

LANCASTER LAW FIRM, PLLC

clint@thelancasterlawfirm.com
Licensed Attorney and Registered Lobbyist

(501) 776-2224

jennifer@thelancasterlawfirm.com
Licensed Attorney and Registered Lobbyist

RE: EXECUTIVE SUMMARY MEMORANDUM

**PROPOSED BILL NO. 9
MANDATES ENHANCED PROCEDURES FOR KEEPING VOTER ROLLS
ACCURATE AND REMOVING INELIGIBLE VOTERS**

Dear Sir or Madam:

This bill requires the county clerks to purge voter rolls in the same manner contemplated by the NVRA.

This bill creates a wholly new statute.

Ark. Code Ann. § 7-5-113

(a)

Requires the clerk of each county to notify any person who fails to remain eligible to vote to provide notice that the voter's name will be removed from the active and eligible voter list if certain actions are not taken.

(b)

Defines which state and federal entities the clerks must use to determine voter eligibility.

(c)(1)

Requires a federally compliant notice be sent to the potentially ineligible voter and sets out the specific language to be used.

(c)(2)

Requires that the notification sent have a reply requirement available for the affected voter.

(d)

Requires removal of a voter from the active and eligible voting list whose response to the notification indicates the voter is no longer eligible.

(e)

Requires removal of a voter from the active and eligible voting list who fails to respond to the notification.

(f)

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Sets forth the time and requires the completion of roll purging processes well in advance of the federal deadline.

(g)(i)

Creates criminal penalties for both the failure to purge and the unlawful purging of voters from the rolls.

(j)

Prohibits the use of third-party private entities to conduct roll purging related activities.

Ark. Code Ann. § 7-5-113

(a)

Requires the county clerk to remove persons who are placed into a guardianship and conservatorship from the active and eligible voter rolls.

(b)

Requires the county clerk to remove persons who are convicted of a felony from the active and eligible voter rolls.

(c)

Requires the county clerk to remove persons who are voluntarily or involuntarily committed to a mental health institution from the active and eligible voter rolls.

(d)

Creates criminal penalties for both the failure to purge and the unlawful purging of voters from the rolls.

Sincerely,


/S/ CLINTON W. LANCASTER
Attorney at Law

A Bill

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023

SENATE BILL _____

4
5 By: Representative
6 By Senator

For An Act to Be Entitled

7
8 AN ACT TO AMEND THE LAW CONCERNING ELECTIONS
9 AND TO RESTORE ELECTION INTEGRITY IN ARKANSAS
10 AND AMENDED ELECTION PROCEDURES
11

Subtitle

12
13 MANDATING ENHANCED PROCEDURES FOR KEEPING
14 VOTER ROLLS ACCURATE AND REMOVING INELIGIBLE
15 VOTERS
16

17
18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

SECTION 1. Arkansas Code Title 7, Chapter 5, Subchapter 8, Section 7-5-

20
21 **113 is created as follows:**

22 (a) Within forty-five (45) days after any federal election, the clerk of each county shall
23 notify any person registered to vote in any election in this state who meets the below criteria that
24 his or her name will be removed from the listed of eligible voters if:

25 (1) There is information obtained from or existing within a state or federal agency that
26 the person has changed his or her residence to a different county or state;

27 (2) There is information obtained from or existing within a state or federal agency that
28 indicates the person is deceased.

29 (3) There is information obtained from or existing within a state or federal agency that
30 indicates the person has not voted or appeared to vote in a federal election in the past two years.

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1 **(b) The terms “information obtained from or existing within a state or federal agency”**
2 **includes, but is not limited to the following sources of information:**

3 **(1) Change of address information supplied, provided, or held by the United States**
4 **Postal Service.**

5 **(2) Official records or documents possessed or accessible by the Arkansas Department**
6 **of Motor Vehicles.**

7 **(3) Official records or documents possessed or accessible by the Arkansas Department**
8 **of Finance and Administration.**

9 **(4) Official records or documents possessed or accessible by the Arkansas Department**
10 **of Health.**

11 **(5) Official records or documents possessed or accessible by any county clerk.**

12 **(6) Official records or documents possessed or accessible by any county board of**
13 **election commissioners.**

14 **(7) Official records or documents possessed or accessible by any state government**
15 **entity.**

16 **(c)(1) All notices sent to a person pursuant to this section shall be sent by forwardable mail**
17 **with a prepaid pre-addressed return form to the address listed on the voter registration form and**
18 **state:**

19 **IMPORTANT NOTICE ABOUT YOUR RIGHT TO VOTE**

20 **The state of Arkansas has information which indicates that you are no longer eligible to vote**
21 **in this county because you no longer reside at the residence in this county in which you**
22 **registered to vote on your voter registration form.**

23
24 **If you believe this is an error, please contact our office immediately. You should return this**
25 **card in the prepaid envelope as soon as possible, but earlier than thirty (30) days prior to the**
26 **next federal election or your right to vote may be adversely impacted. If you take no action**
27 **related to this notice, your name may be removed from the list of registered and eligible**
28 **voters.**

29
30 **If your name is removed from the list of registered and eligible voters and placed on the list**
31 **of inactive and ineligible voters, or if you have changed residence outside of this county, you**

1 must re-register to vote no later than thirty (30) days prior to the next election in wish you
2 intend to vote.

3
4 If this card is not returned at least thirty (30) days prior to the next federal election,
5 affirmation or confirmation of your address may be required before the you are permitted
6 to vote in a federal, state, or local election during the period beginning on the date of the
7 notice and ending on the day after the date of the second general election for federal office
8 that occurs after the date of the notice, and you do not vote in an election during that above
9 described time period your name will be removed from the list of eligible voters and placed
10 on a list of inactive and eligible voters.

