

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015

HJR 1007

4
5 By: Representative Lowery

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7 **HOUSE JOINT RESOLUTION**

8 AN AMENDMENT TO THE ARKANSAS CONSTITUTION REQUIRING
9 THE PRESENTATION OF CERTAIN IDENTIFICATION WHEN
10 CASTING A BALLOT; PROVIDING THAT A VOTER VOTING IN
11 PERSON SHALL PRESENT VALID GOVERNMENT-ISSUED
12 PHOTOGRAPHIC IDENTIFICATION BEFORE RECEIVING A
13 BALLOT; PROVIDING THAT A VOTER VOTING BY ABSENTEE
14 BALLOT SHALL SUBMIT WITH HIS OR HER ABSENTEE BALLOT
15 PROOF OF IDENTITY; SPECIFYING THE PROCESS FOR A VOTER
16 WHO FAILS TO SUBMIT REQUIRED PHOTOGRAPHIC
17 IDENTIFICATION OR PROOF OF IDENTITY TO CERTIFY HIS OR
18 HER BALLOT SO THAT IT MAY BE COUNTED; REQUIRING THE
19 GENERAL ASSEMBLY TO ENACT NECESSARY LAWS TO IMPLEMENT
20 THE AMENDMENT AND AUTHORIZING THE GENERAL ASSEMBLY TO
21 ENACT LAWS CREATING EXCEPTIONS FROM PROVIDING
22 GOVERNMENT-ISSUED PHOTO IDENTIFICATION AND PROOF OF
23 IDENTITY; AND PROVIDING THAT THE STATE OF ARKANSAS
24 SHALL ISSUE PHOTOGRAPHIC IDENTIFICATION AT NO CHARGE
25 TO AN ELIGIBLE VOTER WHO DOES NOT HAVE A FORM OF
26 IDENTIFICATION MEETING THE REQUIREMENTS OF THE
27 AMENDMENT.

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30 **Subtitle**

31 AN AMENDMENT TO THE ARKANSAS CONSTITUTION
32 REQUIRING THE PRESENTATION OF CERTAIN
33 IDENTIFICATION WHEN CASTING A BALLOT.

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36 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETIETH GENERAL



1 ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL
2 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

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4 THAT the following is proposed as an amendment to the Constitution of
5 the State of Arkansas, and upon being submitted to the electors of the state
6 for approval or rejection at the next general election for Representatives
7 and Senators, if a majority of the electors voting thereon at the election
8 adopt the amendment, the amendment shall become a part of the Constitution of
9 the State of Arkansas, to wit:

10
11 SECTION 1. Article 3 of the Arkansas Constitution is amended to add an
12 additional section to read as follows:

13 § 13. Presentation of identification when casting a ballot.

14 (a) A voter voting in person either early or at the polls on election
15 day shall present valid government-issued photographic identification before
16 receiving a ballot.

17 (b) A voter voting by absentee ballot shall submit with his or her
18 absentee ballot proof of identity.

19 (c)(1)(A) A voter unable to present government-issued photographic
20 identification under subsection (a) of this section shall be permitted to
21 vote a provisional ballot.

22 (B) A provisional ballot cast under subdivision (c)(1) of
23 this section shall be counted only if the voter subsequently certifies the
24 provisional ballot in the manner provided by law.

25 (2) An absentee ballot submitted without proof of identity under
26 subsection (b) of this section shall be counted only if the voter
27 subsequently certifies the absentee ballot in the manner provided by law.

28 (d)(1) The General Assembly shall enact laws necessary to implement
29 this section, including without limitation laws:

30 (A) Establishing the types of government-issued
31 photographic identification that a voter may present to receive a ballot;

32 (B) Identifying the items that may be submitted with an
33 absentee ballot to fulfill the proof of identity requirement; and

34 (C) Establishing the process for:

35 (i) A voter who votes a provisional ballot due to
36 his or her inability to present government-issued photographic identification

1 to certify his or her provisional ballot so that it may be counted; and

2 (ii) A voter voting by absentee ballot who fails to
3 submit proof of identity with his or her absentee ballot to certify his or
4 her ballot so that it may be counted.

5 (2) The General Assembly may provide by law for exceptions to
6 the requirements of subsections (a) and (b) of this section, including
7 without limitation establishing requirements for a person registering to vote
8 by mail who has not previously voted in a federal election in this state.

9 (e)(1) The State of Arkansas shall issue photographic identification
10 at no charge to an eligible voter who does not have a form of identification
11 meeting the requirements of the laws enacted by the General Assembly under
12 this section.

13 (2) A copy of photographic identification issued under
14 subdivision (e)(1) of this section shall qualify as proof of identity when
15 submitted with an absentee ballot.

16 (f) A voter meeting the requirements of this section shall also comply
17 with all additional laws regulating elections necessary for his or her vote
18 to be counted.

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20 SECTION 2. BALLOT TITLE AND POPULAR NAME. When this proposed
21 amendment is submitted to the electors of this state on the general election
22 ballot:

23 (1) The title of this Joint Resolution shall be the ballot
24 title; and

25 (2) The popular name shall be "An Amendment to the Arkansas
26 Constitution Requiring a Voter to Present Certain Identification When Casting
27 a Ballot and Requiring the State of Arkansas To Issue Photographic
28 Identification at No Charge to an Eligible Voter Who Does Not Have a Form of
29 Identification Meeting the Requirements of the Amendment."

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31 SECTION 3. EFFECTIVE DATE. This amendment is effective on July 1,
32 2017.

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