

Stricken language would be deleted from and underlined language would be added to the Arkansas Constitution.

State of Arkansas
90th General Assembly
Regular Session, 2015

HJR 1007

By: Representative Lowery

HOUSE JOINT RESOLUTION

AN AMENDMENT TO THE ARKANSAS CONSTITUTION REQUIRING THE PRESENTATION OF CERTAIN IDENTIFICATION WHEN CASTING A BALLOT; PROVIDING THAT A VOTER VOTING IN PERSON SHALL PRESENT VALID GOVERNMENT-ISSUED PHOTOGRAPHIC IDENTIFICATION BEFORE RECEIVING A BALLOT; PROVIDING THAT A VOTER VOTING BY ABSENTEE BALLOT SHALL SUBMIT WITH HIS OR HER ABSENTEE BALLOT PROOF OF IDENTITY; SPECIFYING THE PROCESS FOR A VOTER WHO FAILS TO SUBMIT REQUIRED PHOTOGRAPHIC IDENTIFICATION OR PROOF OF IDENTITY TO CERTIFY HIS OR HER BALLOT SO THAT IT MAY BE COUNTED; REQUIRING THE GENERAL ASSEMBLY TO ENACT NECESSARY LAWS TO IMPLEMENT THE AMENDMENT AND AUTHORIZING THE GENERAL ASSEMBLY TO ENACT LAWS CREATING EXCEPTIONS FROM PROVIDING GOVERNMENT-ISSUED PHOTO IDENTIFICATION AND PROOF OF IDENTITY; AND PROVIDING THAT THE STATE OF ARKANSAS SHALL ISSUE PHOTOGRAPHIC IDENTIFICATION AT NO CHARGE TO AN ELIGIBLE VOTER WHO DOES NOT HAVE A FORM OF IDENTIFICATION MEETING THE REQUIREMENTS OF THE AMENDMENT.

Subtitle

AN AMENDMENT TO THE ARKANSAS CONSTITUTION
REQUIRING THE PRESENTATION OF CERTAIN
IDENTIFICATION WHEN CASTING A BALLOT.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETIETH GENERAL



ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

THAT the following is proposed as an amendment to the Constitution of the State of Arkansas, and upon being submitted to the electors of the state for approval or rejection at the next general election for Representatives and Senators, if a majority of the electors voting thereon at the election adopt the amendment, the amendment shall become a part of the Constitution of the State of Arkansas, to wit:

SECTION 1. Article 3 of the Arkansas Constitution is amended to add an additional section to read as follows:

§ 13. Presentation of identification when casting a ballot.

(a) A voter voting in person either early or at the polls on election day shall present valid government-issued photographic identification before receiving a ballot.

(b) A voter voting by absentee ballot shall submit with his or her absentee ballot proof of identity.

(c)(1)(A) A voter unable to present government-issued photographic identification under subsection (a) of this section shall be permitted to vote a provisional ballot.

(B) A provisional ballot cast under subdivision (c)(1) of this section shall be counted only if the voter subsequently certifies the provisional ballot in the manner provided by law.

(2) An absentee ballot submitted without proof of identity under subsection (b) of this section shall be counted only if the voter subsequently certifies the absentee ballot in the manner provided by law.

(d)(1) The General Assembly shall enact laws necessary to implement this section, including without limitation laws:

(A) Establishing the types of government-issued photographic identification that a voter may present to receive a ballot;

(B) Identifying the items that may be submitted with an absentee ballot to fulfill the proof of identity requirement; and

(C) Establishing the process for:

(i) A voter who votes a provisional ballot due to his or her inability to present government-issued photographic identification

to certify his or her provisional ballot so that it may be counted; and

(ii) A voter voting by absentee ballot who fails to submit proof of identity with his or her absentee ballot to certify his or her ballot so that it may be counted.

(2) The General Assembly may provide by law for exceptions to the requirements of subsections (a) and (b) of this section, including without limitation establishing requirements for a person registering to vote by mail who has not previously voted in a federal election in this state.

(e)(1) The State of Arkansas shall issue photographic identification at no charge to an eligible voter who does not have a form of identification meeting the requirements of the laws enacted by the General Assembly under this section.

(2) A copy of photographic identification issued under subdivision (e)(1) of this section shall qualify as proof of identity when submitted with an absentee ballot.

(f) A voter meeting the requirements of this section shall also comply with all additional laws regulating elections necessary for his or her vote to be counted.

SECTION 2. BALLOT TITLE AND POPULAR NAME. When this proposed amendment is submitted to the electors of this state on the general election ballot:

(1) The title of this Joint Resolution shall be the ballot title; and

(2) The popular name shall be "An Amendment to the Arkansas Constitution Requiring a Voter to Present Certain Identification When Casting a Ballot and Requiring the State of Arkansas To Issue Photographic Identification at No Charge to an Eligible Voter Who Does Not Have a Form of Identification Meeting the Requirements of the Amendment."

SECTION 3. EFFECTIVE DATE. This amendment is effective on July 1, 2017.