

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas *As Engrossed: H1/20/17 S2/20/17*

2 91st General Assembly

# A Bill

3 Regular Session, 2017

HOUSE BILL 1047

4

5 By: Representatives Lowery, Drown, Ballinger, Barker, Bentley, Bragg, Brown, Coleman, Cozart, Davis,  
6 Dotson, C. Douglas, Gazaway, Gonzales, M. Gray, Henderson, Hollowell, Ladyman, Lundstrum, Lynch,  
7 Maddox, A. Mayberry, D. Meeks, S. Meeks, Payton, Penzo, Pilkington, Richmond, Rushing, Rye, B.  
8 Smith, Sorvillo, Speaks, Sturch, Sullivan, Tosh, Vaught, Warren, Wing, Womack

9 By: Senator Rapert

10

11

## For An Act To Be Entitled

12

AN ACT TO REQUIRE THAT A VOTER PROVIDE VERIFICATION  
13 OF VOTER REGISTRATION WHEN VOTING; TO AMEND AMENDMENT  
14 51 OF THE ARKANSAS CONSTITUTION; AND FOR OTHER  
15 PURPOSES.

16

17

18

## Subtitle

19

TO REQUIRE THAT A VOTER PROVIDE  
20 VERIFICATION OF VOTER REGISTRATION WHEN  
21 VOTING; AND TO AMEND AMENDMENT 51 OF THE  
22 ARKANSAS CONSTITUTION.

23

24

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

26

27 *SECTION 1. Arkansas Constitution, Amendment 51, § 6(a)(2), concerning*  
28 *statements included on the mail voter registration application form, is*  
29 *amended to read as follows:*

30

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

32

*(A) Specify voter eligibility requirements;*

33

*(B) Contain an attestation that the applicant meets all*  
34 *voter eligibility requirements and that the applicant does not claim the*  
35 *right to vote in another county or state;*

36

*(C) Specify the penalties provided by law for submission*



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; and

6 (F) Inform applicants that they will be required to verify  
7 their registration when voting in person or by absentee ballot by providing a  
8 required document or identification card as provided in Arkansas  
9 Constitution, Amendment 51, § 13.

10  
11 SECTION 2. Arkansas Constitution, Amendment 51, § 13 is amended to  
12 read as follows:

13 § 13. Fail-safe voting – Verification of voter registration.

14 (a) If a voter presents himself or herself at a polling place on the  
15 date of an election but no record of his or her voter registration can be  
16 located by the judges of the election on the precinct voter registration  
17 list, ~~such~~ the voter shall be permitted to vote only under the conditions set  
18 forth in § 7-5-306 or § 7-7-308.

19 (b)(1)(A) In order to determine that all who cast a ballot in an  
20 election, a runoff election, or a school election in this state are legally  
21 qualified to vote in that election, each voter shall verify his or her  
22 registration by:

23 (i) Presenting to the election official when  
24 appearing to vote in person either early or at the polls on election day in  
25 an election, a runoff election, or a school election verification of  
26 registration in the form of a document or identification card that:

27 (a) Shows the name of the person to whom the  
28 document or identification card was issued;

29 (b) Shows a photograph of the person to whom  
30 the document or identification card was issued;

31 (c) Is issued by the United States, the State  
32 of Arkansas, or an accredited postsecondary educational institution in the  
33 State of Arkansas; and

34 (d) If displaying an expiration date, is not  
35 expired or expired no more than four (4) years before the date of the  
36 election in which the voter seeks to vote; or

1 (ii) Submitting with an absentee ballot in an  
2 election, a runoff election, or a school election a copy of a document or  
3 identification card that complies with the requirements of subdivision  
4 (b)(1)(A)(i) of this section.

5 (B) Documents and identification cards that comply with  
6 the requirements of subdivision (b)(1)(A) of this section include without  
7 limitation:

8 (i) A driver's license;

9 (ii) A photo identification card;

10 (iii) A concealed handgun carry license;

11 (iv) A United States passport;

12 (v) An employee badge or identification document  
13 issued by an accredited postsecondary educational institution in the State of  
14 Arkansas;

15 (vi) A United States military identification  
16 document;

17 (vii) A public assistance identification card if the  
18 card shows a photograph of the person to whom the document or identification  
19 card was issued; and

20 (viii) A voter verification card under § 7-5-324.

21 (2)(A) Except as provided in subdivision (b)(2)(B) of this  
22 section, if a voter is unable to verify his or her registration when voting  
23 in person by presenting a document or identification card that complies with  
24 subdivision (b)(1)(A)(i) of this section, the election official shall:

25 (i) Indicate on the precinct voter registration list  
26 that the voter did not present a required document or identification card;  
27 and

28 (ii) Permit the voter to cast a provisional ballot  
29 and inform the voter of the requirements under subdivision (b)(4) of this  
30 section.

31 (B)(i) A person who is a resident of a long-term care or  
32 residential care facility licensed by the state of Arkansas is not required  
33 to verify his or her registration by presenting a document or identification  
34 card that complies with subdivision (b)(1)(A)(i) of this section when voting  
35 in person.

