

1 **State of Arkansas**  
2 **80th General Assembly**  
3 **Regular Session, 1995**  
4 **By: Senators Malone and Harriman**

# **A Bill**

**ACT 947 OF 1995**  
**SENATE BILL 449**

## **For An Act To Be Entitled**

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7  
8 "AN ACT TO AMEND AMENDMENT 51 OF THE ARKANSAS  
9 CONSTITUTION, PERTAINING TO VOTER REGISTRATION, IN ORDER  
10 TO COMPLY WITH THE NATIONAL VOTER REGISTRATION ACT OF  
11 1993; AND FOR OTHER PURPOSES"

## **Subtitle**

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14 "TO AMEND AMENDMENT 51 OF THE ARKANSAS  
15 CONSTITUTION TO COMPLY WITH NATIONAL  
16 VOTER REGISTRATION ACT OF 1993."

17  
18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

19  
20 SECTION 1. Pursuant to the authority granted in Amendment 51 § 19,  
21 Amendment 51 § 5 is amended to read as follows:

22 "51-5. Duties of registration officials.

23 (a) Voter registration agencies shall distribute mail voter  
24 registration applications, provide assistance to applicants in completing  
25 voter registration application forms, unless the applicant refuses assistance,  
26 and accept completed voter registration application forms for transmittal to  
27 the appropriate permanent registrar via the Secretary of State. Voter  
28 registration agencies include the following:

29 (1) The Office of Driver Services of the Revenue Division of the  
30 Department of Finance and Administration and all State Revenue Offices;

31 (2) Public assistance agencies, which shall mean those agencies  
32 that provide services under the Food Stamps, Medicaid, Aid to Families with  
33 Dependent Children (AFDC) and the Special Supplemental Food Program for Women,  
34 Infants and Children (WIC) programs;

35 (3) Disabilities agencies, which shall mean agencies that offer  
36 state-funded programs primarily engaged in providing services to persons with

1 disabilities;

2 (4) Public libraries; and

3 (5) The Arkansas National Guard.

4 (b)(1) The Secretary of State is designated as the chief election  
5 official. The Secretary shall prepare and distribute the pre-addressed  
6 postcard mail voter registration application forms described in 51-6. Mail  
7 registration application forms shall serve for purposes of initial  
8 applications to register and shall also service for changes of name, address,  
9 or party affiliation. Bilingual (Spanish/English) forms, braille forms and  
10 large print forms shall be available upon request. The Secretary of State  
11 shall make the state mail voter registration application form available for  
12 distribution through governmental and private entities with particular  
13 emphasis on making them available for organized voter registration programs.  
14 Any person may distribute state registration cards. All registration cards  
15 shall be distributed to the public without charge.

16 (2) The Office of Driver Services and State Revenue Offices shall  
17 provide voter registration opportunities to those obtaining or renewing  
18 drivers\_ licenses, personal identification cards, duplicate or corrected  
19 licenses or cards, or changing address or name whether in person or by mail.  
20 The Office of Driver Services and State Revenue Offices shall use a computer  
21 process, which combines the drivers\_ license and voter registration  
22 applications, minimizing duplicative information, and shall have available the  
23 federal or state mail voter registration application form, which may be used  
24 upon request or when the computer process is not available. If a person  
25 declines to apply to register to vote, the Office of Driver Services or State  
26 Revenue Office shall retain the record of declination for two (2) years.

27 (3) All public assistance agencies shall provide a federal or  
28 state mail voter registration application form with each application for  
29 assistance, and with each recertification, renewal or change of address or  
30 name relating to such assistance. Public assistance agencies shall provide  
31 voter registration application forms as part of the intake process, or as a  
32 combined computer process when a computer process is available. Public  
33 assistance agencies shall use a process or form that combines the application  
34 for assistance with the voter registration application when available. Public  
35 assistance agencies shall also provide declination forms as described in 51-6,

1 which shall be retained for two (2) years if an applicant declines to apply to  
2 register to vote.

