

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

HOUSE BILL 1753

By: Representative Long

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING VOTER
REGISTRATION; TO OPT-OUT OF THE NATIONAL VOTER
REGISTRATION ACT OF 1993; TO AMEND PROVISIONS OF
ARKANSAS CONSTITUTION, AMENDMENT 51, § 5; AND FOR
OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING VOTER
REGISTRATION; TO OPT-OUT OF THE NATIONAL
VOTER REGISTRATION ACT OF 1993; AND TO
AMEND PROVISIONS OF ARKANSAS
CONSTITUTION, AMENDMENT 51, § 5.

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

SECTION 1. DO NOT CODIFY. Findings - Opt-out.

(a) The General Assembly finds that:

(1) The United States Supreme Court has long held that states do not have to participate in the enforcement or effectuation of federal acts or regulatory programs;

(2) The United States Supreme Court has made this ruling four (4) times in the last thirty-three (33) years, originating as far back as 1842 in the following cases:

(A) Murphy v. NCAA, 584 U.S. 453 (2018);

(B) Nat'l Fed'n of Indep. Bus. v. Sebelius, 567 U.S. 519 (2012);

(C) Printz v. United States, 521 U.S. 898 (1997);



(D) New York v. United States, 505 U.S. 144 (1992); and

(E) Prigg v. Pennsylvania, 41 U.S. 539 (1842); and

(3) This state and its political subdivisions have adopted a policy of refraining from providing any assistance or material aid for enforcing or implementing the National Voter Registration Act of 1993, 52 U.S.C. § 20501 et seq.

(b) The State of Arkansas opts out of the enforcement and effectuation of the National Voter Registration Act of 1993, 52 U.S.C. § 20501 et seq.

SECTION 2. Under the authority granted by Arkansas Constitution, Amendment 51, § 19, Arkansas Constitution, Amendment 51, § 5(a), concerning the duties of registration officials, is amended to read as follows:

(a) ~~Voter~~ At the request of the applicant, voter registration agencies shall distribute mail voter registration applications, provide assistance to applicants in completing voter registration application forms, ~~unless the applicant refuses assistance,~~ and accept completed voter registration application forms for transmittal to the appropriate permanent registrar via the Secretary of State. Voter registration agencies include the following:

(1) The Office of Driver Services of the Revenue Division of the Department of Finance and Administration and all State Revenue Offices;

(2) Public assistance agencies, which shall mean those agencies that provide services under the ~~Food Stamps~~ Supplemental Nutrition Assistance Program, Medicaid, Aid to Families with Dependent Children (AFDC), and the Special Supplemental ~~Food~~ Nutrition Program for Women, Infants and Children (WIC) programs;

(3) Disabilities agencies, which shall mean agencies that offer state-funded programs primarily engaged in providing services to persons with disabilities;

(4) Public libraries; and

(5) The Arkansas National Guard.

SECTION 3. Under the authority granted by Arkansas Constitution, Amendment 51, § 19, Arkansas Constitution, Amendment 51, § 5(b)(2) - (4), concerning the duties of registration officials, are amended to read as follows:

(2) ~~The~~ At the request of the applicant, 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~~ At the request of the applicant, 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~~ have available the federal or state mail voter registration application form, which may be used upon request.

(4) ~~All~~ At the request of the applicant, 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~~ have available the federal or state mail voter registration application form, which may be used upon request. 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 4. Under the authority granted by Arkansas Constitution, Amendment 51, § 19, Arkansas Constitution, Amendment 51, § 6, is amended to read as follows:

§ 6. Voter registration application forms.

~~(a)(1)~~ The mail voter registration application form may only require identifying information, including 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.

~~(2)(b)~~ Such forms shall include, in identical print, statements that:

~~(A)(1)~~ Specify voter eligibility requirements;

~~(B)(2)~~ Contain an attestation that the applicant meets all voter eligibility requirements and that the applicant does not claim the right to vote in another county or state;

~~(C)(3)~~ Specify the penalties provided by law for submission of a false voter registration application;

~~(D)(4)~~ Inform applicants that where they register to vote will be kept confidential;

~~(E)~~ Inform applicants that declining to register will also be kept confidential; and

~~(F)(5)~~ Inform applicants that they will be required to verify their registration when voting in person or by absentee ballot by providing a required document or identification card as provided in Arkansas Constitution, Amendment 51, § 13-~~i~~;

~~(G)(6)~~ 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)~~ (7) Inform the applicant of the process to determine if the application has been received by the Secretary of State.

