

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

State of Arkansas *As Engrossed: H2/25/21 H3/9/21 S3/29/21*
93rd General Assembly **A Bill**
Regular Session, 2021

HOUSE BILL 1517

By: Representative Boyd

By: Senator B. Davis

For An Act To Be Entitled

*AN ACT TO CREATE THE VOTER INTEGRITY AND VOTER
REGISTRATION MODERNIZATION ACT OF 2021; TO ALLOW
ELECTRONIC VOTER REGISTRATION; TO AMEND ARKANSAS
CONSTITUTION, AMENDMENT 51; TO AMEND THE DUTIES OF
THE SECRETARY OF STATE; AND FOR OTHER PURPOSES.*

Subtitle

*TO CREATE THE VOTER INTEGRITY AND VOTER
REGISTRATION MODERNIZATION ACT OF 2021;
TO ALLOW ELECTRONIC VOTER REGISTRATION;
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 Integrity and
Voter Registration Modernization Act of 2021".*

*SECTION 2. Arkansas Constitution, Amendment 51, § 5(b)(1), concerning
the duties of registration officials, is amended to read as follows:*

*(b)(1)(A) 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) The mail voter registration application form and the electronic voter registration application form shall include the following

questions along with boxes or other means for the applicant to check “yes” or “no” in response:

SECTION 9. The introductory language of Arkansas Constitution, Amendment 51, § 6(a)(7), concerning statements included on the mail voter registration application form, is amended to read as follows:

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

SECTION 10. Arkansas Constitution, Amendment 51, § 7, concerning voter registration record files, is amended to add an additional subsection to read as follows:

(j)(1) To ensure the accuracy of the voter registration record files maintained by the Secretary of State, the Secretary of State shall:

(A) 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, and assist the State Board of Election Commissioners to obtain information for the purpose of conducting a post-election audit if a post-election audit is conducted;

(B) Establish and implement a process for the verification of address information submitted by a person registering to vote or by a registered voter updating his or her address;

(C) Cooperate with other states to develop systems to compare voters, voter histories, and voter registration lists to ensure the accuracy of the voter registration rolls, to identify voters whose addresses have changed, to prevent duplication of registration in more than one (1) state, and to determine eligibility of individuals to vote in Arkansas;

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

(E) 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

(F) Provide annual reports to the General Assembly concerning the accuracy of the voter registration record files.

(2)(A) The Secretary of State shall promulgate rules necessary to implement the requirements of this subsection under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

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

SECTION 11. Arkansas Constitution, Amendment 51, § 8(a)(2), concerning voter registration application records and reports, is amended to read as follows:

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

SECTION 12. The introductory language of Arkansas Constitution, Amendment 51, § 8(c)(1), concerning voter registration application records and reports, is amended to read as follows:

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

SECTION 13. Arkansas Constitution, Amendment 51, § 9(c), concerning the application to register to vote, is amended to add an additional subdivision to read as follows:

(4) The permanent registrar shall register qualified applicants who apply to register to vote by electronic voter registration application

form if:

(A) The electronic voter registration application form is submitted no later than thirty (30) days before the date of the election; and

(B) The applicant for electronic voter registration provides a current valid driver's license number or the last four (4) digits of the applicant's Social Security number.

SECTION 14. Arkansas Constitution, Amendment 51, § 10(a), concerning the transfer and change of status for a registered voter, is amended to read as follows:

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

SECTION 15. Arkansas Constitution, Amendment 51, § 10(b)(1), concerning the transfer and change of status for a registered voter, is amended to add an additional subdivision to read as follows:

(E) Completing an electronic voter registration application form.

SECTION 16. Arkansas Code § 7-5-201(e)(1), concerning voter qualification, are amended to read as follows:

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

(A) Present to the election official a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name

and address of the voter when appearing to vote in person either early or at the polls on election day; or

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

SECTION 17. Arkansas Code § 7-5-201(e)(3)(E) and (F), concerning voter qualification, are amended to read as follows:

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

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

SECTION 18. Arkansas Code § 7-5-416(b)(1)(F), concerning the counting of absentee ballots, is amended to read as follows:

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

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

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

(iii) If the county board of election commissioners determines that the application and the voter's statement do not compare as to name, address, date of birth, and signature, the absentee ballot shall not be counted.

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

SECTION 19. Arkansas Code Title 7, Chapter 5, Subchapter 3, is amended to add an additional section to read as follows:

7-5-325. Electronic voter registration.

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

(b) The online voter registration system shall allow:

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

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

(c) The Secretary of State shall:

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

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

(A) Using the electronic voter registration application form;

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

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

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

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

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

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

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

SECTION 20. EFFECTIVE DATE. This act shall become effective on and after January 1, 2022.

/s/Boyd