3           (4) All disabilities agencies shall provide a federal or state  
4 mail voter registration application form with each application for services  
5 and with each recertification, renewal or change of address or name relating  
6 to such services. Disabilities agencies shall provide voter registration  
7 application forms as part of the intake process, or as a combined computer  
8 process when a computer process is available. Disabilities agencies may use a  
9 form that combines the application for services or assistance with the voter  
10 registration application when available. If the disabilities agency provides  
11 services in a person's home, then the agency shall also provide voter  
12 registration services at the person's home. Disabilities agencies shall also  
13 provide declination forms as described in 51-6, which shall be retained for  
14 two (2) years if an applicant declines to apply to register to vote.

15           (c) (1) Employees of the Office of Driver Services and State Revenue  
16 Offices shall provide appropriate nonpartisan voter registration assistance  
17 and provide all applicants with a receipt containing the applicant\_s name and  
18 the date of the submission.

19           (2) Public assistance agencies and disabilities agencies shall  
20 train agency employees to provide the same degree of assistance in completing  
21 voter registration forms as is provided with regard to the completion of  
22 agency forms, unless the applicant refuses such assistance.

23           (3) Each revenue office, public assistance agency and  
24 disabilities agency shall provide ongoing training for employees who will be  
25 assisting persons with voter registration applications and shall include  
26 information regarding training procedures in the report filed with the  
27 Secretary of State pursuant to §51-8(d).

28           (4) A person who provides voter registration assistance through  
29 any voter registration agency shall not:

30                   (A) Seek to influence an applicant\_s political preference or  
31 party registration;

32                   (B) Display any such political preference or party  
33 allegiance;

34                   (C) Make any statement to an applicant or take any action to  
35 the purpose or effect of discouraging the applicant from registering to vote;

1 (D) Make any statement to an applicant or take any action to  
2 the purpose or effect of leading the applicant to believe that a decision to  
3 register or not to register has any bearing on the availability of services or  
4 benefits; or

5 (E) Disclose any applicant's voter registration information,  
6 except as necessary for the administration of voter registration.

7 (d) The Permanent Registrar shall provide office and clerical  
8 facilities and may employ such clerical assistants which he may deem necessary  
9 to fulfill the duties imposed by this amendment; provided, that all clerical  
10 assistants so employed shall have the qualifications required by law of  
11 eligible voters and shall be selected on the basis of competence and without  
12 reference to political affiliation.

13 (e) The State Board of Election Commissioners is authorized and, as soon  
14 as is possible after the effective date of this amendment, directed to  
15 prescribe, adopt, publish and distribute:

16 (1) such Rules and Regulations supplementary to this amendment  
17 and consistent with this amendment and other laws of Arkansas as are necessary  
18 to secure uniform and efficient procedures in the administration of this  
19 amendment throughout the State;

20 (2) a Manual of Instruction for the information, guidance and  
21 direction of election officials within the State; and

22 (3) detailed specifications of the Registration Record Files, the  
23 voter registration application forms and other registration forms, including  
24 voter registration list maintenance forms, all of which shall be consistent  
25 with this amendment and uniform throughout the State."  
26

27 SECTION 2. Pursuant to the authority granted in Amendment 51 § 19,  
28 Amendment 51 § 6 is amended to read as follows:

29 "51-6. Voter registration application forms.

30 (a) (1) The mail voter registration application form may only require  
31 identifying information, including signature or mark, and other information,  
32 including data relating to previous registration by the applicant, as is  
33 necessary to assess the applicant's eligibility and to administer voter  
34 registration and other parts of the election process.

35 (2) Such forms shall include, in identical print, statements

1 that:

2 (A) specify voter eligibility requirements;

3 (B) contain an attestation that the applicant meets all  
4 voter eligibility requirements;

5 (C) specify the penalties provided by law for submission  
6 of a false voter registration application;

7 (D) inform applicants that where they register to vote  
8 will be kept confidential; and

9 (E) inform applicants that declining to register will also  
10 be kept confidential.

