

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1004

5 By: Representative Blake
6

For An Act To Be Entitled

8 AN ACT TO CREATE THE ARKANSAS VOTER INTEGRITY AND
9 SECURITY ACT; TO REQUIRE AUTOMATIC VOTER
10 REGISTRATION; TO AMEND ARKANSAS CONSTITUTION,
11 AMENDMENT 51; TO AMEND THE LAW CONCERNING ELECTIONS
12 AND VOTING; AND FOR OTHER PURPOSES.
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Subtitle

15 TO CREATE THE ARKANSAS VOTER INTEGRITY
16 AND SECURITY ACT; TO REQUIRE AUTOMATIC
17 VOTER REGISTRATION; TO AMEND ARKANSAS
18 CONSTITUTION, AMENDMENT 51; AND TO AMEND
19 THE LAW CONCERNING ELECTIONS AND VOTING.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Constitution, Amendment 51, § 5(b), concerning
26 voter registration through voter registration agencies, is amended pursuant
27 to the authority granted in Arkansas Constitution, Amendment 51, § 19, to
28 read as follows:

29 (b)(1) The Secretary of State is designated as the "chief election
30 official". The Secretary of State shall prepare and distribute the pre-
31 addressed postcard mail voter registration application forms described in 51-
32 6 [section 6] of this amendment. Mail registration application forms shall
33 serve for purposes of initial applications to register and shall also serve
34 for changes of name, address, or party affiliation. Bilingual
35 (Spanish/English) forms, braille forms, and large print forms shall be
36 available upon request. The Secretary of State shall make the state mail



1 voter registration application form available for distribution through
2 governmental and private entities with particular emphasis on making them
3 available for organized voter registration programs. Any person may
4 distribute state registration cards. All registration cards shall be
5 distributed to the public without charge.

6 ~~(2) The Office of Driver Services and State Revenue Offices~~
7 ~~shall provide voter registration opportunities to those obtaining or renewing~~
8 ~~drivers licenses, personal identification cards, duplicate or corrected~~
9 ~~licenses or cards, or changing address or name whether in person or by mail.~~
10 ~~The Office of Driver Services and State Revenue Offices shall use a computer~~
11 ~~process, which combines the drivers license and voter registration~~
12 ~~applications, minimizing duplicative information, and shall have available~~
13 ~~the federal or state mail voter registration application form, which may be~~
14 ~~used upon request or when the computer process is not available. If a person~~
15 ~~declines to apply to register to vote, the Office of Driver Services or State~~
16 ~~Revenue Office shall retain the record of declination for two (2) years.~~

17 ~~(3)~~ All public assistance agencies shall provide a federal or
18 state mail voter registration application form with each application for
19 assistance, and with each recertification, renewal, or change of address or
20 name relating to such assistance. Public assistance agencies shall provide
21 voter registration application forms as part of the intake process, or as a
22 combined computer process when a computer process is available. Public
23 assistance agencies shall use a process or form that combines the application
24 for assistance with the voter registration application when a computer
25 process is available. Public assistance agencies shall also provide
26 declination forms as described in 51-6 [section 6] of this amendment, which
27 shall be retained for two (2) years if an applicant declines to apply to
28 register to vote.

29 ~~(4)~~(3) All disabilities agencies shall provide a federal or
30 state mail voter registration application form with each application for
31 services and with each recertification, renewal, or change of address or name
32 relating to such services. Disabilities agencies shall provide voter
33 registration application forms as part of the intake process, or as a
34 combined computer process when a computer process is available. Disabilities
35 agencies may use a form that combines the application for services or
36 assistance with the voter registration application when available. If the

1 disabilities agency provides services in a person's home, then the agency
 2 shall also provide voter registration services at the person's home.
 3 Disabilities agencies shall also provide declination forms as described in
 4 51-6 [section 6] of this amendment, which shall be retained for two (2) years
 5 if an applicant declines to apply to register to vote.

6
 7 SECTION 2. Arkansas Constitution, Amendment 51, § 5, is amended to add
 8 an additional subsection, pursuant to the authority granted in Arkansas
 9 Constitution, Amendment 51, § 19, to read as follows:

10 (f)(1) The Office of Driver Services with the advice, assistance, and
 11 approval of the Secretary of State shall establish a schedule and method for
 12 the Office of Driver Services to electronically provide to the Secretary of
 13 State the records specified in this section.

14 (2)(A) The Office of Driver Services shall provide to the
 15 Secretary of State, in the manner and method agreed upon by the Office of
 16 Driver Services and the Secretary of State, the following information
 17 associated with each person who obtains or renews, whether in person or
 18 through regular mail, a driver's license, personal identification card, or
 19 duplicate or corrected driver's license or personal identification card or
 20 changes his or her address or name whether in person or by mail:

21 (i) Name;

22 (ii) Date of birth;

23 (iii) As contained in the records of the Office of
 24 Driver Service's records, either the residence address or the mailing
 25 address, or both;

26 (iv) Telephone number;

27 (v) Email address, if available;

28 (vi) Political party preference;

29 (vii) Whether or not the person affirmatively
 30 declined to become registered to vote during a transaction with the Office of
 31 Driver Services;

32 (viii) A notation that the person has attested that
 33 he or she is eligible to register to vote; and

34 (ix) Any other information required to be submitted
 35 by law.

36 (B)(i) Records provided to the Secretary of State under

1 this subsection shall be used only for the purposes of outreach and promoting
2 voter education by the Secretary of State to eligible voters.

3 (ii) The Secretary of State shall provide materials
4 created for purposes of outreach and voter education as described in
5 subdivision (f)(2)(B) in English, Spanish, and in any language according to
6 the need as determined by the Secretary of State.

