

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

SENATE BILL 761

5 By: Senator Salmon
6

For An Act To Be Entitled

8 AN ACT TO ALLOW PERSONS TO REGISTER TO VOTE ON
9 ELECTION DAY; AMENDING AMENDMENT 51 TO THE ARKANSAS
10 CONSTITUTION AS AUTHORIZED BY SECTION 19 OF AMENDMENT
11 51 TO THE ARKANSAS CONSTITUTION; AND FOR OTHER
12 PURPOSES.
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Subtitle

15 TO ALLOW PERSON TO REGISTER TO VOTE ON
16 ELECTION DAY AND AMENDING AMENDMENT 51 OF
17 THE ARKANSAS CONSTITUTION.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Section 9 of Amendment 51 of the Arkansas Constitution is
24 amended under the authority granted by Section 19 of Amendment 51 of the
25 Arkansas Constitution to read as follows:

26 § 9. Application to register.

27 (a) All persons may register who:

28 (1) Have not been convicted of a felony unless the person's
29 sentence has been discharged or the person has been pardoned;

30 (2) Have not been adjudged mentally incompetent by a court of
31 competent jurisdiction; and

32 (3) Meet one (1) of the following requirements:

33 (A) Are qualified electors who have not previously
34 registered;

35 (B) Will become qualified electors during the thirty-day
36 period immediately prior to the next election scheduled within the county; or



1 (C) Are otherwise qualified electors but whose
2 registration has been cancelled in a manner provided for by this amendment.

3 (b) ~~Registration~~ Except as provided in subsection (m) of this section,
4 registration shall be in progress at all times except during the thirty-day
5 period immediately prior to any election scheduled within the county, during
6 which period registration of voters shall cease for that election, but
7 registration during such period shall be effective for subsequent elections.

8 (c)(1) The permanent registrar shall register qualified applicants
9 when a legible and complete voter registration application is received and
10 acknowledged by the permanent registrar.

11 (2) Any person who assists applicants with a voter registration
12 application as part of a voter registration drive or who, in furtherance of a
13 voter registration drive, gathers or possesses completed applications for
14 submission to the permanent registrar or Secretary of State shall deliver all
15 applications in his or her possession to the permanent registrar or Secretary
16 of State within twenty-one (21) days of the date on the voter registration
17 application and, in any event, no later than the deadline for voter
18 registration for the next election.

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

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

26 (B)(i) The applicant provides a current valid driver's
27 license number or the last four (4) digits of the applicant's social security
28 number; ~~or.~~

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

33 (d) The permanent registrar shall notify applicants whether their
34 applications are accepted or rejected or are incomplete. If information
35 required by the permanent registrar is missing from the voter registration
36 application, the permanent registrar shall contact the applicant to obtain

1 the missing information.

2 (e) The Secretary of State and the Director of the Office of Driver
3 Services shall enter into an agreement to match information in the database
4 of the statewide voter registration system with information in the database
5 of the Office of Driver Services to the extent required to enable each
6 official to verify the accuracy of the information provided on applications
7 for voter registration. The Director of the Office of Driver Services shall
8 enter into an agreement with the Commissioner of Social Security to verify
9 driver's license information according to § 303 of the Federal Help America
10 Vote Act of 2002.

11 (f) Registration records shall be entered promptly in the computerized
12 statewide registration record files. If the applicant lacks one (1) or more
13 of the qualifications required by law of voters in this state, the permanent
14 registrar shall not register the applicant, but shall document the reason for
15 denying the applicant's registration and promptly file or enter the
16 application and the documented reason for denying registration in the
17 statewide registration record files.

18 (g) If the permanent registrar has any reason to doubt the
19 qualifications of an applicant for registration, he or she shall submit such
20 application to the county board of election commissioners, and such board
21 shall make a determination with respect to such qualifications and shall
22 instruct the permanent registrar regarding the same.

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

28 (i) Notwithstanding other provisions of this amendment, every person
29 in any of the following categories who is absent from the place of his or her
30 voting residence may vote without prior registration by absentee ballot by
31 submission of a federal postal card application as provided for in the
32 Uniformed and Overseas Citizens Absentee Voting Act in any primary, special,
33 school, or general election held in his or her election precinct if he or she
34 is otherwise eligible to vote in that election:

35 (1) Members of the uniformed services of the United States while
36 in active duty or service, and their spouses and dependents who, by reason of

1 the active duty or service of the member, are absent from the place of
2 residence where the spouse or dependent is otherwise qualified to vote;

3 (2) Members of the Merchant Marine while in active duty or
4 service, and their spouses and dependents who, by reason of the active duty
5 or service of the member, are absent from the place of residence where the
6 spouse or dependent is otherwise qualified to vote; and

7 (3) Citizens of the United States residing or temporarily
8 outside the territorial limits of the United States and the District of
9 Columbia.