11 (3) The following information will be required of the applicant:

12 (A) Full name;

13 (B) Mailing address;

14 (C) Residence address and any other information necessary to  
15 identify the residence of the applicant;

16 (D) If previously registered, the name then supplied by the  
17 applicant, and the previous address, county and state;

18 (E) Date of birth;

19 (F) A signature or mark made under penalty of perjury that  
20 the applicant meets each requirement for voter registration; and

21 (G) If the applicant is unable to sign his name, the name,  
22 address and telephone number of the person providing assistance.

23 (4) The following information may be requested on the registration  
24 card, but it shall not be required:

25 (A) Telephone number where the applicant may be contacted;

26 (B) Social Security number or driver's license number; and

27 (C) Political party with which the applicant wishes to be  
28 affiliated, if any.

29 (5) The mail voter registration application shall not include any  
30 requirement for notarization or other formal authentication.

31 (6) The mail voter registration application shall be  
32 pre-addressed to the Secretary of State.

33 (b) (1) The voter registration application portion of the process  
34 used by the Office of Driver Services and State Revenue Offices shall include:

35 (A) the question, if you are not registered to vote where

1 you live now, would you like to apply to register to vote here today;

2 (B) a statement that, if an applicant declines to register  
3 to vote, the fact that the applicant has declined to register will remain  
4 confidential and will be used only for voter registration purposes;

5 (C) a statement that if an applicant does register to vote,  
6 the office at which the applicant submits a voter registration application  
7 will remain confidential and will be used only for voter registration  
8 purposes;

9 (D) voter registration eligibility requirements;

10 (E) penalties provided by law for providing false  
11 information;

12 (F) an attestation that the applicant meets each eligibility  
13 requirement; and

14 (G) a space for the applicant's signature or mark.

15 (2) The voter registration application portion shall require the  
16 signature of the applicant under penalty of perjury, but shall not require  
17 notarization or other formal authentication.

18 (c) Public assistance agencies and disabilities agencies shall provide,  
19 in addition to the federal or state mail voter registration application form,  
20 a declination form, to be approved by the State Board of Election  
21 Commissioners, which includes the following question and statements:

22 (1) The question, in prominent type, "IF YOU ARE NOT REGISTERED TO  
23 VOTE WHERE YOU LIVE NOW, WOULD YOU LIKE TO APPLY TO REGISTER TO VOTE HERE  
24 TODAY? YES ... NO ...";

25 (2) The statement in close proximity to the question above and in  
26 equally prominent type, "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE  
27 CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME";

28 (3) The statement, "APPLYING TO REGISTER OR DECLINING TO REGISTER  
29 TO VOTE WILL NOT AFFECT THE AMOUNT OF ASSISTANCE THAT YOU WILL BE PROVIDED BY  
30 THIS AGENCY";

31 (4) The statement, "IF YOU WOULD LIKE HELP IN FILLING OUT THE  
32 VOTER REGISTRATION APPLICATION FORM, WE WILL HELP YOU. THE DECISION WHETHER  
33 TO SEEK OR ACCEPT HELP IS YOURS. YOU MAY FILL OUT THE APPLICATION FORM IN  
34 PRIVATE";

35 (5) The statement, "IF YOU BELIEVE THAT SOMEONE HAS INTERFERED

1 WITH YOUR RIGHT TO REGISTER OR TO DECLINE TO REGISTER TO VOTE, YOUR RIGHT TO  
2 PRIVACY IN DECIDING WHETHER TO REGISTER OR IN APPLYING TO REGISTER TO VOTE, OR  
3 YOUR RIGHT TO CHOOSE YOUR OWN POLITICAL PARTY OR OTHER POLITICAL PREFERENCE,  
4 YOU MAY FILE A COMPLAINT WITH THE SECRETARY OF STATE AT ..... " (filled by  
5 the address and telephone number of the Secretary of State's office);

6 (6) The statement, "IF YOU DECLINE TO REGISTER TO VOTE, THE FACT  
7 THAT YOU HAVE DECLINED TO REGISTER WILL REMAIN CONFIDENTIAL AND WILL BE USED  
8 ONLY FOR VOTER REGISTRATION PURPOSES"; and

9 (7) The statement, "IF YOU DO REGISTER TO VOTE, THE OFFICE AT  
10 WHICH YOU SUBMIT A VOTER REGISTRATION APPLICATION WILL REMAIN CONFIDENTIAL AND  
11 WILL BE USED ONLY FOR VOTER REGISTRATION PURPOSES".