~~(3)~~(c) The following information will be required of the applicant:

- ~~(A)~~ (1) Full name;
- ~~(B)~~ (2) Mailing address;
- ~~(C)~~ (3) Residence address and any other information necessary to identify the residence of the applicant;
- ~~(D)~~ (4) If previously registered, the name then supplied by the applicant, and the previous address, county, and state;
- ~~(E)~~ (5) Date of birth;
- ~~(F)~~ (6) A signature or mark made under penalty of perjury that the applicant meets each requirement for voter registration;
- ~~(G)~~ (7) If the applicant is unable to sign his or her name, the name, address, and telephone number of the person providing assistance;
- ~~(H)~~(8) If the applicant has a current and valid driver's license, the applicant's driver's license number;
- ~~(I)~~(9) If the applicant does not have a current and valid driver's license, the last four (4) digits of the applicant's social security number; and
- ~~(J)~~(10) If the applicant does not have a current and valid driver's license number or social security number, the Secretary of State will assign the applicant a number which will serve to identify the applicant for voter registration purposes, and this number shall be placed on the application.

~~(4)~~(d) The following information may be requested on the registration card, but it shall not be required:

- ~~(A)~~(1) Telephone number where the applicant may be contacted; and
- ~~(B)~~(2) Political party with which the applicant wishes to be affiliated, if any.

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

~~(6)~~(f) The mail voter registration application form shall include the following questions along with boxes for the applicant to check

“yes” or “no” in response:

~~(A)~~(1) “Are you a citizen of the United States of America and an Arkansas resident?”;

~~(B)~~(2) “Will you be eighteen (18) years of age on or before election day?”;

~~(C)~~(3) “Are you presently adjudged mentally incompetent by a court of competent jurisdiction?”; and

~~(D)~~(4) “Have you ever been convicted of a felony without your sentence having been discharged or pardoned?”.

~~(7)~~(g) The mail voter registration application form shall include the following statements immediately following the questions asked in ~~subdivision (a)~~~~(6)~~ subsection (f) of this section:

~~(A)~~(1) “If you checked ‘No’ in response to either questions A or B, do not complete this form.”;

~~(B)~~(2) “If you checked ‘Yes’ in response to either questions C or D, do not complete this form.”; and

~~(C)~~(3) The mail-in voter registration application form shall include the following statement:

“If your voter registration application form is submitted by mail and you are registering for the first time, and you do not have a valid driver’s license number or Social Security number, in order to avoid the additional identification requirements upon voting for the first time you must submit with the mailed registration form: (a) a current and valid photo identification; or (b) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows your name and address.”.

~~(8)~~(h) If an applicant for voter registration fails to provide any of the information required by this section, the permanent registrar shall notify the applicant of the failure and provide the applicant with an opportunity to complete the form in a timely manner to allow for its completion before the next election for federal office.

~~(9)~~(i) The mail voter registration application shall be pre-addressed to the Secretary of State.

~~(b)(1) The voter registration application portion of the process used by the Office of Driver Services and state revenue offices shall include:~~

~~(A) The question: “If you are not registered to vote where~~

~~you live now, would you like to apply to register to vote here today?";~~

~~(B) A statement that if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes;~~

~~(C) A statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes;~~

~~(D) Voter registration eligibility requirements;~~

~~(E) Penalties provided by law for providing false information;~~

~~(F) An attestation that the applicant meets each eligibility requirement and that the applicant does not claim the right to vote in another county or state; and~~

~~(G) A space for the applicant's signature or mark.~~

~~(2) The voter registration application portion shall require the signature of the applicant under penalty of perjury, but shall not require notarization or other formal authentication.~~

~~(c) Public assistance agencies and disabilities agencies shall provide, in addition to the federal or state mail voter registration application form, a declination form, to be approved by the State Board of Election Commissioners, which includes the following question and statements:~~

~~(1) The question in prominent type, "IF YOU ARE NOT REGISTERED TO VOTE WHERE YOU LIVE NOW, WOULD YOU LIKE TO APPLY TO REGISTER TO VOTE HERE TODAY? YES NO";~~

~~(2) The statement in close proximity to the question above and in equally prominent type, "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.";~~

~~(3) The statement, "APPLYING TO REGISTER OR DECLINING TO REGISTER TO VOTE WILL NOT AFFECT THE AMOUNT OF ASSISTANCE THAT YOU WILL BE PROVIDED BY THIS AGENCY.";~~

