

1 State of Arkansas
2 95th General Assembly
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4

As Engrossed: H1/16/25

A Bill

HOUSE BILL 1036

5 Representatives A. Collins, Ennett, D. Garner, Springer, Gonzales Worthen
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For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING VOTER
10 REGISTRATION; TO ALLOW VOTER REGISTRATION DURING
11 EARLY VOTING AND ON ELECTION DAY; TO AMEND PROVISIONS
12 OF ARKANSAS CONSTITUTION, AMENDMENT 51, UNDER THE
13 AUTHORITY OF ARKANSAS CONSTITUTION, AMENDMENT 51, §
14 19; AND FOR OTHER PURPOSES.

Subtitle

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18 TO AMEND THE LAW CONCERNING VOTER
19 REGISTRATION; TO ALLOW VOTER
20 REGISTRATION DURING EARLY VOTING AND ON
21 ELECTION DAY; AND TO AMEND PROVISIONS OF
22 ARKANSAS CONSTITUTION, AMENDMENT 51.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Under the authority granted by Arkansas Constitution,
27 Amendment 51, § 19, Arkansas Constitution, Amendment 51, § 6(a)(2)(G),
28 concerning statements informing voter registration applicants, is amended to
29 read as follows:

30 (G) Inform the applicant that if the voter registration
31 application is being collected by a third-party voter registration
32 organization, the third-party voter registration organization may be unable
33 to deliver the application to the permanent registrar in the county in which
34 the applicant resides before the thirty-day pre-election voter registration
35 deadline under Arkansas Constitution, Amendment 51, § 9(b)(1) to vote in the
36 next election and that the applicant may elect to deliver the application in



1 person or by mail; and

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3 SECTION 2. Under the authority granted by Arkansas Constitution,
4 Amendment 51, § 19, Arkansas Constitution, Amendment 51, § 8(a), concerning
5 the processing of voter registration applications, is amended to read as
6 follows:

7 (a)(1) The Office of Driver Services, ~~State Revenue Offices~~ state
8 revenue offices, public assistance agencies, disabilities agencies, and other
9 voter registration agencies shall transmit all completed voter registration
10 applications to the Secretary of State in sufficient time to allow the
11 Secretary of State to transmit the applications to the appropriate permanent
12 registrar no later than ten (10) days after the date of acceptance by the
13 assisting agency. When applications are accepted within five (5) days before
14 the last day of for an election under Arkansas Constitution, Amendment 51, §
15 9(b)(1), they must be transmitted no later than five (5) days after the date
16 of acceptance at the assisting agency.

17 (2) The Secretary of State shall transmit all mail voter
18 registration applications to the appropriate permanent registrar no later
19 than ten (10) days after the date of receipt. When applications are received
20 within five (5) days before the last day of pre-election registration for an
21 election under Arkansas Constitution, Amendment 51, § 9(b)(1), they must be
22 transmitted no later than five (5) days after date of receipt. If forms are
23 received by the wrong election office, they shall be forwarded to the
24 appropriate permanent registrar not later than the fifth day after receipt.

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26 SECTION 3. Under the authority granted by Arkansas Constitution,
27 Amendment 51, § 19, Arkansas Constitution, Amendment 51, § 9(b), concerning
28 the voter registration deadline, is amended to read as follows:

29 (b)(1) Except as otherwise provided in subdivision (b)(2) of this
30 section, Registration registration shall be in progress at all times except
31 during the thirty-day period immediately prior to any election scheduled
32 within the county, during which period registration of voters shall cease for
33 that election, but registration during such period shall be effective for
34 subsequent elections.

35 (2) Registration shall be permitted:

36 (A) During early voting for a person appearing in person

1 at an early voting location; and

2 (B) On election day for a person appearing in person at a
3 polling site or a vote center established in his or her county of residence.

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5 SECTION 4. Under the authority granted by Arkansas Constitution,
6 Amendment 51, § 19, Arkansas Constitution, Amendment 51, § 9(c)(2),
7 concerning voter registration submitted to the permanent registrar, is
8 amended to read as follows:

9 (2) Any person who assists applicants with a voter registration
10 application as part of a voter registration drive or who, in furtherance of a
11 voter registration drive, gathers or possesses completed applications for
12 submission to the permanent registrar or Secretary of State shall deliver all
13 applications in his or her possession to the permanent registrar or Secretary
14 of State within twenty-one (21) days of the date on the voter registration
15 application and, in any event, no later than the deadline for pre-election
16 voter registration for the next election under Arkansas Constitution,
17 Amendment 51, § 9(b)(1).

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19 SECTION 5. Under the authority granted by Arkansas Constitution,
20 Amendment 51, § 19, Arkansas Constitution, Amendment 51, § 10(b)(2),
21 concerning updating voter registration, is amended to read as follows:

22 (2)~~(A)~~ If the updated registration information is actually
23 received in the office of the county clerk of the voter's new county not
24 later than four (4) days before a scheduled election, the voter shall have
25 the right to vote in the scheduled election in the precinct into which the
26 voter just moved in the new county.

27 (B) If the updated registration information is not
28 actually received by the fourth day before a scheduled election, the voter
29 ~~shall not be eligible to vote in the scheduled election~~ may update his or his
30 voter registration in accordance with subsection (g) of this section.

