

State of Arkansas  
85th General Assembly  
Regular Session, 2005

# A Bill

SENATE BILL 256

By: Senator Faris

## For An Act To Be Entitled

AN ACT TO AMEND ARKANSAS LAWS CONCERNING THE  
CONDUCT OF ELECTIONS; AND FOR OTHER PURPOSES.

## Subtitle

AN ACT TO AMEND ARKANSAS LAWS CONCERNING  
THE CONDUCT OF ELECTIONS.

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

SECTION 1. Arkansas Code § 7-5-305 is amended to read as follows:  
7-5-305. Requirements.

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

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

(2) Request the voter, in the presence of the election official,  
to state his or her address and state or confirm his or her date of birth;

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

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

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

(B) If the address is within the precinct, request the  
voter to complete a voter registration application form for the purpose of



1 updating county voter registration record files.

2 (C) If the address is not within the precinct, instruct  
3 the voter to:

4 (i) Contact the county clerk's office to determine  
5 the proper precinct; and

6 (ii) Go to the polling site serving that precinct in  
7 order for his or her vote to be counted;

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

12 (7) Request the voter, in the presence of the election official,  
13 to sign his or her name, including the given name, middle name or initial, if  
14 any, and last name in the space provided on the precinct voter registration  
15 list. If a person is unable to sign his or her signature or make his or her  
16 mark or cross, the election official shall enter the voter's initials and the  
17 voter's date of birth in the space for the person's signature on the precinct  
18 voter registration list;

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

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

26 (ii) A first-time voter who registers by mail  
27 without providing ~~identification~~ identification when registering, and  
28 desires to vote in person, but who does not meet the identification  
29 requirements of subdivision (a)(8)(A) may cast a provisional ballot.

30 (iii) Following each election, the county board of  
31 election commissioners may review the precinct voter registration lists and  
32 may provide the information of the voters not providing identification at the  
33 polls to the prosecuting attorney.

34 (iv) The prosecuting attorney may investigate  
35 possible voter fraud; and

36 (9) Follow the procedures under §§ 7-5-310, 7-5-311, and 7-5-

1 523, if the person is a ~~disabled~~ voter with a disability and presents himself  
2 or herself to vote.

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

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6 SECTION 2. Arkansas Code § 7-5-306 is amended to read as follows:

7 7-5-306. Procedure when voter's name is not on the precinct voter  
8 registration list.

9 (a) If the voter's name is not on the precinct voter registration  
10 list, the election official shall permit the voter to vote only under the  
11 following conditions:

12 (1) The voter identifies himself or herself by stating his or  
13 her name and date of birth and is verified by the county clerk as a  
14 registered voter within the county and, if the county is divided into more  
15 than one (1) congressional district, within the same congressional district;

16 (2) The voter gives and affirms his or her current residence and  
17 the election official verifies with the county clerk that the voter's  
18 residence is within the precinct;

19 (3) The voter completes an updated voter registration  
20 application form; and

21 (4) The voter signs the precinct voter registration list.

22 (b) If the voter is not listed on the precinct voter registration list  
23 and the election official is unable to verify the voter's registration with  
24 the county clerk and the voter contends that he or she is a registered voter  
25 in the precinct in which he or she desires to vote and that he or she is  
26 eligible to vote, then the voter shall be permitted to cast a provisional  
27 ballot as follows:

28 (1) An election official at the polling place shall notify the  
29 individual that the individual may cast a provisional ballot in that  
30 election;

31 (2) The individual shall be permitted to cast a provisional  
32 ballot at that polling place upon the execution of a written affirmation by  
33 the individual before an election official at the polling place stating that  
34 the individual is:

35 (A) A registered voter in the ~~jurisdiction~~ precinct in  
36 which the individual desires to vote; and

1 (B) Eligible to vote in that election;

2 (3) The provisional ballot shall be counted only upon  
3 verification of the voter's registration status in the precinct by the county  
4 board of election commissioners before certification of the election; and

5 (4)(A) Whenever a person casts a provisional ballot, the  
6 election official shall provide the voter written information that states  
7 that the individual who casts a provisional ballot will be able to ascertain  
8 whether the vote was counted, and if not, the reason the vote was not  
9 counted, by accessing a toll-free telephone number, Internet website, or  
10 other free access system established by the Secretary of State for that  
11 purpose.

12 (B) Access to information about an individual provisional  
13 ballot shall be restricted to the individual who cast the ballot.

14 (c) The election official shall ~~indicate on the list of voters those~~  
15 ~~persons who vote under these circumstances~~ make a list of all voters who cast  
16 a provisional ballot.