

**THE ARKANSAS FELON VOTING RESTORATION AMENDMENT OF 2020**

\_\_\_\_ VALID OF \_\_\_\_  
 BY \_\_\_\_ DATE \_\_\_\_

**INITIATIVE PETITION:** To the Honorable John Thurston, Secretary of State: We, the undersigned legal registered voters of the State of Arkansas, respectfully propose the following amendment to the State Constitution, to wit: The Arkansas Voting Restoration Amendment of 2020 and our petition, order that the same submitted to the people of said state, to the end that the same may be adopted, enacted, or rejected by a vote of the people, at the regular general election to be held on the 3<sup>rd</sup> day of November 2020, and each of us for him or herself says: I have signed this petition, I am a legal registered voter of the State of Arkansas, and my printed name, date of birth, residence, city or town of residence, and date of signing this petition are correctly written after my signature.

Voters Registered in \_\_\_\_\_ County

	SIGNATURE	PRINTED NAME	DATE OF BIRTH	ADDRESS	CITY OR TOWN	DATE SIGNED
01.						
02.						
03.						
04.						
05.				<b>F I L E D</b>		
06.				NOV 20 2019		
07.				Arkansas Secretary of State		
08.						
09.						
10.						

**(FOR CANVASSER ONLY)**

Indicate one:  Paid Canvasser or  Volunteer/Unpaid Canvasser

I, \_\_\_\_\_ [Canvasser] being first duly sworn, state that the foregoing persons signed this petition, and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name, date or birth, residence or town of residence correctly. I believe that each signer is a registered voter of the State of Arkansas. A complete copy of the Popular Name, Ballot Title, and Text of the Measure was attached to this signature sheet at all times during its circulation

Signature: \_\_\_\_\_

Residence: \_\_\_\_\_

**(FOR NOTARY ONLY)**

State of Arkansas, County of: \_\_\_\_\_

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, came, \_\_\_\_\_ well known to me, (or satisfactorily proven by identification documents provided) to be the person described in the foregoing Canvasser Affidavit and acknowledged that s/he executed the same in the capacity of a Canvasser for the purpose of fulfilling legal requirements of a Canvasser in the State of Arkansas; and that I personally witnessed the signature of the Canvasser.

Signature of Notary: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

Residence County of Notary: \_\_\_\_\_

Original Draft: November 18, 2019

Sponsor: Roderick Greer Talley \* P.O. Box 166218 \* Little Rock, AR 72216 \* 404-719-7793

**Popular Name:**

ARKANSAS FELON VOTING RESTORATION AMENDMENT OF 2020

**Ballot Title:**

A proposed amendment to the Arkansas Constitution concerning restoring the voting rights of all felons not incarcerated. The amendment would not apply to those convicted of a felony sexual offense or murder, who would continue to be permanently barred from voting until proof is provided that the felon has been discharged from probation or parole, has paid all probation or parole fees, or has satisfied all terms of imprisonment, and paid all applicable court costs, fines, or restitution.

Text of proposed measure:

SECTION 1. 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)(1) Who have changed their residence to an address outside the county;~~

~~(3)(2) Who have died;~~

~~(4)(3) Who have been convicted of a felony sexual offense or murder and have not discharged their sentence or been pardoned;~~

~~(5)(4) Who are not lawfully qualified or registered electors of this state or of the county; or~~

~~(6)(5) Who have been adjudged mentally incompetent by a court of competent jurisdiction.~~

(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 or state to notify promptly the permanent registrar of such other county or state of the new registration.

(c) (1) It shall be the duty of the State Registrar of Vital Records to notify promptly the Secretary of State of the death of all residents of this state.

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

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

(d) (1) It shall be the duty of the circuit clerk of each county upon the conviction and incarceration of any person of a felony to notify promptly the permanent registrar of the county of residence of such convicted felon.

(2) (A) It is the duty of any ~~convicted~~ felon convicted of a felony sexual offense or murder who desires to register to vote to provide the county clerk with proof from the appropriate state or local agency, or office that the felon has been discharged from probation or parole, has paid all probation or parole fees, or has satisfied all terms of imprisonment, and paid all applicable court costs, fines, or restitution released from incarceration.

(B) Proof that the felon convicted of a felony sexual offense or murder has been discharged from probation or parole, paid all probation or parole fees, or satisfied all terms of imprisonment, and paid all applicable court costs, fines, or restitution shall be provided to the felon after completion of the probation, parole, or sentence by the Department of Correction, the Department of Community Correction, the appropriate probation office or the circuit clerk as applicable.

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

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

(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 cancel the registration, note the date of the cancellation, the reason for the cancellation, and the person cancelling the registration.

(f) (1) The permanent registrar shall, thirty (30) days before cancellation, notify all persons whose registration records 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.