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32 SECTION 6. Under the authority granted by Arkansas Constitution,
33 Amendment 51, § 19, Arkansas Constitution, Amendment 51, § 10(c), concerning
34 the deadline to change legal residence on voter registration, is amended to
35 read as follows:

36 (c) If the change of legal residence is made pursuant to subsection

1 (a) or subdivision (d)(1) of this section following the deadline for pre-
2 election voter registration during the thirty day administrative cut-off
3 period under Arkansas Constitution, Amendment 51, § 9(b)(1) immediately prior
4 to any election scheduled within the county, the registered voter shall
5 retain his or her right to vote in the scheduled election in the precinct to
6 which he or she just moved.

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8 SECTION 7. Under the authority granted by Arkansas Constitution,
9 Amendment 51, § 19, Arkansas Constitution, Amendment 51, § 10, concerning
10 transfer and change of status for voter registration, is amended to add an
11 additional subsection to read as follows:

12 (g) A person appearing in person on election day or during early
13 voting at an open polling site, a vote center, or an early voting location
14 established in his or her county of residence may update his or her voter
15 registration on the same day as his or her appearance in accordance with § 7-
16 5-113.

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18 SECTION 8. Arkansas Code § 7-1-113(c)(3), concerning duties of an
19 election official before a person is permitted to cast a vote at a vote
20 center, is amended to read as follows:

21 (3) If the voter's name or address is not the same as that in
22 the county voter registration record files, request that the voter complete
23 an updated voter registration application ~~form~~ in accordance with § 7-5-113;
24 and

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26 SECTION 9. Arkansas Code Title 7, Chapter 5, is amended to add an
27 additional section to read as follows:

28 7-5-113. Voter registration on election day or during early voting.

29 (a) A person appearing in person on election day or during early
30 voting at an open polling site, a vote center, or an early voting location
31 established in his or her county of residence is eligible to register to vote
32 or update registration on the same day as his or her appearance.

33 (b) To register or update registration and vote under subsection (a)
34 of this section:

35 (1) The person shall:

36 (A) Register in the manner set forth by Arkansas

1 Constitution, Amendment 51; or

2 (B) Update his or her registration by completing an
3 updated voter registration application;

4 (2) The person shall sign a written eligibility affirmation
5 under penalty of perjury in the presence of a poll worker that he or she is
6 eligible to vote and has not already voted in the election in any county in
7 the state;

8 (3) The poll worker shall verify that the person has not already
9 voted in the election in any county in the state; and

10 (4) The poll worker shall update the voter registration records
11 in a manner immediately evident to every open polling site, vote center, and
12 early voting location in every county in the state to indicate that the
13 person has voted in the election.

14 (c)(1) If the poll worker is unable to complete the required duties in
15 subdivisions (b)(3) or (b)(4) of this section, the voter may cast a
16 provisional ballot in accordance with the procedures in § 7-5-308.

17 (2) Unless enjoined by a court with jurisdiction, a provisional
18 ballot under this subsection shall be counted if:

19 (A) The voter returns to the county board of election
20 commissioners or the county clerk by 12:00 noon on the Monday following the
21 election and presents documentation that allows the county board of election
22 commissioners or the county clerk to verify the requirements in subdivisions
23 (b)(3) and (b)(4) of this section; and

24 (B) The county board of election commissioners does not
25 determine that the provisional ballot is invalid and should not be counted
26 based on other grounds.

27 (d) Poll workers shall maintain an additional list in the same format
28 as the precinct voter registration list for all persons who register to vote
29 or update voter registration under this section which shall be considered
30 part of the precinct voter registration list.

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32 SECTION 10. Arkansas Code § 7-5-201(a), concerning voter
33 qualifications, is amended to read as follows:

34 (a) To be qualified to vote, a person shall have registered ~~at least~~
35 ~~thirty (30) calendar days immediately prior to the election and~~ in the manner
36 set forth by Arkansas Constitution, Amendment 51.

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SECTION 11. Arkansas Code § 7-5-305(a)(5) and (6), concerning poll worker duties before a person is permitted to vote, is amended to read as follows:

(5)(A) If the voter's address is not the same as that on the precinct voter registration list, verify with the county clerk that the address is within the precinct.

(B) If the address is within the precinct, request the voter to complete a voter registration application ~~form for the purpose of updating county voter registration record files~~ in accordance with § 7-5-113.

(C) If the address is not within the precinct:

(i) Verify with the county clerk's office the proper precinct; and

(ii) Instruct the voter to go to the polling site serving that precinct in order for his or her vote to be counted;

(6) If the voter's name is not the same as that on the precinct voter registration list, request the voter to complete a voter registration application ~~form for purposes of updating county voter registration record files~~ in accordance with § 7-5-113;

SECTION 12. Arkansas Code § 7-5-306(a), concerning procedure when a voter's name is not on the precinct voter registration list, is amended to read as follows:

(a) If ~~the a~~ voter's name is not on the precinct voter registration list, ~~the poll worker shall permit the voter to vote only under the following conditions~~ voter shall not vote until the voter registers or updates his or her registration in accordance with § 7-5-113.+

~~(1) The voter identifies himself or herself by stating his or her name and date of birth and is verified by the county clerk as a registered voter within the county and, if the county is divided into more than one (1) congressional district, within the same congressional district;~~

~~(2) The voter gives and affirms his or her current residence and the poll worker verifies with the county clerk that the voter's residence is within the precinct;~~

~~(3) The voter completes an updated voter registration application form; and~~

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~~(4) The voter signs the precinct voter registration list.~~

/s/A. Collins