~~(4) The statement, "IF YOU WOULD LIKE HELP IN FILLING OUT THE VOTER REGISTRATION APPLICATION FORM, WE WILL HELP YOU. THE DECISION WHETHER TO SEEK OR ACCEPT HELP IS YOURS. YOU MAY FILL OUT THE APPLICATION FORM IN PRIVATE.";~~

~~(5) The statement, "IF YOU BELIEVE THAT SOMEONE HAS INTERFERED~~

~~WITH YOUR RIGHT TO REGISTER OR TO DECLINE TO REGISTER TO VOTE, YOUR RIGHT TO PRIVACY IN DECIDING WHETHER TO REGISTER OR IN APPLYING TO REGISTER TO VOTE, OR YOUR RIGHT TO CHOOSE YOUR OWN POLITICAL PARTY OR OTHER POLITICAL PREFERENCE, YOU MAY FILE A COMPLAINT WITH THE SECRETARY OF STATE AT~~ (filled in with the address and telephone number of the Secretary of State's office);

~~(6) The statement, "IF YOU DECLINE TO REGISTER TO VOTE, THE FACT THAT YOU HAVE DECLINED TO REGISTER WILL REMAIN CONFIDENTIAL AND WILL BE USED ONLY FOR VOTER REGISTRATION PURPOSES."; and~~

~~(7) The statement, "IF YOU DO REGISTER TO VOTE, THE OFFICE AT WHICH YOU SUBMIT A VOTER REGISTRATION APPLICATION WILL REMAIN CONFIDENTIAL AND WILL BE USED ONLY FOR VOTER REGISTRATION PURPOSES.".~~

SECTION 5. Under the authority granted by Arkansas Constitution, Amendment 51, § 19, Arkansas Constitution, Amendment 51, § 8(b), concerning transfer and change in status of a registered voter, is amended to read as follows:

(b) The Office of Driver Services, State Revenue Offices, public assistance agencies, disabilities and other voter registration agencies shall collect data on the number of voter registration applications completed ~~or declined~~ at each agency, and any additional statistical evidence that the Secretary of State or the State Board of Election Commissioners deems necessary for program evaluation and shall retain such voter registration data for a period of two (2) years.

SECTION 6. Under the authority granted by Arkansas Constitution, Amendment 51, § 19, Arkansas Constitution, Amendment 51, § 8(c)(1), concerning transfer and change in status of a registered voter, 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, and changes of address, name, and party affiliation, ~~and declinations~~ received by mail and in:

- (A) ~~state~~ State revenue offices;
- (B) ~~public~~ Public assistance agencies;
- (C) ~~disabilities~~ Disabilities agencies;

(D) ~~recruitment~~ Recruitment offices of the Armed Forces of the United States;

(E) ~~public~~ Public libraries; and

(F) ~~offices~~ Offices of the Arkansas National Guard.

SECTION 7. Under the authority granted by Arkansas Constitution, Amendment 51, § 19, Arkansas Constitution, Amendment 51, § 10(a) and (b) concerning transfer and change in status of 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 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.

(b)(1) Upon a change of legal residence from one (1) county within the state to another county within the state, any registered voter may cause his or her registration to be transferred to the new county at his or her new address by:

(A) Completing and mailing a federal or state mail voter registration application form;

(B) ~~Updating his or her new address at a voter registration agency, including without limitation the Office of Driver Services or a state revenue office, public assistance agency, or disabilities agency;~~

~~(C)~~ Signing a mailed request to the permanent registrar giving the voter's present address and the address at which the voter was last registered; or

~~(D)~~(C) Applying in person for the transfer at the office of the permanent registrar.

(2)(A) If the updated registration information is actually

received in the office of the county clerk of the voter's new county not later than four (4) days before a scheduled election, the voter shall have the right to vote in the scheduled election in the precinct into which the voter just moved in the new county.

(B) If the updated registration information is not actually received by the fourth day before a scheduled election, the voter shall not be eligible to vote in the scheduled election.

SECTION 8. Arkansas Code § 7-1-101(15), concerning general definitions regarding elections, is amended to read as follows:

(15) "Fail-safe voting" means the mechanism ~~established under the National Voter Registration Act of 1993, 52 U.S.C. § 20501 et seq.~~, that allows a voter who has moved within the same county to vote at his or her new precinct without having updated his or her voter registration records;

SECTION 9. Arkansas Code § 7-7-307(b), concerning additional voter qualifications for primary elections, is repealed.

~~(b) However, any additional qualifications established by a political party shall comply with the National Voter Registration Act of 1993.~~