

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

HOUSE BILL 1517

5 By: Representative Boyd
6 By: Senator B. Davis
7

For An Act To Be Entitled

9 AN ACT TO ALLOW ELECTRONIC VOTER REGISTRATION; TO
10 AMEND ARKANSAS CONSTITUTION, AMENDMENT 51; AND FOR
11 OTHER PURPOSES.
12
13

Subtitle

15 TO ALLOW ELECTRONIC VOTER REGISTRATION;
16 AND TO AMEND ARKANSAS CONSTITUTION
17 AMENDMENT 51.
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19

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

22 SECTION 1. Arkansas Constitution, Amendment 51, § 5(b)(1), concerning
23 the duties of registration officials, is amended to read as follows:

24 (b)(1)(A) The Secretary of State is designated as the chief election
25 official. The Secretary shall prepare and distribute the pre-addressed
26 postcard mail voter registration application forms described in 51-6 [section
27 6] of this amendment. Mail registration application forms shall serve for
28 purposes of initial applications to register and shall also serve for changes
29 of name, address, or party affiliation. Bilingual (Spanish/English) forms,
30 braille forms, and large print forms shall be available upon request. The
31 Secretary of State shall make the state mail voter registration application
32 form available for distribution through governmental and private entities
33 with particular emphasis on making them available for organized voter
34 registration programs. Any person may distribute state registration cards.
35 All registration cards shall be distributed to the public without charge.

36 (B) The Secretary of State shall prepare and administer



1 electronic voter registration application forms. Electronic voter
2 registration application forms shall serve for purposes of initial
3 applications to register and shall also serve for changes of name, address,
4 or party affiliation. Bilingual (Spanish/English) forms shall be available
5 electronically. The system used to access the electronic voter registration
6 application forms shall be accessible without charge.

7
8 SECTION 2. Arkansas Constitution, Amendment 51, § 5(e), concerning the
9 duties of registration officials, is amended to add an additional subdivision
10 to read as follows:

11 (f) The Secretary of State is authorized to prescribe, adopt, publish
12 and distribute detailed specifications for the electronic voter registration
13 application forms, and the security measures for the protection of the voter
14 registration applicant information and the voter registration list, all of
15 which shall be consistent with this amendment and the laws passed by the
16 General Assembly and be uniform throughout the state.

17
18 SECTION 3. Arkansas Constitution, Amendment 51, § 6(a)(1), concerning
19 statements included on the mail voter registration application form, is
20 amended to read as follows:

21 (a)(1) The mail voter registration application form and the electronic
22 voter registration application form may only require identifying information,
23 including signature or mark, an electronic signature or mark, and other
24 information, including data relating to previous registration by the
25 applicant, as is necessary to assess the applicant's eligibility and to
26 administer voter registration and other parts of the election process.

27
28 SECTION 4. Arkansas Constitution, Amendment 51, § 6(a)(3)(F),
29 concerning statements included on the mail voter registration application
30 form, is amended to read as follows:

31 (F) A signature or mark, or electronic signature or mark,
32 made under penalty of perjury that the applicant meets each requirement for
33 voter registration;

34
35 SECTION 5. The introductory language of Arkansas Constitution,
36 Amendment 51, § 6(a)(4), concerning statements included on the mail voter

1 registration application form, is amended to read as follows:

2 (4) The following information may be requested on the
3 registration card or electronic voter registration application form, but it
4 shall not be required:

5
6 SECTION 6. Arkansas Constitution, Amendment 51, § 6(a)(5), concerning
7 statements included on the mail voter registration application form, is
8 amended to read as follows:

9 (5) The mail voter registration application form or the
10 electronic voter registration application form shall not include ~~any a~~
11 requirement for notarization or other formal authentication.

12
13 SECTION 7. The introductory language of Arkansas Constitution,
14 Amendment 51, § 6(a)(6), concerning statements included on the mail voter
15 registration application form, is amended to read as follows:

16 (6) The mail voter registration application form and the
17 electronic voter registration application form shall include the following
18 questions along with boxes or other means for the applicant to check “yes” or
19 “no” in response:

20
21 SECTION 8. The introductory language of Arkansas Constitution,
22 Amendment 51, § 6(a)(7), concerning statements included on the mail voter
23 registration application form, is amended to read as follows:

24 (7) The mail voter registration application form and the
25 electronic voter registration application form shall include the following
26 statements immediately following the questions asked in subdivision (a)(6) of
27 this section:

28
29 SECTION 9. Arkansas Constitution, Amendment 51, § 8(a)(2), concerning
30 voter registration application records and reports, is amended to read as
31 follows:

32 (2) The Secretary of State shall transmit all mail voter
33 registration applications and electronic voter registration applications to
34 the appropriate permanent registrar no later than ten (10) days after the
35 date of receipt. When applications are received within five (5) days before
36 the last day of registration for an election, they must be transmitted no

1 later than five (5) days after date of receipt. If forms are received by the
2 wrong election office, they shall be forwarded to the appropriate permanent
3 registrar not later than the fifth day after receipt.

