaty  
 16 card number, or tribal enrollment number; or

17 (f) Other documents or methods of proof  
 18 established pursuant to the Immigration Reform and Control Act of 1986, as  
 19 existing on January 1, 2005.

20 (ii) For purposes of this section, proof of voter  
 21 registration from another state or county is not evidence of United States  
 22 citizenship as required by subdivision (a)(3)(K) of this section.

23 (iii) The permanent registrar shall maintain copies  
 24 of evidence of United States citizenship submitted pursuant to this section  
 25 for two (2) years.

26 (iv)(a) Except as provided in subdivision  
 27 (a)(3)((K)(iv)(b) of this section, persons registered to vote on the  
 28 effective date of subdivision (a)(3)(K) of this section shall not be required  
 29 to submit evidence of United States citizenship.

30 (b) A person registered to vote in a county in  
 31 Arkansas as of the effective date of subdivision (a)(3)(K) of this section  
 32 shall be required to submit evidence of United States citizenship when  
 33 registering to vote in another county.

34  
 35 SECTION 4. Pursuant to the authority granted in Section 19 of  
 36 Amendment 51 of the Arkansas Constitution, Section 9(c)(2) of Amendment 51 to

1 the Arkansas Constitution, concerning requirements to register qualified  
 2 applicants who register to vote by mail, is amended to read as follows:

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

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

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

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

17 (C) The applicant provides evidence of United States  
 18 citizenship under Section 6 of Amendment 51 to the Arkansas Constitution.  
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 21 SECTION 5. Arkansas Code Title 20, Chapter 1 is amended to add an  
 22 additional section to read as follows:

23 20-1-101. Verification of immigration status for public benefits.

24 (a) All agencies of the state and all political subdivisions of the  
 25 state, including cities, counties, towns, and local governments responsible  
 26 for the administration of state and local public benefits that are not  
 27 federally mandated shall:

28 (1) Verify the identity of each applicant for benefits;

29 (2) Verify the eligibility of each applicant for benefits;

30 (3) Provide any agency or political subdivision of the state  
 31 with information necessary to verify the immigration status of any applicant  
 32 for benefits;

33 (4) Refuse to accept any identification card, including a  
 34 driver's license, issued by any state to establish identity or to determine  
 35 eligibility for benefits if the issuing authority has not verified the  
 36 immigration status of the applicant; and

1           (5)(A) Require all employees of the agency or political  
 2 subdivision to report any violation of federal immigration law by an  
 3 applicant for benefits that is discovered by the employee to federal  
 4 immigration authorities.

5           (B)(i) Failure by any employee to report a violation of  
 6 federal immigration law by an applicant for benefits that is discovered by  
 7 the employee is a Class B misdemeanor.

8           (ii) Failure to report a violation of immigration  
 9 law under subdivision (a)(5)(B)(i) of this section includes, but is not  
 10 limited to, the failure of a supervisor of an employee who knows of the  
 11 employee's failure to report a violation of immigration law and fails to  
 12 direct the employee to make the report.

13           (b) All agencies of the state and all political subdivisions of the  
 14 state shall review all persons receiving state and local public benefits that  
 15 are not federally mandated, as of the effective date of this section, for  
 16 compliance under this section.

17           (c) This section shall be enforced without regard to race, religion,  
 18 gender, ethnicity, or national origin.

19           (d)(1) Any legal resident of this state shall have standing to bring  
 20 suit, including a petition for a writ of mandamus, against any agency or  
 21 political subdivision of this state for a violation of this section.

22           (2) Any suit against an agency or political subdivision under  
 23 this section shall have precedence over all other suits and matters before  
 24 the court.

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 26           SECTION 6. Severability.

27           If any provision of this act or the application thereof to any person  
 28 or circumstance is held invalid, the invalidity shall not affect other  
 29 provisions or applications of this act which can be given effect without the  
 30 invalid provision or application, and to this end the provisions of this act  
 31 are declared to be severable.