36 (ii) A person not required to present a document or

1 identification card under subdivision (b)(2)(B)(i) of this section shall  
2 provide documentation from the administrator of the facility attesting that  
3 the person is a resident of the facility.

4 (3)(A) Except as provided in subdivision (b)(3)(B) of this  
5 section, if a voter voting by absentee ballot fails to submit with the ballot  
6 documentation that complies with subdivision (b)(1)(A)(ii) of this section,  
7 the absentee ballot shall be considered a provisional ballot.

8 (B) The following persons shall not be required to submit  
9 with his or her absentee ballot documentation that complies with subdivision  
10 (b)(1)(A)(ii) of this section:

11 (i) An active duty member of the uniformed services  
12 of the United States or United States Merchant Marine who is absent from the  
13 country on election day because of his or her service;

14 (ii) The spouse or dependant of an active duty  
15 member of the uniformed services of the United States or United States  
16 Merchant Marine under subdivision (b)(3)(B)(i) of this section; or

17 (iii)(a) A resident of a long-term care or  
18 residential care facility licensed by the state of Arkansas.

19 (b) A person not required to submit a document  
20 or identification card under subdivision (b)(3)(B)(iii) of this section shall  
21 provide documentation from the administrator of the facility attesting that  
22 the person is a resident of the facility.

23 (4) A provisional ballot cast by a voter who did not present a  
24 required document or identification card shall be counted if:

25 (A)(i)(a) The voter completes a sworn statement at the  
26 polling site when voting either early or at the polls on election day stating  
27 that the voter is registered to vote in this state and that he or she is the  
28 person registered to vote.

29 (b) A sworn statement completed under  
30 subdivision (b)(4)(A)(i)(a) of this section is not required to be notarized  
31 but the voter shall execute the sworn statement under penalty of perjury.

32 (c) A sworn statement completed at the polling  
33 site m be delivered to the county board of election commissioners so that the  
34 provisional ballot may be counted; and

35 (ii) The county board of election commissioners does  
36 not determine that the provisional ballot is invalid and should not be

1 counted based on other grounds; or

2 (B)(i) The voter returns to the county board of election  
3 commissioners or the county clerk by 12:00 noon on the Monday following the  
4 election and presents a document or identification card that complies with  
5 subdivision (b)(1) of this section; and

6 (ii) The county board of election commissioners does  
7 not determine that the provisional ballot is invalid and should not be  
8 counted based on other grounds.

9 (5) A provisional ballot cast by an absentee voter who failed to  
10 submit with an absentee ballot documentation that complies with subdivision  
11 (b)(1)(A)(ii) of this section shall be counted if:

12 (A)(i)(a) The voter completes and returns the sworn  
13 statement portion of the absentee ballot form stating that the voter is  
14 registered to vote in this state and that he or she is the person registered  
15 to vote.

16 (b) A sworn statement returned under  
17 subdivision (b)(5)(A)(i)(a) of this section is not required to be notarized  
18 but the voter shall execute the sworn statement under penalty of perjury; and

19 (ii) The county board of election commissioners does  
20 not determine that the provisional ballot is invalid and should not be  
21 counted based on other grounds; or

22 (B)(i) The voter returns to the county board of election  
23 commissioners or the county clerk by 12:00 noon on the Monday following the  
24 election presents a copy of a document or identification card that complies  
25 with the requirements of subdivision (b)(1)(A)(i) of this section; and

26 (ii) The county board of election commissioners does  
27 not determine that the provisional ballot is invalid and should not be  
28 counted based on other grounds.

29 (6) A person registering to vote by mail and who has not  
30 previously voted in a federal election in this state shall only be required  
31 to comply with § 7-5-201(e).

32 (7) The State Board of Election Commissioners shall promulgate  
33 rules necessary to implement subsection (b) of this section, including  
34 without limitation the preparation of a sworn statement to be used by voters  
35 who cast a provisional ballot under subsection (b) of this section.

36 (8)(A) Following each election, the county board of election

1 commissioners may review the precinct voter registration lists and may  
 2 provide the information of each voter not presenting a document or  
 3 identification card necessary to verify his or her voter registration when  
 4 voting in person or by absentee ballot to the prosecuting attorney.

5 (B) The county board of election commissioners shall refer  
 6 suspected instances of voter fraud to the prosecuting attorney.

7 (C) The prosecuting attorney may investigate possible  
 8 voter fraud.

9 (D) Upon application based upon affidavits of one (1) or  
 10 more qualified voters by the appropriate prosecuting attorney alleging  
 11 possible voter fraud, the appropriate circuit judge, for good cause shown,  
 12 may order the permanent registrar to cancel the registration of the voter  
 13 failing to verify his or her registration as provided by this subsection.

14  
 15 SECTION 3. Arkansas Code Title 6, Chapter 14, Subchapter 1, is amended  
 16 to add an additional section to read as follows:

17 6-14-123. Verification of voter registration.

18 (a) A voter in a school election voting either in person or by  
 19 absentee ballot shall comply with Arkansas Constitution, Amendment 51, § 13,  
 20 concerning verification of voter registration to the extent it is applicable  
 21 to the voter.

