

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013

A Bill

SENATE BILL 2

4
5 By: Senator B. King

For An Act To Be Entitled

8 AN ACT TO REQUIRE THAT A VOTER PROVIDE PROOF OF
9 IDENTITY WHEN VOTING; TO PROVIDE FOR THE ISSUANCE OF
10 A VOTER IDENTIFICATION CARD; AND FOR OTHER PURPOSES.

Subtitle

14 AN ACT TO REQUIRE THAT A VOTER PROVIDE
15 PROOF OF IDENTITY WHEN VOTING AND TO
16 PROVIDE FOR THE ISSUANCE OF A VOTER
17 IDENTIFICATION CARD.

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

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22 SECTION 1. Arkansas Code § 7-1-101, concerning definitions applicable
23 to election law, is amended to add a new subdivision to read as follows:

24 (25) "Proof of identity" means a document or identification card
25 that:

26 (A) Shows the name of the person to whom the document was
27 issued;

28 (B) Shows a photograph of the person to whom the document
29 was issued;

30 (C) Contains an expiration date and:

31 (i) Is not expired; or

32 (ii) Expired no more than four (4) years before the
33 date of the election in which the person wishes to vote; and

34 (D) Is issued by the United States or the State of
35 Arkansas;

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1 SECTION 2. Arkansas Code § 7-5-201, concerning voter qualification, is
 2 amended to add a new subsection to read as follows:

3 (d)(1) Except as provided in subdivision (d)(2) and subsection
 4 (e) of this section, any person desiring to vote in this state shall:

5 (A) Present proof of identity to the election official
 6 when appearing to vote in person either early or at the polls on election
 7 day; or

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

12 (2)(A) A person who is a resident of a licensed nursing home,
 13 licensed residential care facility, licensed assisted-living facility, or any
 14 licensed facility that provides long-term medical or personal care is not
 15 required to provide proof of identity before voting.

16 (B) A person not required to provide proof of identity
 17 under subdivision (d)(2)(A) of this section shall provide documentation from
 18 the administrator of the facility attesting that the person is a resident of
 19 the facility.

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 21 SECTION 3. Arkansas Code § 7-5-201(d), concerning voter qualification,
 22 is amended to read as follows:

23 ~~(d)(1)(e)(1)~~ Any In addition to the proof of identity required by
 24 subdivision (d)(1) of this section, a person registering to vote by mail and
 25 who has not previously voted in a federal election in this state shall:

26 (A) Present to the election official a current and
 27 valid photo identification or a copy of a current utility bill, bank
 28 statement, government check, paycheck, or other government document that
 29 shows the name and address of the voter when appearing to vote in person
 30 either early or at the polls on election day; or

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

35 (2) The provision of subdivision ~~(d)(1)(e)(1)~~ of this section
 36 does not include:

1 (A) Persons whose applications are transmitted by state or
 2 federal voter registration agencies;

3 (B) Persons who are covered by the Uniformed and Overseas
 4 Citizens Absentee Voting Act, 42 U.S.C § 1973ff-1 et seq.;

5 (C) Persons covered by the Voting Accessibility for the
 6 Elderly and Handicapped Act, 42 U.S.C § 1973ee et seq.;

7 (D) Persons who are entitled to vote otherwise than in
 8 person under any other federal law;

9 (E) Persons who register to vote by mail and submit as
 10 part of the registration any of the identification documents listed in
 11 subdivision ~~(d)(1)~~ (e)(1) of this section; or

12 (F) Persons who register to vote by mail and submit with
 13 the registration either a driver’s license number or at least the last four
 14 (4) digits of the individual’s social security number and with respect to
 15 whom a state or local election official matches the license number or social
 16 security number with an existing state identification record bearing the same
 17 number, name, and date of birth as provided in the registration.

18
 19 SECTION 4. Arkansas Code § 7-5-305(a)(8), concerning requests for
 20 identification when voting, is amended to read as follows:

21 (8)(A)(i) Request Except as provided in subdivision
 22 (a)(8)(A)(ii) and (a)(8)(B)(ii) of this section, request the voter for
 23 purposes of identification to provide ~~a current and valid photo~~
 24 ~~identification or a copy of a current utility bill, bank statement,~~
 25 ~~government check, paycheck, or other government document that shows the name~~
 26 ~~and address of the voter~~ proof of identity.

27 (ii)(a) A person who is a resident of a licensed
 28 nursing home, licensed residential care facility, licensed assisted-living
 29 facility, or any licensed facility that provides long-term medical or
 30 personal care is not required to provide proof of identity before voting.

31 (b) A person not required to provide proof of
 32 identity under subdivision (a)(8)(A)(ii)(a) of this section shall provide
 33 documentation from the administrator of the facility attesting that the
 34 person is a resident of the facility.

35 (B)(i) If a voter is unable to provide this ~~identification~~
 36 proof of identity, the poll worker shall:

1 (a) ~~indicate~~ Indicate on the precinct
 2 voter registration list that the voter did not provide ~~identification proof~~
 3 of identity; and

4 (b) Permit the voter to cast a provisional
 5 ballot.

