

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

A Bill

HOUSE BILL 1753

5 By: Representative Long
6
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING VOTER
10 REGISTRATION; TO OPT-OUT OF THE NATIONAL VOTER
11 REGISTRATION ACT OF 1993; TO AMEND PROVISIONS OF
12 ARKANSAS CONSTITUTION, AMENDMENT 51, § 5; AND FOR
13 OTHER PURPOSES.
14
15

Subtitle

16 TO AMEND THE LAW CONCERNING VOTER
17 REGISTRATION; TO OPT-OUT OF THE NATIONAL
18 VOTER REGISTRATION ACT OF 1993; AND TO
19 AMEND PROVISIONS OF ARKANSAS
20 CONSTITUTION, AMENDMENT 51, § 5.
21
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. DO NOT CODIFY. Findings - Opt-out.

26 (a) The General Assembly finds that:

27 (1) The United States Supreme Court has long held that states do
28 not have to participate in the enforcement or effectuation of federal acts or
29 regulatory programs;

30 (2) The United States Supreme Court has made this ruling four
31 (4) times in the last thirty-three (33) years, originating as far back as
32 1842 in the following cases:

33 (A) Murphy v. NCAA, 584 U.S. 453 (2018);

34 (B) Nat'l Fed'n of Indep. Bus. v. Sebelius, 567 U.S. 519
35 (2012);

36 (C) Printz v. United States, 521 U.S. 898 (1997);



1 (D) New York v. United States, 505 U.S. 144 (1992); and

2 (E) Prigg v. Pennsylvania, 41 U.S. 539 (1842); and

3 (3) This state and its political subdivisions have adopted a
 4 policy of refraining from providing any assistance or material aid for
 5 enforcing or implementing the National Voter Registration Act of 1993, 52
 6 U.S.C. § 20501 et seq.

7 (b) The State of Arkansas opts out of the enforcement and effectuation
 8 of the National Voter Registration Act of 1993, 52 U.S.C. § 20501 et seq.

9
 10 SECTION 2. Under the authority granted by Arkansas Constitution,
 11 Amendment 51, § 19, Arkansas Constitution, Amendment 51, § 5(a), concerning
 12 the duties of registration officials, is amended to read as follows:

13 (a) ~~Voter~~ At the request of the applicant, voter registration agencies
 14 shall distribute mail voter registration applications, provide assistance to
 15 applicants in completing voter registration application forms, ~~unless the~~
 16 ~~applicant refuses assistance,~~ and accept completed voter registration
 17 application forms for transmittal to the appropriate permanent registrar via
 18 the Secretary of State. Voter registration agencies include the following:

19 (1) The Office of Driver Services of the Revenue Division of the
 20 Department of Finance and Administration and all State Revenue Offices;

21 (2) Public assistance agencies, which shall mean those agencies
 22 that provide services under the ~~Food Stamps~~ Supplemental Nutrition Assistance
 23 Program, Medicaid, Aid to Families with Dependent Children (AFDC), and the
 24 Special Supplemental ~~Food~~ Nutrition Program for Women, Infants and Children
 25 (WIC) programs;

26 (3) Disabilities agencies, which shall mean agencies that offer
 27 state-funded programs primarily engaged in providing services to persons with
 28 disabilities;

29 (4) Public libraries; and

30 (5) The Arkansas National Guard.

31
 32 SECTION 3. Under the authority granted by Arkansas Constitution,
 33 Amendment 51, § 19, Arkansas Constitution, Amendment 51, § 5(b)(2) - (4),
 34 concerning the duties of registration officials, are amended to read as
 35 follows:

36 (2) ~~The~~ At the request of the applicant, the Office of Driver

1 Services and State Revenue Offices shall provide voter registration
 2 opportunities to those obtaining or renewing drivers licenses, personal
 3 identification cards, duplicate or corrected licenses or cards, or changing
 4 address or name whether in person or by mail. The Office of Driver Services
 5 ~~and State Revenue Offices shall use a computer process, which combines the~~
 6 ~~drivers license and voter registration applications, minimizing duplicative~~
 7 ~~information, and~~ shall have available the federal or state mail voter
 8 registration application form, which may be used upon request ~~or when the~~
 9 ~~computer process is not available. If a person declines to apply to register~~
 10 ~~to vote, the Office of Driver Services or State Revenue Office shall retain~~
 11 ~~the record of declination for two (2) years.~~

12 (3) ~~All~~ At the request of the applicant, all public assistance
 13 agencies shall provide a federal or state mail voter registration application
 14 form with each application for assistance, and with each recertification,
 15 renewal or change of address or name relating to such assistance. Public
 16 assistance agencies shall ~~provide voter registration application forms as~~
 17 ~~part of the intake process, or as a combined computer process when a computer~~
 18 ~~process is available. Public assistance agencies shall use a process or form~~
 19 ~~that combines the application for assistance with the voter registration~~
 20 ~~application when available. Public assistance agencies shall also provide~~
 21 ~~declination forms as described in 51-6 [section 6] of this amendment, which~~
 22 ~~shall be retained for two (2) years if an applicant declines to apply to~~
 23 ~~register to vote~~ have available the federal or state mail voter registration
 24 application form, which may be used upon request.