22 (b) If a ballot or absentee ballot is deemed a provisional ballot for  
 23 failure to provide verification of registration under Arkansas Constitution,  
 24 Amendment 51, § 13, the voter shall comply with the procedures under Arkansas  
 25 Constitution, Amendment 51, § 13, for his or her vote to be counted.

26  
 27 SECTION 4. Arkansas Code § 7-1-101(31)-(38), concerning definitions  
 28 applicable to Title 7 of the Arkansas Code, are amended to read as follows:

29 ~~(31)(A) "Proof of identity" means:~~

30 ~~(i) A voter identification card under § 7-5-322; or~~

31 ~~(ii) A document or identification card that:~~

32 ~~(a) Shows the name of the person to whom the~~  
 33 ~~document was issued;~~

34 ~~(b) Shows a photograph of the person to whom~~  
 35 ~~the document was issued;~~

36 ~~(c) Is issued by the United States, the State~~

1 ~~of Arkansas, or an accredited postsecondary educational institution in the~~  
 2 ~~State of Arkansas; and~~

3 ~~(d) If displaying an expiration date:~~

4 ~~(1) Is not expired; or~~

5 ~~(2) Expired no more than four (4) years~~  
 6 ~~before the date of the election in which the person seeks to vote.~~

7 ~~(B) A proof of identity that complies with the~~  
 8 ~~requirements under subdivision (31)(A) of this section may include without~~  
 9 ~~limitation:~~

10 ~~(i) A driver's license;~~

11 ~~(ii) A photo identification card;~~

12 ~~(iii) A concealed handgun carry license;~~

13 ~~(iv) A United States passport;~~

14 ~~(v) An employee badge or identification document;~~

15 ~~(vi) A United States military identification~~  
 16 ~~document;~~

17 ~~(vii) A student identification card issued by an~~  
 18 ~~accredited postsecondary educational institution in the State of Arkansas;~~

19 ~~(viii) A public assistance identification card; and~~

20 ~~(ix) A voter identification card under § 7-5-322;~~

21 ~~(32)(31)~~ (31) "Provisional ballot" means a ballot:

22 (A) Cast by special procedures to record a vote when there  
 23 is some question concerning a voter's eligibility; and

24 (B) Counted contingent upon the verification of the  
 25 voter's eligibility;

26 ~~(33)(32)~~ (32) "Qualified elector" means a person who holds the  
 27 qualifications of an elector and who is registered pursuant to Arkansas  
 28 Constitution, Amendment 51;

29 ~~(34)(33)~~ (33) "Sample ballot" means a ballot for distribution to the  
 30 public or the press marked with the word "SAMPLE" so as to prevent the  
 31 production of counterfeit ballots;

32 ~~(35)(34)~~ (34) "Uniformed services" means the United States Army,  
 33 United States Navy, United States Air Force, United States Marine Corps,  
 34 United States Coast Guard, the United States Public Health Service  
 35 Commissioned Corps, and the National Oceanic and Atmospheric Administration  
 36 Commissioned Officer Corps, or as defined in the federal Uniformed and

1 *Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973ff et seq., 52 U.S.C. §*  
 2 *20301 et seq., if different from the definition stated in this subdivision*  
 3 ~~(35)~~(34);

4 ~~(36)~~(35) "Vacancy in election" means the vacancy in an elective  
 5 office created by death, resignation, or other good and legal cause arising  
 6 prior to election to the office at a general or special election but arising  
 7 subsequent to the certification of the ballot;

8 ~~(37)~~(36) "Vacancy in nomination" means the circumstances in  
 9 which:

10 (A) The person who received the majority of votes at the  
 11 preferential primary election or general primary election cannot accept the  
 12 nomination due to death or notifies the party that he or she will not accept  
 13 the nomination due to serious illness, moving out of the area from which the  
 14 person was elected as the party's nominee, or filing for another office  
 15 preceding the final date for certification of nominations; or

16 (B) There is a tie vote for the same office at a general  
 17 primary election;

18 ~~(38)~~(A)(37)(A) "Vacancy in office" means the vacancy in an  
 19 elective office created by death, resignation, or other good and legal cause  
 20 arising subsequent to election to the office at a general or special election  
 21 or arising subsequent to taking office and before the expiration of the term  
 22 of office in those circumstances wherein the vacancy must be filled by a  
 23 special election rather than by appointment.

24 (B) "Vacancy in office" does not apply to the election of  
 25 a person at a general election to fill an unexpired portion of a term of  
 26 office;

27 (38)(A) "Verification of voter registration" means:

28 (i) Presenting a document or identification card  
 29 when appearing to vote in person that:

30 (a) Shows the name of the person to whom the  
 31 document or identification card was issued;

32 (b) Shows a photograph of the person to whom  
 33 the document or identification card was issued;

34 (c) Is issued by the United States, the State  
 35 of Arkansas, or an accredited postsecondary educational institution in the  
 36 State of Arkansas; and



1 (d) If displaying an expiration date, is not  
 2 expired or expired no more than four (4) years before the date of the  
 3 election in which the voter seeks to vote; or

4 (ii) Submitting with an absentee ballot verification  
 5 of voter registration in the form of a copy of a document or identification  
 6 card that complies with the requirements of subdivision (38)(A)(i) of this  
 7 section.

