

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1407

5 By: Representatives McClure, Wing, Achor, Andrews, Barker, Beaty Jr., Beck, Bentley, M. Berry,
6 Breaux, Brooks, K. Brown, M. Brown, Burkes, Joey Carr, C. Cooper, Cozart, Evans, C. Fite, L. Fite,
7 Fortner, Furman, Gazaway, Gonzales, Gramlich, Haak, Hawk, Hollowell, Jean, Ladyman, Long,
8 Lundstrum, Lynch, McAlindon, McCollum, M. McElroy, McGrew, B. McKenzie, McNair, S. Meeks,
9 Miller, Milligan, K. Moore, Painter, Pearce, Pilkington, Puryear, R. Scott Richardson, Richmond, Rose,
10 Rye, Schulz, Steimel, Tosh, Underwood, Vaught, Womack, Wooldridge, Wooten
11 By: Senators M. McKee, K. Hammer, Dees, J. Petty, Stone
12

For An Act To Be Entitled

13 AN ACT TO CREATE THE VOTER REGISTRATION AND SECURE
14 VOTER RECORDS ACT OF 2023; TO AMEND ARKANSAS
15 CONSTITUTION, AMENDMENT 51; TO AMEND THE LAW
16 CONCERNING AUDITS OF VOTER REGISTRATION INFORMATION;
17 TO AMEND THE DUTIES OF THE SECRETARY OF STATE; AND
18 FOR OTHER PURPOSES.
19

Subtitle

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21
22 TO CREATE THE VOTER REGISTRATION AND
23 SECURE VOTER RECORDS ACT OF 2023; TO
24 AMEND ARKANSAS CONSTITUTION, AMENDMENT
25 51; AND TO AMEND THE DUTIES OF THE
26 SECRETARY OF STATE.
27
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29

30 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
31

32 SECTION 1. DO NOT CODIFY. Title.

33 This act shall be known and may be cited as the "Voter Registration and
34 Secure Voter Records Act of 2023".
35

36 SECTION 2. Arkansas Constitution, Amendment 51, § 6(a)(2), concerning



1 voter registration forms, is amended to add additional subdivisions to read
2 as follows:

3 (G) Inform the applicant that if the voter registration
4 application is being collected by a third-party voter registration
5 organization, the organization may not deliver the application to the voter
6 registrar in the county in which the applicant resides less than thirty (30)
7 days before the next election and that the applicant may elect to deliver the
8 application in person or by mail; and

9 (H) Inform the applicant of the process to determine if
10 the application has been received by the Secretary of State.

11
12 SECTION 3. 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) The Secretary of State shall ensure the security and accuracy
16 of the statewide voter registration list.

17 (2) To ensure the security and accuracy of the statewide voter
18 registration list maintained by the Secretary of State, the Secretary of
19 State shall:

20 (A) Cooperate with other states and jurisdictions to
21 compare registered voters, voter history, and voter registration lists to:

22 (i) Ensure the accuracy of the voter registration
23 rolls;

24 (ii) Identify voters whose addresses have changed;

25 (iii) Prevent registration in more than one (1)
26 state; and

27 (iv) Determine eligibility of individuals to vote in
28 Arkansas;

29 (B) Establish and implement a system for the verification
30 of citizenship status for persons registering to vote;

31 (C) Regularly and before each election identify registered
32 voters who are deceased by comparing the information received from the Social
33 Security Administration, including without limitation a master death file or
34 index compiled by the Social Security Administration;

35 (D) Establish and implement a process for the verification
36 of address information;

- 1 (i) Submitted by a person registering to vote;
- 2 (ii) Submitted by a registered voter updating his or
- 3 her address; and
- 4 (iii) Provided through undeliverable mail by the
- 5 United States Postal Service concerning a person registering to vote or a
- 6 registered voter;

7 (E) Ensure all confidential voter registration information
 8 and data remains confidential and protected under state and federal law;

9 (F) Allow view-only access to the voter registration
 10 record files and data to all county boards of election commissioners to carry
 11 out the county board of election commissioners' election administration
 12 responsibilities; and

13 (G) Provide annual reports to the Joint Performance Review
 14 Committee of the General Assembly concerning the accuracy of the voter
 15 registration record files.

16 (3) The Secretary of State shall promulgate rules under the
 17 Arkansas Administrative Procedure Act, § 25-15-201 et seq., necessary to:

18 (A) Implement the requirements of this section; and

19 (B) Ensure the security, accuracy, and integrity of the:

20 (i) Statewide voter registration system;

21 (ii) Supporting technologies utilized by the
 22 counties to maintain and record voter registration information;

23 (iii) Secure user access requirements established by
 24 the Secretary of State; and

25 (iv) Election audit logs.

