

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

1 State of Arkansas As Engrossed: H2/25/21 H3/9/21 S3/29/21

2 93rd General Assembly

# A Bill

3 Regular Session, 2021

HOUSE BILL 1517

4

5 By: Representative Boyd

6 By: Senator B. Davis

7

8

## For An Act To Be Entitled

9

*AN ACT TO CREATE THE VOTER INTEGRITY AND VOTER*

10

*REGISTRATION MODERNIZATION ACT OF 2021; TO ALLOW*

11

*ELECTRONIC VOTER REGISTRATION; TO AMEND ARKANSAS*

12

*CONSTITUTION, AMENDMENT 51; TO AMEND THE DUTIES OF*

13

*THE SECRETARY OF STATE; AND FOR OTHER PURPOSES.*

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15

16

## Subtitle

17

*TO CREATE THE VOTER INTEGRITY AND VOTER*

18

*REGISTRATION MODERNIZATION ACT OF 2021;*

19

*TO ALLOW ELECTRONIC VOTER REGISTRATION;*

20

*TO AMEND ARKANSAS CONSTITUTION, AMENDMENT*

21

*51; AND TO AMEND THE DUTIES OF THE*

22

*SECRETARY OF STATE.*

23

24

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

26

27 *SECTION 1. DO NOT CODIFY. Title.*

28 *This act shall be known and may be cited as the "Voter Integrity and*

29 *Voter Registration Modernization Act of 2021".*

30

31 *SECTION 2. Arkansas Constitution, Amendment 51, § 5(b)(1), concerning*

32 *the duties of registration officials, is amended to read as follows:*

33 (b)(1)(A) The Secretary of State is designated as the chief election

34 official. The Secretary shall prepare and distribute the pre-addressed

35 postcard mail voter registration application forms described in 51-6 [section

36 6] of this amendment. Mail registration application forms shall serve for



1 purposes of initial applications to register and shall also serve for changes  
2 of name, address, or party affiliation. Bilingual (Spanish/English) forms,  
3 braille forms, and large print forms shall be available upon request. The  
4 Secretary of State shall make the state mail voter registration application  
5 form available for distribution through governmental and private entities  
6 with particular emphasis on making them available for organized voter  
7 registration programs. Any person may distribute state registration cards.  
8 All registration cards shall be distributed to the public without charge.

9 (B) The Secretary of State shall prepare and administer  
10 electronic voter registration application forms. Electronic voter  
11 registration application forms may serve for purposes of initial applications  
12 to register and may serve for changes of name, address, or party affiliation.  
13 The system used to access the electronic voter registration application forms  
14 shall be accessible without charge.

15  
16 SECTION 3. Arkansas Constitution, Amendment 51, § 5(e), concerning the  
17 duties of registration officials, is amended to add an additional subdivision  
18 to read as follows:

19 (f)(1) The Secretary of State is authorized to promulgate rules  
20 including detailed specifications for the electronic voter registration  
21 application forms, and the security measures for the protection of the voter  
22 registration applicant information and the voter registration list.

23 (2) All rules promulgated under subdivision (f)(1) of this  
24 section shall:

25 (A) Be consistent with this amendment and the laws passed  
26 by the General Assembly;

27 (B) Be of uniform application across the state; and

28 (C) Follow the procedure for review and approval by the  
29 General Assembly under the Arkansas Administrative Procedure Act, § 25-15-201  
30 et seq.

31 (3) The Secretary of State shall not promulgate emergency rules  
32 under the Arkansas Administrative Procedure Act, § 25-15-201 et seq., within  
33 one hundred and eighty (180) days of a federal election unless approved by  
34 the General Assembly or if the General Assembly is not in session, by the  
35 Legislative Council.

36

1 SECTION 4. Arkansas Constitution, Amendment 51, § 6(a)(1), concerning  
2 statements included on the mail voter registration application form, is  
3 amended to read as follows:

4 (a)(1) The mail voter registration application form and the electronic  
5 voter registration application form may only require identifying information,  
6 including signature or mark, an electronic signature or mark, and other  
7 information, including data relating to previous registration by the  
8 applicant, as is necessary to assess the applicant's eligibility and to  
9 administer voter registration and other parts of the election process.