8 (B) Documents and identification cards that comply with  
 9 the requirements of subdivision (38)(A) of this section include without  
 10 limitation:

11 (i) A driver's license;

12 (ii) A photo identification card;

13 (iii) A concealed handgun carry license;

14 (iv) A United States passport;

15 (v) An employee badge or identification document  
 16 issued by an accredited postsecondary educational institution in the State of  
 17 Arkansas;

18 (vi) A United States military identification  
 19 document;

20 (vii) A public assistance identification card if the  
 21 card shows a photograph of the person to whom the document or identification  
 22 card was issued; and

23 (viii) A voter verification card under § 7-5-323;  
 24

25 SECTION 5. Arkansas Code § 7-5-201(d) and (e), concerning voter  
 26 qualification, are amended to read as follows:

27 (d)(1) Except as provided in subdivision (d)(2) of this section and  
 28 subsection (e) of this section, any person desiring to vote in this state  
 29 shall:

30 (A) Present ~~proof of identity~~ verification of voter  
 31 registration to the election official when appearing to vote in person either  
 32 early or at the polls on election day; or

33 (B) When voting by absentee ballot, submit with the ballot  
 34 ~~verification of voter registration a copy of a current and valid photo~~  
 35 ~~identification or a copy of a current utility bill, bank statement,~~  
 36 ~~government check, paycheck, or other government document that shows the name~~

1 ~~and address of the voter unless the voter is:~~

2 (i) A An active duty member of the uniformed  
3 ~~services on active duty~~ of the United States who is absent from the county on  
4 election day because of ~~active duty~~ his or her service;

5 (ii) A member of the ~~merchant marine~~ United States  
6 Merchant Marine who is absent from the county on election day because of his  
7 or her service in the ~~merchant marine~~ United States Merchant Marine; or

8 (iii) The spouse or dependent of a member identified  
9 in subdivision (d)(1)(B)(i) of this section or subdivision (d)(1)(B)(ii) of  
10 this section who is absent from the county on election day because of the  
11 active duty or service of the member.

12 (2)(A) A person who is a resident of a long-term care or  
13 residential care facility licensed by the state is not required to ~~provide~~  
14 ~~proof of identity~~ present verification of voter registration before voting.

15 (B) A person not required to ~~provide proof of identity~~  
16 present verification of voter registration under subdivision (d)(2)(A) of  
17 this section shall provide documentation from the administrator of the  
18 facility, attesting that the person is a resident of the facility.

19 (e)(1) ~~Any~~ A person registering to vote by mail and who has not  
20 previously voted in a federal election in this state shall:

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

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

30 (2) A person under subdivision (e)(1) of this section shall  
31 comply with requirements under this subsection (e) in lieu of complying with  
32 subdivision (d) of this section.

33 ~~(2)(3)~~ The provision of subdivision (e)(1) of this section does  
34 not include:

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

1 (B) Persons who are covered by the Uniformed and Overseas  
 2 Citizens Absentee Voting Act, ~~42 U.S.C. § 1973ff et seq.~~ 52 U.S.C. § 20301 et  
 3 seq.;

4 (C) Persons covered by the Voting Accessibility for the  
 5 Elderly and Handicapped Act, ~~42 U.S.C. § 1973ee et seq.~~ 52 U.S.C. § 20301 et  
 6 seq.;

7 (D) Persons who are entitled to vote otherwise than in  
 8 person under any other federal law; or

9 (E) Persons who register to vote by mail and submit as  
 10 part of the registration any of the identification documents listed in  
 11 subdivision (e)(1) of this section; or

12 (F) Persons who register to vote by mail and submit with  
 13 the registration either a driver's license number or at least the last four  
 14 (4) digits of the individual's Social Security number and with respect to  
 15 whom a state or local election official matches the license number or Social  
 16 Security number with an existing state identification record bearing the same  
 17 number, name, and date of birth as provided in the registration.

18  
 19 SECTION 6. Arkansas Code § 7-5-305(a)(8), concerning requests for  
 20 identification when voting, is amended to read as follows:

21 (8)(A)~~(i)~~ Except as provided in ~~subdivisions (a)(8)(A)(ii) and~~  
 22 ~~(a)(8)(B)(ii) of this section, request the voter for purposes of~~  
 23 ~~identification to provide proof of identity that the voter present~~  
 24 verification of voter registration by providing a document or identification  
 25 card that meets the requirements of Arkansas Constitution, Amendment 51, §  
 26 13, if required by that section.

27 ~~(ii)(a) A person who is a resident of a long-term~~  
 28 ~~care or residential care facility licensed by the state is not required to~~  
 29 ~~provide proof of identity before voting.~~

30 ~~(b) A person not required to provide proof of~~  
 31 ~~identity under subdivision (a)(8)(A)(ii)(a) of this section shall provide~~  
 32 ~~documentation from the administrator of the facility attesting that the~~  
 33 ~~person is a resident of the facility.~~

34 (B)(i) If a voter is unable to ~~provide this proof of~~  
 35 ~~identity present verification of voter registration in the form of a document~~  
 36 or identification card required by Arkansas Constitution, Amendment 51, § 13,

1 the poll worker shall:

2 (a) Indicate on the precinct voter  
3 registration list that the voter did not ~~provide proof of identity~~ present  
4 verification of voter registration by providing a document or identification  
5 card required by Arkansas Constitution, Amendment 51, § 13; and

6 (b) Permit the voter to cast a provisional  
7 ballot.

