

Stricken language would be deleted from and underlined language would be added to present law.
Act 441 of the Regular Session

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: S3/16/23

A Bill

HOUSE BILL 1407

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

For An Act To Be Entitled

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

Subtitle

TO CREATE THE VOTER REGISTRATION AND SECURE VOTER RECORDS ACT OF 2023; TO AMEND ARKANSAS CONSTITUTION, AMENDMENT 51; AND TO AMEND THE DUTIES OF THE SECRETARY OF STATE.

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

SECTION 1. DO NOT CODIFY. Title.

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

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



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

(G) Inform the applicant that if the voter registration application is being collected by a third-party voter registration organization, the third-party voter registration organization may be unable to deliver the application to the permanent registrar in the county in which the applicant resides before the thirty-day voter registration deadline to vote in the next election and that the applicant may elect to deliver the application in person or by mail; and

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

SECTION 3. Arkansas Constitution, Amendment 51, § 7, concerning voter registration record files, is amended to add an additional subsection to read as follows:

(j)(1) The Secretary of State shall ensure the security and accuracy of the statewide voter registration list.

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

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

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

(ii) Identify voters whose addresses have changed;

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

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

(B) Have the authority to utilize any services available to establish and implement a system for the verification of citizenship status for a person registering to vote;

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

(D) Establish and implement a process for the verification of address information:

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

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

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

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

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

- (A) Implement the requirements of this section; and
- (B) Ensure the security, accuracy, and integrity of the:
 - (i) Statewide voter registration system;
 - (ii) Supporting technologies utilized by the counties to maintain and record voter registration information;
 - (iii) Secure user access requirements established by the Secretary of State; and
 - (iv) Election audit logs.

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

(2) Every six (6) months the Secretary of State shall compile a statewide report available to the public reflecting the statistical data collected pursuant to subsection (a) of this section. This report shall be submitted to the ~~Federal Election Commission~~ United States Election Assistance Commission for the national report pursuant to ~~section (9)(a)(3)~~

~~of~~ the National Voter Registration Act of 1993, United States Code 52 USC § 20508. The state report shall also include:

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) Number of registration application forms transmitted to the Secretary of State, disaggregated by month by the voter registration agency; and

~~(3) recommendations~~ Recommendations for improvements in procedures, forms, and other matters, including training.

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

(4) Are citizens of the United States.

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

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

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

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

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

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

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

(c) Is issued by the United States, the State of Arkansas, ~~or~~ an accredited postsecondary educational institution in the

State of Arkansas, or a trade school in the State of Arkansas; and

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

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

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

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

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

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

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

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

/s/McClure

APPROVED: 4/4/23