10  
11 SECTION 5. Arkansas Constitution, Amendment 51, § 6(a)(3)(F),  
12 concerning statements included on the mail voter registration application  
13 form, is amended to read as follows:

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

17  
18 SECTION 6. The introductory language of Arkansas Constitution,  
19 Amendment 51, § 6(a)(4), concerning statements included on the mail voter  
20 registration application form, is amended to read as follows:

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

24  
25 SECTION 7. Arkansas Constitution, Amendment 51, § 6(a)(5), concerning  
26 statements included on the mail voter registration application form, is  
27 amended to read as follows:

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

31  
32 SECTION 8. The introductory language of Arkansas Constitution,  
33 Amendment 51, § 6(a)(6), concerning statements included on the mail voter  
34 registration application form, is amended to read as follows:

35 (6) The mail voter registration application form and the  
36 electronic voter registration application form shall include the following

1 questions along with boxes or other means for the applicant to check “yes” or  
2 “no” in response:

3  
4 SECTION 9. The introductory language of Arkansas Constitution,  
5 Amendment 51, § 6(a)(7), concerning statements included on the mail voter  
6 registration application form, is amended to read as follows:

7 (7) The mail voter registration application form and the  
8 electronic voter registration application form shall include the following  
9 statements immediately following the questions asked in subdivision (a)(6) of  
10 *this section*:

11  
12 SECTION 10. Arkansas Constitution, Amendment 51, § 7, concerning voter  
13 registration record files, is amended to add an additional subsection to read  
14 as follows:

15 (j)(1) To ensure the accuracy of the voter registration record files  
16 maintained by the Secretary of State, the Secretary of State shall:

17 (A) Regularly and before each election identify registered  
18 voters who are deceased by comparing the information received from the Social  
19 Security Administration, including without limitation a master death file or  
20 index compiled by the Social Security Administration, and assist the State  
21 Board of Election Commissioners to obtain information for the purpose of  
22 conducting a post-election audit if a post-election audit is conducted;

23 (B) Establish and implement a process for the verification  
24 of address information submitted by a person registering to vote or by a  
25 registered voter updating his or her address;

26 (C) Cooperate with other states to develop systems to  
27 compare voters, voter histories, and voter registration lists to ensure the  
28 accuracy of the voter registration rolls, to identify voters whose addresses  
29 have changed, to prevent duplication of registration in more than one (1)  
30 state, and to determine eligibility of individuals to vote in Arkansas;

31 (D) Ensure all confidential voter registration information  
32 and data remains confidential and protected under state and federal law;

33 (E) Allow view-only access to the voter registration  
34 record files and data to all county boards of election commissioners to carry  
35 out the county board of election commissioners' election administration  
36 responsibilities; and

1 (F) Provide annual reports to the General Assembly  
2 concerning the accuracy of the voter registration record files.

3 (2)(A) The Secretary of State shall promulgate rules necessary  
4 to implement the requirements of this subsection under the Arkansas  
5 Administrative Procedure Act, § 25-15-201 et seq.

6 (B) The Secretary of State shall not promulgate emergency  
7 rules under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.,  
8 within one hundred and eighty (180) days of a federal election unless  
9 approved by the General Assembly or if the General Assembly is not in  
10 session, by the Legislative Council.

11  
12 SECTION 11. Arkansas Constitution, Amendment 51, § 8(a)(2), concerning  
13 voter registration application records and reports, is amended to read as  
14 follows:

15 (2) The Secretary of State shall transmit all mail voter  
16 registration applications and electronic voter registration applications to  
17 the appropriate permanent registrar no later than ten (10) days after the  
18 date of receipt. When applications are received within five (5) days before  
19 the last day of registration for an election, they must be transmitted no  
20 later than five (5) days after date of receipt. If forms are received by the  
21 wrong election office, they shall be forwarded to the appropriate permanent  
22 registrar not later than the fifth day after receipt.

