

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative Henry**

A Bill

HOUSE BILL 1787

For An Act To Be Entitled

8 "AN ACT TO AMEND SECTIONS 5 THROUGH 15 OF AMENDMENT 51 TO
9 THE ARKANSAS CONSTITUTION TO PERMIT VOTER REGISTRATION BY
10 MAIL, TO PROVIDE FOR ELECTION REGISTRATION AT PRECINCTS,
11 AND TO PROVIDE FOR STATEWIDE VOTER REGISTRATION AND
12 COMPUTER REGISTRATION DATABASE SYSTEM; AND FOR OTHER
13 PURPOSES."

Subtitle

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17 "AN ACT TO AMEND AMENDMENT 51 TO THE ARKANSAS CONSTITUTION
18 TO PERMIT VOTER REGISTRATION BY MAIL AND PROVIDE FOR
19 STATEWIDE VOTER REGISTRATION SYSTEM."

20
21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

22
23 SECTION 1. Section 5 of Amendment 51 to the Arkansas Constitution is
24 hereby amended to read as follows:

25 "§ 5. Duties of Registration Officials.

26 (a) The registration of voters is to be under the supervision of the
27 Permanent Registrar. Eligible voters resident in a county may register at any
28 time from and after the effective date of this amendment at the office of the
29 Permanent Registrar, at any other place or places within the county as are
30 designated by the Permanent Registrar, or by mail. The Permanent Registrar
31 shall provide office and clerical facilities and may employ such clerical
32 assistants, including Volunteer Deputy Registrars, which he may deem necessary
33 to fulfill the duties imposed by this amendment; provided, that all clerical
34 assistants so employed shall have the qualifications required by law of
35 eligible voters and shall be selected on the basis of competence and without

1 reference to political affiliation.

2 (b) The Auditor of State, from and after the effective date of this
3 amendment, shall provide a sufficient number of blank forms to each Permanent
4 Registrar for the registration of the voters in each county and for
5 distribution to those offices set out in Sec. 9.(f) of this amendment. The
6 forms shall be known as Application and Affidavit of Registration
7 (hereinafter called APPLICATION) and shall consist of looseleaf sheets of
8 durable quality suitable for mailing. All such APPLICATIONS shall be made and
9 executed as a single original form. All forms shall be numbered sequentially
10 by county and the number shall be printed on the form by the voter registrar
11 in each county.

12 (c) The Voter Registration APPLICATION form used for registration by
13 mail shall contain clear and concise instructions prescribed by the Auditor of
14 State and shall include notification to the applicant of the following:

15 (1) That the assistance of any person may be used in completing the
16 form;

17 (2) That the witness must be a registered voter in the State of
18 Arkansas;

19 (3) That all required information must be supplied in legible form;

20 (4) That the completed APPLICATION must be mailed or delivered to the
21 Permanent Registrar at least thirty (30) days before an election in order for
22 the applicant to be registered for the next election;

23 (5) Notification of the penalty for conviction of false registration;
24 and

25 (6) Such other instructions that promotes accurate and efficient
26 registration by mail.

27 (d) Upon receipt of a mail-in APPLICATION, the Permanent Registrar
28 shall stamp such APPLICATION with the date of receipt. Within twenty (20)
29 days of receipt of a mail-in APPLICATION, the Permanent Registrar shall
30 complete action on the APPLICATION.

31 (e) Action on APPLICATION by Registrar.

32 (1) The Registrar shall examine each submitted APPLICATION, whether in
33 person or by mail, to determine if the applicant is eligible for registration.

34 (2) If the Registrar determines that an APPLICATION is complete and
35 complies with all requirements and indicates that the applicant is eligible

1 for registration, the Registrar shall approve the APPLICATION.

2 (3) The Registrar shall complete action on a mail-in
3 APPLICATION within fourteen (14) days of receipt. The date of receipt of such
4 APPLICATION shall be stamped thereon.

5 (4) After approval of a registration APPLICATION, the Registrar shall:

6 (i) Assign a registration number to each person to be registered as a
7 voter.

8 (ii) Enter the applicant's registration number, county voting
9 precinct, city ward (if applicable), school district, school district zone (if
10 applicable), Justice of the Peace (JP) District, State Representative (Rep)
11 District, State Senate (Sen) District, Congressional District and usual
12 polling place on the APPLICATION.

13 (iii) Prepare a Voter Registration Certificate in duplicate and issue
14 the original certificate to the applicant. The voter Registration
15 Certificate shall be in a uniform standard form prescribed by the Auditor of
16 State.

17 (iv) Enter the appropriate information regarding the applicant into the
18 state-wide voter registration computer system.

19 (5) On receipt of a voter registration certificate issued hereunder,
20 the person to whom the certificate is issued must personally sign it in the
21 appropriate space.

22 (f) Delivery of Initial Certificate to Voter.