12

13 SECTION 3. Pursuant to the authority granted in Amendment 51 § 19,  
14 Amendment 51 § 7 is amended to read as follows:

15 "51-7. Registration record files.

16 (a) In each county, the Permanent Registrar shall maintain the  
17 following voter registration record files for all voters legally resident  
18 within that county:

19 (1) the County Voter Registration File, which shall contain voter  
20 registration records for the whole county, including the inactive registration  
21 records of persons who have failed to respond to address confirmation mailings  
22 described in 51-10;

23 (2) if a county is divided into more than one (1) congressional  
24 district, then Congressional District Voter Registration Files, which shall  
25 contain only the voter registration records of county residents that reside  
26 within the same congressional district.

27 (3) a List Maintenance File, which shall contain lists of persons  
28 receiving address confirmation notices or final address confirmation notices  
29 or both and the person's response; and

30 (4) a File of Cancelled Voter Registration Records, which shall  
31 contain cancelled voter registration records and documentation noting the  
32 reason for cancellation.

33 (b) The Permanent Registrar of each county shall maintain copies of  
34 the precinct voter registration lists from the County Voter Registration File  
35 as necessary for holding elections.

1 (c) Persons with an inactive voter registration status may activate  
2 their voting status by appearing to vote at the precinct in which they  
3 currently reside or by updating their voter registration records.

4  
5 (d) The County Board of Registration or other lawfully designated  
6 election officials shall cause the appropriate Precinct Voter Registration  
7 Lists to be at the polling places on the date of elections, and shall return  
8 them at the close of the election to the office of the Permanent Registrar  
9 with the ballot boxes.

10 (e) If the legal residence of a voter is renamed, renumbered, or annexed  
11 the Permanent Registrar may change the name or number of the legal residence  
12 on the voter's registration record and any other voting records. Within  
13 fifteen (15) days after the records are changed to reflect the new name or  
14 number of the residence, the Permanent Registrar shall notify the voter by  
15 mail that the change has been made."

16

17 SECTION 4. Pursuant to the authority granted in Amendment 51 § 19,  
18 Amendment 51 § 8 is amended to read as follows:

19 "51-8. Voter registration application records and reports.

20 (a) (1) The Office of Driver Services, State Revenue Offices, public  
21 assistance agencies, disabilities agencies and other voter registration  
22 agencies shall transmit all completed voter registration applications to the  
23 Secretary of State in sufficient time to allow the Secretary to transmit the  
24 applications to the appropriate permanent registrar no later than ten (10)  
25 days after the date of acceptance by the assisting agency. When applications  
26 are accepted within five (5) days before the last day of registration for an  
27 election, they must be transmitted no later than five (5) days after the date  
28 of acceptance at the assisting agency.

29 (2) The Secretary of State shall transmit all mail voter  
30 registration applications to the appropriate permanent registrar no later than  
31 ten (10) days after the date of receipt. When applications are received  
32 within five days before the last day of registration for an election, they  
33 must be transmitted no later than five (5) days after date of receipt. If  
34 forms are received by the wrong election office, they shall be forwarded to  
35 the appropriate permanent registrar not later than the fifth day after



1 receipt.

2 (b) The Office of Driver Services, State Revenue Offices, public  
3 assistance agencies, disabilities and other voter registration agencies shall  
4 collect data on the number of voter registration applications completed or  
5 declined at each agency, and any additional statistical evidence that the  
6 Secretary of State or the State Board of Election Commissioners deems  
7 necessary for program evaluation and shall retain such voter registration data  
8 for a period of two (2) years.