6 (ii) When a voter is unable to provide proof of
 7 identity, the voter and the election official shall follow the procedure
 8 under § 7-5-321.

9 ~~(ii)(iii)~~ (iii) A first-time voter who registers by mail
 10 without providing identification when registering and desires to vote in
 11 person but who does not meet the identification requirements of ~~subdivision~~
 12 ~~(a)(8)(A) of this section~~ § 7-5-201(e) may cast a provisional ballot.

13 ~~(iii)(iv)~~ (iv) Following each election, the county board
 14 of election commissioners may review the precinct voter registration lists
 15 and may provide the information of the voters not providing identification
 16 proof of identity at the polls to the prosecuting attorney.

17 ~~(iv)(v)~~ (v) The prosecuting attorney may investigate
 18 possible voter fraud;

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 20 SECTION 5. Arkansas Code Title 7, Chapter 5, Subchapter 3 is amended
 21 to add two new sections to read as follows:

22 7-5-321. Procedure when voter fails to provide proof of identity.

23 (a) If the voter is listed on the precinct voter registration list but
 24 fails to provide proof of identity, the election official shall:

25 (1) Indicate on the precinct voter registration list that the
 26 voter did not provide proof of identity; and

27 (2) Permit the voter to cast a provisional ballot.

28 (b)(1) A person who is a resident of a licensed nursing home, licensed
 29 residential care facility, licensed assisted-living facility, or any licensed
 30 facility that provides long-term medical or personal care is not required to
 31 provide proof of identity before voting.

32 (2) A person not required to provide proof of identity under
 33 subdivision (b)(1) of this section shall provide documentation from the
 34 administrator of the facility attesting that the person is a resident of the
 35 facility.

36 (c) A provisional ballot cast by a voter who did not provide proof of

1 identity shall be counted if:

2 (1) The voter returns to the county board of election
3 commissioners by 12:00 p.m. on the Monday following the election and:

4 (A) Provides proof of identity; or

5 (B) Executes an affidavit stating that the voter cannot
6 provide proof of identity because the voter:

7 (i) Is indigent; or

8 (ii) Has a religious objection to being
9 photographed; and

10 (2) The voter has not been challenged or required to vote a
11 provisional ballot for any other reason.

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14 7-5-322. Voter identification card.

15 (a)(1)(A) The Secretary of State shall provide by rule for the
16 issuance of a voter identification card that may be requested by an
17 individual to be used as proof of identity when appearing to vote in person.

18 (B) The rules shall include, without limitation:

19 (i) A requirement that the voter identification card
20 include a photograph of the voter;

21 (ii) Specification of the information to be included
22 on the voter identification card; and

23 (iii) Provisions concerning the expiration of a
24 voter identification card.

25 (2) Providing for the issuance of a voter identification card
26 under subdivision (a)(1)(A) of this section may include, without limitation
27 the purchase by the Secretary of State of cameras and other equipment
28 necessary to generate a voter identification card in the office of the county
29 clerk.

30 (b) A voter identification card shall be issued without the payment of
31 a fee or charge to an individual who:

32 (1) Does not have a valid Arkansas driver's license; and

33 (2) Will be at least eighteen (18) years of age at the next
34 general election, special election, or municipal election.

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36 SECTION 6. Arkansas Code § 7-5-418(c) and (d), concerning early voting

1 procedures, is amended to read as follows:

2 (c) Before a person is permitted to cast an early vote, the county
3 clerk or election official shall:

4 (1) Request the voter to identify himself or herself by stating
5 his or her name, date of birth, and address in order to verify his or her
6 registration;

7 (2) Request the voter to present proof of identity to the county
8 clerk or election official;

9 ~~(2)(3)~~ If the voter’s name or address is not the same as that in
10 the county voter registration record files, request the voter to complete an
11 updated voter registration application form;

12 ~~(3)(4)~~ Request the voter to sign an early voting roster or early
13 voting request form that identifies his or her name, address, date of birth,
14 and the date on the roster or form; and

15 ~~(4)(5)~~ Enter the voter’s precinct number on the early voting
16 roster or early voting request form.

17 (d)(1) If the voter is not listed in the county voter registration
18 record files and the county clerk is unable to verify the voter’s
19 registration and if the voter contends that he or she is eligible to vote,
20 then the voter may vote a provisional ballot that shall be counted only upon
21 verification of the voter’s registration status.

22 (2)(A) If the voter fails to provide proof of identity, the
23 election official shall follow the procedure in § 7-5-321.

24 (B)(i) A person who is a resident of a licensed nursing
25 home, licensed residential care facility, licensed assisted-living facility,
26 or any licensed facility that provides long-term medical or personal care is
27 not required to provide proof of identity before voting.

28 (ii) A person not required to provide proof of
29 identity under subdivision (d)(2)(B)(i) of this section shall provide
30 documentation from the administrator of the facility attesting that the
31 person is a resident of the facility.

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33 SECTION 7. NOT TO BE CODIFIED. This act shall become effective upon
34 the later of the following:

35 (1) January 1, 2014; or

36 (2) The appropriation and availability of funding to the

1 Secretary of State for the issuance of voter identification cards under
2 Section 5 of this act.

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