

Rules to ensure the security and accuracy of the statewide voter registration list.

- I. Authority:
 - (A) These rules are promulgated under the authority granted by Act 441 of 2023.

- II. The Secretary of State (SOS) shall:
 - (A) Cooperate with other states and jurisdictions to compare registered voters, voter history, and voter registration lists to:
 - (i) Ensure the accuracy of the voter registration rolls;
 - (ii) Identify voters whose addresses have changed;
 - (iii) Prevent registration in more than one (1) state; and
 - (iv) Determine the eligibility of individuals to vote in Arkansas;

 - (B) Have the authority to utilize any services available to establish and implement a system for the verification of citizenship status for a person registering to vote;

 - (C) Regularly and before each election identify registered voters who are deceased by comparing the information received from the Social Security Administration, including without limitation a master death file or index compiled by the Social Security Administration.
 - (i) The SOS ~~will shall receive obtain~~ monthly updates of the Limited Access Death Master File (LADMF) from the National Technical Information Service (NTIS), U.S Department of Commerce, in an electronic format.

 - (ii) Upon receipt of the electronic data from NTIS, SOS ~~will shall~~ utilize an electronic delivery service to send those records to each county clerk.

 - ~~(iii) Each county clerk will receive records that only pertain to deceased voters in their respective county.~~

 - (iii) To assist in each county's compliance with the National Voter Registration Act; the SOS shall send records to the county clerks that only pertain to deceased voters in their respective county.

 - ~~(iv) Each county clerk will receive the electronic data in batch form.~~

 - ~~(v) Each County clerk will then remove the deceased voters from the active voter registration list.~~

 - (iv) The SOS shall send the electronic data in batch form.

 - (D) Verify voter registration address information by the following process:
 - (i) In addition to the process outlined in Subsection (A), the SOS ~~will shall receive obtain~~ a monthly report from the United States Postal Service National Change of Address (NCOA) program.

(ii) The SOS ~~will~~ shall compare the voter registration address currently on file and the addresses obtain from NCOA and other states to determine any changes.

(iii) After reviewing the reports received, the SOS ~~will~~ shall send voter registration application forms to voters who have recently changed addresses or updated their address with NCOA.

(E) Provide annual reports to the Joint Performance Review Committee of the General Assembly concerning the accuracy of the voter registration record files.

III. Miscellaneous

(A) All confidential voter registration information and data is confidential;

(B) County boards of election commissioners shall have view-only access to the voter registration record files and data.

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: S3/16/23

A Bill

HOUSE BILL 1407

5 By: Representatives McClure, Wing, Achor, Andrews, Barker, Beaty Jr., Beck, Bentley, M. Berry,
6 Breaux, Brooks, K. Brown, M. Brown, Burkes, Joey Carr, C. Cooper, Cozart, Evans, C. Fite, L. Fite,
7 Fortner, Furman, Gazaway, Gonzales, Gramlich, Haak, Hawk, Hollowell, Jean, Ladyman, Long,
8 Lundstrum, Lynch, McAlindon, McCollum, M. McElroy, McGrew, B. McKenzie, McNair, S. Meeks,
9 Miller, Milligan, K. Moore, Painter, Pearce, Pilkington, Puryear, R. Scott Richardson, Richmond, Rose,
10 Rye, Schulz, Steimel, Tosh, Underwood, Vaught, Womack, Wooldridge, Wooten
11 By: Senators M. McKee, K. Hammer, Dees, J. Petty, Stone
12

For An Act To Be Entitled

14 AN ACT TO CREATE THE VOTER REGISTRATION AND SECURE
15 VOTER RECORDS ACT OF 2023; TO AMEND ARKANSAS
16 CONSTITUTION, AMENDMENT 51; TO AMEND THE LAW
17 CONCERNING AUDITS OF VOTER REGISTRATION INFORMATION;
18 TO AMEND THE DUTIES OF THE SECRETARY OF STATE; AND
19 FOR OTHER PURPOSES.
20
21

Subtitle

23 TO CREATE THE VOTER REGISTRATION AND
24 SECURE VOTER RECORDS ACT OF 2023; TO
25 AMEND ARKANSAS CONSTITUTION, AMENDMENT
26 51; AND TO AMEND THE DUTIES OF THE
27 SECRETARY OF STATE.
28
29

