

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995

# A Bill

SENATE BILL 449

4 By: Senators Malone and Harriman  
5  
6

## For An Act To Be Entitled

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

13 "TO AMEND AMENDMENT 51 OF THE ARKANSAS  
14 CONSTITUTION TO COMPLY WITH NATIONAL  
15 VOTER REGISTRATION ACT OF 1993."  
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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  
26 assistance, and accept completed voter registration application forms for  
27 transmittal to the appropriate permanent registrar via the Secretary of  
28 State. Voter 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  
34 Women, Infants and Children (WIC) programs;

35 (3) Disabilities agencies, which shall mean agencies that offer

1 state-funded programs primarily engaged in providing services to persons with  
2 disabilities;

3 (4) Public libraries; *and*

4 (5) The Arkansas National Guard.

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

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

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

1 Public assistance agencies shall also provide declination forms as described  
2 in 51-6, which shall be retained for two (2) years if an applicant declines  
3 to apply to register to vote.

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

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

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

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

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

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

34                   (B) Display any such political preference or party  
35 allegiance;

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

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

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

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

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

20 (1) such Rules and Regulations supplementary to this amendment  
21 and consistent with this amendment and other laws of Arkansas as are  
22 necessary to secure uniform and efficient procedures in the administration of  
23 this amendment throughout the State;

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

26 (3) detailed specifications of the Registration Record Files,  
27 the voter registration application forms and other registration forms,  
28 including voter registration list maintenance forms, all of which shall be  
29 consistent with this amendment and uniform throughout the State."  
30

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

33 "51-6. Voter registration application forms.

34 (a)(1) The mail voter registration application form may only require  
35 identifying information, including signature or mark, and other information,

1 including data relating to previous registration by the applicant, as is  
2 necessary to assess the applicant's eligibility and to administer voter  
3 registration and other parts of the election process.

4 (2) Such forms shall include, in identical print, statements  
5 that:

6 (A) specify voter eligibility requirements;

7 (B) contain an attestation that the applicant meets all  
8 voter eligibility requirements;

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

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

13 (E) inform applicants that declining to register will  
14 also be kept confidential.

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

16 (A) Full name;

17 (B) Mailing address;

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

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

22 (E) Date of birth;

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

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

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

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

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

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

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

35 (6) The mail voter registration application shall be

1 pre-addressed to the Secretary of State.

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

5 (A) the question, if you are not registered to vote where  
6 you live now, would you like to apply to register to vote here today;

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

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

14 (D) voter registration eligibility requirements;

15 (E) penalties provided by law for providing false  
16 information;

17 (F) an attestation that the applicant meets each  
18 eligibility requirement; and

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

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

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

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

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

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

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

5           (5) The statement, "IF YOU BELIEVE THAT SOMEONE HAS INTERFERED  
6 WITH YOUR RIGHT TO REGISTER OR TO DECLINE TO REGISTER TO VOTE, YOUR RIGHT TO  
7 PRIVACY IN DECIDING WHETHER TO REGISTER OR IN APPLYING TO REGISTER TO VOTE,  
8 OR YOUR RIGHT TO CHOOSE YOUR OWN POLITICAL PARTY OR OTHER POLITICAL  
9 PREFERENCE, YOU MAY FILE A COMPLAINT WITH THE SECRETARY OF STATE AT ....."  
10 (filled by the address and telephone number of the Secretary of State's  
11 office);

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

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

18

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

21           "51-7. Registration record files.

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

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

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

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

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

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

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

10

11           (d) The County Board of Registration or other lawfully designated  
12 election officials shall cause the appropriate Precinct Voter Registration  
13 Lists to be at the polling places on the date of elections, and shall return  
14 them at the close of the election to the office of the Permanent Registrar  
15 with the ballot boxes.

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

22

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

25           "51-8. Voter registration application records and reports.

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

35           (2) The Secretary of State shall transmit all mail voter



1 registration applications to the appropriate permanent registrar no later  
2 than ten (10) days after the date of receipt. When applications are received  
3 within five days before the last day of registration for an election, they  
4 must be transmitted no later than five (5) days after date of receipt. If  
5 forms are received by the wrong election office, they shall be forwarded to  
6 the appropriate permanent registrar not later than the fifth day after  
7 receipt.

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

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

- 19 (A) state revenue offices;
- 20 (B) public assistance agencies;
- 21 (C) disabilities agencies;
- 22 (D) recruitment offices of the Armed Forces of the United  
23 States;
- 24 (E) public libraries; *and*
- 25 (F) offices of the Arkansas National Guard.

26 (2) Every six (6) months the Secretary of State shall compile a  
27 statewide report available to the public reflecting the statistical data  
28 collected pursuant to subsection (a). This report shall be submitted to the  
29 Federal Election Commission for the national report pursuant to section  
30 (9)(a)(3) of the National Voter Registration Act of 1993. The State report  
31 shall also include:

- 32 (A) numbers of and descriptions of the agencies, and the  
33 method of integrating voter registration in the agencies;
- 34 (B) an assessment of the impact of the National Voter  
35 Registration Act of 1993 on the administration of elections;

1 (C) recommendations for improvements in procedures, forms,  
2 and other matters affected by the National Voter Registration of 1993.

3 (d) Every six months the state-level administration of each voter  
4 registration agency shall issue a report to the Legislative Council and the  
5 Secretary of State containing the statistical and other information collected  
6 in each agency office, and recommendations for improvements in procedures,  
7 forms, and other matters, including training.

8 (e) Information relating to the place where a person registered to  
9 vote, submitted a voter registration application or updated voter  
10 registration records, and information relating to declination forms is  
11 confidential and exempt from the Freedom of Information Act, Arkansas Code  
12 25-19-101, et seq."