23 (1) The Registrar may deliver the original Certificate in person to the
24 applicant or by mailing the Certificate to the applicant.

25 (2) If delivery is by mail, the Registrar shall send the Certificate to
26 the mailing address on the applicant's registration APPLICATION by non-
27 forwardable mail. If the Certificate is returned as undeliverable, the
28 voter's registration shall be void.

29 (g) Rejection of APPLICATION.

30 (1) If the Registrar determines that an APPLICATION does not comply
31 with all requirements or does not indicate that the applicant is eligible for
32 registration, the Registrar shall reject the APPLICATION. An APPLICATION
33 shall be rejected for any of the following reasons:

34 (i) Any portion of the APPLICATION is not complete or is illegible;

35 (ii) The Permanent Registrar is unable to determine the precinct or

1 other governmental sub-divisions in which the voter should be assigned;

2 (iii) It appears from the APPLICATION that the applicant is not
3 qualified to register to vote;

4 (iv) The applicant is already registered as a qualified elector of the
5 county.

6 (h) Notice of Rejection.

7 (1) The Registrar shall notify the applicant of the reason for the
8 rejection of an APPLICATION. If the APPLICATION is by mail, then the
9 Registrar shall give written notice by non-forwardable mail to the applicant
10 not later than the second day after the date of rejection.

11 (2) This written notice shall further inform the applicant that he has
12 a right, within ten (10) days of the postmark date of the Notice, to register
13 by appearing in person before the Registrar or by submitting by mail the
14 information necessary to correct and complete the rejected APPLICATION.

15 (3) If the Registrar rejects an APPLICATION in the applicant's
16 presence, at that time, the Registrar shall orally inform the applicant of the
17 reason for the rejection.

18 (4) If the rejection is for incompleteness, the Registrar shall return
19 the APPLICATION to the applicant for completion and resubmission.

20 (5) If the rejection is for the reason that the applicant is already
21 registered in the county and the `_residence address_` given on the APPLICATION
22 is different from the residence address for the applicant found in the
23 Registration Record files, the APPLICATION shall be considered a written
24 request for an address change. The Registrar shall record such new address on
25 the records and, if necessary, transfer the applicant to a new precinct, and
26 give notice, in writing, to the applicant of the new precinct and other
27 governmental subdivisions for voting.

28 (i) The Auditor of State is authorized to prescribe, adopt, publish and
29 distribute:

30 (1) Such Rules and Regulations supplementary to this Amendment and
31 consistent with this Amendment and other laws of Arkansas as are necessary to
32 secure uniform and efficient procedures in the administration of this
33 Amendment throughout the State;

34 (2) A Manual of Instruction for the information, guidance and direction
35 of voter registration officials within the State; and

1 (3) Detailed specifications of the Registration Record Files, the
2 Application and Affidavit of Registration and other registration forms, all of
3 which shall be consistent with this Amendment and uniform throughout the
4 State."

5

6 SECTION 2. Section 6 of Amendment 51 to the Arkansas Constitution is
7 hereby amended to read as follows:

8 "§ 6. Eligibility for registration.

9 (a) To be eligible for registration as a voter in this State, a person
10 must:

11 (1) Be eighteen (18) years of age or older, or will become eighteen

12 (18) years of age on or before the date of the next election;

13 (2) be a United States citizen;

14 (3) be a resident of the county;

15 (4) not have been convicted of a felony or, if so, has been pardoned

16 or has completed sentence and released by the Department of Corrections;

17 (5) not be under guardianship of the person; or

18 (6) not have been found legally incompetent by a court.

19 (b) A person desiring to register to vote must submit an APPLICATION to
20 the Registrar of the county in which the person resides.

21 (c) A registration APPLICATION must be in writing on the form
22 prescribed by the Auditor of State and shall be signed by the applicant.

23 (d) The APPLICATION form must include:

24 (1) The name of the County in which issued;

25 (2) the applicant's name, including the first name, middle name or
26 initial (if any), and last name;

27 (3) the month, day and year of birth of the applicant;

28 (4) the applicant's sex;

29 (5) the applicant's Social Security number (optional), Arkansas
30 Driver's License number, or Arkansas State identification number;

31 (6) the applicant's residence address, including street or road name
32 and house number or rural route and box number, and a concise description of
33 the applicant's residence as makes it possible for determination of the
34 applicant's proper precinct and other governmental subdivisions. If the voter
35 resides at a hotel, motel, apartment house, boarding house or institution,

1 such additional information shall be included as is necessary to determine the
2 exact location of the legal residence of the applicant.

3 (7) a telephone number at which the applicant may be contacted by the
4 Registrar during normal working hours to obtain additional information
5 regarding the applicant's APPLICATION. The telephone number may not be used
6 for any other purpose. The Registrar may not transcribe, copy, or otherwise
7 record a telephone number furnished on a registration APPLICATION.