11
12 If you have changed your residence to a place outside this county, you must re-register to
13 vote in the county of your residence in Arkansas by contacting:

- 14 (A) Your local county clerk.
15 (B) The Arkansas Secretary of State Elections Division: 1-800-482-1127.
16 (C) A local revenue or DMV office.
17 (D) A public library.
18 (E) A disability agency.
19 (F) A military recruitment office.
20 (G) Online through the USPS website.

21 If you do not live in the state of Arkansas, you should contact the state agency that oversees
22 elections for information about how to register in your state.

23
24 (2) The card shall include, at least, the address of registration and the following
25 preprinted statements with an appropriate space for the registrant to mark his or her reply:

- 26 (A) I confirm that no longer reside at the listed address.
27 (B) I confirm that I still reside at the listed address.
28 (C) I no longer desire to remain on the list of registered and eligible voters. Please
29 remove me from the list and place my name on the list of ineligible and inactive voters.

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1 (d) If a voter confirms in writing that he or she has changed residence to a place outside of
2 the county, the clerk shall remove that person’s name from the official list of eligible voters and
3 place that person’s name on the list of inactive and ineligible voters.

4 (e) The county clerk shall remove the name of a person from the official list of eligible
5 voters and place that person’s name on the list of inactive and ineligible voters if:

6 (1) The person has failed to respond to the notice sent by the county clerk, and

7 (2) The person has not voted or appeared to vote (and, if necessary, correct the county
8 clerk’s record of the registrant’s address) in an election during the period beginning on the date of
9 the notice and ending on the day after the date of the second general election for Federal office
10 that occurs after the date of the notice.

11 (f) All actions described in this chapter shall be completed no later than 100 days before
12 the next federal election.

13 (g)(1) The grossly negligent failure to maintain a voter eligibility list in conformance with
14 this section shall be a class C misdemeanor for each name or instance and be considered an
15 “infamous crime.” However, if the failure to maintain a voter eligibility list in conformance with
16 this section is done willfully or intentionally, it shall be a class D for each name or instance as well
17 as be considered an “infamous crime.”

18 (2) “Gross negligence” means the failure to use even slight care or acting in such a
19 manner that the person should know the conduct will likely cause an error in the voting list.

20 (h) The intentional return of a fraudulent notice requesting removal from or having the
21 effect of removing an otherwise registered and eligible voter from the eligible list of voters shall
22 be a class D felony. It shall not be a defense for any person charged with a crime related to the acts
23 described in this paragraph that the voter was not impacted or prevented from voting by the return
24 of the fraudulent notice.

25 (i) It shall be a class D felony to intentionally or willfully remove an otherwise eligible
26 voter from the list of registered and eligible voters if the action is done with the intent to obstruct
27 a lawful voter from casting a ballot.

28 (j) The Secretary of State and the county clerks shall not outsource or contract to conduct
29 the services or programs set forth in this section to any person or entity who is not a governmental
30 agency or department of this State.

31

SECTION 2. Arkansas Code Title 7, Chapter 5, Subchapter 8, Section 7-5-

114 is created as follows:

(a)(1) Upon the entry of an order for a guardianship or the conservatorship of any person, the county clerk shall immediately remove the name of ward from the list of registered and eligible voters and place the ward's name on the list of inactive and ineligible voters.

(2) Upon the entry of an order terminating a guardianship or conservatorship of any person, the county clerk shall immediately place the name of the former ward back onto the list of registered and eligible voters.

(b)(1) Upon the entry of a judgment of conviction for a felony, the circuit clerk shall forward a certified copy of the judgment to the county clerk and the county clerk shall immediately remove the name of the convicted felon from the list of registered and eligible voters and place the felon's name on the list of inactive and ineligible voters.

(2) Upon presentation of a certified copy of pardon which restores the right to vote from the Governor of this state, the President of the United States, the governor of any other state in which a felon was convicted, and upon the completion of a timely, reasonable, and diligent investigation to ensure there are no additional felony convictions which prohibit a convicted felon from voting, the county clerk shall immediately place the name of the pardoned felon back onto the list of registered and eligible voters.

(c)(1) Upon the entry of a judgment for a voluntary or involuntary commitment, the circuit clerk shall forward a certified copy of the judgment of commitment to the county clerk and the county clerk shall immediately remove the name of the committed person from the list of registered and eligible voters and place that person's name on the list of inactive and ineligible voters.

(2) Upon the entry of an order dismissing the voluntary or involuntary commitment, and upon the completion of a timely, reasonable, and diligent investigation to ensure there are no additional voluntary or involuntary civil commitments for the person, the county clerk shall immediately place the name of the pardoned felon back onto the list of registered and eligible voters.

(g)(1) The grossly negligent failure to maintain a voter eligibility list in conformance with this section shall be a class C misdemeanor for each name or instance and be considered an "infamous crime." However, if the failure to maintain a voter eligibility list in conformance with

PROPOSED BILL 9

1 this section is done willfully or intentionally, it shall be a class D for each name or instance as well
2 as be considered an “infamous crime.”

3 (2) “Gross negligence” means the failure to use even slight care or acting in such a
4 manner that the person should know the conduct will likely cause an error in the voting list.

5 (h) It shall be a class D felony to intentionally or willfully remove an otherwise eligible
6 voter from the list of registered and eligible voters if the action is done with the intent to obstruct
7 a lawful voter from casting a ballot.

8 (i) The Secretary of State and the county clerks shall not outsource or contract to conduct
9 the services or programs set forth in this section to any person or entity who is not a governmental
10 agency or department of this State.