According to our records you have not responded to our address confirmation notice and you have not voted in any 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 after the date of the first notice. This may indicate that you no longer live at the residence address printed on the postcard. If your permanent residence address is still the same as the printed address on this postcard YOU MUST CONFIRM YOUR RESIDENCE ADDRESS in order to remain on the voter registration list. If you do not return the attached postcard within thirty (30) days after the date postmarked on

this card YOUR REGISTRATION WILL BE CANCELLED and you will have to re-register to vote."

(2) 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.

(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 (1) 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 sure determination or to cancel the registration of such unqualified persons. [As amended by Acts 1977, No. 744, § 1; 1983, No. 11, § 1; 1987, No. 800, § 1; 1991, No. 581, § 2; 1995, No. 947, § 7; 1995, No. 964, § 7; 2001, No. 560, § 1; 2003, No. 271, § 1; 2003, No. 375, § 1; 2003, No. 1451, § 1; 2009, No. 659, § 4.]

SECTION 2. Section § 9(a)(1) of Amendment 51 is repealed.

(a) All persons may register who:

~~(1) Have not been convicted of a felony unless the person's sentence has been discharged or the person has been pardoned;~~

SECTION 3. Amendment

Notwithstanding the General Assembly's authority to propose amendments to the constitution under Article 19 § 22 of the Constitution, the General Assembly does not have authority to propose an amendment to the Constitution to amend or repeal term limits for the House of Representatives or Senate. The power to propose an amendment to the Constitution to amend or repeal term limits for the House of Representatives or Senate is reserved to the people under Article 5, Section 1 of the Constitution, as amended by Amendment 7.

SECTION 2.

BALLOT TITLE AND POPULAR NAME. When this proposed amendment is submit

This is an amendment to the Arkansas Constitution that may be cited as "The Arkansas Felon Voting Restoration Amendment of 2020".

SECTION 4. Severability.

The provisions of the Amendment are severable, and if any provision should be held invalid, the remainder shall stand.

SECTION 5. Effective Date.

This Amendment shall be Effective on and after November 04, 2020.

## Instructions to Canvassers and Signers

1. The Arkansas Constitution gives Arkansas citizens the power to ( a) initiate legislation by petition of 8% of the legal voters or constitutional amendments by petition of 10% of legal voters, or (b) order the referendum against any general act or any item of an appropriation bill or measure passed by the General Assembly by petition of 6% of legal voters. A proposed measure must be submitted at a regular election. Referendum petitions may be referred at special elections on petition of 15% of the registered voters. Any measure submitted to the people becomes law when approved by a majority of the votes cast upon such measure.
2. Only registered voters may sign. All signatures must be in the signer's own handwriting and in the presence of the person circulating the petition. Each petition part should contain only the signatures of voters residing in a single county.
3. Printed name, date of birth, residence, city or town of residence, and date of signing must be given. If a petition signer needs assistance with this information due to disability, another person may print the signer's information and that person shall sign and print their name in the margin of the petition.
4. Pursuant to Ark. Code Ann. § 7-9-103, a person commits a Class A misdemeanor, punishable by a fine of up to \$2,500 and confinement of up to one year in jail, if the person knowingly prints a name, address, or birth date other than his or her own to a petition or prints the date of signing for another person unless the signer requires assistance due to disability and the person complies with § 7-9-103.
5. Pursuant to Ark. Code Ann. § 5-55-601(c), each of the following activities constitutes "petition fraud," which is a Class D felony and is punishable by a fine of up to \$10,000 and imprisonment for up to six years. Subsection (b) states: "A person commits the offense of petition fraud:
  - 1) If the person knowingly:
    - a) Signs a name other than his or her name to a petition;
    - b) Signs his or her name more than one (1) time to a petition; or
    - c) Signs a petition when he or she is not legally entitled to sign the petition;
  - 2) If the person acting as a canvasser, notary, sponsor as defined under § 79-101, or agent of a sponsor:
    - a) Signs a name other than his or her own to a petition;
    - b) Prints a name, address, or birth date other than his or her own to a petition unless the signor requires assistance due to disability and the person complies with § 7-9-103;
    - c) Solicits or obtains a signature to a petition knowing that the person signing is not qualified to sign the petition;
    - d) Knowingly pays a person any form of compensation in exchange for signing a petition as a petitioner;
    - e) Accepts or pays money or anything of value for obtaining signatures on a petition when the person acting as a canvasser, sponsor, or agent of a sponsor knows that the person acting as a canvasser's name or address is not included on the sponsor's list filed with the Secretary of State under § 7-9-601; or
    - f) Knowingly misrepresents the purpose and effect of the petition or the measure affected for the purpose of causing a person to sign a petition;
  - 3) If the person acting as a canvasser knowingly makes a false statement on a petition verification form; [or]
    - g) \*\*\*
- 5) If the person acting as a sponsor files a petition or a part of a petition with the official charged with verifying the signatures knowing that the petition or part of the petition contains one (1) or more false or fraudulent signatures unless each false or fraudulent signature is clearly stricken by the sponsor before filing."

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**JOHN THURSTON SECRETARY OF STATE**