25 (4) ~~All~~ At the request of the applicant, all disabilities
 26 agencies shall provide a federal or state mail voter registration application
 27 form with each application for services and with each recertification,
 28 renewal or change of address or name relating to such services. Disabilities
 29 agencies shall ~~provide voter registration application forms as part of the~~
 30 ~~intake process, or as a combined computer process when a computer process is~~
 31 ~~available. Disabilities agencies may use a form that combines the application~~
 32 ~~for services or assistance with the voter registration application when~~
 33 ~~available~~ have available the federal or state mail voter registration
 34 application form, which may be used upon request. If the disabilities agency
 35 provides services in a person's home, then the agency shall also provide
 36 voter registration services at the person's home. ~~Disabilities agencies shall~~

1 ~~also provide declination forms as described in 51-6 [section 6] of this~~
 2 ~~amendment, which shall be retained for two (2) years if an applicant declines~~
 3 ~~to apply to register to vote.~~

4
 5 SECTION 4. Under the authority granted by Arkansas Constitution,
 6 Amendment 51, § 19, Arkansas Constitution, Amendment 51, § 6, is amended to
 7 read as follows:

8 § 6. Voter registration application forms.

9 (a)~~(1)~~ The mail voter registration application form may only require
 10 identifying information, including signature or mark, and other information,
 11 including data relating to previous registration by the applicant, as is
 12 necessary to assess the applicant's eligibility and to administer voter
 13 registration and other parts of the election process.

14 ~~(2)(b)~~ Such forms shall include, in identical print, statements
 15 that:

16 ~~(A)(1)~~ Specify voter eligibility requirements;

17 ~~(B)(2)~~ Contain an attestation that the applicant meets all
 18 voter eligibility requirements and that the applicant does not claim the
 19 right to vote in another county or state;

20 ~~(C)(3)~~ Specify the penalties provided by law for
 21 submission of a false voter registration application;

22 ~~(D)(4)~~ Inform applicants that where they register to vote
 23 will be kept confidential;

24 ~~(E) Inform applicants that declining to register will also~~
 25 ~~be kept confidential; and~~

26 ~~(F)(5)~~ Inform applicants that they will be required to
 27 verify their registration when voting in person or by absentee ballot by
 28 providing a required document or identification card as provided in Arkansas
 29 Constitution, Amendment 51, § 13-~~i~~;

30 ~~(G)(6)~~ 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 voter registration deadline to
 35 vote in the next election and that the applicant may elect to deliver the
 36 application in person or by mail; and

1 ~~(H)~~ (7) Inform the applicant of the process to determine
2 if the application has been received by the Secretary of State.

3 ~~(3)~~(c) The following information will be required of the
4 applicant:

5 ~~(A)~~ (1) Full name;

6 ~~(B)~~ (2) Mailing address;

7 ~~(C)~~ (3) Residence address and any other information
8 necessary to identify the residence of the applicant;

9 ~~(D)~~ (4) If previously registered, the name then supplied
10 by the applicant, and the previous address, county, and state;

11 ~~(E)~~ (5) Date of birth;

12 ~~(F)~~ (6) A signature or mark made under penalty of perjury
13 that the applicant meets each requirement for voter registration;

14 ~~(G)~~ (7) If the applicant is unable to sign his or her
15 name, the name, address, and telephone number of the person providing
16 assistance;

17 ~~(H)~~(8) If the applicant has a current and valid driver's
18 license, the applicant's driver's license number;

19 ~~(I)~~(9) If the applicant does not have a current and valid
20 driver's license, the last four (4) digits of the applicant's social security
21 number; and

22 ~~(J)~~(10) If the applicant does not have a current and valid
23 driver's license number or social security number, the Secretary of State
24 will assign the applicant a number which will serve to identify the applicant
25 for voter registration purposes, and this number shall be placed on the
26 application.

27 ~~(4)~~(d) The following information may be requested on the
28 registration card, but it shall not be required:

29 ~~(A)~~(1) Telephone number where the applicant may be
30 contacted; and

31 ~~(B)~~(2) Political party with which the applicant wishes to
32 be affiliated, if any.

33 ~~(5)~~(e) The mail voter registration application shall not include
34 any requirement for notarization or other formal authentication.

