

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

State of Arkansas
91st General Assembly
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As Engrossed: H2/14/17 H3/2/17
A Bill

HOUSE BILL 1004

By: Representatives Blake, *F. Allen, E. Armstrong, K. Ferguson, V. Flowers, M.J. Gray, Leding, Love, Nicks, Sabin, Tucker, Walker, D. Whitaker*

For An Act To Be Entitled

AN ACT TO CREATE THE DEMOCRACY ACT; TO REQUIRE
AUTOMATIC VOTER REGISTRATION; TO AMEND AMENDMENT 51
OF THE ARKANSAS CONSTITUTION; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE DEMOCRACY ACT; TO REQUIRE
AUTOMATIC VOTER REGISTRATION; AND TO
AMEND AMENDMENT 51 OF THE ARKANSAS
CONSTITUTION.

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

SECTION 1. Arkansas Constitution, Amendment 51, § 5(b), concerning voter registration through voter registration agencies, is amended to read as follows:

(b)(1) The Secretary of State is designated as the chief election official. The Secretary shall prepare and distribute the pre-addressed postcard mail voter registration application forms described in 51-6 [section 6] of this amendment. Mail registration application forms shall serve for purposes of initial applications to register and shall also serve for changes of name, address, or party affiliation. Bilingual (Spanish/English) forms, braille forms, and large print forms shall be available upon request. The Secretary of State shall make the state mail voter registration application form available for distribution through governmental and private entities with particular emphasis on making them available for organized voter registration programs. Any person may distribute state registration cards.



All registration cards shall be distributed to the public without charge.

~~(2) The Office of Driver Services and State Revenue Offices shall provide voter registration opportunities to those obtaining or renewing drivers licenses, personal identification cards, duplicate or corrected licenses or cards, or changing address or name whether in person or by mail. The Office of Driver Services and State Revenue Offices shall use a computer process, which combines the drivers license and voter registration applications, minimizing duplicative information, and shall have available the federal or state mail voter registration application form, which may be used upon request or when the computer process is not available. If a person declines to apply to register to vote, the Office of Driver Services or State Revenue Office shall retain the record of declination for two (2) years.~~

~~(3)~~ All public assistance agencies shall provide a federal or state mail voter registration application form with each application for assistance, and with each recertification, renewal or change of address or name relating to such assistance. Public assistance agencies shall provide voter registration application forms as part of the intake process, or as a combined computer process when a computer process is available. Public assistance agencies shall use a process or form that combines the application for assistance with the voter registration application when available. Public assistance agencies shall also provide declination forms as described in 51-6 [section 6] of this amendment, which shall be retained for two (2) years if an applicant declines to apply to register to vote.

~~(4)~~(3) All disabilities agencies shall provide a federal or state mail voter registration application form with each application for services and with each recertification, renewal or change of address or name relating to such services. Disabilities agencies shall provide voter registration application forms as part of the intake process, or as a combined computer process when a computer process is available. Disabilities agencies may use a form that combines the application for services or assistance with the voter registration application when available. If the disabilities agency provides services in a person's home, then the agency shall also provide voter registration services at the person's home. Disabilities agencies shall also provide declination forms as described in 51-6 [section 6] of this amendment, which shall be retained for two (2) years if an applicant declines to apply to register to vote.

SECTION 2. Arkansas Constitution, Amendment 51, § 5 is amended to add an additional subsection to read as follows:

(f)(1) The Office of Driver Services with the advice, assistance, and approval of the Secretary of State shall establish a schedule and method for the Office of Driver Services to electronically provide to the Secretary of State the records specified in this section.

(2)(A) The Office of Driver Services shall provide to the Secretary of State, in the manner and method agreed upon by the Office of Driver Services and the Secretary of State, the following information associated with each person who obtains or renews a drivers license, personal identification card, or duplicate or corrected license or card or changes his or her address or name whether in person or by mail:

(i) Name;

(ii) Date of Birth;

(iii) Either or both of the following, as contained in the Office of Driver Service's records:

(a) Residence address; or

(b) Mailing address;

(iv) Telephone number;

(v) Email address, if available;

(vi) Political party preference;

(vii) Whether or not the person affirmatively declined to become registered to vote during a transaction with the Office of Driver Services;

(viii) A notation that the person has attested that he or she is eligible to register to vote; and

(ix) Any other information required to be submitted by law.

(B)(i) Records provided to the Secretary of State under this subsection shall be used only for the purposes of outreach and education to eligible voters conducted by the Secretary of State.

(ii) The Secretary of State shall provide materials created for purposes of outreach and education as described in this paragraph in language other than English.

(3) The Secretary of State shall not sell, transfer, or allow any third party access to the information acquired from the Office of Driver Services under this subsection, except as specifically permitted by law.

(4)(A) The records of a person collected and transmitted under this subsection shall constitute a completed affidavit of registration.

(B) The Secretary of State shall immediately submit the records collected and transmitted under this subsection to the appropriate county clerk.

(C) The appropriate county clerk shall register the person to vote unless any of the following conditions are satisfied:

(i) The person's records under this subsection reflect that he or she affirmatively declined to become registered to vote during a transaction with the Office of Driver Services;

(ii) The person's records under this subsection do not reflect that he or she has attested to meeting all voter eligibility requirements; or

(iii) The county clerk determines that the person is ineligible to vote.

(D) If a person who is registered to vote under this subsection does not provide a party preference, his or her party preference shall be designated as "Unknown", and he or she shall be treated as having no party preference.

(5) A person registered to vote under this subsection may cancel his or her voter registration at any time by any method available to any other registered voter.

(6) The Office of Driver Services and the Secretary of State shall adopt rules in furtherance of this section including without limitation the following:

(A) A process for canceling the registration of a person who is ineligible to vote, but becomes registered under this subsection;

(B) The method for electronically transmitting the records under this subsection; and

(C) An education and outreach campaign to be conducted by the Secretary of State informing voters about voter registration under this subsection.

SECTION 3. Arkansas Constitution, Amendment 51, § 11(c), concerning cancellation of voter registration upon the death of a voter, is amended to read as follows:

(c)(1) It shall be the duty of the State Registrar of Vital Records to immediately notify ~~promptly~~ the Secretary of State of the death of all residents of this state.

(2)(A) The Secretary of State shall compile a listing of the deceased residents of this state and shall ~~promptly~~ immediately provide this listing to ~~the permanent registrar of each county~~ clerk.

(B) The ~~deceased~~ voter registration of the deceased resident shall be cancelled by the permanent registrar.

/s/Blake