8 (ii) When a voter is unable to provide ~~proof of~~  
9 ~~identity~~ verification of voter registration, the voter and the election  
10 official shall follow the procedure under ~~§ 7-5-321~~ Arkansas Constitution,  
11 Amendment 51, § 13.

12 (iii) A first-time voter who registers by mail  
13 without providing identification when registering and desires to vote in  
14 person but who does not meet the identification requirements of § 7-5-201(e)  
15 may cast a provisional ballot.

16 (iv) Following each election, the county board of  
17 election commissioners may review the precinct voter registration lists and  
18 may provide the information of the voters not ~~providing proof of identity~~  
19 presenting verification of voter registration at the polls to the prosecuting  
20 attorney.

21 (v) The county board of election commissioners shall  
22 refer suspected instances of voter fraud to the prosecuting attorney.

23 ~~(v)~~ (vi) The prosecuting attorney may investigate  
24 possible voter fraud;

25

26 SECTION 7. Arkansas Code § 7-5-308 is amended to read as follows:

27 7-5-308. Provisional ballot procedure.

28 (a) ~~When the~~ Except as provided under subsection (b) of this section,  
29 if a voter is required by law to cast a provisional ballot, the provisional  
30 ballot shall be cast pursuant to the following procedures:

31 (1) A poll worker shall notify the ~~individual~~ voter that the  
32 individual may cast a provisional ballot in that election;

33 (2) The voter shall execute a written eligibility affirmation  
34 under penalty of perjury in the presence of the poll worker stating that he  
35 or she is a registered voter in the precinct in which he or she desires to  
36 vote and is eligible to vote;

1           (3) *The poll worker shall initial the back of the provisional*  
2 *ballot, remove the provisional ballot stub from the provisional ballot, and*  
3 *place the stub in the stub box provided;*

4           (4) *The voter shall mark his or her provisional ballot;*

5           (5) *The voter shall place the voted provisional ballot in a*  
6 *provisional ballot secrecy envelope marked "provisional ballot" and seal the*  
7 *envelope;*

8           (6) *The voter shall place the sealed provisional ballot envelope*  
9 *containing the voted provisional ballot in a voter envelope, seal the*  
10 *envelope, and give it to the poll worker;*

11           (7) *The poll worker shall provide the voter written information*  
12 *instructing him or her on how to determine whether his or her provisional*  
13 *ballot was counted, and if not, the reason the provisional ballot was not*  
14 *counted; and*

15           (8) *The poll worker shall make a separate list of the names and*  
16 *addresses of all persons voting a provisional ballot under subsection (a) of*  
17 *this section, and each person voting a provisional ballot shall sign his or*  
18 *her name to this list.*

19           (b) If a voter is required by law to cast a provisional ballot because  
20 the voter is unable to verify his or her registration by providing a document  
21 or identification card that meets the requirements of Arkansas Constitution,  
22 Amendment 51, § 13, the provisional ballot shall be cast pursuant to the  
23 following procedures:

24           (1) The poll worker shall indicate on the precinct voter  
25 registration list that the voter did not present a required document or  
26 identification card;

27           (2) The poll worker shall notify the voter that the voter may  
28 cast a provisional ballot in that election;

29           (3) The voter shall execute a written eligibility affirmation  
30 under penalty of perjury in the presence of the poll worker stating that he  
31 or she is a registered voter in the precinct in which he or she desires to  
32 vote and is eligible to vote;

33           (4)(A) The poll worker shall inform the voter that the voter may  
34 complete a sworn statement stating that the voter is registered to vote in  
35 this state and that he or she is the person who is registered to vote.

36           (B) A sworn statement completed under subdivision

1 (b)(3)(A) of this section is not required to be notarized but the voter shall  
2 execute the sworn statement under penalty of perjury.

3 (C) The sworn statement under subdivision (b)(3)(A) of  
4 this section shall be delivered to the county board of election commissioners  
5 so that the provisional ballot shall be counted under subsection (f) of this  
6 section;

7 (5) The poll worker shall initial the back of the provisional  
8 ballot, remove the provisional ballot stub from the provisional ballot, and  
9 place the stub in the stub box provided;

10 (6) The voter shall mark his or her provisional ballot;

11 (7) The voter shall place the voted provisional ballot in a  
12 provisional ballot secrecy envelope marked "provisional ballot" and seal the  
13 envelope;

14 (8) The voter shall place the sealed provisional ballot envelope  
15 containing the voted provisional ballot in a voter envelope, seal the  
16 envelope, and give it to the poll worker;

17 (9) The poll worker shall provide the voter written information  
18 instructing him or her on how to determine whether his or her provisional  
19 ballot was counted, and if not, the reason the ballot was not counted; and

20 (10) The poll worker shall make a separate list of the names and  
21 addresses of all persons voting a provision ballot under subsection (b) of  
22 this section, and each person voting a provisional ballot shall sign his or  
23 her name to this list.

