

ARKANSAS VOTER FRAUD PREVENTION HANDBOOK

Voter Registration

Q: I have lived in one county for many years, but I work in a different county. I would like to register to vote in the county where I work because I am more involved in that community than in the area where I reside. Can I change my registration to the county where I work?

A: No. Arkansas law requires you to register in the county where you reside, unless you are temporarily living in a particular place because of a temporary work related assignment or duty post or as a result of status as military personnel, student, or office holder. Only then could you be registered in the county where residency was established prior to the beginning of such assignments or duties. (ACA 7-5-201)

Q: When I went to get a driver's license, they asked me if I would like to register to vote, even though I am not 18 years old, the legal voting age. Isn't it likely that lots of underage citizens are registering to vote at the DMV?

A: Under the National Voter Registration Act certain state agencies, including Driver Services, are required to offer their customers the opportunity to register to vote. The applicant must sign an oath on the voter registration application that he or she is or will be age 18 before the next election. (The oath also requires the applicant be a U.S. citizen and Arkansas resident.) Providing false information on this oath can subject the applicant to a fine of up to \$10,000 and/or imprisonment of up to 10 years under state and federal law. Also, each voter is required to confirm his or her date of birth to the election officials at the polls prior to voting.

Q: I have moved twice in the last few years to different counties in Arkansas. I registered to vote in each of these counties, but I have never canceled my previous registration in the counties I was leaving. What would prevent someone from fraudulently using my old registrations to cast an illegal vote? How can I notify these counties that I want my name removed from the voter registration rolls and move my registration to my new county of residence?

A: All voter registration applications contain a section for you to list your previous address. However, the situation you describe does happen and is cause for concern that an illegal vote could be cast. In an effort to prevent such an occurrence, the counties send periodic address confirmation mailings to "clean up" their voter rolls. If you receive such a mailing, it is important that you indicate your correct new address and return the card to the county clerk so that your old registration can be canceled.

Another safeguard is provided by the Secretary of State's office which performs periodic checks for duplications in voters registered across the state. It is best for you to

take the initiative each time you move out of county by sending a letter to the county clerk in the county from which you are moving and ask that your voter registration in that county be canceled.

Q: My neighbors were born in South America, but they vote in every election here. Is that legal?

A: If they are naturalized U.S. citizens, are at least 18 years old, are Arkansas residents, are not in prison or under a conviction for a felony, and have not been determined to be mentally incompetent to register and vote, then they are eligible to register and vote. Anyone who is a naturalized citizen meeting these requirements may vote if they have registered at least 30 days prior to the election. (ACA 7-5-201)

Q: I got married last summer and changed my name. I recently re-registered in my married name. What should I do to be sure that my previous registration in my maiden name is canceled?

A: One of the most common causes of duplicate registrations is name change after marriage. You should contact your county clerk and tell him or her which name you wish to have canceled. Anyone wishing to change the name on their voter registration should fill out the name change portion of the voter registration application form. This will allow the county clerk to cancel the previous registration on file, reducing the possibility of fraud.

Q: I heard that there are several people who are registered to vote who live at the local homeless shelter. This can't be their permanent residence, so how are they allowed to register with only a temporary address?

A: Arkansas law supports the right of homeless people to register to vote. They are allowed to register and vote as long as they can receive mail and be assigned a precinct based on this fixed location.

Q: My daughter wants to transfer her voter registration from our hometown to her new college campus. Can she do that?

A: Students may be considered to be residents of the place where they lived prior to becoming a student. However, a student may also have the intent to be a resident of the new place and be registered there. Of course, a student may not be registered and vote in more than one place. This also applies to people on temporary job assignments in other areas of the State. (ACA 7-5-201)

Q: My husband and I are retired. We spend winters at home in south Arkansas and summers in the mountains in Colorado. What residence address should we use to determine where we are entitled to register and vote?