26

27 SECTION 4. Arkansas Constitution, Amendment 51, § 8(c)(2), concerning
 28 voter registration application records and reports, is amended to read as
 29 follows:

30 (2) Every six (6) months the Secretary of State shall compile a
 31 statewide report available to the public reflecting the statistical data
 32 collected pursuant to subsection (a) of this section. This report shall be
 33 submitted to the ~~Federal Election Commission~~ United States Election
 34 Assistance Commission for the national report pursuant to ~~section (9)(a)(3)~~
 35 ~~of the National Voter Registration Act of 1993, United States Code 52 USC §~~
 36 20508. The state report shall also include:

1 (A) ~~numbers~~ Numbers of and descriptions of the agencies,
 2 and the method of integrating voter registration in the agencies,
 3 disaggregated by agency;

4 (B) Numbers and descriptions of the public assistance
 5 programs and the method of integrating voter registration, disaggregated by
 6 program;

7 (C) ~~an~~ An assessment of the impact of the National Voter
 8 Registration Act of 1993, United States Code 52 USC § 20508, on the
 9 administration of elections; and

10 ~~(C)(D)~~ ~~recommendations~~ Recommendations for improvements in
 11 procedures, forms, and other matters affected by the National Voter
 12 Registration Act of 1993, United States Code 52 USC § 20508.

13
 14 SECTION 5. Arkansas Constitution, Amendment 51, § 8(d), concerning
 15 voter registration application records and reports, is amended to read as
 16 follows:

17 (d) Every six (6) months the state-level administration of each voter
 18 registration agency shall issue a report to the Legislative Council and the
 19 Secretary of State containing:

20 (1) ~~the~~ The statistical and other information collected in each
 21 voter registration agency office, including the:

22 (A) Number of and description of each voter registration
 23 agency;

24 (B) Method of integrating voter registration in the voter
 25 registration agency; and

26 (C) Total number of registration application forms
 27 transmitted to the Secretary of State, disaggregated by month by the voter
 28 registration agency;

29 (2) The statistical and other information collected in each
 30 public assistance agency, including the:

31 (A) Number of and description of each voter registration
 32 agency;

33 (B) Method of integrating voter registration in the voter
 34 registration agency; and

35 (C) Number of registration application forms transmitted
 36 to the Secretary of State, disaggregated by month by the voter registration

1 agency; and
 2 ~~(3) recommendations~~ Recommendations for improvements in
 3 procedures, forms, and other matters, including training.
 4

5 SECTION 6. Arkansas Constitution, Amendment 51, § 9(a), concerning the
 6 application to register to vote, is amended to add an additional subdivision
 7 to read as follows:

8 (4) Are citizens of the United States.
 9

10 SECTION 7. Arkansas Constitution, Amendment 51, § 11(a), concerning
 11 the cancellation of voter registration, is amended to add an additional
 12 subdivision to read as follows:

13 (7) Who are not citizens of the United States.
 14

15 SECTION 8. Arkansas Constitution, Amendment 51, § 11(f), concerning
 16 the cancellation of voter registration, is amended to read as follows:

17 (f) Within ten (10) days following the receipt or possession of
 18 information requiring any cancellation of registration, ~~other than under~~
 19 ~~section 11(a)(1) of this amendment,~~ the permanent registrar shall cancel the
 20 registration, and note the date of the cancellation, the reason for the
 21 cancellation, and the person cancelling the registration in the voter
 22 registration system.
 23

24 SECTION 9. Arkansas Constitution, Amendment 51, § 13(b)(1)(A)(i)(a),
 25 concerning fail-safe voting and verification of voter registration, is
 26 amended to read as follows:

27 (a) Shows the legal name of the person to whom
 28 the document or identification card was issued;
 29

30 SECTION 10. Arkansas Constitution, Amendment 51, § 13(b)(1)(A)(i)(c),
 31 concerning fail-safe voting and verification of voter registration, is
 32 amended to read as follows:

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

1 SECTION 11. Arkansas Constitution, Amendment 51, § 13(b)(8)(C),
 2 concerning fail-safe voting and verification of voter registration, is
 3 amended to read as follows:

4 (C) The prosecuting attorney or a state entity authorized
 5 by the General Assembly may investigate possible voter fraud.

6
 7 SECTION 12. Arkansas Constitution, Amendment 51, § 15(b), concerning
 8 penalties for violations of the voter registration laws, is amended to read
 9 as follows:

10 (b) Any public official, ~~or~~ election official, or public employee who
 11 wilfully violates any provision of this amendment shall be guilty of a
 12 misdemeanor, and upon conviction thereof shall also be removed from such
 13 office or position.

14
 15 SECTION 13. Arkansas Code § 7-4-121, concerning election audits by the
 16 State Board of Election Commissioners, is amended to add an additional
 17 subdivision to read as follows:

18 (c)(1) An audit shall be performed by the State Board of Election
 19 Commissioners of the voter registration data to ensure voter registration
 20 data is accurate and up to date.

21 (2) The audit shall be performed annually by December 31.

22 (3) The results of the audit shall be made publicly available on
 23 the State Board of Election Commissioner's website.