ARKANSAS SENATE
89th General Assembly - Regular Session, 2013
Amendment Form

Subtitle of Senate Bill No. 2
AN ACT TO REQUIRE THAT A VOTER PROVIDE PROOF OF IDENTIFY WHEN VOTING AND TO PROVIDE FOR THE ISSUANCE OF A VOTER IDENTIFICATION CARD.

Amendment No. 1 to Senate Bill No. 2

Amend Senate Bill No. 2 as originally introduced:


AND

Add Senators Bledsoe, Caldwell, A. Clark, J. English, Hester, Hickey, Holland, Irvin, Rapert, C. Stubblefield, E. Williams, J. Woods as cosponsors of the bill

AND

Page 1, delete lines 24 through 35 and substitute the following:

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

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

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

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

(iv) If the document contains an expiration date,

(a) Is not expired; or

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

(B) A "proof of identity" that complies with the requirements under (25)(A) of this section may include without limitation:
(i) A driver's license;
(ii) A photo identification card;
(iii) A concealed handgun carry license;
(iv) A United States passport;
(v) An employee badge or identification document;
(vi) A United States military identification document;
(vii) A student identification card issued by an accredited postsecondary educational institution in the State of Arkansas;
(viii) A public assistance identification card; and
(ix) A voter identification card under § 7-5-322."

AND

Page 2, line 8 delete "by mail," and substitute "by absentee ballot."

AND

Page 2, delete lines 12 through 15 and substitute the following: "(2)(A) A person who is a resident of a long-term care or residential care facility licensed by the state is not required to provide proof of identity before voting."

AND

Page 2, delete lines 23 and 24 and substitute the following: "(d)(4)(e)(1) Any person registering to vote by mail and"

AND

Page 3, delete lines 27 through 30 and substitute the following: "(11)(a) A person who is a resident of a long-term care or residential care facility licensed by the state is not required to provide proof of identity before voting."

AND

Page 4, delete lines 28 through 31 and substitute the following: "(b)(1) A person who is a resident of a long-term care or residential care facility licensed by the state is not required to provide proof of identity before voting."

AND

Page 5, delete line 3 and substitute the following: "commissioners or the county clerk by 12:00 p.m. on the Monday following the election and;"

AND

Page 5, line 5, delete "Executes" and substitute "Provides"
Page 5, delete lines 22 through 24 and substitute the following:
"on the voter identification card:
   (iii) Provisions concerning the expiration of a voter identification card; and
   (iv) Provisions for the proof of identity to be provided by the county clerk of the county in which the voter is registered to vote."

Page 5, delete lines 30 through 34 and substitute the following:
"(b) A voter identification card shall be issued without the payment of a fee or charge to an individual who:
   (1) Does not have another valid form of proof of identity; and
   (2)(A) Is registered to vote; or
   (B) Will be at least eighteen (18) years of age at the next election and has submitted a voter registration application.
   (c)(1) The Secretary of State or the county clerk shall not require or accept payment for a voter identification card issued for the sole purpose of voter identification.
   (2)(A) A person requesting a voter identification for the sole purpose of voter identification card shall sign an oath that he or she does not possess proof of identity under § 7-1-101(25).
   (B) The oath shall include the definition of proof of identity under § 7-1-101(25)."

Page 6, delete lines 24 through 27 and substitute the following:
"(B)(i) A person who is a resident of a long-term care or residential care facility licensed by the state is not required to provide proof of identity before voting."

The Amendment was read the first time, rules suspended and read the second time and ________________________________
By: Senator B. King
JAW/ABN - 02-13-2013 16:56:08
JAW089

Secretary
Amendment No. 1 to Senate Bill No. 2

Amend Senate Bill No. 2 as engrossed, S2/18/13 (version: 02/18/2013 3:02:24 PM)

Page 1, delete lines 29 through 35 and substitute the following:

"(25)(A)  "Proof of identity" means:
(1) A voter identification card under § 7-5-322; or
(11) A document or identification card that:
    (a) Shows the name of the person to whom the
document was issued;
    (b) Shows a photograph of the person to whom
    the document was issued;
    (c) Is issued by the United States, the State
    of"