A: This is a decision you will have to make, but you must choose only one voting location. In general, your residence is where your family lives, where you physically reside, the place you intend to return to whenever you are gone from it, where your driver's license says you live, where you claim your homeowner's property tax exemption, etc. You should consider all of these factors in making your decision.

Q: *When I signed the roster at the polls, I noticed that my neighbor's cat was listed as a registered voter. I assume that my neighbor has fraudulently registered her pet and then requested an absentee ballot in the pet's name in order to sway the election. What can I do to stop this outrageous situation?*

A: Such conduct is a violation of State and Federal Laws. If you suspect that voter registration fraud has occurred, contact your county clerk, county board of election commissioners, prosecuting attorney, U.S. Attorney or the Secretary of State's office as soon as possible.

Q: *I have never been a registered voter before, but I recently decided I should register so I filled out a voter registration application at a booth at the county fair. It was a little more than a month before the next election. When I went to the polls to vote, I was told that I was not registered. What should I do?*

A: You are not legally registered until the county clerk records your registration. If the individuals manning the booth did not submit the applications to the county clerk prior to the registration deadline of 30 days prior to an election, you would not be eligible to vote in that election. Check with your county clerk to see if your application has been received and is complete so that you can vote in the next election.

Voting At The Polls

Q: *In the last election, I saw a poll worker taking a ballot out of the polling place to a disabled voter in a car outside so that the person could vote. It seemed like a kind thing to do, but is it allowed?*

A: Definitely not. Ballots are not to be removed from the polling place during an election. (ACA 7-1-103) Any disabled person who is registered to vote but is unable to go to the polls may obtain an absentee ballot. If a voter can get to the polls but cannot stand in line, the law allows that person to request to be moved to the front of the line. (ACA 7-5-310).

Q: *I am an elderly woman who lives alone without transportation. A volunteer working for the campaign of a local candidate offered to take other elderly people and me in my neighborhood to the polls to vote. Can they do that?*

A: Yes. However, they are not allowed to offer you any money, goods, wares or merchandise for the purpose of influencing your vote. (ACA 7-1-104)

Q: *A candidate that I admire is conducting a write-in campaign. She is printing adhesive labels for us to put on our ballots to vote for her. Will my vote count if I use her adhesive label?*

A: No. All write-in votes must be written in the handwriting of the person casting the vote. (ACA 7-5-315)

Q: *I recently moved from one side of town to the other. I heard that I could continue to vote at my old polling place, but I wonder if I should vote at the polling place in my new neighborhood. What is the proper place for me to vote?*

A: You should always vote in the precinct in which you live. If you have moved within 30 days prior to an election, contact your county clerk as soon as possible to change your address to be properly precincted for the election. If you are not on the registration list for your new precinct, you will still be allowed to vote under the “fail-safe” provision of the National Voter Registration Act as long as your move was within the same county. Such a challenged ballot will be counted only upon verification of your registration status. (Ark. Const. Amend. 51; ACA 7-5-305)

Q: *When I went into the voting booth, I found a pencil with a candidate’s name printed on it urging voters to vote for him. Is that allowed?*

A: No. Sometimes a previous voter leaves such campaign material in the voting booth inadvertently. But it is illegal for candidate pencils, flyers or other campaign materials to be in the polling place. No “electioneering” is allowed within 100 feet of the primary exterior entrance used by voters to the building containing the polling place on Election Day. (ACA 7-1-103)

Q: *My neighbor is blind, but she would like to vote in the next election. She is a friend of one of the candidates on the ballot and he has offered to go into the voting booth with her to help her cast her ballot. Can he do that?*

A: Your neighbor or any other disabled person wishing to vote may select anyone, including a candidate, to assist in marking the ballot according to the voter’s wishes. If the person selected is a candidate, there must be no attempt on his part to influence the vote. A disabled voter may instead choose to be assisted by two election officials. (ACA 7-5-310 and 311)

Q: *When I was in line to vote, a man and his wife went into the voting booth together to vote. They spent well over ten minutes in the booth during which time I could hear the husband telling his wife how to vote. Is that allowed?*

A: Normally only one voter at a time is allowed in the voting booth. A voter is allowed only five minutes to cast his vote; then he must exit the voting booth and promptly leave the polling room. Voting is to be private and confidential. (ACA 7-5-522) However, a voter may request assistance from anyone, including a spouse, to cast a ballot.