4
5 SECTION 10. The introductory language of Arkansas Constitution,
6 Amendment 51, § 8(c)(1), concerning voter registration application records
7 and reports, is amended to read as follows:

8 (c)(1) The Secretary of State shall collect, maintain, and publish
9 monthly statistical data reflecting the number of new voter registration
10 applications, changes of address, name, and party affiliation, and
11 declinations received by mail, electronically, and in:

12
13 SECTION 11. Arkansas Constitution, Amendment 51, § 9(c), concerning
14 the application to register to vote, is amended to add an additional
15 subdivision to read as follows:

16 (4) The permanent registrar shall register qualified applicants
17 who apply to register to vote by electronic voter registration application
18 form if:

19 (A) The electronic voter registration application form is
20 submitted no later than thirty (30) days before the date of the election; and

21 (B) The applicant for electronic voter registration
22 provides a current valid driver's license number or the last four (4) digits
23 of the applicant's Social Security number.

24
25 SECTION 12. Arkansas Constitution, Amendment 51, § 10(a), concerning
26 the transfer and change of status for a registered voter, is amended to read
27 as follows:

28 (a) Upon a change of legal residence within the county, or a change of
29 name, any registered voter may cause his or her registration to be
30 transferred to his or her new address or new name by completing and mailing a
31 federal or state mail voter registration application form, by completing an
32 electronic voter registration application form, by updating his or her
33 address at the Office of Driver Services, any state revenue office, public
34 assistance agency, disabilities agency, or other voter registration agency,
35 by signing a mailed request to the permanent registrar, giving his or her
36 present address and the address at which he or she was last registered or his

1 or her present name and the name under which he or she was last registered,
2 or by applying in person at the office of the permanent registrar.

3
4 SECTION 13. Arkansas Constitution, Amendment 51, § 10(b)(1),
5 concerning the transfer and change of status for a registered voter, is
6 amended to add an additional subdivision to read as follows:

7 (E) Completing an electronic voter registration
8 application form.

9
10 SECTION 14. Arkansas Code § 7-5-201(e)(1), concerning voter
11 qualification, are amended to read as follows:

12 (e)(1) A person registering to vote by mail or by electronic voter
13 registration application form and who has not previously voted in a federal
14 election in this state shall:

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

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

25
26 SECTION 15. Arkansas Code § 7-5-201(e)(3)(E) and (F), concerning voter
27 qualification, are amended to read as follows:

28 (E) Persons who register to vote by mail or by electronic
29 voter registration application form and submit as part of the registration
30 any of the identification documents listed in subdivision (e)(1) of this
31 section; or

32 (F) Persons who register to vote by mail or using an
33 electronic voter registration application form and submit with the
34 registration either a driver's license number or at least the last four (4)
35 digits of the individual's Social Security number and with respect to whom a
36 state or local election official matches the license number or Social

1 Security number with an existing state identification record bearing the same
 2 number, name, and date of birth as provided in the registration.

3
 4 SECTION 16. Arkansas Code § 7-5-416(b)(1)(F), concerning the counting
 5 of absentee ballots, is amended to read as follows:

6 (F)(i) After the election official reads aloud from the
 7 statement, the election officials shall compare the name, address, date of
 8 birth, and signature of the voter’s absentee application with the voter’s
 9 statement; and,

10 (ii)(a) ~~For~~ For first-time voters who registered by
 11 mail, the first-time voter’s identification document unless the voter
 12 previously provided identification at the time of mailing the voter
 13 registration application; or

14 (b) For first time voters who registered using
 15 an electronic voter registration application form, the first-time voter’s
 16 identification document unless the voter previously provided identification
 17 at the time of electronically registering using an electronic voter
 18 registration application form.

19 (iii) If the county board of election commissioners
 20 determines that the application and the voter’s statement do not compare as
 21 to name, address, date of birth, and signature, the absentee ballot shall not
 22 be counted.

23 (iv) If a first-time voter fails to provide the
 24 required identification with the absentee ballot, ~~or~~ at the time of mailing
 25 the voter registration application, or at the time of registration using an
 26 electronic voter registration application form, then the absentee
 27 application, absentee ballot envelope, and voter’s statement shall be placed
 28 in an envelope marked “provisional” and the absentee ballot shall be
 29 considered a provisional ballot;

30
 31 SECTION 17. Arkansas Code Title 7, Chapter 5, Subchapter 3, is amended
 32 to add an additional section to read as follows:

33 7-5-325. Electronic voter registration.

34 (a) The Secretary of State shall establish and maintain a secure
 35 online voter registration system.

36 (b) The online voter registration system shall allow:

1 (1) The submission of an online voter registration application
2 form meeting the requirements established in Arkansas Constitution, Amendment
3 51, § 6; and

4 (2) A voter registration to be completed using the online voter
5 registration system and included on the voter registration list.

6 (c) The Secretary of State shall employ security measures the
7 Secretary of State determines to be necessary to ensure the integrity,
8 accuracy, and security of the online voter registration system.

9 (d) Each person using the online voter registration system shall be
10 informed as to whether:

11 (1) The online voter registration application form has been
12 successfully submitted and is pending approval; or

13 (2) The online voter registration system encountered an error in
14 processing the online voter registration application form and the online
15 voter registration application form was not successfully submitted.

16
17 SECTION 18. EFFECTIVE DATE. This act shall become effective on
18 and after January 1, 2022.