7 (3) The Secretary of State shall not sell, transfer, or allow
8 any third party access to the information acquired from the Office of Driver
9 Services under this subsection, except as specifically permitted by law.

10 (4)(A) The records of a person collected and transmitted under
11 this subsection shall constitute a completed affidavit of registration.

12 (B) The Secretary of State shall submit the records
13 collected and transmitted under this subsection to the appropriate county
14 clerk each business day.

15 (C) The county clerk shall register the person to vote
16 unless:

17 (i) The person's record under this subsection
18 reflects that he or she affirmatively declined to become registered to vote
19 during a transaction with the Office of Driver Services;

20 (ii) The person's record under this subsection does
21 not reflect that he or she has attested to meeting all voter eligibility
22 requirements; or

23 (iii) The county clerk determines that the person is
24 ineligible to vote.

25 (D) If a person who is registered to vote under this
26 subsection does not provide a party preference, his or her party preference
27 shall be designated as "Optional", and he or she shall be treated as having
28 no party preference.

29 (5) A person registered to vote under this subsection may cancel
30 his or her voter registration at any time by any method available to any
31 other registered voter.

32 (6) The Office of Driver Services and the Secretary of State
33 shall adopt rules in furtherance of this section, including without
34 limitation:

35 (A) A process for canceling the registration of a person
36 who is ineligible to vote but becomes registered under this subsection;

1 (B) The method for electronically transmitting the records
 2 under this subsection; and

3 (C) An education and outreach campaign to be conducted by
 4 the Secretary of State informing voters about voter registration under this
 5 subsection.

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 7 SECTION 3. Arkansas Constitution, Amendment 51, § 11(c), concerning
 8 cancellation of voter registration upon the death of a voter, is amended
 9 pursuant to the authority granted in Arkansas Constitution, Amendment 51, §
 10 19, to read as follows:

11 (c)(1) ~~It shall be the duty of the~~ The State Registrar of Vital
 12 Records ~~to~~ shall notify ~~promptly~~ the Secretary of State of ~~the~~ any death of
 13 ~~all residents~~ a resident of this state each business day.

14 (2)(A) ~~The~~ Each business day the Secretary of State shall
 15 compile a listing of the deceased residents of this state and shall ~~promptly~~
 16 provide this listing to ~~the permanent registrar of~~ each county clerk on the
 17 same business day.

18 (B) ~~The deceased~~ voter registration of the deceased
 19 resident shall be cancelled by the permanent registrar.

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 21 SECTION 4. Arkansas Code § 7-1-103(a)(4), concerning miscellaneous
 22 misdemeanor offenses, is repealed.

23 ~~(4) It shall be unlawful for any person to assess any public~~
 24 ~~employee, as defined in § 21-8-402, for any political purpose whatever or to~~
 25 ~~coerce, by threats or otherwise, any public employee into making a~~
 26 ~~subscription or contribution for any political purpose;~~

27
 28 SECTION 5. Arkansas Code § 7-1-104(a)(5) and (6), concerning
 29 miscellaneous felonies, are repealed.

30 ~~(5) It shall be unlawful for any person to make any threat or~~
 31 ~~attempt to intimidate any elector or the family, business, or profession of~~
 32 ~~the elector;~~

33 ~~(6) It shall be unlawful for any person to interfere with or to~~
 34 ~~prevent any qualified elector from voting at any election or to attempt to~~
 35 ~~interfere with or to prevent any qualified elector from voting at any~~
 36 ~~election, provided that this subdivision (a)(6) shall not prohibit good faith~~

1 ~~challenges of ballots or voters according to law by candidates, authorized~~
2 ~~representatives of candidates, political parties, or ballot issues;~~

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4 SECTION 6. Arkansas Code Title 7, Chapter 1, Subchapter 1, is amended
5 to add an additional section to read as follows:

6 7-1-115. Voter intimidation offenses.

7 (a) It shall be unlawful for any person to recklessly:

8 (1) Make any threat or attempt to intimidate any elector or the
9 family, business, or profession of the elector;

10 (2) Interfere with or prevent any qualified elector from voting
11 at any election or to attempt to interfere with or prevent any qualified
12 elector from voting at any election, provided that this subdivision (a)(2)
13 shall not prohibit good faith challenges of ballots or voters according to
14 law by candidates, authorized representatives of candidates, political
15 parties, or ballot issues;

16 (3) Assess any public employee, as defined in § 21-8-402, for
17 any political purpose whatsoever or to coerce, by threats or otherwise, any
18 public employee into making a subscription or contribution for any political
19 purpose; or

20 (4) Interfere, prevent, or obstruct the assistance provided to a
21 voter who requires assistance to vote by reason of blindness, disability, or
22 inability to read.

23 (b)(1) A person convicted of an offense described under this section
24 shall be guilty of a Class D felony.

25 (2)(A) A person convicted of a felony under this section shall
26 be barred from holding public office or employment in any of the departments
27 of the state from the date of his or her conviction.

28 (B)(i) If the person is employed by any of the departments
29 of this state at the time of his or her conviction, he or she shall be
30 removed from employment immediately.

31 (ii) If any person is convicted under this section
32 while holding public office, the conviction shall be deemed a misfeasance and
33 malfeasance in office and shall subject the person to impeachment.

34 (c) A county clerk or county board of election commissioners shall
35 promptly notify the local prosecuting attorney and the State Board of
36 Election Commissioners of an offense described under this section.

1 (d) A person who is intimidated because of his or her race, ethnicity,
2 or religion may pursue a private cause of action against the:

3 (1) Local election official who committed the voter intimidation
4 offense; and

5 (2) Person who committed the voter intimidation offense.

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