Absentee and Early Voting

Q: I saw my deceased father's name on the voter list at the polls. It was marked that he voted absentee in this election, but he died a year ago. I am afraid that someone is fraudulently voting in my father's name. Whom should I contact about this outrage?

A: This is a serious problem that should be reported immediately to the county board of election commissioners, county clerk or prosecuting attorney. In an effort to prevent such voter fraud, the county clerks periodically remove deceased people's names from the voter rolls, but sometimes they do not have access to information that certain people have died, especially if they died out of state.

Q: I am physically fit and work a flexible schedule, but I always vote an absentee ballot because it is so convenient. My co-worker told me that I shouldn't vote absentee without a legitimate excuse. Who is allowed to vote absentee?

A: The following persons, if possessing the qualifications of electors, may cast an absentee ballot in any election:

- (1) Any person who will be unavoidably absent from his voting place on the day of the election; and
- (2) Any person who will be unable to attend the polls on Election Day because of illness or physical disability.

Q: My grandmother has become senile and was recently declared mentally incompetent by a judge. The administrator at the nursing home where she lives has requested an absentee ballot for her to vote in the next election. Is that allowed?

A: Unless the court's competency order specifically states that your grandmother is prohibited from voting, she is still allowed to vote. (ACA 28-65-302 as amended by Act 1689 of 2001) The absentee ballot application must be signed by your grandmother. If your grandmother designated someone from the nursing home as her agent, that person may deliver the completed application to the county clerk's office, along with an affidavit from the nursing home administrator stating that your grandmother is a patient of the nursing home and is unable to vote on election day at her regular polling site. (ACA 7-5-403)

You may wish to seek a change in the incompetency order to specifically deal with this issue. If you feel that someone is coercing your grandmother's vote, contact your county board of election commissioners, county clerk or prosecuting attorney.

Q: My neighbor's son is in state prison on a felony conviction. He has applied for an absentee ballot from prison. Can he do that?

A: No. A person who is in prison or on parole for the conviction of a felony cannot register or vote. The Secretary of State's office and the county clerks regularly receive criminal conviction records from the Department of Corrections. These are checked against the voter registration data so that the registrations of these voters can be promptly canceled. A convicted felon may regain his right to vote after he obtains a pardon from the Governor or after he has discharged his sentence, if he provides documentation to his county clerk. (Ark Const Amend 51 as amended by Act 560 of 2001)

Q: I read an article in the newspaper recently about a woman who requested seven absentee ballots so that she could distribute them to some of her elderly friends who might not want to get out in the winter weather to vote. The woman was complaining that the county clerk refused to send her the ballots. Can the clerk do that?

A: The county clerk is not allowed by law to mail more than five absentee ballots to the same address unless the address is outside the U.S., the address is for a long-term care facility, or there are more than five people lawfully registered at the same address. The county clerk shall not provide more than five (5) absentee ballots per election to any designated bearer, nor shall the county clerk accept delivery of more than five (5) absentee ballots per election from any designated bearer.

Vote Tabulation

Q: I live in an area that uses paper ballots. I have heard stories from other states of ballot boxes being switched on the way to the county board of election commissioners. What is to prevent this from happening in my area?

A: Arkansas law includes several safeguards against ballot box switching. One is that the ballots must be sealed in the container with a numbered seal which is only broken when the ballots are counted. Also the certificate of election results for that polling place is posted at the poll immediately after the ballots are counted, serving as a crosscheck on the ballots delivered to the election commission. Poll watchers for candidates and political parties are usually present during the vote tabulation and the sealing of the ballot box for delivery.