23  
24 SECTION 12. The introductory language of Arkansas Constitution,  
25 Amendment 51, § 8(c)(1), concerning voter registration application records  
26 and reports, is amended to read as follows:

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

31  
32 SECTION 13. Arkansas Constitution, Amendment 51, § 9(c), concerning  
33 the application to register to vote, is amended to add an additional  
34 subdivision to read as follows:

35 (4) The permanent registrar shall register qualified applicants  
36 who apply to register to vote by electronic voter registration application

1 form if:

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

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

7

8 SECTION 14. Arkansas Constitution, Amendment 51, § 10(a), concerning  
9 the transfer and change of status for a registered voter, is amended to read  
10 as follows:

11 (a) Upon a change of legal residence within the county, or a change of  
12 name, any registered voter may cause his or her registration to be  
13 transferred to his or her new address or new name by completing and mailing a  
14 federal or state mail voter registration application form, by completing an  
15 electronic voter registration application form, by updating his or her  
16 address at the Office of Driver Services, any state revenue office, public  
17 assistance agency, disabilities agency, or other voter registration agency,  
18 by signing a mailed request to the permanent registrar, giving his or her  
19 present address and the address at which he or she was last registered or his  
20 or her present name and the name under which he or she was last registered,  
21 or by applying in person at the office of the permanent registrar.

22

23 SECTION 15. Arkansas Constitution, Amendment 51, § 10(b)(1),  
24 concerning the transfer and change of status for a registered voter, is  
25 amended to add an additional subdivision to read as follows:

26 (E) Completing an electronic voter registration  
27 application form.

28

29 SECTION 16. Arkansas Code § 7-5-201(e)(1), concerning voter  
30 qualification, are amended to read as follows:

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

34 (A) Present to the election official a current and valid  
35 photo 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 when appearing to vote in person either early or at  
2 the polls on election day; or

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

7

8 SECTION 17. Arkansas Code § 7-5-201(e)(3)(E) and (F), concerning voter  
9 qualification, are amended to read as follows:

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

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

21

22 SECTION 18. Arkansas Code § 7-5-416(b)(1)(F), concerning the counting  
23 of absentee ballots, is amended to read as follows:

24 (F)(i) After the election official reads aloud from the  
25 statement, the election officials shall compare the name, address, date of  
26 birth, and signature of the voter's absentee application with the voter's  
27 statement; and,

28 (ii)(a) ~~for~~ For first-time voters who registered by  
29 mail, the first-time voter's identification document unless the voter  
30 previously provided identification at the time of mailing the voter  
31 registration application; or

32 (b) For first time voters who registered using  
33 an electronic voter registration application form, the first-time voter's  
34 identification document unless the voter previously provided identification  
35 at the time of electronically registering using an electronic voter  
36 registration application form.

1 (iii) If the county board of election commissioners  
2 determines that the application and the voter's statement do not compare as  
3 to name, address, date of birth, and signature, the absentee ballot shall not  
4 be counted.

5 (iv) If a first-time voter fails to provide the  
6 required identification with the absentee ballot, ~~or~~ at the time of mailing  
7 the voter registration application, or at the time of registration using an  
8 electronic voter registration application form, then the absentee  
9 application, absentee ballot envelope, and voter's statement shall be placed  
10 in an envelope marked "provisional" and the absentee ballot shall be  
11 considered a provisional ballot;

12  
13 SECTION 19. Arkansas Code Title 7, Chapter 5, Subchapter 3, is amended  
14 to add an additional section to read as follows:

15 7-5-325. Electronic voter registration.

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

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

19 (1) The submission of an online voter registration application  
20 form meeting the requirements established in Arkansas Constitution, Amendment  
21 51, § 6; and

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

24 (c) The Secretary of State shall:

25 (1) Employ security measures the Secretary of State  
26 determines to be necessary to ensure the integrity, accuracy, and security of  
27 the online voter registration system; and

28 (2) Establish and implement a process for the verification  
29 of address information submitted by a person registering to vote, or a  
30 registered voter updating his or her address:

31 (A) Using the electronic voter registration  
32 application form;

33 (B) When providing a state agency charged with voter  
34 registration address information; or

35 (C) Using a state mail voter registration  
36 application form.



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

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

5 (2) The online voter registration system encountered an error in  
6 processing the online voter registration application form and the online  
7 voter registration application form was not successfully submitted.

8 (e)(1) The Secretary of State shall promulgate rules necessary to  
9 implement the requirements section under the Arkansas Administrative  
10 Procedure Act, § 25-15-201 et seq.

11 (2) The Secretary of State shall not promulgate emergency rules  
12 under the Arkansas Administrative Procedure Act, § 25-15-201 et seq., within  
13 one hundred and eighty (180) days of a federal election unless approved by  
14 the General Assembly or if the General Assembly is not in session, by the  
15 Legislative Council.

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17 SECTION 20. EFFECTIVE DATE. This act shall become effective on  
18 and after January 1, 2022.

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20 /s/Boyd  
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