30 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
31

32 SECTION 1. DO NOT CODIFY. Title.

33 This act shall be known and may be cited as the "Voter Registration and
34 Secure Voter Records Act of 2023".
35

36 SECTION 2. Arkansas Constitution, Amendment 51, § 6(a)(2), concerning



1 voter registration forms, is amended to add additional subdivisions to read
2 as follows:

3 (G) Inform the applicant that if the voter registration
4 application is being collected by a third-party voter registration
5 organization, the third-party voter registration organization may be unable
6 to deliver the application to the permanent registrar in the county in which
7 the applicant resides before the thirty-day voter registration deadline to
8 vote in the next election and that the applicant may elect to deliver the
9 application in person or by mail; and

10 (H) Inform the applicant of the process to determine if
11 the application has been received by the Secretary of State.

12

13 SECTION 3. Arkansas Constitution, Amendment 51, § 7, concerning voter
14 registration record files, is amended to add an additional subsection to read
15 as follows:

16 (j)(1) The Secretary of State shall ensure the security and accuracy
17 of the statewide voter registration list.

18 (2) To ensure the security and accuracy of the statewide voter
19 registration list maintained by the Secretary of State, the Secretary of
20 State shall:

21 (A) Cooperate with other states and jurisdictions to
22 compare registered voters, voter history, and voter registration lists to:

23 (i) Ensure the accuracy of the voter registration
24 rolls;

25 (ii) Identify voters whose addresses have changed;

26 (iii) Prevent registration in more than one (1)

27 state; and

28 (iv) Determine eligibility of individuals to vote in
29 Arkansas;

30 (B) Have the authority to utilize any services available
31 to establish and implement a system for the verification of citizenship
32 status for a person registering to vote;

33 (C) Regularly and before each election identify registered
34 voters who are deceased by comparing the information received from the Social
35 Security Administration, including without limitation a master death file or
36 index compiled by the Social Security Administration;

1 (D) Establish and implement a process for the verification
 2 of address information:

3 (i) Submitted by a person registering to vote;

4 (ii) Submitted by a registered voter updating his or
 5 her address; and

6 (iii) Provided through undeliverable mail by the
 7 United States Postal Service concerning a person registering to vote or a
 8 registered voter;

9 (E) Ensure all confidential voter registration information
 10 and data remains confidential and protected under state and federal law;

11 (F) Allow view-only access to the voter registration
 12 record files and data to all county boards of election commissioners to carry
 13 out the county board of election commissioners' election administration
 14 responsibilities; and

15 (G) Provide annual reports to the Joint Performance Review
 16 Committee of the General Assembly concerning the accuracy of the voter
 17 registration record files.

18 (3) The Secretary of State shall promulgate rules under the
 19 Arkansas Administrative Procedure Act, § 25-15-201 et seq., necessary to:

20 (A) Implement the requirements of this section; and

21 (B) Ensure the security, accuracy, and integrity of the:

22 (i) Statewide voter registration system;

23 (ii) Supporting technologies utilized by the
 24 counties to maintain and record voter registration information;

25 (iii) Secure user access requirements established by
 26 the Secretary of State; and

27 (iv) Election audit logs.

28
 29 SECTION 4. Arkansas Constitution, Amendment 51, § 8(c)(2), concerning
 30 voter registration application records and reports, is amended to read as
 31 follows:

32 (2) Every six (6) months the Secretary of State shall compile a
 33 statewide report available to the public reflecting the statistical data
 34 collected pursuant to subsection (a) of this section. This report shall be
 35 submitted to the ~~Federal Election Commission~~ United States Election
 36 Assistance Commission for the national report pursuant to ~~section (9)(a)(3)~~

1 ~~of~~ the National Voter Registration Act of 1993, United States Code 52 USC §
 2 20508. The state report shall also include:

3 (A) ~~numbers~~ Numbers of and descriptions of the agencies,
 4 and the method of integrating voter registration in the agencies,
 5 disaggregated by agency;

6 (B) Numbers and descriptions of the public assistance
 7 programs and the method of integrating voter registration, disaggregated by
 8 program;

9 (C) ~~an~~ An assessment of the impact of the National Voter
 10 Registration Act of 1993, United States Code 52 USC § 20508, on the
 11 administration of elections; and

12 ~~(D)~~ (D) ~~recommendations~~ Recommendations for improvements in
 13 procedures, forms, and other matters affected by the National Voter
 14 Registration Act of 1993, United States Code 52 USC § 20508.

