

VOTER ID ACT

SUMMARY

This legislation requires any United States citizen[i] desiring to vote in a state to provide proof of identity at the polls, outlines permissible provisional ballots, and optionally[ii] provides for a free ID to those who do not have a driver's license.

SECTION 1. DEFINITIONS.

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

- (1) Shows the name of the person to whom the document was issued;
- (2) Shows a photograph of the person to whom the document was issued;
- (3) Contains an expiration date, and is not expired.
- (4) Is issued by the United States or the State of Arkansas.

SECTION 2. IDENTIFICATION REQUIREMENT TO VOTE.

(b) Any person desiring to vote in this state shall present proof of identity to the election official when appearing to vote in person either early or at the polls on Election Day.

(c) (1) If the voter is listed on the precinct voter registration list but fails to provide proof of identity, the election official shall:

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

(B) Request that the voter execute an affidavit in the presence of the election official containing:

(i) A written eligibility affirmation stating that he or she is a registered voter in the precinct in which he or she desires to vote and is eligible to vote; and

(ii) A statement that the voter cannot provide proof of identity because the voter:

- (a) Does not have proof of identity available at the time of voting;
- (b) Is indigent; or
- (c) Has a religious objection to being photographed.

(2) If a voter executes an affidavit under subsection (c) (1) (B) of this section, the election official shall permit the voter to cast a provisional ballot.

(d) A provisional ballot cast by a voter who did not provide proof of identity shall be counted if:

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

(B) If a voter does not return to the county board of election commissioners and provide proof of identity, the county board of election commissioners shall make a determination whether to count a provisional ballot cast by a voter who did not provide proof of identity based on the merits of each provisional ballot; and

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

(e) An identification card shall be issued without the payment of a fee or charge to an individual who:

(1) Does not have a valid driver's license; and

(2) Will be at least eighteen (18) years of age at the next general election, special election, or municipal election.

(f) The provisions of this section concerning the presentation of proof of identity when appearing to vote shall not apply to a person who is a resident of a licensed nursing home, licensed residential care facility, licensed assisted-living facility, or any licensed facility that provides long-term medical or personal care.

SECTION 3. REPEALS. The following are repealed: ----- ____ ____.

SECTION 4. EFFECTIVE DATE. This [act] takes effect _____.

[i]In its Taxpayer and Citizen Protection Act, ALEC also outlines suggested requirements for proof of citizenship when registering to vote.

[ii]Because numerous United States Supreme Court decisions have been interpreted to hold that government may not require citizens to pay any fee in exchange for the right to vote, bill drafters may wish to include a section that mandates the provision of publicly funded ID cards without cost to those citizens who request them.

Approved by the Public Safety and Elections Task Force on July 17, 2009.

Approved by the ALEC Board of Directors on August 27, 2009.