The numbered ballot stubs placed in a sealed stub box act as another auditing tool to insure that the ballots provided to the polling site are the same ballots that are returned

for counting. Also, each ballot is initialed on the back by a poll worker, making substitution very difficult.

Q: After I voted, I tore off my ballot stub and placed it in the stub box. I handed my ballot to the election official, but I never saw her put it in the ballot box. Aren't there any procedures in place for election officials to follow so that my ballot is secret and my vote is counted?

A: The voter should personally insert his or her ballot into the ballot box. (ACA 7-5-309). If you suspect that your ballot was mishandled, you should contact your county board of election commissioners, county clerk or prosecuting attorney as soon as possible.

Q: I believe that the county candidate I supported lost the last election due to tampering with the vote totals by his opponent. Is there something I can do to prevent his opponent from taking office?

A: As a voter, you would not have standing to file an election contest. You should report any irregularities to your county board of election commissioners, county clerk or prosecuting attorney. However, the losing candidate may request a recount prior to certification of election results, and/or contest the election results by filing suit in the circuit court of the county in which the vote was certified. The complaint must be filed within 20 days of the date of the certification complained of. The candidate must plead that he actually received a majority of the votes. (ACA 7-5-801)

Campaign Practices

Q: I heard a campaign advertisement on the radio recently that never identified who paid for the advertisement. It did end by saying, "This has been a paid political advertisement." Don't they have to tell us who paid for a political ad?

A: No. Candidates no longer have to identify the sponsor of a paid political ad, due to free speech considerations. However, all print, radio or television ads do have to be preceded or followed by the words "Paid Political Ad". The Arkansas Ethics Commission is responsible for compliance with this provision. Any suspected abuse in this area should be reported to them.

Q: I am a state employee. During his lunch break, my co-worker is handing out campaign flyers for his campaign for city alderman. Can he do that?

A: No. Arkansas law prohibits public officers, deputies or assistants from distributing any campaign literature from a public office or room, regardless of whether they are on a break from their duties. (ACA 7-1-103)

Q: A campaign volunteer working for one of the candidates promised me that I would be given first consideration for a lucrative job in this candidate's office if I would work toward his successful election. Is this allowed?

A: No. It is unlawful for anyone to offer to appoint someone to an office or position of trust in exchange for their support in an election. (ACA 7-1-103)

Q: Someone has been stealing a state representative's campaign yard signs from front yards in my neighborhood. I suspect his opponent is responsible. What can I do about it?

A: This crime would probably be considered petty theft. Although it is campaign related, it should be reported to your local law enforcement authorities, such as the police or sheriff's office.

Notes

Helpful Addresses and Telephone Numbers

Secretary of State's Office

Elections Division
Director
State Capitol, Room 026
Little Rock, AR 72201

State Board of Election Commissioners

Susie Stormes, Director
State Capitol, Room 024
Little Rock, AR 72201
501-682-1834

Arkansas Ethics Commission

Graham Sloan, Director
910 West Second, Suite 100
Little Rock, AR 72201
501-324-9600

County Clerks

Aline Ellenberg Arkansas County Clerk 101 Court Square DeWitt, AR 72042	870-946-4349
Regina Kersten Ashley County Clerk 205 East Jefferson, Box 5 Hamburg, AR 71646	870-853-2020
Rhonda J. Porter Baxter County Clerk #1 East 7th Street, Ste. 103 Mt. Home, AR 72653	870-425-3475
Mary L. Slinkard Benton County Clerk 215 East Central, Suite 217 Box 5 Bentonville, AR 72712	501-273-3757
Melinda Mulford Boone County Clerk 100 North Main Street Suite 201 Harrison, AR 72601	870-741-8428
Janet Kimbrell Bradley County Clerk 100 East Cedar Warren, AR 71671	870-226-3464