13

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

16 "51-9. Application to register.

17 (a) All persons may register who:

18 (1) are qualified electors and who have not previously  
19 registered;

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

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

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

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

32 (2) The permanent registrar shall register qualified applicants  
33 who apply to register to vote by mail using the state or federal mail voter  
34 registration application form if a legible and complete voter registration  
35 application form is postmarked not later than thirty (30) days before the

1 date of the election, or, if the form is received by mail without a postmark,  
2 not later than twenty-five (25) days before the date of an election.

3 (d) The permanent registrar shall notify applicants whether their  
4 applications are accepted, rejected or are incomplete. If information  
5 required by the permanent registrar is missing from the voter registration  
6 application, the permanent registrar shall contact the applicant to obtain  
7 the missing information.

8 (e) Registration records shall be filed or entered promptly in the  
9 Registration Record Files. If the applicant lacks one or more of the  
10 qualifications required by law of voters in this State, the permanent  
11 registrar shall not register the applicant, but shall document the reason for  
12 denying the applicant's registration and promptly file or enter the  
13 application and the documented reason for denying registration in the  
14 Registration Record Files.

15 (f) If the Permanent Registrar has any reason to doubt the  
16 qualifications of an applicant for registration, he shall submit such  
17 application to the County Board of Registration and such Board shall make a  
18 determination with respect to such qualifications and shall instruct the  
19 Permanent Registrar regarding the same.

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

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

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

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

34 (3) Citizens of the United States temporarily residing outside  
35 the limits of the United States and the District of Columbia, and their

1 spouses and dependents when residing with or accompanying them.

2 (i) Any person whose registration status or voting eligibility is  
3 affected adversely by an administrative determination under this amendment  
4 may appeal such adverse determination within five (5) days of receipt of  
5 notice thereof to the County Board of Registration. The County Board of  
6 Registration shall act on such appeal and render its decision within ten (10)  
7 days of its receipt. Within thirty (30) days after receipt of such decision,  
8 any aggrieved party may appeal further to the Circuit Court of the county."  
9

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

12 "51-10. Transfer and change of status.

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

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

28 (c) The permanent registrar shall conduct a uniform,  
29 non-discriminatory address confirmation program during each odd numbered year  
30 to ensure that voter registration lists are accurate and current. The  
31 address confirmation program shall be completed *not later than* ninety (90)  
32 days *prior to* a primary or general election for federal office. Based on  
33 change of address data received from the United States Postal Service or its  
34 licensees, or other unconfirmed data indicating that a registered voter no  
35 longer resides at his or her registered address, the permanent registrar

1 shall send a forwardable address confirmation notice, including a  
2 postage-paid and pre-addressed return card, to enable the voter to verify or  
3 correct the address information.

4           (1) If change of address data indicates that the voter has moved  
5 to a new residence address in the same county and, if the county is divided  
6 into more than one (1) congressional district, the same congressional  
7 district, the address confirmation notice shall contain the following  
8 statement:

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

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

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

1 order to vote. If the change of address is permanent, please return the  
2 attached postage-paid postcard which will assist us in keeping our voter  
3 registration records accurate."

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

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

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

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

16

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

19 "51-11. Cancellation of registration.

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

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

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

29 (3) Who have died;

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

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

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

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

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

8 (d) It shall be the duty of the Circuit Clerk of each county upon the  
9 conviction of any person of a felony to notify promptly the Permanent  
10 Registrar of the county of residence of such convicted felon.

11 (e) Within ten (10) days following the receipt or possession of  
12 information requiring any cancellation of registration, other than under  
13 51-11(a)(1) of this Amendment, the Permanent Registrar shall cancel the  
14 registration, note the date of the cancellation, the reason for the  
15 cancellation, and the person cancelling the registration.

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

21 "NOTICE OF IMPENDING CANCELLATION OF VOTER REGISTRATION.

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

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

1 (g) The Permanent Registrar is authorized, and may be directed by the  
2 County Board of Registration, to determine by mail check, house to house  
3 canvass or any other reasonable means at any time within the whole or any  
4 part of the county whether active Record Registration Files contain the names  
5 of any persons not qualified by law to vote. Further, upon application based  
6 upon affidavits of one or more qualified voters by the Prosecuting Attorney  
7 for the county, the Circuit Judge of the county, for good cause shown, may  
8 order the Permanent Registrar to make sure determination or to cancel the  
9 registration of such unqualified persons."

10

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

14

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

17 "51-12. Loss or destruction of voter registration records.

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

26

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

29 "51-13. Fail-safe voting.

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

35



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

3 "51-14. Voter registration lists.

4 (a) By the first day of June of each year, and at such other times as  
5 may be practicable, all Permanent Registrars shall, and at their discretion  
6 at other times may, print or otherwise duplicate and publish lists of  
7 registered voters by precincts, and may distribute such lists pursuant to  
8 Arkansas Code Annotated 7-5-105 and 7-5-109. A copy of the most current such  
9 list in each precinct shall be furnished the election officials at each  
10 precinct at the time the ballot boxes are delivered and such election  
11 officials shall post said list at a conspicuous place in the polling area.

12 (b) By the first day of June of each year, the Permanent Registrar  
13 shall certify to the Secretary of State the total number of registered voters  
14 in the county. The Secretary of State shall tabulate the total number of  
15 registered voters in the State and shall make such information available to  
16 interested persons upon request."

17

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

20 "51-15. Penalties.

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

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

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

33

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

35

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

4

5 SECTION 15. If any provision of this act or the application thereof to  
6 any person or circumstance is held invalid, such invalidity shall not affect  
7 other provisions or applications of the act which can be given effect without  
8 the invalid provision or application, and to this end the provisions of this  
9 act are declared to be severable.

10

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

13

*/s/Malone et al*

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