9 (c) (1) The Secretary of State shall collect, maintain, and publish  
10 monthly statistical data reflecting the number of new voter registration  
11 applications, changes of address, name, and party affiliation, and  
12 declinations received by mail and in:

- 13 (A) state revenue offices;
- 14 (B) public assistance agencies;
- 15 (C) disabilities agencies;
- 16 (D) recruitment offices of the Armed Forces of the United  
17 States;
- 18 (E) public libraries; and
- 19 (F) offices of the Arkansas National Guard.

20 (2) Every six (6) months the Secretary of State shall compile a  
21 statewide report available to the public reflecting the statistical data  
22 collected pursuant to subsection (a). This report shall be submitted to the  
23 Federal Election Commission for the national report pursuant to section  
24 (9) (a) (3) of the National Voter Registration Act of 1993. The State report  
25 shall also include:

- 26 (A) numbers of and descriptions of the agencies, and the  
27 method of integrating voter registration in the agencies;
- 28 (B) an assessment of the impact of the National Voter  
29 Registration Act of 1993 on the administration of elections;
- 30 (C) recommendations for improvements in procedures, forms,  
31 and other matters affected by the National Voter Registration of 1993.

32 (d) Every six months the state-level administration of each voter  
33 registration agency shall issue a report to the Legislative Council and the  
34 Secretary of State containing the statistical and other information collected  
35 in each agency office, and recommendations for improvements in procedures,

1 forms, and other matters, including training.

2 (e) Information relating to the place where a person registered to  
3 vote, submitted a voter registration application or updated voter registration  
4 records, and information relating to declination forms is confidential and  
5 exempt from the Freedom of Information Act, Arkansas Code 25-19-101, et seq."

6

7 SECTION 5. Pursuant to the authority granted in Amendment 51 § 19,  
8 Amendment 51 § 9 is amended to read as follows:

9 "51-9. Application to register.

10 (a) All persons may register who:

11 (1) are qualified electors and who have not previously  
12 registered;

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

15 (3) are qualified electors but whose registration has been  
16 cancelled in a manner provided for by this amendment.

17 (b) Registration shall be in progress at all times except during the  
18 thirty (30) day period immediately prior to any election scheduled within the  
19 county, during which period registration of voters shall cease for that  
20 election, but registration during such period shall be effective for  
21 subsequent elections.

22 (c) (1) The permanent registrar shall register qualified applicants when  
23 a legible and complete voter registration application is received and  
24 acknowledged by the permanent registrar.

25 (2) The permanent registrar shall register qualified applicants  
26 who apply to register to vote by mail using the state or federal mail voter  
27 registration application form if a legible and complete voter registration  
28 application form is postmarked not later than thirty (30) days before the date  
29 of the election, or, if the form is received by mail without a postmark, not  
30 later than twenty-five (25) days before the date of an election.

31 (d) The permanent registrar shall notify applicants whether their  
32 applications are accepted, rejected or are incomplete. If information  
33 required by the permanent registrar is missing from the voter registration  
34 application, the permanent registrar shall contact the applicant to obtain the  
35 missing information.

1 (e) Registration records shall be filed or entered promptly in the  
2 Registration Record Files. If the applicant lacks one or more of the  
3 qualifications required by law of voters in this State, the permanent  
4 registrar shall not register the applicant, but shall document the reason for  
5 denying the applicant's registration and promptly file or enter the  
6 application and the documented reason for denying registration in the  
7 Registration Record Files.

8 (f) If the Permanent Registrar has any reason to doubt the  
9 qualifications of an applicant for registration, he shall submit such  
10 application to the County Board of Registration and such Board shall make a  
11 determination with respect to such qualifications and shall instruct the  
12 Permanent Registrar regarding the same.

13 (g) If any person eligible to register as a voter is unable to register  
14 in person at the Permanent Registrar's office by reason of sickness or  
15 physical disability, the Permanent Registrar shall register the applicant at  
16 his place of abode within such county, if practicable, in the same manner as  
17 if he had appeared at the Permanent Registrar's office.