24 ~~(b)(c)~~ The poll worker shall preserve, secure, and separate all  
25 provisional ballots under subsection (a) and (b) of this section from the  
26 remaining ballots so that the right of any person to vote may be determined  
27 later by the county board of election commissioners or the court in which an  
28 election contest may be filed.

29 ~~(e)(1)(d)(1)~~ Whenever a person casts a provisional ballot under this  
30 section, the poll worker shall provide the voter written information that  
31 states that the individual who casts a provisional ballot will be able to  
32 ascertain whether the provisional vote was counted, and if not, the reason  
33 the provisional vote was not counted.

34 (2) The Secretary of State shall establish a free access system  
35 to allow a provisional voter under this section to ascertain whether his or  
36 her provisional vote was counted, and if not, the reason his or her

1 provisional vote was not counted.

2 (3) Access to information about an individual provisional ballot  
3 shall be restricted to the ~~individual~~ voter who cast the provisional ballot.

4 ~~(d)(1)~~(e)(1) Before certification of the results of the election, the  
5 county board shall determine whether the provisional ballots are valid.

6 (2) Unless enjoined by a court of competent jurisdiction, a  
7 provisional ballot under subsection (a) of this section shall be counted if:

8 (A) ~~It~~ It is cast by a registered voter and is the correct  
9 ballot, according to the precinct listed on the voter's eligibility  
10 affirmation, for the precinct of the voter's residence; and

11 (B) The county board of election commissioners does not  
12 determine that the provisional ballot is invalid and should not be counted  
13 based on other grounds.

14 (f) Unless enjoined by a court of competent jurisdiction, a  
15 provisional ballot under subsection (b) of this section shall be counted if:

16 (1)(A) The voter completes a sworn statement at the polling site  
17 when voting either early or at the polls on election day stating that the  
18 voter is registered to vote in this state and that he or she is the person  
19 registered to vote; and

20 (B) The county board of election commissioners does  
21 not determine that the provisional ballot is invalid and should not be  
22 counted based on other grounds; or

23 (2)(A) The voter returns to the county board of election  
24 commissioners or the county clerk by 12:00 noon on the Monday following the  
25 election and presents a document or identification card that complies with  
26 subdivision (b)(1)(A) of this section; and

27 (B) The county board of election commissioners does not  
28 determine that the provisional ballot is invalid and should not be counted  
29 based on other grounds.

30 ~~(e)~~(g) If, upon examination of ~~any a~~ a provisional ~~ballots~~ ballot under  
31 this section, the county board suspects that a violation of the election laws  
32 has occurred, the county board of election commissioners may refer the matter  
33 to the prosecuting attorney.

34  
35 SECTION 8. Arkansas Code §§ 7-5-321 and 7-5-322 are repealed.

36 ~~7-5-321. Procedure when voter fails to provide proof of identity.~~

1 ~~(a) If the voter is listed on the precinct voter registration list but~~  
2 ~~fails to provide proof of identity, the election official shall:~~

3 ~~(1) Indicate on the precinct voter registration list that the~~  
4 ~~voter did not provide proof of identity; and~~

5 ~~(2) Permit the voter to cast a provisional ballot.~~

6 ~~(b)(1) A person who is a resident of a long-term care or residential~~  
7 ~~care facility licensed by the state is not required to provide proof of~~  
8 ~~identity before voting.~~

9 ~~(2) A person not required to provide proof of identity under~~  
10 ~~subdivision (b)(1) of this section shall provide documentation from the~~  
11 ~~administrator of the facility attesting that the person is a resident of the~~  
12 ~~facility.~~

13 ~~(c) A provisional ballot cast by a voter who did not provide proof of~~  
14 ~~identity shall be counted if:~~

15 ~~(1) The voter returns to the county board of election~~  
16 ~~commissioners or the county clerk by 12:00 noon on the Monday following the~~  
17 ~~election and:~~

18 ~~(A) Provides proof of identity; or~~

19 ~~(B) Provides an affidavit stating that the voter cannot~~  
20 ~~provide proof of identity because the voter:~~

21 ~~(i) Is indigent; or~~

22 ~~(ii) Has a religious objection to being~~  
23 ~~photographed; and~~

24 ~~(2) The voter has not been challenged or required to vote a~~  
25 ~~provisional ballot for any other reason.~~

26

27 ~~7-5-322. Voter identification card.~~

28 ~~(a)(1)(A) The Secretary of State shall provide by rule for the~~  
29 ~~issuance of a voter identification card that may be requested by an~~  
30 ~~individual to be used as proof of identity when appearing to vote in person.~~

31 ~~(B) The rules shall include without limitation:~~

32 ~~(i) A requirement that the voter identification card~~  
33 ~~include a photograph of the voter;~~

34 ~~(ii) Specification of the information to be included~~  
35 ~~on the voter identification card;~~

36 ~~(iii) Provisions concerning the expiration of a~~



1 ~~voter identification card; and~~

2 ~~(iv) Provisions for the proof of identity to be~~  
3 ~~provided by the county clerk of the county in which the voter is registered~~  
4 ~~to vote.~~