15

16 SECTION 5. Arkansas Constitution, Amendment 51, § 8(d), concerning
 17 voter registration application records and reports, is amended to read as
 18 follows:

19 (d) Every six (6) months the state-level administration of each voter
 20 registration agency shall issue a report to the Legislative Council and the
 21 Secretary of State containing:

22 (1) ~~the~~ The statistical and other information collected in each
 23 voter registration agency office, including the:

24 (A) Number of and description of each voter registration
 25 agency;

26 (B) Method of integrating voter registration in the voter
 27 registration agency; and

28 (C) Total number of registration application forms
 29 transmitted to the Secretary of State, disaggregated by month by the voter
 30 registration agency;

31 (2) The statistical and other information collected in each
 32 public assistance agency, including the:

33 (A) Number of and description of each voter registration
 34 agency;

35 (B) Method of integrating voter registration in the voter
 36 registration agency; and

1 (C) Number of registration application forms transmitted
2 to the Secretary of State, disaggregated by month by the voter registration
3 agency; and

4 (3) ~~recommendations~~ Recommendations for improvements in
5 procedures, forms, and other matters, including training.

6
7 SECTION 6. Arkansas Constitution, Amendment 51, § 9(a), concerning the
8 application to register to vote, is amended to add an additional subdivision
9 to read as follows:

10 (4) Are citizens of the United States.

11
12 SECTION 7. Arkansas Constitution, Amendment 51, § 11(a), concerning
13 the cancellation of voter registration, is amended to add an additional
14 subdivision to read as follows:

15 (7) Who are not citizens of the United States.

16
17 SECTION 8. Arkansas Constitution, Amendment 51, § 11(f), concerning
18 the cancellation of voter registration, is amended to read as follows:

19 (f) Within ten (10) days following the receipt or possession of
20 information requiring any cancellation of registration, ~~other than under~~
21 ~~section 11(a)(1) of this amendment,~~ the permanent registrar shall cancel the
22 registration, and note the date of the cancellation, the reason for the
23 cancellation, and the person cancelling the registration in the voter
24 registration system.

25
26 SECTION 9. Arkansas Constitution, Amendment 51, § 13(b)(1)(A)(i)(a),
27 concerning fail-safe voting and verification of voter registration, is
28 amended to read as follows:

29 (a) Shows the legal name of the person to whom
30 the document or identification card was issued;

31
32 SECTION 10. Arkansas Constitution, Amendment 51, § 13(b)(1)(A)(i)(c),
33 concerning fail-safe voting and verification of voter registration, is
34 amended to read as follows:

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

1 State of Arkansas, or a trade school in the State of Arkansas; and

2
3 SECTION 11. Arkansas Constitution, Amendment 51, § 13(b)(8)(C),
4 concerning fail-safe voting and verification of voter registration, is
5 amended to read as follows:

6 (C) The prosecuting attorney or a state entity authorized
7 by the General Assembly may investigate possible voter fraud.

8
9 SECTION 12. Arkansas Constitution, Amendment 51, § 15(b), concerning
10 penalties for violations of the voter registration laws, is amended to read
11 as follows:

12 (b) Any public official, ~~or~~ election official, or public employee who
13 wilfully violates any provision of this amendment shall be guilty of a
14 misdemeanor, and upon conviction thereof shall also be removed from such
15 office or position.

16
17 SECTION 13. Arkansas Code § 7-4-121, concerning election audits by the
18 State Board of Election Commissioners, is amended to add an additional
19 subdivision to read as follows:

20 (c)(1) An audit shall be performed by the State Board of Election
21 Commissioners of the voter registration data to ensure voter registration
22 data is accurate and up to date.

23 (2) The audit shall be performed annually by December 31.

24 (3) The results of the audit shall be made publicly available on
25 the State Board of Election Commissioner's website.

26
27 /s/McClure

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29
30 **APPROVED: 4/4/23**