8 (8) County and State of applicant's birth;

9 (9) Country of the applicant's birth if foreign born;

10 (10) if foreign born, how United States citizenship was
11 acquired, including the location of the court and the date thereof, and if
12 naturalized through another person, the name of such person;

13 (11) an indication that the applicant is unable to read or
14 write;

15 (12) an indication that the applicant is unable to make a mark or cross
16 on the APPLICATION or on a ballot;

17 (13) political party affiliation, if any, (optional), provided,
18 however, no person shall hold any political party office unless such person
19 shall have first registered his party affiliation as a member of such
20 political party with the Permanent Registrar of the County;

21 (14) the address, including city, county and state, where the voter
22 was last registered, if any, and the name under which so registered;

23 (15) declaration, under oath, that the applicant has all the
24 qualifications of an elector in the County and State, i.e. a statement that
25 the applicant is a United States citizen, a resident of the County, of the
26 eligible age, that the applicant has never been convicted of a felony, or if
27 so, that the sentence has been completely discharged and that the applicant
28 has been released by the Department of Corrections, or has been pardoned;

29 (16) the signature of the applicant. The APPLICATION shall be signed
30 with permanent black ink with the applicant's given name, middle name or
31 initial, if any, and last name. If the applicant is unable to sign his name,
32 the applicant may make a mark or cross witnessed by the Permanent Registrar,
33 Deputy Registrar, or the person who witnesses the APPLICATION [as provided by
34 Section 5(c)(2) of this Amendment]. If the applicant signs with a mark or
35 cross, or is unable to make any such mark or cross, the Permanent or Deputy

1 Registrar, or witness as provided in Section 5(c)(2) of this Amendment, shall
2 indicate His Mark or Unable to Sign and the month, day and year of the
3 applicant's birth in the space provided for signature."
4

5 SECTION 3. Section 7 of Amendment 51 to the Arkansas Constitution is
6 hereby amended to read as follows:

7 "§ 7. Active Registration record files.

8 (a) In each county, the Permanent Registrar shall maintain, in
9 alphabetical order, an active Registration Record File containing the approved
10 registration APPLICATIONS of the registered voters in the County.

11 (b) The registration APPLICATION files maintained under this section
12 shall be kept in the registrar's office at all times in a place and manner
13 ensuring their security.

14 (c) In each county, the Permanent Registrar shall also maintain
15 registration APPLICATION files using the state-wide voter registration
16 computer system.

17 (d) In each county, the Permanent Registrar shall cause to be printed a
18 listing of registered voters, to be known as the Precinct Register of
19 Voters, arranged alphabetically by precinct, and made available to the
20 appropriate County Board of Election Commissioners or other lawfully
21 designated election officials, for delivery to the polling places to be used
22 in all elections.

23 (e) the Precinct Register of Voters shall contain:

24 (1) The name of the County, and the name and date of the election to be
25 held in the County;

26 (2) The precinct name or number, or both;

27 (3) The voter's registration (APPLICATION) number;

28 (4) A short blank line on which the Election Clerk shall indicate (x)
29 the voter received a ballot at the polling place;

30 (5) The voter's last name, first name and middle name or initial (if
31 any);

32 (6) The voter's date of birth;

33 (7) The printed image of the voter's digitized signature;

34 (8) A blank line for the voter's original signature; and

35 (9) The voter's registration (APPLICATION) number in bar-code language

1 (for use in updating the voting record after an election is completed).

2 (f) The County Board of Election Commissioners or other lawfully
3 designated election officials shall cause the Precinct Register of Voters to
4 be available at the polling places on the date of all elections, and shall
5 return them at the close of the election to the office of the Permanent
6 Registrar with the ballot boxes, to be retained by the Permanent Registrar for
7 the period of time specified by law for such election materials."

8

9 SECTION 4. Section 8 of Amendment 51 to the Arkansas Constitution is
10 hereby amended to read as follows:

11 "§ 8. .Inactive Registration Record File.

12 In each county, the Permanent Registrar shall maintain an Inactive
13 Registration File, for a period of two (2) years, containing all cancelled and
14 finally rejected APPLICATIONS arranged in alphabetical order."

15

16 SECTION 5. Section 9 of Amendment 51 to the Arkansas Constitution is
17 hereby amended to read as follows:

18 "§ 9. Voter Registration Required.

19 (a) All persons may register who:

20 (1) are qualified electors, by meeting the eligibility requirements as
21 specified in Sec. 6 hereof and who have not previously registered;

22 (2) will become otherwise qualified electors during the thirty (30) day
23 period immediately prior to the next election scheduled within the county; or

24 (3) are otherwise qualified electors but whose registration has been
25 cancelled or is subject to cancellation in a manner provided for by this
26 amendment.

27 (b) An active registration status shall be maintained for all persons
28 who are legally registered to vote on the date this change to mail-in
29 registration becomes effective. The Permanent Registrar shall convert all
30 such registered voters to the statewide computer system.