5 ~~(2) Providing for the issuance of a voter identification card~~  
6 ~~under subdivision (a)(1)(A) of this section may include without limitation~~  
7 ~~the purchase by the Secretary of State of cameras and other equipment~~  
8 ~~necessary to generate a voter identification card in the office of the county~~  
9 ~~clerk.~~

10 ~~(b) A voter identification card shall be issued without the payment of~~  
11 ~~a fee or charge to an individual who:~~

12 ~~(1) Does not have another valid form of proof of identity; and~~

13 ~~(2)(A) Is registered to vote; or~~

14 ~~(B) Will be at least eighteen (18) years of age at the~~  
15 ~~next election and has submitted a voter registration application.~~

16 ~~(c)(1) The Secretary of State or the county clerk shall not require or~~  
17 ~~accept payment for a voter identification card issued for the sole purpose of~~  
18 ~~voter identification.~~

19 ~~(2)(A) A person requesting a voter identification card for the~~  
20 ~~sole purpose of voter identification shall sign an oath that he or she does~~  
21 ~~not possess proof of identity under § 7-1-101(31).~~

22 ~~(B) The oath shall include the definition of proof of~~  
23 ~~identity under § 7-1-101(31).~~

24  
25 SECTION 9. Arkansas Code Title 7, Chapter 5, Subchapter 3, is amended  
26 to add additional sections to read as follows:

27 7-5-323. Procedure when voter fails to provide verification of  
28 registration.

29 If a ballot or absentee ballot is deemed a provisional ballot for  
30 failure to provide verification of registration under Arkansas Constitution,  
31 Amendment 51, § 13, the voter shall comply with the procedures under Arkansas  
32 Constitution, Amendment 51, § 13, for his or her vote to be counted.

33  
34 7-5-324. Voter verification card.

35 (a)(1)(A) The Secretary of State shall provide by rule for the  
36 issuance of a voter verification card that may be requested by an individual

1 to be used to verify his or her voter registration under Arkansas  
2 Constitution, Amendment 51, § 13, when appearing to vote in person or by  
3 absentee ballot.

4 (B) The rules shall include without limitation:

5 (i) A requirement that the voter verification card  
6 include a photograph of the voter;

7 (ii) Specification of the information to be included  
8 on the voter verification card;

9 (iii) Provisions concerning the expiration of a  
10 voter verification card; and

11 (iv) Provisions for the voter verification card to  
12 be provided by the county clerk of the county in which the voter is  
13 registered to vote.

14 (2) Providing for the issuance of a voter verification card  
15 under subdivision (a)(1)(A) of this section may include without limitation  
16 the purchase by the Secretary of State of cameras and other equipment  
17 necessary to generate a voter verification card in the office of the county  
18 clerk.

19 (b) A voter verification card shall be issued without the payment of a  
20 fee or charge to an individual who:

21 (1) Does not have another valid form of identification meeting  
22 the requirements of Arkansas Constitution, Amendment 51, § 13; and

23 (2)(A) Is registered to vote; or

24 (B) Will be at least eighteen (18) years of age at the  
25 next election and has timely submitted a voter registration application.

26 (c)(1) The Secretary of State or the county clerk shall not require or  
27 accept payment for a voter verification card issued for the sole purpose of  
28 voter verification.

29 (2) A person requesting a voter verification card for the sole  
30 purpose of voter verification shall sign an affidavit that he or she does not  
31 possess a valid form of identification meeting the requirements of Arkansas  
32 Constitution, Amendment 51, § 13.

33  
34 SECTION 10. Arkansas Code § 7-5-405(a), concerning an application for  
35 an absentee ballot, is amended to read as follows:

36 (a)(1) Applications for absentee ballots may be made on a form or

1 forms prescribed by the Secretary of State and furnished by the county clerk  
2 at least sixty (60) days before the election.

3 (2) The form or forms shall contain the following information:

4 (A) The following statement:

5 "IF YOU PROVIDE FALSE INFORMATION ON THIS FORM, YOU MAY BE GUILTY OF PERJURY  
6 AND SUBJECT TO A FINE OF UP TO \$10,000 OR IMPRISONMENT FOR UP TO 10 YEARS.";

7 (B) A statement in which the voter must indicate that he  
8 or she is requesting an absentee ballot because he or she will be:

9 (i) Unavoidably absent from the polling site on  
10 election day;

11 (ii) Unable to attend the polls on election day  
12 because of illness or physical disability; or

13 (iii) Unable to attend the polls on election day  
14 because of residence in a long-term care or residential facility licensed by  
15 the state;

16 (C) A statement by the voter indicating whether he or she  
17 resides outside the county;

18 (D) A statement indicating whether the voter is a United  
19 States citizen residing outside the territorial limits of the United States;

20 (E) A statement indicating whether the voter is in active  
21 service as a member of the armed services of the United States;

22 (F) Mailing information for the ballot or the name and  
23 signature of a designated bearer, an administrator, or an authorized agent;

24 (G) The date, the voter's printed or typed name, voting  
25 residence address, date of birth, and the voter's signature attesting to the  
26 correctness of the information provided under penalty of perjury; and

27 (H) The election in which the voter wishes to cast an  
28 absentee ballot.

