

State of Arkansas

76th General Assembly

Regular Session, 1987 AS ENGROSSED 4/2/87

HOUSE BILL 1081

By: Representative Mahony

"AN ACT TO AMEND SECTION 11 OF AMENDMENT 51 TO THE ARKANSAS CONSTITUTION, AS AMENDED, TO REQUIRE THE PERMANENT REGISTRARS TO NOTIFY PERSONS THIRTY DAYS BEFORE CANCELLATION THAT, DUE TO THEIR FAILURE TO VOTE IN ANY ELECTION DURING THE PRECEDING FOUR YEARS, THEIR VOTER REGISTRATION WILL BE CANCELLED UNLESS THEY CONVEY TO THE REGISTRAR A DESIRE TO REMAIN REGISTERED; AND FOR OTHER PURPOSES."

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

SECTION 1. Section 11 of Amendment 51 to the Arkansas Constitution, as amended, is hereby amended to read as follows:

"Section 11. (a) It shall be the duty of the Permanent Registrar to cancel the registration of voters:

(1) who have failed to vote in any election during four (4) successive calendar years immediately preceding the first of January of any years and have not responded to the notice prescribed by Section 11(f) of this Amendment;

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

(3) who have died or changed their name;

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

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

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

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

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

(e) 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 write or stamp the word 'cancelled' across the face of such original Affidavit of Registration and note the date of the cancellation, the reason for the cancellation, and the signature of the person cancelling in blank spaces provided thereon for such purposes. Such cancelled original Affidavit of Registration shall then be transferred to the Inactive Registration File and the duplicate and triplicate copies in the Precinct Registration Files shall then be destroyed.

(f) The Permanent Registrar shall, thirty (30) days before cancellation, notify all persons whose Affidavits of Registration 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. Notice is hereby given that due to your failure to vote in any election in this county during the preceding four (4) calendar years, under the laws of this State your voter registration will be cancelled unless you respond in person or by mail to this office within thirty (30) days after the date postmarked on the envelope of this notice that you are still a qualified voter and desire that your voter registration not be cancelled." Alternatively, the Permanent Registrar may publish a list of the names of all persons whose Affidavits of Registration are to be cancelled in accordance with Section 11 (a) (1) of this Amendment. The list shall be published in a legal newspaper having a general circulation in the county. To assure proper identification, the name of the person's street or route and the name of the city, town or community in which the person lives shall be included. The following notice shall be given and shall be followed by the list of names: "NOTICE OF IMPENDING CANCELLATION OF VOTER REGISTRATION. Notice is hereby given that due to your failure to vote in any election in this county during

the preceding four calendar years, under the laws of this State your voter registration will be cancelled unless you respond in person or by mail to this office within thirty (30) days from the date of this notice that you are still a qualified voter and desire that your voter registration not be cancelled." When, in response to the notice, a qualified voter requests the Permanent Registrar not to cancel the voter registration, the voter registration shall not be cancelled under Section 11(a)(1) of this amendment unless the voter fails to vote in any election in the county during the succeeding four (4) calendar years after the date of the notice.

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

SECTION 2. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 3. EMERGENCY. It is hereby found and determined by the General Assembly that Section 11 of Amendment 51 to the Arkansas Constitution requires the Permanent Registrar to cancel without prior notice, the voter registration of persons who have failed to vote within four (4) consecutive years; that it is preferable that voters be notified prior to cancellation so that they may avoid the cancellation of their voter registration; that this Act amends Amendment 51 to provide such prior notice and that unless it is given immediate effect, some voter registration affidavits may be cancelled without prior notice. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

/s/ Jody Mahony