18 (h) Notwithstanding other provisions of this amendment, every person, in  
19 any of the following categories who is absent from the place of his voting  
20 residence may vote without registration by absentee ballot in any primary,  
21 special or general election, held in his election precinct, if he is otherwise  
22 eligible to vote in that election:

23 (1) Members of the Armed Forces while in active service, and their  
24 spouses and dependents,

25 (2) Members of the Merchant Marines in the United States and their  
26 spouses and dependents,

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

30 (i) Any person whose registration status or voting eligibility is  
31 affected adversely by an administrative determination under this amendment may  
32 appeal such adverse determination within five (5) days of receipt of notice  
33 thereof to the County Board of Registration. The County Board of Registration  
34 shall act on such appeal and render its decision within ten (10) days of its  
35 receipt. Within thirty (30) days after receipt of such decision, any

1 aggrieved party may appeal further to the Circuit Court of the county."

2

3 SECTION 6. Pursuant to the authority granted in Amendment 51 § 19,  
4 Amendment 51 § 10 is amended to read as follows:

5 "51-10. Transfer and change of status.

6 (a) Upon a change of legal residence within the county, or a change of  
7 name, any registered voter may cause his registration to be transferred to his  
8 new address or new name by completing and mailing a federal or state mail  
9 voter registration application form, by updating his address at the Office of  
10 Driver Services, any State Revenue Office, public assistance agency,  
11 disabilities agency or other voter registration agency, by signing a mailed  
12 request to the Permanent Registrar, giving his present address and the address  
13 at which he was last registered or his present name and the name under which  
14 he was last registered, or by applying in person at the office of the  
15 Permanent Registrar.

16 (b) If the change of legal residence is made pursuant to subsection  
17 (a) or (c) (1) of this section during the thirty-day administrative cut-off  
18 period immediately prior to any election scheduled within the county the  
19 registered voter shall retain his right to vote in the scheduled election in  
20 the precinct to which he just moved.

21 (c) The permanent registrar shall conduct a uniform, non-discriminatory  
22 address confirmation program during each odd numbered year to ensure that  
23 voter registration lists are accurate and current. The address confirmation  
24 program shall be completed *not later than* ninety (90) days *prior to* a primary  
25 or general election for federal office. Based on change of address data  
26 received from the United States Postal Service or its licensees, or other  
27 unconfirmed data indicating that a registered voter no longer resides at his  
28 or her registered address, the permanent registrar shall send a forwardable  
29 address confirmation notice, including a postage-paid and pre-addressed return  
30 card, to enable the voter to verify or correct the address information.

31 (1) If change of address data indicates that the voter has moved  
32 to a new residence address in the same county and, if the county is divided  
33 into more than one (1) congressional district, the same congressional  
34 district, the address confirmation notice shall contain the following  
35 statement:

1 "We have received notification that you have moved to a new address in  
2 ..... County (or in the .... Congressional District). We will re-register  
3 you at your new address unless, within ten (10) days you notify us that your  
4 change of address is not a change of your permanent residence. You may notify  
5 us by returning the attached postage-paid postcard or by calling (...)  
6 ...-..... If this is not a permanent change of residence and if you do not  
7 notify us within ten (10) days you may be required to update your residence  
8 address in order to vote at future elections."

9 (2) If the change of address data indicates that the voter has  
10 moved to a new address in another county or, if a county is divided into more  
11 than one (1) congressional district, to a new address in the same county but  
12 in a new congressional district, the notice shall include the following  
13 statement:

14 "We have received notification that you have moved to a new address not  
15 in ..... County (or not in the .... Congressional District). If you no  
16 longer live in ..... County (or in the .... Congressional District), you  
17 must re-register at your new residence address in order to vote in the next  
18 election. If you are still an Arkansas resident, you may obtain a form to  
19 register to vote by calling your County Clerk's Office or the Secretary of  
20 State. If your change of address is not a change of your permanent residence,  
21 you must return the attached postage-paid postcard. If you do not return this  
22 card and continue to reside in ..... County (and in the .... Congressional  
23 District), you may be required to provide identification and update your  
24 residence address in order to vote at future elections, and if you do not vote  
25 at any election in the period between the date of this notice and the second  
26 federal general election after the date of this notice, your voter  
27 registration will be cancelled and you will have to re-register in order to  
28 vote. If the change of address is permanent, please return the attached  
29 postage-paid postcard which will assist us in keeping our voter registration  
30 records accurate."