31 (c) The Permanent Registrar, after all voter registration files have
32 been converted to the statewide computer system, shall retain the present
33 _ORIGINAL_ voter registration affidavit and maintain the same in the Active
34 Registration Record File. After conversion to the statewide computer system,
35 the present _duplicate_ and _triplicate_ copies may then be destroyed.

1 (d) The Permanent Registrar shall be responsible, after the
2 aforementioned conversion, to:

3 (1) prepare a new Voter Registration Certificate for each such
4 registered voter;

5 (2) mail such Certificate to the voter marked _DO NOT FORWARD_. If
6 such Certificate is returned to the Permanent Registrar as _undeliverable_,
7 _Addressee Unknown_, or such other wording so as to indicate the voter is no
8 longer resident at the address indicated on the voter registration file, the
9 registration shall be cancelled and each such voter shall be required to re-
10 register.

11 (e) Registration shall be in progress at all times except during the
12 thirty (30) day period immediately prior to any election scheduled within the
13 county, except qualified persons may register and vote during the early voting
14 period beginning twenty (20) days immediately preceding the date of the
15 election and ending seven (7) days immediately preceding the election. No
16 registration of voters will take place in the period between thirty (30) days
17 prior to the election and twenty-one (21) days prior to the election, or in
18 the period between the close of regular business hours seven (7) days prior to
19 the election and close of regular business hours one (1) day prior to the
20 election.

21 (f) The Permanent Registrar shall make mail-in APPLICATIONS available
22 at:

23 (1) All public libraries in their respective counties;

24 (2) All offices of Municipal Clerks, City Clerks, or Recorder-
25 Treasurers in each city of the first class or second class and incorporated
26 towns in their respective counties;

27 (3) All offices of the Cooperative Extension Service in their
28 respective counties;

29 (4) All offices of the Employment Security Division in their respective
30 counties;

31 (5) The offices of the principal of every public high school within
32 their respective counties, for the exclusive use of the faculty, staff and
33 students of such schools;

34 (6) The office of the registrar of every Vocational Technical School,
35 every public Community College, Junior College, College and University in

1 their respective counties;

2 (7) At every Department of Finance and Administration Revenue Office in
3 their respective counties;

4 (8) At every office operated by the Department of Human Services in
5 their respective counties; and

6 (9) At such other locations as may be prescribed by rule or regulation
7 adopted by the Auditor of State.

8 (g) Each public agency listed above shall be required to post signs,
9 which shall be furnished by the Auditor of State, indicating persons who wish
10 to register to vote may do so at that facility.

11 (h) It shall be the responsibility of all employees at each public
12 office listed in (f) (1) through (f) (9) above to positively offer a mail-in
13 voter registration APPLICATION to every person, eighteen (18) years or older,
14 with whom they come in contact during their working day. Should any such
15 person request assistance in completing said APPLICATION, each such public
16 employee shall assist that person. Persons who register to vote at such
17 public offices may leave their APPLICATIONS at that office for forwarding to
18 the Permanent Registrar. It shall be the responsibility of the Supervisor of
19 such public office to collect and forward to the proper Permanent Registrar
20 all registration APPLICATIONS deposited at that office. If the Supervisor is
21 unable to determine to which Permanent Registrar any APPLICATION should be
22 forwarded, he shall forward it to the Auditor of State for determination.

23 (i) If the permanent registrar has any reason to doubt the
24 qualifications of an applicant for registration, he shall submit such
25 APPLICATION to the County Board of Registrars and such Board shall make a
26 determination with respect to such qualifications and shall instruct the
27 permanent registrar regarding the same.

28 (j) If any person eligible to register as a voter is unable to register
29 without assistance because of illness or physical disability, the permanent
30 registrar , when notified of such inability, shall register the applicant at
31 his place of abode within such county, if practicable, in the same manner as
32 if he had appeared at the permanent registrar's office.

33 (k) Notwithstanding other provisions of this Amendment, every person,
34 in any of the following categories, who is absent from the place of his voting
35 residence may vote without registration, by absentee ballot, in any primary,

1 school, special or general election held in his election precinct, if he is
2 otherwise eligible to vote in that election:

3 (1) Members of the Armed Forces while in active service, and their
4 spouses and dependents.

5 (2) Members of the Merchant Marines in the United States and their
6 spouses and dependents.

7 (3) Citizens of the United States temporarily residing outside the
8 limits of the United States and the District of Columbia, and their spouses
9 and dependents when residing with or accompanying them.

10 (1) Any person whose registration status or voting eligibility is
11 affected adversely by an administrative determination under this Amendment may
12 appeal such adverse determination within five (5) days of receipt of notice
13 thereof to the County Board of Registration. The County Board of
14 Registration shall act on such appeal and render its decision within ten (10)
15 days of its receipt. Within thirty (30) days after receipt of such decision,
16 any aggrieved party may appeal further to the Circuit Court of the county."
17

18 SECTION 6. Section 10 of Amendment 51 to the Arkansas Constitution is
19 hereby amended to read as follows:

20 "§ 10. Transfer and Change of Status.

