

State of Arkansas  
87th General Assembly  
Regular Session, 2009

# A Bill

HOUSE BILL 1637

By: Representative Blount

## For An Act To Be Entitled

AN ACT REGARDING PREREQUISITES FOR A CONVICTED  
FELON TO REGAIN HIS OR HER RIGHT TO VOTE; AND FOR  
OTHER PURPOSES.

## Subtitle

AN ACT REGARDING PREREQUISITES FOR A  
CONVICTED FELON TO REGAIN HIS OR HER  
RIGHT TO VOTE.

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

SECTION 1. Pursuant to the authority granted under Section 19 of  
Amendment 51 to the Arkansas Constitution, Section 11 of Amendment 51 is  
amended to read as follows:

§ 11. Cancellation of registration.

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

(1) Who have failed to respond to address confirmation mailings  
described in section 10 of this amendment and have not voted or appeared to  
vote in an election during the period beginning on the date of the notice and  
ending on the day after the date of the second general election for federal  
office that occurs after the date of the address confirmation notice;

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

(3) Who have died;

(4) Who have been convicted of felonies and ~~have not discharged~~  
~~their sentence~~ sentenced to incarceration in the Department of Correction  
pursuant to those convictions ~~or~~ and have not been pardoned;



1 (5) Who are not lawfully qualified or registered electors of  
2 this state, or of the county; or

3 (6) Who have been adjudged mentally incompetent by a court of  
4 competent jurisdiction.

5 (b) Persons who plead guilty or nolo contendere to or are found guilty  
6 of a felony and are placed on probation, a suspended sentence, or a suspended  
7 imposition of sentence do not lose their right to vote unless, as part of  
8 their sentence, they are incarcerated for any length of time in the  
9 Department of Correction;

10 ~~(b)~~(c) It shall be the duty of the permanent registrar of each county  
11 upon the registration of a person who has been registered previously in  
12 another county or state to notify promptly the permanent registrar of such  
13 other county or state of the new registration.

14 ~~(e)~~(d)(1) It shall be the duty of the State Registrar of Vital Records  
15 to notify promptly the Secretary of State of the death of all residents of  
16 this state.

17 (2)(A) The Secretary of State shall compile a listing of the  
18 deceased residents of this state and shall promptly provide this listing to  
19 the permanent registrar of each county.

20 (B) The deceased voter registration shall be cancelled by  
21 the permanent registrar.

22 ~~(d)~~(e)(1) It shall be the duty of the circuit clerk of each county  
23 upon the conviction of any person of a felony for which he or she is  
24 sentenced to incarceration in the Department of Correction for any length of  
25 time to notify promptly the permanent registrar of the county of residence of  
26 such convicted felon.

27 (2)(A) It is the duty of any convicted felon who has lost his or  
28 her right to vote as a result of a felony conviction or who desires to  
29 register to vote to provide the county clerk with proof from the appropriate  
30 state or local agency, or office, where applicable, that the felon ~~has been~~  
31 ~~discharged from probation or parole,~~ has paid all probation or parole fees,  
32 is not currently incarcerated in the Department of Correction, another state  
33 correctional facility or a federal correctional facility, or has satisfied  
34 all terms of imprisonment, and paid all applicable court costs, fines, or  
35 restitution.

36 (B) After completion of the parole, suspended sentence,

suspended imposition of sentence, or probation or upon receipt of a discharge from imprisonment by the Department of Correction, proof ~~Proof that~~ shall be provided to the felon has been discharged from probation or parole that he or she:

(i)(a) Is not currently incarcerated in the Department of Correction, another state correctional facility or a federal correctional facility; or

(b) Has satisfied all terms of imprisonment;

(ii) Has paid all probation or parole fees, or ~~satisfied all terms of imprisonment;~~ and

(iii) Has paid all applicable court costs, fines, or restitution. ~~shall be provided to the felon after completion of the probation, parole, or sentence by the Department of Correction, the Department of Community Correction, the appropriate probation office or the circuit clerk as applicable.~~

(C) The circuit clerk, or any other entity responsible for collection, shall provide proof to the Department of Correction, the Department of Community Correction, or the appropriate probation office that the felon has paid all applicable court costs, fines, or restitution.

(D) Upon compliance with subdivision ~~(d)(2)(A)~~ (e)(2)(A) of this section, the felon shall be deemed eligible to vote.

~~(e)~~(f) Within ten (10) days following the receipt or possession of information requiring any cancellation of registration, other than under section 11(a)(1) of this amendment, the permanent registrar shall cancel the registration, note the date of the cancellation, the reason for the cancellation, and the person canceling the registration.

~~(f)~~(g)(1) The permanent registrar ~~shall~~, thirty (30) days before cancellation, shall notify all persons whose registration records are to be cancelled in accordance with section 11(a)(1) of this amendment. The notice may be either by publication or by first class mail. The notice by mail shall be as follows:

"NOTICE OF IMPENDING CANCELLATION OF VOTER REGISTRATION.

According to our records, you have not responded to our address confirmation notice and you have not voted in any election during the period beginning on the date of the notice and ending on the day after the date of the second general election for federal office after the date of the first notice. This

1 may indicate that you no longer live at the residence address printed on the  
2 postcard. If your permanent residence address is still the same as the  
3 printed address on this postcard YOU MUST CONFIRM YOUR RESIDENCE ADDRESS in  
4 order to remain on the voter registration list. If you do not return the  
5 attached postcard within thirty (30) days after the date postmarked on this  
6 card YOUR REGISTRATION WILL BE CANCELLED and you will have to re-register to  
7 vote."

8 (2) When, in response to the notice, a qualified voter requests  
9 the permanent registrar not to cancel the voter registration, the voter  
10 registration shall not be cancelled under section 11(a)(1) of this amendment.

11 ~~(g)~~(h) The permanent registrar is authorized, and may be directed by  
12 the county board of registration, to determine by mail check, house to house  
13 canvass, or any other reasonable means at any time within the whole or any  
14 part of the county whether active record registration files contain the names  
15 of any persons not qualified by law to vote. Further, upon application based  
16 upon affidavits of one (1) or more qualified voters by the prosecuting  
17 attorney for the county, the circuit judge of the county, for good cause  
18 shown, may order the permanent registrar to make sure determination or to  
19 cancel the registration of such unqualified persons.