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

14 (2) No later than ninety (90) days after the date of each
15 regularly scheduled general election for federal office, the Secretary of
16 State shall submit a report, based on information submitted to him or her by
17 the permanent registrars of each county, to the Election Assistance
18 Commission on the combined number of absentee ballots transmitted to absent
19 uniformed services voters and overseas voters for the election and the
20 combined number of the ballots which were returned by the voters and cast in
21 the election.

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

24 (k) Any person whose registration status or voting eligibility is
25 affected adversely by an administrative determination under this amendment
26 may appeal such adverse determination within five (5) days of receipt of
27 notice thereof to the county board of election commissioners. The county
28 board of election commissioners shall act on such appeal and render its
29 decision within ten (10) days of its receipt. Within thirty (30) days after
30 receipt of such decision, any aggrieved party may appeal further to the
31 circuit court of the county.

32 (l) If an election law deadline occurs on a Saturday, Sunday, or legal
33 holiday, the deadline shall be the next day which is not a Saturday, Sunday,
34 or legal holiday.

35 (m) A person who is eligible to vote may register to vote on election
36 day by:

1 (1) Appearing in person at the precinct in which the person
 2 maintains residence;

3 (2) Completing a voter registration application;

4 (3) Completing a written oath in a form prescribed by the
 5 Secretary of State; and

6 (4) Providing proof of residence within the precinct in the form
 7 of a:

8 (A) Current and valid photo identification containing the
 9 person's name and address if the address on the photo identification is
 10 within the precinct; or

11 (B) Copy of a current utility bill, bank statement,
 12 government check, paycheck, or other government document that contains the
 13 person's name and address if the address on the document is within the
 14 precinct.

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 16 SECTION 2. Arkansas Code § 7-5-201 is amended to read as follows:

17 7-5-201. Voter qualification.

18 (a) To be qualified to vote, a person shall have registered:

19 (1)(A) ~~at~~ At least thirty (30) calendar days immediately prior
 20 to the election; or

21 (B) On election day; and

22 (2) ~~in~~ In the manner set forth by Arkansas Constitution,
 23 Amendment 51.

24 (b) "Voting residence" shall be a voter's domicile and shall be
 25 governed by the following provisions:

26 (1) The domicile of a person is that place in which his or her
 27 habitation is fixed to which he or she has the intention to return whenever
 28 he or she is absent;

29 (2) A change of domicile is made only by the act of abandonment,
 30 joined with the intent to remain in another place. A person can have only one
 31 (1) domicile at any given time;

32 (3) A person does not lose his or her domicile if he or she
 33 temporarily leaves his or her home and goes to another country, state, or
 34 place in this state with the intent of returning;

35 (4) The place where a person's family resides is presumed to be
 36 his or her place of domicile, but a person may acquire a separate residence

1 if he or she takes another abode with the intention of remaining there;

2 (5) A married person may be considered to have a domicile
3 separate from that of his or her spouse for the purposes of voting or holding
4 office. For those purposes, domicile is determined as if the person were
5 single; and

6 (6) Persons who are temporarily living in a particular place
7 because of a temporary work-related assignment or duty post or as a result of
8 their performing duties in connection with their status as military
9 personnel, students, or office holders shall be deemed residents of that
10 place where they established their home prior to beginning such assignments
11 or duties.

12 (c) No person may be qualified to vote in more than one (1) precinct
13 of any county at any one (1) time.

14 (d)(1) Any person registering to vote by mail and who has not
15 previously voted in a federal election in this state shall:

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

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

25 (2) The provision of subdivision (d)(1) of this section does not
26 include:

27 (A) Persons whose applications are transmitted by state or
28 federal voter registration agencies;

29 (B) Persons who are covered by the Uniformed and Overseas
30 Citizens Absentee Voting Act;

31 (C) Persons covered by the Voting Accessibility for the
32 Elderly and Handicapped Act;

33 (D) Persons who are entitled to vote otherwise than in
34 person under any other federal law;

35 (E) Persons who register to vote by mail and submit as
36 part of the registration any of the identification documents listed in

1 subdivision (d)(1) of this section; or

2 (F) Persons who register to vote by mail and submit with
3 the registration either a driver's license number or at least the last four
4 (4) digits of the individual's social security number and with respect to
5 whom a state or local election official matches the license number or social
6 security number with an existing state identification record bearing the same
7 number, name, and date of birth as provided in the registration.

8 (e) A person who is eligible to vote may register to vote on election
9 day by:

10 (1) Appearing in person at the precinct in which the person
11 maintains residence;

12 (2) Completing a voter registration application;

13 (3) Completing a written oath in a form prescribed by the
14 Secretary of State; and

15 (4) Providing proof of residence within the precinct in the form
16 of a:

17 (A) Current and valid photo identification containing the
18 person's name and address if the address on the photo identification is
19 within the precinct; or

20 (B) Copy of a current utility bill, bank statement,
21 government check, paycheck, or other government document that contains the
22 person's name and address if the address on the document is within the
23 precinct.

24 ~~(e)~~(f) Any person who receives an absentee ballot according to the
25 precinct voter registration list but who elects to vote by early voting or to
26 vote at his or her polling site on election day shall be permitted to cast a
27 provisional ballot.

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