31 (d) Based on change of address information received pursuant to  
32 subsections (a) and (c), the permanent registrar shall:

33 (1) update and correct the voter's registration if the  
34 information indicates that the voter has moved to a new address within the  
35 same county and the same congressional district;

1           (2) designate the voter as inactive if the information indicates  
2 the voter has moved to a new address in another county or to a new address in  
3 another congressional district in the same county, or if the address  
4 confirmation notices have been returned as undeliverable; or

5           (3) cancel the voter registration in the county from which the  
6 voter has moved if the voter verifies in writing that he or she has moved to a  
7 residence address in another county."

8

9           SECTION 7. Pursuant to the authority granted in Amendment 51 § 19,  
10 Amendment 51 § 11 is amended to read as follows:

11           "51-11. Cancellation of registration.

12           (a) It shall be the duty of the Permanent Registrar to cancel the  
13 registration of voters:

14           (1) Who have failed to respond to address confirmation mailings  
15 described in 51-10 and have not voted or appeared to vote in an election  
16 during the period beginning on the date of the notice and ending on the day  
17 after the date of the second general election for federal office that occurs  
18 after the date of the address confirmation notice;

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

21           (3) Who have died;

22           (4) Who have been convicted of felonies and have not discharged  
23 their sentence or been pardoned;

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

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

28           (b) It shall be the duty of the Permanent Registrar of each county upon  
29 the registration of a person who has been registered previously in another  
30 county or state to notify promptly the Permanent Registrar of such other  
31 county or state of the new registration.

32           (c) It shall be the duty of the Director of the Bureau of Vital  
33 Statistics to notify promptly the Permanent Registrar in each county of the  
34 death of all residents of such county.

35           (d) It shall be the duty of the Circuit Clerk of each county upon the

1 conviction of any person of a felony to notify promptly the Permanent  
2 Registrar of the county of residence of such convicted felon.

3 (e) Within ten (10) days following the receipt or possession of  
4 information requiring any cancellation of registration, other than under  
5 51-11(a) (1) of this Amendment, the Permanent Registrar shall cancel the  
6 registration, note the date of the cancellation, the reason for the  
7 cancellation, and the person cancelling the registration.

8 (f) (1) The Permanent Registrar shall, thirty (30) days before  
9 cancellation, notify all persons whose registration records are to be  
10 cancelled in accordance with 51-11(a) (1) of this Amendment. The notice may be  
11 either by publication or by first class mail. The notice by mail shall be as  
12 follows:

13 "NOTICE OF IMPENDING CANCELLATION OF VOTER REGISTRATION.

14 According to our records you have not responded to our address  
15 confirmation notice and you have not voted in any election during the period  
16 beginning on the date of the notice and ending on the day after the date of  
17 the second general election for federal office after the date of the first  
18 notice. This may indicate that you no longer live at the residence address  
19 printed on the postcard. If your permanent residence address is still the  
20 same as the printed address on this postcard YOU MUST CONFIRM YOUR RESIDENCE  
21 ADDRESS in order to remain on the voter registration list. If you do not  
22 return the attached postcard within thirty (30) days after the date postmarked  
23 on this card YOUR REGISTRATION WILL BE CANCELLED and you will have to  
24 re-register to vote."

25 (2) When, in response to the notice, a qualified voter requests  
26 the Permanent Registrar not to cancel the voter registration, the voter  
27 registration shall not be cancelled under Section 11(a) (1) of this amendment.

28 (g) The Permanent Registrar is authorized, and may be directed by the  
29 County Board of Registration, to determine by mail check, house to house  
30 canvass or any other reasonable means at any time within the whole or any part  
31 of the county whether active Record Registration Files contain the names of  
32 any persons not qualified by law to vote. Further, upon application based  
33 upon affidavits of one or more qualified voters by the Prosecuting Attorney  
34 for the county, the Circuit Judge of the county, for good cause shown, may  
35 order the Permanent Registrar to make sure determination or to cancel the

1 registration of such unqualified persons."

