



**State of Arkansas
Department of Finance and Administration
Fiscal Impact Statement**

Bill: HB1422

Bill Subtitle: TO CREATE THE ONLY CITIZENS VOTE ACT; TO AMEND THE LAW CONCERNING THE DRIVER'S LICENSES OF CERTAIN NONCITIZENS; AND TO AMEND ARKANSAS CONSTITUTION, AMENDMENT 51, SECTION 13.

Sponsors:

Rep. Long and Sen. M. Johnson

Basic Change:

HB1422 creates the "Only Citizens Vote Act", which amends the contents and use of a driver's license for certain noncitizens.

Under current law, an individual with a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States may obtain a driver's license. HB1422 provides that such a driver's license is to expire no later than the expiration date of the valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States. HB1422 makes several changes regarding the content and appearance of a driver's license issued to a noncitizen:

- The license must display the phrase "Non-Citizen";
- The license must display the phrase "Not valid for federal identification purposes or voter identification purposes"; and
- The license must be distinct in appearance and printed in vertical or portrait format.

HB1422 provides that a driver's license issued to a noncitizen is not valid for purposes of certain voter registration requirements.

HB1422 additionally requires the Department of Finance and Administration (DFA) to provide a monthly report to the Secretary of State listing the names and identifying information of each individual holding a noncitizen's driver's license. The Secretary of State is required to utilize the list to determine whether any of the individuals are registered to vote. If any of the individuals are registered to vote, the Secretary of State is required to notify the clerk of the county where the individual is registered to vote so that the clerk may cancel the individual's voter registration. The Secretary of State is also required to provide DFA with a list of individuals whose voter registration is canceled so that DFA may immediately suspend the individual's driving privileges.

Fiscal Impact:

None.

Taxpayer Impact:

An individual holding a driver's license who has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States that was registered to vote in the State of Arkansas will have his or her voter registration canceled and driving privileges suspended.



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Resources Required:

The Arkansas Integrated Revenue System (AIRS) Driver Services/Motor Vehicle (DSMV) will need to be modified at a project cost of \$152,000

Time Required:

The Office of Driver Services (ODS) requests an implementation date of January 1, 2026, to ensure adequate time for necessary programming changes.

Procedural Changes:

Updates will be required to the Office of Motor Vehicle (OMV) manual and the DFA website. Training and review sessions will be conducted for State Revenue Office, Office of Driver Services, and Office of Motor Vehicle employees and staff. Notification will also be provided to the taxpayer community.

Other Comments:

This bill may also affect the American Association of Motor Vehicle Administrators (AAMVA), as it would require the creation of a new code for non-U.S. citizens. It is important to note that the REAL ID Act mandates that states label non-U.S. citizens' REAL ID cards with the term "Limited Term." However, there is limited space on a driver's license or ID card to accommodate both "Non-Citizen" and "Limited Term" for a non-citizen requesting a REAL ID. Currently, ODS applies the "Limited Term" label to both REAL ID and non-REAL ID cards issued to non-citizens. This bill calls for a new card design, which will necessitate involvement from ODS' contractor to address card standards.

Legal Analysis:

HB1422 amends § 27-16-801(a)(1) of the Motor Vehicle Driver's License Act to provide that a driver's license issued to a person who has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States shall expire no later than the expiration date of the valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States. HB1422 may benefit from an amendment clarifying whether this provision is intended to supersede § 27-16-1111, which provides that a holder of a nonimmigrant visa may be allowed an additional 240 days if the applicant presents a valid Form I-797C, Notice of Action. An I-797C, Notice of Action is a form issued by the U.S. Citizenship and Immigration Services that advises an applicant of the status of an application regarding immigration status.