21 (a) Any registered voter who shall change his legal residence (move
22 from one residence to another), or who has an address change for any reason
23 within the County, shall notify the Permanent Registrar of such change by
24 mailing a completed APPLICATION or a letter stating his former address,
25 current address, voter identification number and signed in his handwriting, or
26 by applying in person at the office of the Permanent Registrar or before any
27 volunteer deputy registrar.

28 (b) Upon receipt and approval of the request (APPLICATION) which
29 indicates a change of address or transfer of registration to a new precinct,
30 the Permanent Registrar shall enter the new information into the statewide
31 computer system and issue a new Voter Registration Certificate. Procedures
32 for issuance and delivery of the new Certificate shall be the same as
33 specified in Section 5(e)(4).

34 (c) The Permanent Registrar, upon receipt of a notice, by any means,
35 that any voter has changed his legal residence address within the county shall

1 first record such change of residence address on the computer Voter
2 Registration Record files in order that the registered voter will appear on
3 the proper Precinct Register of Voters list for future elections. Within
4 fourteen (14) days of receipt of such notice, the Permanent Registrar shall
5 notify all such persons whose precincts may be changed in accordance with this
6 subsection of the action taken by the Registrar. The notice shall be by first
7 class mail and shall be in substantially the following form:

8 _You are hereby notified that the Permanent Registrar has received
9 information that your residence address is different than that shown on the
10 Registration Record files; that your registration record has been changed to
11 reflect the new information as shown hereon; and that unless you respond in
12 writing to the Permanent Registrar within ten (10) days of this Notice that
13 you are still a qualified voter at the previously registered address by
14 providing proof of residence, a new Voter Registration Certificate will be
15 issued and delivered to you._

16 If the notice is returned as undeliverable the registration shall be
17 cancelled.

18 (d) A registrant who has moved from an address in the area covered by a
19 polling place to an address in the same area, or has an address different from
20 the address as indicated on the Precinct Register of Voters, and has failed to
21 notify the registrar of the change of address prior to the date of an
22 election, may be permitted to vote at that polling place after completion of
23 an APPLICATION before an Election Official at that polling place and
24 verification of the person's address by that official.

25 (e) A registrant who has moved from an address in the area covered by
26 one polling place to an address in an area covered by a second polling place
27 within the county and who has failed to notify the Registrar of the new
28 address prior to the date of the election, shall be permitted to correct the
29 voting records and vote at a central location (County Clerk's office) upon
30 written affirmation by the registrant of the new address on a APPLICATION form
31 provided by the Registrar.

32 (f) Upon a change of legal residence to another county within the State
33 of Arkansas, or to another state, a previously registered voter must re-
34 register and shall record the last registered address in the space provided
35 for such purpose on the APPLICATION, or on any form used by the other state.

1 (g) Upon a change of name by marriage or otherwise, a previously
2 registered voter must re-register and shall record the former name in the
3 spaces provided for such purpose on the APPLICATION. Re-registration under
4 this section will be conducted in the same manner and method as specified
5 herein."

6

7 SECTION 7. Section 11 of Amendment 51 to the Arkansas Constitution is
8 hereby amended to read as follows:

9 "§ 11. Election Day Registration.

10 (a) Any person otherwise qualified to vote, but not registered in the
11 precinct in which he resides may also register to vote on election day at the
12 polling place of the precinct in which he resides. All necessary forms shall
13 be available at each polling place in the county.

14 (b) To register to vote on election day, a person must complete and
15 *sign the APPLICATION in the presence of the voter registrar assigned to the*
16 *precinct by the Permanent Registrar and provide proof of residence to that*
17 *voter registrar. He or she may prove residence on election day ONLY by:*

18 (1) presenting a valid Arkansas Driver's License or Arkansas
19 Identification Card which indicates he is a resident of that precinct;

20 (2) having a person who is a registered voter in the precinct sign an
21 oath in the presence of the designated election official vouching that he
22 personally knows the registrant is a resident of the precinct and that the
23 registrant resides at the address indicated on the APPLICATION. A voter who
24 has been vouched for on election day may not sign a proof of residence oath
25 vouching for any other individual on that election day.

26 (c) If an individual who registers on election day proves residence by
27 oath of a registered voter, the oath form shall be attached to the
28 individual's registration APPLICATION.

29 (d) All such registrations received at polling places on election day
30 shall be forwarded to the Permanent Registrar who shall add the name of each
31 voter to the registration system and file the same in the manner prescribed
32 for registrations received prior to election day. If the registration
33 information on the APPLICATION is deficient, the Registrar shall give written
34 notice, by non-forwardable mail, to the individual whose APPLICATION is found
35 deficient. If a notice is returned as undeliverable and no determination of

1 the voter's residence can be made, an inquiry shall be conducted to determine
2 if there is a possible violation.