AND

Page 2, delete lines 2 through 5 and substitute the following:

"(d) If displaying an expiration date:
    (1) Is not expired; or
    (2) Expired no more than four (4) years
before"

AND

Page 2, delete line 30 and substitute the following:

"document that shows the name and address of the voter unless the voter is:
    (1) A member of the uniformed services on active
duty who is absent from the county on election day because of active duty;
    (ii) A member of the merchant marine who is absent
from the county on election day because of his or her service in the merchant
marine; or
    (iii) The spouse or dependent of a member identified
in (d)(1)(B)(i) or (d)(1)(B)(ii) who is absent from the county on election
day because of the active duty or service of the member."

JAW126 - 02-26-2013 18:07:38
The Amendment was read
By: Representative S. Meeks
JAW/JAW - 02-26-2013 18:07:38
JAW126
Chief Clerk
Westlaw.

2013 Arkansas Laws Act 595 (S.B. 2)

ARKANSAS 2013 SESSION LAWS
89th GENERAL ASSEMBLY, GENERAL SESSION, 2013

Additions are indicated by Text; deletions by
Text.
Vetoes are indicated by Text;
stricken material by Text.

ACT 595
S.B. 2
VOTERS AND VOTING—IDENTIFICATION CARDS

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

Subtitle

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

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

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

<< AR ST § 7–1–101 >>

(25)(A) “Proof of identity” means:

(i) A voter identification card under § 7–5–322; or

(ii) A document or identification card that:

(a) Shows the name of the person to whom the document was issued;

ATTACHMENT E
(b) Shows a photograph of the person to whom the document was issued;

(c) Is issued by the United States, the State of Arkansas, or an accredited postsecondary educational institution in the State of Arkansas; and

(d) If displaying an expiration date:

(1) Is not expired; or

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

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

(i) A driver's license;

(ii) A photo identification card;

(iii) A concealed handgun carry license;

(iv) A United States passport;

(v) An employee badge or identification document;

(vi) A United States military identification document;

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

(viii) A public assistance identification card; and

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

SECTION 2. Arkansas Code § 7-5-201, concerning voter qualification, is amended to add a new subsection to read as follows:
(d)(1) Except as provided in subdivision (d)(2) and subsection (e) of this section, any person desiring to vote in this state shall:

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

(B) When voting by absentee ballot, 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 unless the voter is:

(i) A member of the uniformed services on active duty who is absent from the county on election day because of active duty;

(ii) A member of the merchant marine who is absent from the county on election day because of his or her service in the merchant marine; or

(iii) The spouse or dependent of a member identified in (d)(1)(B)(i) or (d)(1)(B)(ii) who is absent from the county on election day because of the active duty or service of the member.

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

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

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

<< AR ST § 7–5–201 >>

(d)(1) (e)(1) Any person registering to vote by mail 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.

(2) The provision of subdivision (4)(e)(1) of this section does not include:

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

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

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

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

(E) Persons who register to vote by mail and submit as part of the registration any of the identification documents listed in subdivision (4)(e)(1) of this section; or

(F) Persons who register to vote by mail 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 4. Arkansas Code § 7-5-305(a)(8), concerning requests for identification when voting, is amended to read as follows:

<< AR ST § 7-5-305 >>

(8)(A) (i) Request Except as provided in subdivision (a)(8)(A)(ii) and (a)(8)(B)(ii) of this section, request the voter for purposes of identification to provide 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 proof of identity.

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

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

(B)(i) If a voter is unable to provide this identification proof of identity, the poll worker shall:
(a) indicate Indicate on the precinct voter registration list that the voter did not provide identification proof of identity; and

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

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

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

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

(v) The prosecuting attorney may investigate possible voter fraud;

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

<< AR.ST § 7–5–321 >>

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

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

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

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

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

(2) A person not required to provide proof of identity under subdivision (b)(1) of this section shall provide documentation from the administrator of the facility attesting that the person is a resident of the facility.
(c) A provisional ballot cast by a voter who did not provide proof of identity shall be counted if:

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

(A) Provides proof of identity; or

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

(i) Is indigent; or

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

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

<< ARST § 7–5–322 >>

7–5–322. Voter identification card.

