

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

INTERIM STUDY PROPOSAL 2009-022

State of Arkansas
87th General Assembly
Regular Session, 2009

A Bill

HOUSE BILL 1637

By: Representative Blount

Filed with: House Interim Committee on Judiciary
pursuant to A.C.A. §10-3-217.

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;



1 (3) Who have died;

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

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

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

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

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

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

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

24 (B) The deceased voter registration shall be cancelled by
25 the permanent registrar.

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

31 (2)(A) It is the duty of any convicted felon who has lost his or
32 her right to vote as a result of a felony conviction or who desires to
33 register to vote to provide the county clerk with proof from the appropriate
34 state or local agency, or office, where applicable, that the felon ~~has been~~
35 ~~discharged from probation or parole,~~ has paid all probation or parole fees,
36 is not currently incarcerated in the Department of Correction, another state

1 correctional facility or a federal correctional facility, or has satisfied
2 all terms of imprisonment, and paid all applicable court costs, fines, or
3 restitution.

4 (B) After completion of the parole, suspended sentence,
5 suspended imposition of sentence, or probation or upon receipt of a discharge
6 from imprisonment by the Department of Correction, proof ~~Proof that~~ shall be
7 provided to the felon ~~has been discharged from probation or parole that he or~~
8 she:

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

12 (b) Has satisfied all terms of imprisonment;

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

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

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

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

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

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

36 "NOTICE OF IMPENDING CANCELLATION OF VOTER REGISTRATION.

1 According to our records, you have not responded to our address confirmation
2 notice and you have not voted in any election during the period beginning on
3 the date of the notice and ending on the day after the date of the second
4 general election for federal office after the date of the first notice. This
5 may indicate that you no longer live at the residence address printed on the
6 postcard. If your permanent residence address is still the same as the
7 printed address on this postcard YOU MUST CONFIRM YOUR RESIDENCE ADDRESS in
8 order to remain on the voter registration list. If you do not return the
9 attached postcard within thirty (30) days after the date postmarked on this
10 card YOUR REGISTRATION WILL BE CANCELLED and you will have to re-register to
11 vote."

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

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

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1 Filed Date: 04/02/2009 By: BPG\VJF