3 (e) The Permanent Registrar shall report to the Prosecuting Attorney
4 for his county when:

5 (1) he discovers evidence of questionable circumstances or
6 information regarding a voter registration APPLICATION;

7 (2) he discovers that a person who has not registered to vote has been
8 allowed to vote;

9 (3) he discovers a voter appears to have voted in a precinct in which
10 he does not reside and the circumstances might be construed to be of a
11 fraudulent nature, or;

12 (4) a notice is returned pursuant to Section 11(d).

13 (f) When a voter uses a driver's license or state identification card
14 to prove residence when registering on election day, the voter registrar who
15 is registering voters shall record the number of that document on the
16 APPLICATION.

17 (g) One election judge may both distribute ballots and register voters
18 during the course of an election day, but one judge shall not perform both
19 functions for the same voter. Persons wishing to register to vote on election
20 day at the polling place may request assistance of a voter registrar, if
21 necessary. The voter registrar shall confine questions to information
22 required to complete the APPLICATION.

23 (h) Voter registrars who will be registering voters on election day
24 shall receive training on election day registration procedures from the
25 Permanent Registrar at the same time training is provided for election day
26 voting procedures."

27

28 SECTION 8. Section 12 of Amendment 51 to the Arkansas Constitution is
29 hereby amended to read as follows:

30 "§ 12. Cancellation of Registration.

31 (a) It shall be the duty of the permanent registrar to cancel the
32 registration of voters:

33 (1) who have failed to vote in any election during four (4) successive
34 calendar years immediately preceding the first of January of any year;

35 (2) who have changed their residence to an address outside the county;

1 (3) who have died or who have changed their name;

2 (4) who have been convicted of felonies and have not discharged their
3 sentence or been pardoned;

4 (5) who are not lawfully qualified or registered electors of this
5 State, or of the county;

6 (6) who have been notified pursuant to Section 10 of this Amendment,
7 but said notice has been returned as undeliverable;

8 (7) who request, in writing, that their voter registration be
9 cancelled, provided the signature on the request appears to be the signature
10 of that elector, or

11 (8) who have been determined to be ineligible to vote in the county
12 pursuant to any provision of this Amendment.

13 (b) It shall be the duty of the permanent registrar of each county,
14 upon the registration of a person who has been registered previously in
15 another state or county to promptly notify the permanent registrar of such
16 other county or proper authority of such other state of the new registration.

17 (c) It shall be the duty of the Director of the Division of Vital
18 Records to promptly notify the permanent registrar in each county of the death
19 of all residents of such county.

20 (d) It shall be the duty of the Circuit Clerk of each county upon the
21 conviction of any person of a felony to promptly notify the permanent
22 registrar of the county of residence of each convicted felon.

23 (e) Within ten (10) days following the receipt or possession of
24 information requiring any cancellation of registration, except as otherwise
25 provided for in Section 12(f) of this Amendment, the permanent registrar shall
26 stamp the word "cancelled" across the face of such original APPLICATION and
27 note the date of cancellation and the signature of the person so cancelling.
28 Such cancelled original APPLICATION shall then be transferred to the Inactive
29 Registration File .

30 (f) The permanent registrar shall, thirty (30) days before
31 cancellation, notify all persons whose APPLICATIONS are to be cancelled in
32 accordance with Section 12(a) (1) of this Amendment. The notice may be either
33 by publication or by first class mail. The notice by mail shall be as
34 follows:

35

1 _NOTICE OF IMPENDING CANCELLATION OR VOTER REGISTRATION. Notice is
2 hereby given that due to your failure to vote in any election in this county
3 during the preceding four (4) calendar years, under the laws of this State
4 your voter registration will be cancelled, unless you respond in person or by
5 mail to this office within thirty (30) days after the date postmarked on the
6 envelope of this notice that you are still a qualified voter and desire that
7 your voter registration not be cancelled._

8

9 Alternatively, the permanent registrar may publish a list of the names
10 of all persons whose APPLICATIONS are to be cancelled in accordance with
11 Section 12(a)(1) of this Amendment. The list shall be published in a legal
12 newspaper having a general circulation in the county. To assure proper
13 identification, the name of the person's street or route and the name of the
14 city, town or community in which the person lives shall be included. The
15 following notice shall be given and shall be followed by the list of names:

16

17 _NOTICE OF IMPENDING CANCELLATION OF VOTER REGISTRATION. Notice is
18 hereby given that due to your failure to vote in any election in this county
19 during the preceding four (4) calendar years, under the laws of this State
20 your voter registration will be cancelled unless you respond in person or by
21 mail to this office within thirty (30) days from the date of this notice that
22 you are still a qualified voter and desire that your voter registration not be
23 cancelled._

24

25 When, in response to the notice, a qualified voter requests the
26 permanent registrar not to cancel the voter registration, the voter
27 registration shall not be cancelled under Section 12(a)(1) of this Amendment
28 unless the voter fails to vote in any election in the county during the
29 succeeding four (4) calendar years after the date of the notice.