29 (3)(A) The form or forms shall contain a portion to include a  
30 sworn statement that may be completed by a voter stating that the voter is  
31 registered to vote and that he or she is the person who is registered.

32 (B) The sworn statement portion of the form or forms under  
33 subdivision (a)(3)(A) of this section is not required to be notarized but  
34 shall be executed by the voter under penalty of perjury.

35  
36 SECTION 11. Arkansas Code § 7-5-409(b)(4), concerning materials

1 furnished to qualified voters, is amended to add an additional subdivision to  
2 read as follows:

3 (C)(i) The voter statement shall include a sworn statement  
4 portion that may be completed by the voter stating that the voter is  
5 registered to vote and that he or she is the person who is registered.

6 (ii) The sworn statement portion of the voter  
7 statement is not required to be notarized but the voter shall execute the  
8 sworn statement under penalty of perjury.

9

10

11 SECTION 12. Arkansas Code § 7-5-412 is amended to read as follows:

12 7-5-412. Marking and return of absentee ballots – Delivery of mailed  
13 absentee ballots.

14 (a) Upon receiving the blank absentee ballot, voter statement, and  
15 envelopes, whether in the office of the county clerk or elsewhere, the voter  
16 shall mark the absentee ballot and place the absentee ballot in the provided  
17 envelope. He or she shall then seal the envelope containing the absentee  
18 ballot and place it in the other provided outer envelope with the following:

19 (1) The completed and executed voter statement, including  
20 identification of the designated bearer, authorized agent, or administrator  
21 when appropriate; and

22 (2)(A) Verification of voter registration; or

23 ~~(2)(B)~~ A copy of a current and valid photographic  
24 identification or a copy of a current utility bill, bank statement,  
25 government check, paycheck, or other government document that shows the name  
26 and address of the first-time voter, for first-time voters who registered by  
27 mail. However, this requirement does not apply if:

28 ~~(A)(i)~~ The voter registered to vote by mail and provided  
29 the identification at that time; or

30 ~~(B)(ii)~~ The first-time voter registered to vote by mail  
31 and submitted his or her driver's license number or at least the last four  
32 (4) digits of his or her Social Security number at the time and this  
33 information matches the information in an existing state identification  
34 record bearing the same number, name, and date of birth as provided in the  
35 registration.

36 (b)(1) A voter who desires to cast an absentee ballot but who does not

1 meet the identification requirements of subdivision (a)(2) of this section  
2 may cast his or her absentee ballot by mail, and the absentee ballot shall be  
3 considered as a provisional ballot.

4 (2)(A) The voter statement accompanying the absentee ballot  
5 shall include a sworn statement portion that may be completed by the voter  
6 stating that the voter is registered to vote and that he or she is the person  
7 who is registered.

8 (B) The sworn statement portion of the voter statement is  
9 not required to be notarized but the voter shall execute the sworn statement  
10 under penalty of perjury.

11 (c) After recording receipt of the absentee ballot in the electronic  
12 voter registration system, absentee ballots received by mail on election day  
13 before the polls close shall be delivered promptly by the county clerk to the  
14 election officials designated to canvass and count absentee ballots.

15  
16 SECTION 13. Arkansas Code § 7-5-418(c) and (d), concerning early  
17 voting procedures, are amended to read as follows:

18 (c) Before a person is permitted to cast an early vote, the county  
19 clerk or election official shall:

20 (1) Request the voter to identify himself or herself by stating  
21 his or her name, date of birth, and address in order to verify his or her  
22 registration;

23 ~~(2) Request the voter to present proof of identity to the county~~  
24 ~~clerk or election official~~ that the voter verify his or her registration by  
25 providing a document or identification card that meets the requirements of  
26 Arkansas Constitution, Amendment 51, § 13, if required by that section;

27 (3) If the voter's name or address is not the same as that in  
28 the county voter registration record files, request the voter to complete an  
29 updated voter registration application form;

30 (4) Request the voter to sign an early voting roster or early  
31 voting request form that identifies his or her name, address, date of birth,  
32 and the date on the roster or form; and

33 (5) Enter the voter's precinct number on the early voting roster  
34 or early voting request form.

35 (d)(1) If the voter is not listed in the county voter registration  
36 record files and the county clerk is unable to verify the voter's

1 registration and if the voter contends that he or she is eligible to vote,  
2 then the voter may vote a provisional ballot that shall be counted only upon  
3 verification of the voter's registration status.

4 (2)(A) If the voter fails ~~to provide proof of identity to~~  
5 present verification of voter registration, the election official shall  
6 follow the procedure in ~~§ 7-5-321~~ Arkansas Constitution, Amendment 51, § 13.

7 (B)(i) A person who is a resident of a long-term care or  
8 residential care facility licensed by the state is not required to provide  
9 ~~proof of identity~~ verification of voter registration before voting.

10 (ii) A person not required to provide ~~proof of~~  
11 ~~identity~~ verification of voter registration under subdivision (d)(2)(B)(i) of  
12 this section shall provide documentation from the administrator of the  
13 facility attesting that the person is a resident of the facility.

14  
15 /s/Lowery  
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