Alma L. Davis Calhoun County Clerk P.O. Box 1175, Hampton, AR 71744	870-798-2517
Shirley Doss Carroll County Clerk 210 West Church Street Berryville, AR 72616	870-423-2022
Pam Donaldson Chicot County Clerk 108 Main Street Lake Village, AR 71653	870-265-8000
Rhonda Williams Clark County Clerk Courthouse Square 401 Clay Street Arkadelphia, AR 71923	870-246-4491
Charles Pollard Clay County Clerk P.O. Box 306 Piggott, AR 72454	870-598-2813
Loretta Langster Cleburne County Clerk 310 W. Main Street, Courthouse Heber Springs, AR 72543	501-362-4620
Sharon K. Gray Cleveland County Clerk P.O. Box 368 Rison, AR 71665	870-325-6521
Sherry L. Bell Columbia County Clerk 1 Court Square, Suite 1 Magnolia, AR 71753	870-235-3774
Beverly Paladino Conway County Clerk 117 South Moose Street Morrilton, AR 72110	501-354-9621
Nancy Nelms Craighead County Clerk P.O. Box 1167 Jonesboro, AR 72403	870-933-4520
Patti Hill Crawford County Clerk 300 Main Street, Room 7 Van Buren, AR 72956	501-474-1312
Ruth Trent Crittenden County Clerk 100 Court Street Marion, AR 72364	870-739-4434
Peggy Tutor Jones Cross County Clerk 705 East Union, Room 8 Wynne, AR 72396	870-238-5735

Shirley T. Williams Dallas County Clerk 206 West Third Street Fordyce, AR 71742	870-352-2307
Brenda Smith-Morgan Desha County Clerk P.O. Box 218 Arkansas City, AR 71630	870-877-2323
Carolyn M. Cook Drew County Clerk 210 South Main Street Monticello, AR 71655	870-460-6260
Melinda Reynolds Faulkner County Clerk 801 Locust Conway, AR 72032	501-450-4909
Sharon Needham Franklin County Clerk 211 West Commercial Ozark, AR 72949	501-667-3607
Gene Maguffee Fulton County Clerk P.O. Box 485 Salem, AR 72576	870-895-3310
Nancy Johnson Garland County Clerk 501 Ouachita, Room 103 Hot Springs, AR 71901	501-622-3610
Carol Ewing Grant County Clerk 101 West Center, Room 106 Sheridan, AR 72150	870-942-2631
Linda Heritage Greene County Clerk Box 62 Paragould, AR 72451	870-239-6311
Velora Bright Haltom Hempstead County Clerk P.O. Box 1420 Hope, AR 71802-1420	870-777-2241
Carole Burns Hot Spring County Clerk 210 Locust Street Malvern, AR 72104	501-332-2291
Shirley Dildy Howard County Clerk 421 North Main Street Nashville, AR 71852	870-845-7502
Margaret Boothby Independence County Clerk 192 East Main Batesville, AR 72501	870-793-8829

Rhonda Halbrook Izard County Clerk P.O. Box 95, Main Street Melbourne, AR 72556	870-368-4316
Paulette Dunn Jackson County Clerk 208 Main Street, Courthouse Newport, AR 72112	870-523-7420
Helen McClinton Bradley Jefferson County Clerk P.O. Box 6317 Pine Bluff, AR 71611	870-541-5322
Kathy Pitts Johnson County Clerk P.O. Box 57 Clarksville, AR 72830	501-754-3967
Diane Fletcher Lafayette County Clerk #2 Courthouse Square Lewisville, AR 71845	870-921-4633
Billie Gail Dunlap Lawrence County Clerk P.O. Box 526 Walnut Ridge, AR 72476	870-886-1111
Pat Wilson Lee County Clerk 15 East Chestnut, Room 4 Marianna, AR 72360	870-295-7715
Phyllis Knight Lincoln County Clerk 300 South Drew Star City, AR 71667	870-628-5114
Linda Coleman Little River County Clerk 351 North Second Suite 4-B Ashdown, AR 71822	870-898-7208
Linda Core Logan County Clerk #25 Courthouse Paris, AR 72855	501-963-2618
Prudie Percefull Lonoke County Clerk P.O. Box 188 Lonoke, AR 72086	501-676-2368
Faron Ledbetter Madison County Clerk P.O. Box 37 Huntsville, AR 72740	501-738-2747
Mary Jo Layton Marion County Clerk P.O. Box 385 Yellville, AR 72687	870-449-6226

