



# Removing Obsolete Language From the Arkansas Constitution and Allowing Alteration of Poll Worker Qualifications

## PROPOSED CONSTITUTIONAL AMENDMENT NO. 1

(Referred to the People by the General Assembly)

**POPULAR NAME:** An amendment concerning voting, qualifications of voters and election officers, and the time of holding general elections.



**BALLOT TITLE:** Amending various provisions of the Arkansas Constitution concerning voting and elections; providing that all persons may vote who are citizens of the United States, residents of the State of Arkansas, at least eighteen (18) years of age, and lawfully registered to vote; to repeal the requirement that the right to vote shall not be made to depend on any previous registration of an elector's name; repealing Article 3, Section 5 of the Arkansas Constitution providing that no idiot or insane person shall be entitled to the privileges of an elector; and permitting the General Assembly to establish the date and time of elections and the qualifications of election officers.

### Why is the issue on the ballot of a general election?

By approving Senate Joint Resolution 4, the state legislature has proposed amending the Arkansas Constitution to include proposed Constitutional Amendment No. 1. All constitutional amendments require approval by a majority of voters in a statewide election.

### What does this amendment do?

Proposed Constitutional Amendment No. 1 would remove the words "idiot" and "insane." The constitution bans an "idiot" from voting, but "idiot" is not defined either in the state constitution or in statutory law.

The proposed amendment would change the state constitution's poll tax language. Article 3, Section 1 of the constitution, includes a requirement that a would-be voter "exhibit a poll tax receipt or other evidence that they have paid their poll tax." Amendment 51 of the constitution repealed the poll tax in Arkansas. The entire section would be replaced by text allowing voting by anyone who is a citizen of the United States, a resident of Arkansas, at least 18 years of age and lawfully registered to vote.

Another component of the measure would give the General Assembly power to determine who can be a voting official. Currently, the constitution bans state workers from serving as poll workers. It would also enhance the legislature's power to establish the date of elections.

**The following statements are what supporters and opponents have made public either in media statements and literature or on web sites. The University of Arkansas does not endorse or in any way validate these statements.**

### What do supporters say?

The legislator who sponsored the resolution proposing the amendment for the ballot has said the intent is to remove language, notably in Article 3, Section 5, which reads, "No idiot or insane person shall be entitled to the privileges of an elector." An elector is a voter. Supporters note that the term "idiot" is outmoded and disrespectful.

Arkansas is the only state that does not allow its legislative body the authority to determine the qualifications of a poll worker. Supporters state

**Conflict of Interest:** State employees, including individuals employed by and affiliated with publicly-funded colleges and universities, are now among those who are restricted from being poll workers. If this amendment is approved, University of Arkansas System employees could possibly be viewed as attempting to influence an issue as a poll worker. We are obligated to divulge potential conflicts of interest and to recognize their influence on the educational programs and material we produce. As professional faculty of the University of Arkansas Division of Agriculture's Public Policy Center, we are committed to full disclosure and open recognition of our potential for bias. We strive to present Arkansas citizens with a fair and balanced representation of the issues brought to the ballot and welcome any constructive criticism toward that effort.

that Arkansas has an aging poll worker population and needs more people to serve. The amendment would allow people such as teachers and government employees to become poll workers.

### **What do opponents say?**

According to the Arkansas Secretary of State's Office, no opposition to the proposed amendment has surfaced. However, an article in the *Arkansas Democrat-Gazette* did question whether allowing state workers to staff the polls would encourage patronage or machine politics. In response, the chief counsel for the Secretary of State was quoted as saying it would be "up to the Legislature."

### **When does the legislation take effect, if passed?**

Unless a specific date is placed in the language of a ballot initiative, measures put before the voters, if approved, become effective 30 days after the election. Proposed Constitutional Amendment No. 1 calls for the General Assembly to determine the qualifications of poll workers, which would be addressed in the next regular session in 2009.

### **What does a "FOR" vote mean?**

A vote "FOR" proposed Constitutional Amendment No. 1 would remove archaic language, repeal the requirement for a poll tax receipt and allow the legislature to determine the qualification of poll workers.

### **What does an "AGAINST" vote mean?**

The language in the Constitution of the State of Arkansas would remain unchanged with a vote "AGAINST" the proposed amendment.

### **Where can I find more information?**

The complete and official text of each ballot measure can be obtained through the Arkansas Secretary of State's Office:

- Phone: 501-682-1010
- Web site: <http://www.votenaturally.org>

For additional information, including links to major support and opposition groups, please visit the University of Arkansas Division of Agriculture's Public

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Policy Center web site at <http://ppc.uaex.edu> or contact your county Cooperative Extension Service office.

The following is information regarding this proposed constitutional amendment as it will appear on the state's November 4 general election ballot.

### **Proposed Constitutional Amendment No. 1** (Referred to the People by the General Assembly)

#### **(Popular Name)**

AN AMENDMENT CONCERNING VOTING, QUALIFICATIONS OF VOTERS AND ELECTION OFFICERS, AND THE TIME OF HOLDING GENERAL ELECTIONS.

#### **(Ballot Title)**

AMENDING VARIOUS PROVISIONS OF THE ARKANSAS CONSTITUTION CONCERNING VOTING AND ELECTIONS; PROVIDING THAT ALL PERSONS MAY VOTE WHO ARE CITIZENS OF THE UNITED STATES, RESIDENTS OF THE STATE OF ARKANSAS, AT LEAST EIGHTEEN (18) YEARS OF AGE, AND LAWFULLY REGISTERED TO VOTE; TO REPEAL THE REQUIREMENT THAT THE RIGHT TO VOTE SHALL NOT BE MADE TO DEPEND ON ANY PREVIOUS REGISTRATION OF AN ELECTOR'S NAME; REPEALING ARTICLE 3, SECTION 5 OF THE ARKANSAS CONSTITUTION PROVIDING THAT NO IDIOT OR INSANE PERSON SHALL BE ENTITLED TO THE PRIVILEGES OF AN ELECTOR; AND PERMITTING THE GENERAL ASSEMBLY TO ESTABLISH THE DATE AND TIME OF ELECTIONS AND THE QUALIFICATIONS OF ELECTION OFFICERS.

**FOR** Proposed Referred Amendment No. 1

**AGAINST** Proposed Referred Amendment No. 1

### **Exercising your voting privilege**

We live in a democratic society where voting is a privilege of citizenship. Democracy works best when informed citizens exercise their voting privilege. Please vote November 4, 2008.

### **References**

Phrasing of laws heading to voters. *Arkansas Democrat-Gazette*. August 25, 2008.

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