35 ~~(6)~~(f) The mail voter registration application form shall
36 include the following questions along with boxes for the applicant to check

1 “yes” or “no” in response:

2 ~~(A)(1)~~ “Are you a citizen of the United States of America
3 and an Arkansas resident?”;

4 ~~(B)(2)~~ “Will you be eighteen (18) years of age on or
5 before election day?”;

6 ~~(C)(3)~~ “Are you presently adjudged mentally incompetent by
7 a court of competent jurisdiction?”; and

8 ~~(D)(4)~~ “Have you ever been convicted of a felony without
9 your sentence having been discharged or pardoned?”.

10 ~~(7)(g)~~ The mail voter registration application form shall
11 include the following statements immediately following the questions asked in
12 ~~subdivision (a)(6)~~ subsection (f) of this section:

13 ~~(A)(1)~~ “If you checked ‘No’ in response to either
14 questions A or B, do not complete this form.”;

15 ~~(B)(2)~~ “If you checked ‘Yes’ in response to either
16 questions C or D, do not complete this form.”; and

17 ~~(C)(3)~~ The mail-in voter registration application form
18 shall include the following statement:

19 “If your voter registration application form is
20 submitted by mail and you are registering for the first time, and you do not
21 have a valid driver’s license number or Social Security number, in order to
22 avoid the additional identification requirements upon voting for the first
23 time you must submit with the mailed registration form: (a) a current and
24 valid photo identification; or (b) a copy of a current utility bill, bank
25 statement, government check, paycheck, or other government document that
26 shows your name and address.”.

27 ~~(8)(h)~~ If an applicant for voter registration fails to provide
28 any of the information required by this section, the permanent registrar
29 shall notify the applicant of the failure and provide the applicant with an
30 opportunity to complete the form in a timely manner to allow for its
31 completion before the next election for federal office.

32 ~~(9)(i)~~ The mail voter registration application shall be pre-
33 addressed to the Secretary of State.

34 ~~(b)(1)~~ ~~The voter registration application portion of the process used~~
35 ~~by the Office of Driver Services and state revenue offices shall include:~~

36 ~~(A)~~ ~~The question: “If you are not registered to vote where~~

~~you live now, would you like to apply to register to vote here today?";~~

~~(B) A statement that if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes;~~

~~(C) A statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes;~~

~~(D) Voter registration eligibility requirements;~~

~~(E) Penalties provided by law for providing false information;~~

~~(F) An attestation that the applicant meets each eligibility requirement and that the applicant does not claim the right to vote in another county or state; and~~

~~(G) A space for the applicant's signature or mark.~~

~~(2) The voter registration application portion shall require the signature of the applicant under penalty of perjury, but shall not require notarization or other formal authentication.~~

~~(e) Public assistance agencies and disabilities agencies shall provide, in addition to the federal or state mail voter registration application form, a declination form, to be approved by the State Board of Election Commissioners, which includes the following question and statements:~~

~~(1) The question in prominent type, "IF YOU ARE NOT REGISTERED TO VOTE WHERE YOU LIVE NOW, WOULD YOU LIKE TO APPLY TO REGISTER TO VOTE HERE TODAY? YES NO";~~

~~(2) The statement in close proximity to the question above and in equally prominent type, "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.";~~

~~(3) The statement, "APPLYING TO REGISTER OR DECLINING TO REGISTER TO VOTE WILL NOT AFFECT THE AMOUNT OF ASSISTANCE THAT YOU WILL BE PROVIDED BY THIS AGENCY.";~~

~~(4) The statement, "IF YOU WOULD LIKE HELP IN FILLING OUT THE VOTER REGISTRATION APPLICATION FORM, WE WILL HELP YOU. THE DECISION WHETHER TO SEEK OR ACCEPT HELP IS YOURS. YOU MAY FILL OUT THE APPLICATION FORM IN PRIVATE.";~~

~~(5) The statement, "IF YOU BELIEVE THAT SOMEONE HAS INTERFERED~~

1 ~~WITH YOUR RIGHT TO REGISTER OR TO DECLINE TO REGISTER TO VOTE, YOUR RIGHT TO~~
 2 ~~PRIVACY IN DECIDING WHETHER TO REGISTER OR IN APPLYING TO REGISTER TO VOTE,~~
 3 ~~OR YOUR RIGHT TO CHOOSE YOUR OWN POLITICAL PARTY OR OTHER POLITICAL~~
 4 ~~PREFERENCE, YOU MAY FILE A COMPLAINT WITH THE SECRETARY OF STATE AT~~
 5 ~~.....” (filled in with the address and telephone number of the~~
 6 ~~Secretary of State’s office);~~

7 ~~(6) The statement, “IF YOU DECLINE TO REGISTER TO VOTE, THE FACT~~
 8 ~~THAT YOU HAVE DECLINED TO REGISTER WILL REMAIN CONFIDENTIAL AND WILL BE USED~~
 9 ~~ONLY FOR VOTER REGISTRATION PURPOSES.”; and~~

