



STATE OF ARKANSAS
MIKE BEEBE
GOVERNOR

March 25, 2013

Dear Mr. President and Members of the Senate:

In accordance with Article 6, Section 15 of our Constitution, I write to inform you that today I have vetoed Senate Bill 2. I have done so because I believe the bill unnecessarily restricts and impairs our citizens' right to vote.

Article 3, Section 1 of our Constitution sets forth the qualifications to vote and declares that persons who meet those qualifications "*shall* be allowed to vote at any election in the State of Arkansas." Article 3, Section 2 unambiguously limits the power of the General Assembly to adopt any law that would deny or impair that right. Section 2 states that "No power, civil or military, shall *ever* interfere to prevent the free exercise of the right of suffrage; *nor shall any law be enacted . . . whereby the right to vote shall be impaired* or forfeited, except for the commission of a felony at common law, upon lawful conviction thereof."

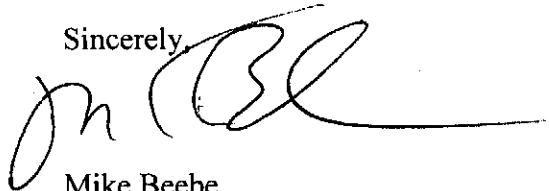
The strength of the aforementioned language in Article 3 raises obvious concerns about the constitutionality of Senate Bill 2, either as an unconstitutional impairment of the right to vote, and/or as an invalid attempt to add additional qualifications for voting that are not found in Article 3, Section 1. On the first issue, the answer would appear to depend upon the level of legal scrutiny our courts would apply which, in turn, might be influenced by the factual record that would be made about how the law, as applied, would burden the right to vote, but assuming the law is implemented as intended, it would likely survive a legal challenge. On the second issue, courts have split, basing their opinions on the specific language of their respective constitutions and existing court precedents. It is my understanding that a prediction as to how the Arkansas Supreme Court would decide this question cannot be made.

Legal concerns aside, given the importance of the right to vote, laws that would impair or make it more difficult to exercise that right should be justified by the most compelling of reasons. This is particularly so when the citizens, whose right to vote is most likely to be impaired, are those citizens who experience the most difficulty in voting in the first place: the elderly and the poor. A compelling justification should likewise be shown when the citizens most likely to be affected include minorities who have in the past been the target of officially-sanctioned efforts to bar or discourage them from participating in the electoral process.

Senate Bill 2 is not supported by any demonstrated need. While proponents of laws similar to Senate Bill 2 argue that they are necessary to combat "election fraud," the bill addresses only voter impersonation, and no credible study of "election fraud" supports the notion that such voter impersonation is or has been common in Arkansas. In a recent editorial, the only example of widespread voter impersonation provided by the primary sponsor of Senate Bill 2 occurred not in Arkansas, but in New York State some 30 years ago. Other types of election irregularities that have occurred – such as irregularities in absentee ballots – are not addressed by Senate Bill 2 at all. Arkansas law already requires a voter to be asked for identification when casting a ballot, and, if the voter cannot or chooses not to provide such identification, the voter's name may be submitted to proper authorities for investigation and, if warranted, prosecution for election fraud. There has been no demonstration that our current law is insufficient to deter and prevent voter impersonation.

Senate Bill 2 is, then, an expensive solution in search of a problem. The Bureau of Legislative Research estimates that Senate Bill 2 will cost approximately \$300,000 in tax dollars to implement; and that estimate does not take into account the ongoing costs that the taxpayers will continue to bear in future years. At a time when some argue for the reduction of unnecessary bureaucracy and for reduced government spending, I find it ironic to be presented with a bill that increases government bureaucracy and increases government expenditures, all to address a need that has not been demonstrated. I cannot approve such an unnecessary measure that would negatively impact one of our most precious rights as citizens.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Beebe", with a long horizontal flourish extending to the right.

Mike Beebe

MB:jb