

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

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

# A Bill

HOUSE BILL 1004

By: Representative Blake

## For An Act To Be Entitled

AN ACT TO CREATE THE ARKANSAS VOTER INTEGRITY AND SECURITY ACT; TO REQUIRE AUTOMATIC VOTER REGISTRATION; TO AMEND ARKANSAS CONSTITUTION, AMENDMENT 51; TO AMEND THE LAW CONCERNING ELECTIONS AND VOTING; AND FOR OTHER PURPOSES.

## Subtitle

TO CREATE THE ARKANSAS VOTER INTEGRITY AND SECURITY ACT; TO REQUIRE AUTOMATIC VOTER REGISTRATION; TO AMEND ARKANSAS CONSTITUTION, AMENDMENT 51; AND TO AMEND THE LAW CONCERNING ELECTIONS AND VOTING.

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 pursuant to the authority granted in Arkansas Constitution, Amendment 51, § 19, to read as follows:

(b)(1) The Secretary of State is designated as the "chief election official". The Secretary of State 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 a computer process is 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, pursuant to the authority granted in Arkansas Constitution, Amendment 51, § 19, 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, whether in person or through regular mail, a driver's license, personal identification card, or duplicate or corrected driver's license or personal identification card or changes his or her address or name whether in person or by mail:

(i) Name;

(ii) Date of birth;

(iii) As contained in the records of the Office of Driver Service's records, either the residence address or the mailing address, or both;

(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 promoting voter education by the Secretary of State to eligible voters.

(ii) The Secretary of State shall provide materials created for purposes of outreach and voter education as described in subdivision (f)(2)(B) in English, Spanish, and in any language according to the need as determined by the Secretary of State.

(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 submit the records collected and transmitted under this subsection to the appropriate county clerk each business day.

(C) The county clerk shall register the person to vote unless:

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

(ii) The person's record under this subsection does 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 "Optional", 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:

(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 pursuant to the authority granted in Arkansas Constitution, Amendment 51, § 19, to read as follows:

(c)(1) ~~It shall be the duty of the~~ The State Registrar of Vital Records ~~to shall~~ notify ~~promptly~~ the Secretary of State of ~~the~~ any death of ~~all residents~~ a resident of this state each business day.

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

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

SECTION 4. Arkansas Code § 7-1-103(a)(4), concerning miscellaneous misdemeanor offenses, is repealed.

~~(4) It shall be unlawful for any person to assess any public employee, as defined in § 21-8-402, for any political purpose whatever or to coerce, by threats or otherwise, any public employee into making a subscription or contribution for any political purpose;~~

SECTION 5. Arkansas Code § 7-1-104(a)(5) and (6), concerning miscellaneous felonies, are repealed.

~~(5) It shall be unlawful for any person to make any threat or attempt to intimidate any elector or the family, business, or profession of the elector;~~

~~(6) It shall be unlawful for any person to interfere with or to prevent any qualified elector from voting at any election or to attempt to interfere with or to prevent any qualified elector from voting at any election, provided that this subdivision (a)(6) shall not prohibit good faith~~

~~challenges of ballots or voters according to law by candidates, authorized representatives of candidates, political parties, or ballot issues;~~

SECTION 6. Arkansas Code Title 7, Chapter 1, Subchapter 1, is amended to add an additional section to read as follows:

7-1-115. Voter intimidation offenses.

(a) It shall be unlawful for any person to recklessly:

(1) Make any threat or attempt to intimidate any elector or the family, business, or profession of the elector;

(2) Interfere with or prevent any qualified elector from voting at any election or to attempt to interfere with or prevent any qualified elector from voting at any election, provided that this subdivision (a)(2) shall not prohibit good faith challenges of ballots or voters according to law by candidates, authorized representatives of candidates, political parties, or ballot issues;

(3) Assess any public employee, as defined in § 21-8-402, for any political purpose whatsoever or to coerce, by threats or otherwise, any public employee into making a subscription or contribution for any political purpose; or

(4) Interfere, prevent, or obstruct the assistance provided to a voter who requires assistance to vote by reason of blindness, disability, or inability to read.

(b)(1) A person convicted of an offense described under this section shall be guilty of a Class D felony.

(2)(A) A person convicted of a felony under this section shall be barred from holding public office or employment in any of the departments of the state from the date of his or her conviction.

(B)(i) If the person is employed by any of the departments of this state at the time of his or her conviction, he or she shall be removed from employment immediately.

(ii) If any person is convicted under this section while holding public office, the conviction shall be deemed a misfeasance and malfeasance in office and shall subject the person to impeachment.

(c) A county clerk or county board of election commissioners shall promptly notify the local prosecuting attorney and the State Board of Election Commissioners of an offense described under this section.

(d) A person who is intimidated because of his or her race, ethnicity, or religion may pursue a private cause of action against the:

(1) Local election official who committed the voter intimidation offense; and

(2) Person who committed the voter intimidation offense.