

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

A Bill

HOUSE BILL 1537

5 By: Representative A. Collins
6 By: Senator C. Tucker
7

For An Act To Be Entitled

9 AN ACT TO CREATE THE VOTER INTEGRITY AND VOTER
10 REGISTRATION MODERNIZATION ACT OF 2023; 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.
14

Subtitle

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17 TO CREATE THE VOTER INTEGRITY AND VOTER
18 REGISTRATION MODERNIZATION ACT OF 2023;
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 2023".
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 of State shall prepare and distribute the pre-
35 addressed postcard mail voter registration application forms described in 51-
36 6 [section 6] of this amendment. Mail registration application forms shall



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (A) Telephone number where the applicant may be contacted;
26 and

27 (B) Political party with which the applicant wishes to be
28 affiliated, if any.

29
30 SECTION 7. Arkansas Constitution, Amendment 51, § 6(a)(5), concerning
31 statements included on the mail voter registration application form, is
32 amended to read as follows:

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

36

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

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

8 (A) “Are you a citizen of the United States of America and
9 an Arkansas resident?”;

10 (B) “Will you be eighteen (18) years of age on or before
11 election day?”;

12 (C) “Are you presently adjudged mentally incompetent by a
13 court of competent jurisdiction?”; and

14 (D) “Have you ever been convicted of a felony without your
15 sentence having been discharged or pardoned?”.

16
17 SECTION 9. Arkansas Constitution, Amendment 51, § 6(a)(7), concerning
18 statements included on the mail voter registration application form, is
19 amended to read as follows:

20 (7) The mail voter registration application form and the
21 electronic voter registration application form shall include the following
22 statements immediately following the questions asked in subdivision (a)(6) of
23 this section:

24 (A) “If you checked ‘No’ in response to either questions A
25 or B, do not complete this form.”;

26 (B) “If you checked ‘Yes’ in response to either questions C
27 or D, do not complete this form.”; and

28 (C) The mail-in voter registration application form shall
29 include the following statement:

30 “If your voter registration application form is
31 submitted by mail and you are registering for the first time, and you do not
32 have a valid driver’s license number or Social Security number, in order to
33 avoid the additional identification requirements upon voting for the first
34 time you must submit with the mailed registration form: (a) a current and
35 valid photo identification; or (b) a copy of a current utility bill, bank
36 statement, government check, paycheck, or other government document that

1 shows your name and address.”

2

3 SECTION 10. Arkansas Constitution, Amendment 51, § 8(a)(2), concerning
 4 voter registration application records and reports, is amended to read as
 5 follows:

6 (2) The Secretary of State shall transmit all mail voter
 7 registration applications and electronic voter registration applications to
 8 the appropriate permanent registrar no later than ten (10) days after the
 9 date of receipt. When applications are received within five (5) days before
 10 the last day of registration for an election, they must be transmitted no
 11 later than five (5) days after date of receipt. If forms are received by the
 12 wrong election office, they shall be forwarded to the appropriate permanent
 13 registrar not later than the fifth day after receipt.

14

15 SECTION 11. Arkansas Constitution, Amendment 51, § 8(c)(1), concerning
 16 voter registration application records and reports, is amended to read as
 17 follows:

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

- 22 (A) state revenue offices;
- 23 (B) public assistance agencies;
- 24 (C) disabilities agencies;
- 25 (D) recruitment offices of the Armed Forces of the United
 26 States;
- 27 (E) public libraries; and
- 28 (F) offices of the Arkansas National Guard.

29

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

33 (4) The permanent registrar shall register qualified applicants
 34 who apply to register to vote by electronic voter registration application
 35 form if:

36 (A) The electronic voter registration application form is

1 submitted no later than thirty (30) days before the date of the election; and
2 (B) The applicant for electronic voter registration
3 provides a current valid driver's license number or the last four (4) digits
4 of the applicant's Social Security number.

5
6 SECTION 13. Arkansas Constitution, Amendment 51, § 10(a), concerning
7 the transfer and change of status for a registered voter, is amended to read
8 as follows:

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

20
21 SECTION 14. Arkansas Constitution, Amendment 51, § 10(b)(1),
22 concerning the transfer and change of status for a registered voter, is
23 amended to add an additional subdivision to read as follows:

24 (E) Completing an electronic voter registration
25 application form.

26
27 SECTION 15. Arkansas Code § 7-5-201(e)(1), concerning voter
28 qualification, are amended to read as follows:

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

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

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

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 6 SECTION 16. Arkansas Code § 7-5-201(e)(3)(E) and (F), concerning voter
 7 qualification, are amended to read as follows:

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

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

19
 20 SECTION 17. Arkansas Code § 7-5-416(b)(1)(F), concerning the counting
 21 of absentee ballots, is amended to read as follows:

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

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

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

35 (ii) If the county board of election commissioners
 36 determines that the absentee application and the voter's statement do not

1 compare as to name, address, date of birth, and signature, the absentee
2 ballot shall not be counted.

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

10
11 SECTION 18. Arkansas Code Title 7, Chapter 5, Subchapter 3, is amended
12 to add an additional section to read as follows:

13 7-5-325. Electronic voter registration.

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

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

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

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

22 (c) The Secretary of State shall:

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

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

29 (A) Using the electronic voter registration
30 application form;

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

33 (C) Using a state mail voter registration
34 application form.

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

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

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

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

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

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15 SECTION 19. EFFECTIVE DATE. This act shall become effective on
16 and after January 1, 2024.

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