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2 89th General Assembly
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4

As Engrossed: S2/18/13

A Bill

SENATE BILL 2

5 By: Senators B. King, Bledsoe, Caldwell, A. Clark, J. English, Hester, Hickey, Holland, Irvin, Rapert, G.
6 Stubblefield, E. Williams, J. Woods

7 By: Representatives S. Meeks, Lea, D. Altes, Ballinger, Barnett, Bell, Biviano, Bragg, Branscum, J.
8 Burris, Clemmer, Collins, Cozart, Dale, Davis, Deffenbaugh, Dotson, C. Douglas, D. Douglas, Eubanks,
9 Farrer, Fite, Gossage, Hammer, Harris, Hickerson, Hobbs, House, Jean, Kerr, Linck, Lowery, S. Malone,
10 Mayberry, McCrary, D. Meeks, Miller, Neal, Payton, Rice, Scott, Westerman, Womack

For An Act To Be Entitled

11
12 AN ACT TO REQUIRE THAT A VOTER PROVIDE PROOF OF
13 IDENTITY WHEN VOTING; TO PROVIDE FOR THE ISSUANCE OF
14 A VOTER IDENTIFICATION CARD; AND FOR OTHER PURPOSES.
15
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Subtitle

17
18 AN ACT TO REQUIRE THAT A VOTER PROVIDE
19 PROOF OF IDENTITY WHEN VOTING AND TO
20 PROVIDE FOR THE ISSUANCE OF A VOTER
21 IDENTIFICATION CARD.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

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

29 (25)(A) "Proof of identity" means a document or identification
30 card that:

31 (i) Shows the name of the person to whom the
32 document was issued;

33 (ii) Shows a photograph of the person to whom the
34 document was issued;

35 (iii) Is issued by the United States, the State of
36 Arkansas, or an accredited postsecondary educational institution in the State



1 of Arkansas; and

2 (iv) If the document contains an expiration date,
3 the document:

4 (a) Is not expired; or

5 (b) Expired no more than four (4) years before
6 the date of the election in which the person seeks to vote;

7 (B) A "proof of identity" that complies with the
8 requirements under (25)(A) of this section may include without limitation:

9 (i) A driver's license;

10 (ii) A photo identification card;

11 (iii) A concealed handgun carry license;

12 (iv) A United States passport;

13 (v) An employee badge or identification document;

14 (vi) A United States military identification
15 document;

16 (vii) A student identification card issued by an
17 accredited postsecondary educational institution in the State of Arkansas;

18 (viii) A public assistance identification card; and

19 (ix) A voter identification card under § 7-5-322.

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

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

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

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

31 (2)(A) A person who is a resident of a long-term care or
32 residential care facility licensed by the state is not required to provide
33 proof of identity before voting.

34 (B) A person not required to provide proof of identity
35 under subdivision (d)(2)(A) of this section shall provide documentation from
36 the administrator of the facility attesting that the person is a resident of

1 the facility.

2

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

5 ~~(d)(1)(e)(1)~~ (e)(1) Any person registering to vote by mail and who has not
6 previously voted in a federal election in this state shall:

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

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

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

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

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

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

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

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

29 (F) Persons who register to vote by mail and submit with
30 the registration either a driver's license number or at least the last four
31 (4) digits of the individual's social security number and with respect to
32 whom a state or local election official matches the license number or social
33 security number with an existing state identification record bearing the same
34 number, name, and date of birth as provided in the registration.

35

36 SECTION 4. Arkansas Code § 7-5-305(a)(8), concerning requests for

1 identification when voting, is amended to read as follows:

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

8 (ii)(a) A person who is a resident of a long-term
 9 care or residential care facility licensed by the state is not required to
 10 provide proof of identity before voting.

11 (b) A person not required to provide proof of
 12 identity under subdivision (a)(8)(A)(ii)(a) of this section shall provide
 13 documentation from the administrator of the facility attesting that the
 14 person is a resident of the facility.

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

17 (a) indicate Indicate on the precinct
 18 voter registration list that the voter did not provide ~~identification~~ proof
 19 of identity; and

20 (b) Permit the voter to cast a provisional
 21 ballot.

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

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

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

33 ~~(iv)(v)~~ (v) The prosecuting attorney may investigate
 34 possible voter fraud;

35
 36 SECTION 5. Arkansas Code Title 7, Chapter 5, Subchapter 3 is amended

1 to add two new sections to read as follows:

2 7-5-321. Procedure when voter fails to provide proof of identity.

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

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

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

8 (b)(1) A person who is a resident of a long-term care or residential
9 care facility licensed by the state is not required to provide proof of
10 identity before voting.

11 (2) A person not required to provide proof of identity under
12 subdivision (b)(1) of this section shall provide documentation from the
13 administrator of the facility attesting that the person is a resident of the
14 facility.

15 (c) A provisional ballot cast by a voter who did not provide proof of
16 identity shall be counted if:

17 (1) The voter returns to the county board of election
18 commissioners or the county clerk by 12:00 p.m. on the Monday following the
19 election and:

20 (A) Provides proof of identity; or

21 (B) Provides an affidavit stating that the voter cannot
22 provide proof of identity because the voter:

23 (i) Is indigent; or

24 (ii) Has a religious objection to being
25 photographed; and

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

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29
30 7-5-322. Voter identification card.

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

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

35 (i) A requirement that the voter identification card
36 include a photograph of the voter;

1 (ii) Specification of the information to be included
2 on the voter identification card;

3 (iii) Provisions concerning the expiration of a
4 voter identification card; and

5 (iv) Provisions for the proof of identity to be
6 provided by the county clerk of the county in which the voter is registered
7 to vote.

8 (2) Providing for the issuance of a voter identification card
9 under subdivision (a)(1)(A) of this section may include, without limitation
10 the purchase by the Secretary of State of cameras and other equipment
11 necessary to generate a voter identification card in the office of the county
12 clerk.

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

15 (1) Does not have another valid form of proof of identity; and

16 (2)(A) Is registered to vote; or

17 (B) Will be at least eighteen (18) years of age at the
18 next election and has submitted a voter registration application.

19 (c)(1) The Secretary of State or the county clerk shall not require or
20 accept payment for a voter identification card issued for the sole purpose of
21 voter identification.

22 (2)(A) A person requesting a voter identification for the sole
23 purpose of voter identification card shall sign an oath that he or she does
24 not possess proof of identity under § 7-1-101(25).

25 (B) The oath shall include the definition of proof of
26 identity under § 7-1-101(25).

27
28 SECTION 6. Arkansas Code § 7-5-418(c) and (d), concerning early voting
29 procedures, is amended to read as follows:

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

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

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