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

(B) The rules shall include, without limitation:

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

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

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

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

(2) Providing for the issuance of a voter identification card under subdivision (a)(1)(A) of this section may include, without limitation the purchase by the Secretary of State of cameras and other equipment necessary to generate a voter identification card in the office of the county clerk.
(b) A voter identification card shall be issued without the payment of a fee or charge to an individual who:

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

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

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

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

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

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

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

<< AR ST § 7–5–418 >>

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

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

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

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

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

(4) (5) Enter the voter’s precinct number on the early voting roster or early voting request form.
(d) (1) If the voter is not listed in the county voter registration record files and the county clerk is unable to verify the voter's registration and if the voter contends that he or she is eligible to vote, then the voter may vote a provisional ballot that shall be counted only upon verification of the voter's registration status.

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

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

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

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

(1) January 1, 2014; or

(2) The appropriation and availability of funding to the Secretary of State for the issuance of voter identification cards under Section 5 of this act.

/s/B. King


AR LEGIS 595 (2013)

MINUTES OF JUNE 19, 2013

I. Roll Call

Acting Chairman Barbara McBryde called the meeting to order at 1:00 p.m.

Members Present:
- Rhonda Cole
- Chad Pekron
- Stuart Soffer
- C.S. Walker
- Barbara McBryde
- J. Harmon Smith

Others Present:
- Justin Clay, SBEC Director
- Karan Skarda, SBEC Deputy Director
- Tim Humphries, SBEC Legal Counsel
- Bernetta Levy, SBEC Election Coordinator
- Martha Adcock, Secretary of State, Legal Counsel
- Justin Tate, Secretary of State, Elections
- Evelyn Gomez, Secretary of State, Legal Department
- Ginna Watson, Garland County Election Commissioner
- Carolyn Salsman, Garland County Election Commissioner
- Susan Inman
- Bryan Poe, Pulaski County Election Commission
- Shana Woodard, Pulaski County, County Clerk’s Office
- Andrew DeMillo, Associated Press
- Jacob Kauffman, KUAR
- Jason Pederson, KATV
- Chuck Wilson, KATV
- Mike Wickline, AR Democrat-Gazette
- Josh Morgan, KARK
- Drew Petrimoulx, KARK

Members Absent:
- Chairman Mark Martin

II. Approval of the Minutes of March 8, 2013

Commissioner Cole moved to approve the minutes of March 8, 2013. Commissioner Walker seconded the motion. The motion passed unanimously.

III. Rules for Nonpartisan Office Filing Fees

Director Justin Clay reported that proposed changes include:
   1) Striking the term “judicial”;

ATTACHMENT F
2) Establishing filing fees for the office of prosecuting attorney;
3) Addressing a legislative change regarding filing fees; and
4) Setting forth requirements for distributing funds into the Trial Court Administrative Assistant Fund.

An additional change to the definition of filing fee to include the office of district judge was recommended by Commissioner Pekron. After discussion, Commissioner Cole moved to approve for public comment the proposed changes to the Rules on Nonpartisan Office Filing Fees. Commissioner Soffer seconded the motion. The motion passed unanimously.

IV. Rules for Poll Worker Training

Director Clay reported that proposed changes include:
   1) Establishing an advanced training program for experienced poll worker trainers;
   2) Addressing a legislative change requiring that all poll workers be trained prior to serving as a poll worker during regularly scheduled elections; and
   3) Changes in language for clarity.

After discussion, Commissioner Soffer moved to approve for public comment the proposed changes to the Rules on Poll Worker Training. Commissioner Pekron seconded the motion. The motion passed unanimously.

V. Rules for Reimbursement of Expenses for State Funded Elections

Director Clay reported that proposed changes include:
   1) Removing the auxiliary funding category;
   2) Striking language providing contingencies in the event state funding is insufficient to cover reimbursable expenses; and
   3) Striking language providing that new funding categories would not be paid if funds are insufficient to cover expenses under current rules.