30 (g) The permanent registrar is authorized, and may be directed by the
31 County Board of Registration, to determine by mail check, house to house
32 canvass or any other reasonable means at any time within the whole or any part
33 of the county whether active Record Registration Files contain the names of
34 any persons not qualified by law to vote. Further, upon application based
35 upon affidavits of one or more qualified voters by the Prosecuting Attorney

1 for the county, the Circuit Judge of the county, for good cause shown, may
2 order the Permanent Registrar to make such determination or to cancel the
3 registration of such unqualified persons.

4 (h) In the event any APPLICATION in Registration Record File shall
5 become lost, mutilated or destroyed, the Permanent Registrar shall send notice
6 of such fact by first-class mail to any voter whose APPLICATION has been lost,
7 destroyed or mutilated in order that such voter may register again. The
8 previous registration shall be cancelled at the time of the new registration,
9 and in any event within sixty (60) days after mailing of such notice."

10

11 SECTION 9. Section 13 of Amendment 51 to the Arkansas Constitution is
12 hereby amended to read as follows:

13 "§ 13. Signature requirement.

14 (a) When appearing to vote at his polling place, a voter must present
15 his voter Registration Certificate to an election judge.

16 (b) No voter shall receive a ballot and sign the Precinct Register
17 until he has been accepted for voting by an election official. A voter may be
18 accepted for voting in the polling place on presentation of his voter
19 registration certificate and the election judge determines that the voter's
20 name is on the Precinct Register of Voters and ascertains the true identity of
21 the voter by comparing the voter's signature to the digitized signature on
22 the Precinct Register of Voters. After determining whether to accept a voter,
23 the election judge shall return the voter's Voter Registration Certificate to
24 him.

25 (c) A voter who presents himself for voting at the polling place shall,
26 in the presence of an election official, sign the Precinct Register of Voters
27 on the space provided for that purpose.

28 (d) No voter unable to sign his signature or unable to make his mark or
29 cross in the appropriate space on the Precinct Register of Voters shall
30 receive a ballot at any election unless the month, day and year of the
31 person's birth, as then stated by him, conform to that shown on the Precinct
32 Register of Voters or the registration record files in the office of the
33 Permanent Registrar.

34 (e) Absentee voting shall be conducted in the same manner as now
35 provided under the laws of the State except during the early voting period

1 when voting in person at the office of the county clerk; provided, that the
2 Permanent Registrar shall determine that the signature on the application for
3 absentee ballot or on the Precinct Register of Voters at the early voting
4 precinct in the office of the county clerk is identical with the signature
5 appearing in the digitized signature section of the voter's computer
6 registration file, on the Precinct Register of Voters or on his original
7 APPLICATION before mailing or passing out an absentee ballot. The Permanent
8 Registrar shall, upon permitting absentee voting in the manner hereinabove
9 authorized, enter the record of such absentee voting on the voter's computer
10 registration file.

11 (f) A voter who, when offering to vote, presents a voter
12 registration certificate indicating that the voter is currently registered in
13 the precinct in which he is offering to vote, but whose name is not on the
14 Precinct Register of Voters, shall be accepted for voting pursuant to the
15 provisions herein stated in Section 13(b) of this Amendment. After the voter
16 is accepted, the voter then signs the Precinct Register of Voters on the last
17 page on the next available line provided for that purpose and proceeds to
18 vote.

19 (g) A voter who, when offering to vote, presents a voter
20 registration certificate indicating that the voter is currently registered in
21 a different precinct than the one in which he is offering to vote, and whose
22 name is not on the Precinct Register of Voters and the election judge
23 determines that the voter has presented himself at the wrong polling place, he
24 shall direct the voter to the proper precinct polling place.

25 (h) A voter who does not present a voter registration certificate when
26 offering to vote, but whose name is on the Permanent Register in the precinct
27 in which he is offering to vote, shall be accepted for voting in that precinct
28 after completing a voter registration application form and delivering the same
29 to the election judge.

30 (i) A voter who does not present a voter registration certificate when
31 offering to vote, and whose name is not on the Precinct Register of Voters for
32 the polling place in which he is offering to vote, may be accepted for voting
33 if the election judge can determine from the identification presented by the
34 voter that he has presented himself at the proper polling place and the voter
35 completes a voter registration APPLICATION and returns it to the election

1 judge. After the voter is accepted, the voter then signs the Precinct
2 Register of Voters on the last page on the next available line provided for
3 that purpose.