Ann Nicholas Miller County Clerk 400 Laurel Street, #105 Texarkana, AR 71854	870-774-1501
Lib Shippen Mississippi County Clerk 200 West Walnut, Room 103 Blytheville, AR 72315	870-762-2411
Janet E. Tweedle Monroe County Clerk 123 Madison Street Clarendon, AR 72029	870-747-3632
Debbie Baxter Montgomery County Clerk PO Box 369 Mt. Ida, AR 71957	870-867-3521
Julie Stockton Nevada County Clerk P.O. Box 621 Prescott, AR 71857	870-887-2710
Hubert Roberson Newton County Clerk P.O. Box 410 Jasper, AR 72641	870-446-5125
Britt Willford Ouachita County Clerk P.O. Box 1041 Camden, AR 71711	870-837-2220
Barbara Lovell Perry County Clerk P.O. Box 358 Perryville, AR 72126	501-889-5126
Linda White Phillips County Clerk 629 Cherry Street, Suite 202 Helena, AR 72342	870-338-5505
Linda Ballard Pike County Clerk P.O. Box 219, Courthouse Square Murfreesboro, AR 71958	870-285-2231
Fonda Condra Poinsett County Clerk 401 Market Street Harrisburg, AR 72432	870-578-4412
Terri Harrison Polk County Clerk 507 Church Ave Mena, AR 71953	501-394-8123
Don Johnson Pope County Clerk 100 West Main Street Russellville, AR 72801	501-968-6064

Karan Tate Prairie County Clerk Box 1011 Des Arc, AR 72040	870-256-4434
Carolyn Staley Pulaski County Clerk P.O. Box 2659 Little Rock, AR 72201	501-340-8683
Janis Mock Randolph County Clerk 107 West Broadway Pocahontas, AR 72455	870-892-5822
Freddy Burton Saline County Clerk 215 North Main, Suite 9 Benton, AR 72015	501-303-5630
James K. Owens Scott County Clerk 100 West 1 st Street, Box 10 Waldron, AR 72958	501-637-2642
Wesley Smith Searcy County Clerk P.O. Box 998 Marshall, AR 72650	870-448-3807
Doris M. Tate Sebastian County Clerk P.O. Box 1087 Fort Smith, AR 72902	501-782-5065
Sandra Dunn Sevier County Clerk 115 North 3rd, Room 102 DeQueen, AR 71832	870-642-2852
Tommy Estes Sharp County Clerk P.O. Box 307 Ash Flat, AR 72513	870-994-7361
Elizabeth Smith St. Francis County Clerk PO Box 1653 Forrest City, AR 72336	870-261-1725
Donna Wilson Stone County Clerk HC71, Box 1 Mt. View, AR 72560	870-269-5550
Connie Chandler Union County Clerk 101 North Washington, Suite 102 El Dorado, AR 71730	870-864-1910
Ester Bass Van Buren County Clerk Route 6, Box 254-9 Clinton, AR 72031	501-745-4140

Marilyn Edwards
Washington County Clerk
280 North College, Suite 300
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501-444-1711

Doug Faith
White County Clerk
White County Courthouse
Searcy, AR 72143

501-279-6204

Becky Hicks
Woodruff County Clerk
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870-347-2871

Carolyn Morris
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P.O. Box 219
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501-495-2414