Commissioner Walker moved to approve for public comment the proposed changes to the Rules on Reimbursement of Expenses for State Funded Elections. Commissioner Pekron seconded the motion. The motion passed unanimously.

VI. Rules on Poll Watchers, Vote Challenges, and Provisional Voting

Tim Humphries, Legal Counsel, reported that proposed changes include:
   1) Adding definitions for identification documents;
   2) Redefining “provisional ballot”;
   3) Setting forth requirements for proof of identity and other identification requirements;
   4) Amending procedures for voting a provisional ballot;
   5) Amending the “At the Poll” notice requirement;
6) Amending the notice sent to voters;
7) Providing procedures for the consideration of provisional ballots cast by voters who failed to present proof of identification at the polls; and
8) Setting forth changes to the provisional ballot forms.

After discussion, Commissioner Cole moved to approve for public comment the proposed changes to the Rules on Poll Watchers, Vote Challenges, and Provisional Voting. Commissioner Smith seconded the motion. The motion passed unanimously.

VII. Rules for Voter Identification

Tim Humphries, Legal Counsel, reported that proposed changes include:
1) Adding definitions for identification documents;
2) Setting forth requirements to show "proof of identity";
3) Providing procedures for accessing the validity of proof of identity;
4) Setting forth requirements for certain first time voters to provide additional identification documents;
5) Setting forth requirements for voters who do not submit proof of identity or certain first time voters who do not present required additional ID;
6) Setting forth procedures for a voter who failed to present proof of identity at the polls;
7) Setting forth procedures for the county clerk or county board of election commissioners to provide a receipt to a person who presents proof of identity or an affidavit post-election;
8) Requiring the county clerk to provide a copy of the voter's proof of identity or the original affidavit to the county board of election commissioners;
9) Providing that absentee voters must present a copy of certain forms of ID when casting a ballot and for notice of the ID requirement to be printed on the absentee ballot application and the absentee voter statement; and
10) Setting an effective date for the rules of January 1, 2014.

After discussion, Commissioner Soffer moved to approve for public comment the proposed Rules on Voter Identification. Commissioner Cole seconded the motion. The motion passed unanimously.

VIII. Rules for Appointment of Certified Election Monitors

Tim Humphries, Legal Counsel, reported that proposed changes include:
1) Setting forth requirements for persons requesting that the State Board of Election Commissioners send election monitors to a county;
2) Providing for the Director to determine if the request meets requirements and for the State Board of Election Commissioners to determine whether to send monitors;
3) Setting out qualifications of monitors;
4) Providing that monitors be trained and certified;
5) Setting forth monitors' duties; and
6) Providing for reimbursement of expenses and compensation.
Commissioner Soffer moved to send a letter to the Chairman of the Democratic and Republican Parties of Arkansas soliciting the names of two potential election monitors from each Congressional District. Commissioners Pekron seconded the motion. The motion passed unanimously.

After discussion, Commissioner Soffer moved to approve for public comment the proposed Rules on Appointment of Certified Election Monitors. Commissioner Cole seconded the motion. The motion passed unanimously.

IX. Director Comments

Director Clay advised that a training session for newly elected Commissioners is scheduled for July 30. He informed that the agency has two vacant positions. The Administrative Analyst position has been posted to the state jobs website and a Hiring Freeze Exemption has been submitted for the position of Educational Services Manager. Director Clay also discussed the Rule Making process and its impact on the schedule for updating publications and training materials.

X. Approval of AASSIS Reports for January 2013, February 2013, March 2013, and April 2013

Commissioner Cole moved to approve AASSIS Reports for January 2013, February 2013, March 2013, and April 2013. Commissioner Soffer seconded the motion. The motion passed unanimously.

XI. Board Member Comments

No board member comments were forthcoming at this time.

XII. Public Comments

No public comments were forthcoming at this time.

XIII. Confirmation of Next Scheduled Meeting of the Board

The next meeting of the State Board of Election Commissioners was tentatively scheduled for Wednesday, August 21, 2013 at 1:00 p.m.

XIV. Adjournment

The meeting was adjourned at 3:15 p.m.