2

3 SECTION 8. Pursuant to the authority granted in Amendment 51 § 19,  
4 Section 1 of Acts 597 of 1987, pertaining to cancellation of voter  
5 registration, is repealed.

6

7 SECTION 9. Pursuant to the authority granted in Amendment 51 § 19,  
8 Amendment 51 § 12 is amended to read as follows:

9 "51-12. Loss or destruction of voter registration records.

10 In the event any Registration Record or File shall become lost or  
11 destroyed, the Permanent Registrar shall prepare, from the remaining Files,  
12 temporary copies of the registration records if necessary for the conduct of  
13 any election. The Permanent Registrar shall send notice of such fact by  
14 first-class mail to any voter whose registration record has been lost,  
15 destroyed or mutilated in order that such voter may register again. The  
16 previous registration shall be cancelled at the time of the new registration,  
17 and in any event within sixty (60) days after mailing of such notice."

18

19 SECTION 10. Pursuant to the authority granted in Amendment 51 § 19,  
20 Amendment 51 § 13 is amended to read as follows:

21 "51-13. Fail-safe voting.

22 If a voter presents himself at a polling place on the date of an  
23 election but no record of his voter registration can be located by the judges  
24 of the election on the precinct voter registration list, such voter shall be  
25 permitted to vote only under the conditions set forth in Arkansas Code  
26 Annotated 7-5-306 or 7-7-308."

27

28 SECTION 11. Pursuant to the authority granted in Amendment 51 § 19,  
29 Amendment 51 § 14 is amended to read as follows:

30 "51-14. Voter registration lists.

31 (a) By the first day of June of each year, and at such other times as  
32 may be practicable, all Permanent Registrars shall, and at their discretion at  
33 other times may, print or otherwise duplicate and publish lists of registered  
34 voters by precincts, and may distribute such lists pursuant to Arkansas Code  
35 Annotated 7-5-105 and 7-5-109. A copy of the most current such list in each



1 precinct shall be furnished the election officials at each precinct at the  
2 time the ballot boxes are delivered and such election officials shall post  
3 said list at a conspicuous place in the polling area.

4 (b) By the first day of June of each year, the Permanent Registrar  
5 shall certify to the Secretary of State the total number of registered voters  
6 in the county. The Secretary of State shall tabulate the total number of  
7 registered voters in the State and shall make such information available to  
8 interested persons upon request."

9

10 SECTION 12. Pursuant to the authority granted in Amendment 51 § 19,  
11 Amendment 51, § 15 is amended to read as follows:

12 "51-15. Penalties.

13 (a) Any person who shall maliciously and intentionally destroy, steal,  
14 mutilate or unlawfully detain or obtain any voter registration form or any  
15 Registration Record Files shall be guilty of a felony, and upon conviction  
16 thereof shall be fined in the sum of not less than one hundred dollars  
17 (\$100.00) nor more than one thousand dollars (\$1,000.00), or be imprisoned in  
18 the State Penitentiary for a period of not less than one (1) year nor more  
19 than five (5) years, or both.

20 (b) Any public official or election official who wilfully violates any  
21 provision of this amendment shall be guilty of a misdemeanor, and upon  
22 conviction thereof shall also be removed from such office.

23 (c) Any other person who wilfully violates any provision of this  
24 amendment shall be guilty of a misdemeanor."

25

26 SECTION 13. This act shall become effective January 1, 1996.

27

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

31

32 SECTION 15. If any provision of this act or the application thereof to  
33 any person or circumstance is held invalid, such invalidity shall not affect  
34 other provisions or applications of the act which can be given effect without  
35 the invalid provision or application, and to this end the provisions of this

1 act are declared to be severable.

2

3 SECTION 16. All laws and parts of laws in conflict with this act are  
4 hereby repealed.

5

*/s/Malone et al*

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APPROVED: 4-6-95

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