4 (j) After the election, the Permanent Registrar shall process the
5 APPLICATIONS of all voters who registered at the polling place in the same
6 manner as pre-election registration as set out in Section 5(e) of this
7 Amendment, and check for duplicate registrations and voters who may have voted
8 in the wrong polling place.

9 (k) A voter whose Registration Certificate is lost or destroyed may
10 obtain a replacement Certificate by delivering a written, signed notice of the
11 loss or destruction to the Permanent Registrar. On receipt of the notice, the
12 Permanent Registrar shall deliver to the voter a replacement Certificate which
13 contains a notation that the certificate is a replacement. The registrar
14 shall retain the notice on file with the voter's registration APPLICATION."
15

16 SECTION 10. Section 14 of Amendment 51 to the Arkansas Constitution is
17 hereby amended to read as follows:

18 "§ 14. Lists of voters.

19 (a) By the first day of June of each year, the Permanent Registrar
20 shall prepare a certified list of the registered voters in the county as of
21 May 1. The list so prepared shall be retained by the Permanent Registrar as
22 the original list of registered voters each year.

23 (b) At other times, as may be practicable, and at his discretion, the
24 Permanent Registrar may, upon written request, prepare printed lists of
25 registered voters and may distribute such lists to interested persons,
26 including but not limited to the political party committees or any candidate
27 for office. The Permanent Registrar may collect, for each such list, up to
28 two cents (\$0.02) per name, or such additional cost as may be approved by the
29 County Board of Registrars, to recover the cost of making and printing such
30 list. This list shall include only the registration number, voter's name
31 (first, middle name or initial and last), residence address, separate mailing
32 address, if any, city, state, zip code and precinct, and may not include the
33 voter's telephone number, social security number, driver's license number,
34 state identification number, digitized signature, or date of birth.

35 (c) Prior to each election, whether primary, school, special or

1 general, the Permanent Registrar shall prepare printed lists of registered
2 voters by precincts and shall furnish such lists to the proper election
3 officials at each precinct polling place at the time the ballot boxes are
4 delivered. The lists so printed shall include only the registration number,
5 voter's name (last, first, and middle or initial, if any), residence address
6 and precinct (name or number). The election officials shall post said list in
7 a conspicuous place in the polling area. This list is in addition to the
8 Precinct Register of Voters as required in Section 7(d) of this Amendment on
9 which the voter affixes his signature upon acceptance for voting.

10 (d) As soon as possible after May 1 of each year, but in no case later
11 than June 1, the Permanent Registrar shall certify to the Auditor of State the
12 total number of registered voters in the county as of May 1. The Auditor of
13 State shall tabulate the total number of registered voters in the State and
14 shall make such information available, without cost, to interested persons
15 upon request."

16

17 SECTION 11. Section 15 of Amendment 51 to the Arkansas Constitution is
18 hereby amended to read as follows:

19 "§ 15. Penalties.

20 (a) Any person who shall maliciously and intentionally destroy, steal,
21 mutilate or unlawfully detain or obtain any Applications and Affidavits of
22 Registration or any Registration Record Files shall be guilty of a felony, and
23 upon conviction thereof shall be fined in the sum of not less than one hundred
24 dollars (\$100.00) nor more than one thousand dollars (\$1,000.00), or be
25 imprisoned in the State Penitentiary for a period of not less than one (1)
26 year nor more than five (5) years, or both.

27 (b) Any person who shall knowingly procure his/her registration as a
28 qualified elector when he/she is not entitled to be registered, or under a
29 false name, or as a qualified elector in any other voting precinct than that
30 in which he resides, shall, upon conviction, be fined not less than one
31 hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) or
32 imprisoned in the State Penitentiary not less than one (1) year nor more than
33 five (5) years, or both. The same penalty shall apply to anyone who shall in
34 any way aid in such false registration.

35 (c) Any Permanent Registrar or other person having reasonable cause to

1 suspect that such a false registration has occurred shall cause a report to be
2 made immediately to the appropriate prosecuting attorney. Any person making
3 this required report shall be presumed to be acting in good faith and shall be
4 immune from any liability, civil or criminal, that might otherwise be incurred
5 or imposed.

6 (d) Any public official or election official who wilfully violates any
7 provision of this Amendment shall be guilty of a misdemeanor and, upon
8 conviction thereof, shall be removed from such office.

9 (e) Any other person who wilfully violates any provision of this
10 Amendment shall be guilty of a misdemeanor."

11

12 SECTION 12. All provisions of this act of general and permanent nature
13 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
14 Revision Commission shall incorporate the same in the Code.

15

16 SECTION 13. If any provisions of this act or the APPLICATION thereof to
17 any person or circumstance is held invalid, the invalidity shall not affect
18 other provisions or applications of the act which can be given effect without
19 the invalid provisions or application, and to this end the provisions of this
20 act are declared to be severable.

21

22 SECTION 14. All laws and parts of laws in conflict with this act are
23 hereby repealed.

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/s/C. Henry

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