10 ~~(7) The statement, “IF YOU DO REGISTER TO VOTE, THE OFFICE AT~~
 11 ~~WHICH YOU SUBMIT A VOTER REGISTRATION APPLICATION WILL REMAIN CONFIDENTIAL~~
 12 ~~AND WILL BE USED ONLY FOR VOTER REGISTRATION PURPOSES.”.~~

13
 14 SECTION 5. Under the authority granted by Arkansas Constitution,
 15 Amendment 51, § 19, Arkansas Constitution, Amendment 51, § 8(b), concerning
 16 transfer and change in status of a registered voter, is amended to read as
 17 follows:

18 (b) The Office of Driver Services, State Revenue Offices, public
 19 assistance agencies, disabilities and other voter registration agencies shall
 20 collect data on the number of voter registration applications completed ~~or~~
 21 ~~declined~~ at each agency, and any additional statistical evidence that the
 22 Secretary of State or the State Board of Election Commissioners deems
 23 necessary for program evaluation and shall retain such voter registration
 24 data for a period of two (2) years.

25
 26 SECTION 6. Under the authority granted by Arkansas Constitution,
 27 Amendment 51, § 19, Arkansas Constitution, Amendment 51, § 8(c)(1),
 28 concerning transfer and change in status of a registered voter, is amended to
 29 read as follows:

30 (c)(1) The Secretary of State shall collect, maintain, and publish
 31 monthly statistical data reflecting the number of new voter registration
 32 applications, and changes of address, name, and party affiliation, ~~and~~
 33 ~~declinations~~ received by mail and in:

- 34 (A) ~~state~~ State revenue offices;
- 35 (B) ~~public~~ Public assistance agencies;
- 36 (C) ~~disabilities~~ Disabilities agencies;

1 (D) ~~recruitment~~ Recruitment offices of the Armed Forces of
2 the United States;

3 (E) ~~public~~ Public libraries; and

4 (F) ~~offices~~ Offices of the Arkansas National Guard.
5

6 SECTION 7. Under the authority granted by Arkansas Constitution,
7 Amendment 51, § 19, Arkansas Constitution, Amendment 51, § 10(a) and (b)
8 concerning transfer and change in status of a registered voter, is amended to
9 read as follows:

10 (a) Upon a change of legal residence within the county, or a change of
11 name, any registered voter may cause his or her registration to be
12 transferred to his or her new address or new name by completing and mailing a
13 federal or state mail voter registration application form, ~~by updating his or~~
14 ~~her address at the Office of Driver Services, any state revenue office,~~
15 ~~public assistance agency, disabilities agency, or other voter registration~~
16 ~~agency,~~ by signing a mailed request to the permanent registrar, giving his or
17 her present address and the address at which he or she was last registered or
18 his or her present name and the name under which he or she was last
19 registered, or by applying in person at the office of the permanent
20 registrar.

21 (b)(1) Upon a change of legal residence from one (1) county within the
22 state to another county within the state, any registered voter may cause his
23 or her registration to be transferred to the new county at his or her new
24 address by:

25 (A) Completing and mailing a federal or state mail voter
26 registration application form;

27 (B) ~~Updating his or her new address at a voter~~
28 ~~registration agency, including without limitation the Office of Driver~~
29 ~~Services or a state revenue office, public assistance agency, or disabilities~~
30 ~~agency;~~

31 ~~(C)~~ Signing a mailed request to the permanent registrar
32 giving the voter's present address and the address at which the voter was
33 last registered; or

34 ~~(D)~~(C) Applying in person for the transfer at the office
35 of the permanent registrar.

36 (2)(A) If the updated registration information is actually

1 received in the office of the county clerk of the voter's new county not
 2 later than four (4) days before a scheduled election, the voter shall have
 3 the right to vote in the scheduled election in the precinct into which the
 4 voter just moved in the new county.

5 (B) If the updated registration information is not
 6 actually received by the fourth day before a scheduled election, the voter
 7 shall not be eligible to vote in the scheduled election.

8

9 SECTION 8. Arkansas Code § 7-1-101(15), concerning general definitions
 10 regarding elections, is amended to read as follows:

11 (15) "Fail-safe voting" means the mechanism ~~established under~~
 12 ~~the National Voter Registration Act of 1993, 52 U.S.C. § 20501 et seq.,~~ that
 13 allows a voter who has moved within the same county to vote at his or her new
 14 precinct without having updated his or her voter registration records;

15

16 SECTION 9. Arkansas Code § 7-7-307(b), concerning additional voter
 17 qualifications for primary elections, is repealed.

18 ~~(b) However, any additional qualifications established by a political~~
 19 ~~party shall comply with the National Voter Registration Act of 1993.~~

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36