

# State and Federal Election Laws

**Election Day Polls Are Open from 7:30 a.m. to 7:30 p.m.**

## INSTRUCTIONS FOR FIRST-TIME VOTERS WHO REGISTERED BY MAIL

If you registered to vote by mail after January 1, 2003, did not submit a copy of the required identification with the application, and are voting in an election for federal office for the first time in the State,

### YOU ARE REQUIRED TO:

Present a valid Arkansas Driver's License or photo identification, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows your name and address to the election officials before being permitted to vote.

If you do not present a required form of identification, you may vote a Provisional Ballot.

## STATE LAWS REGARDING PROHIBITIONS ON ACTS OF FRAUD AND MISREPRESENTATION IN ELECTIONS

*The following offenses are Class A Misdemeanors. Persons convicted of these offenses are subject to fines and imprisonment and lose the right to hold public office or employment. ACA 7-1-103 (a)*

- (11) No person applying for a ballot shall swear falsely to any oath administered by the election officials with reference to his or her qualifications to vote;
- (12) No person shall willfully cause or attempt to cause his own name to be registered in any other election precinct than that in which he is or will be before the next ensuing election qualified as an elector;
- (13) During any election, no person shall remove, tear down, or destroy any booths or supplies or other conveniences placed in any booth or polling site for the purpose of enabling the voter to prepare his ballot;
- (14) No person shall take or carry any ballot obtained from any election official outside of the polling room or have in his possession outside of the polling room before the closing of the polls any ballot provided by any county election commissioners;
- (15) No person shall furnish a ballot to any elector who cannot read informing him that it contains a name or names different from those which are written or printed thereon or shall change or mark the ballot of any elector who cannot read so as to prevent the elector from voting for any candidate, act, section, or constitutional amendment as the elector intended;
- (16) No election official or other person shall unfold a ballot or without the express consent of the voter ascertain or attempt to ascertain any vote on a ballot before it is placed in the ballot box;
- (17) No person shall print or cause to be printed any ballot for any election held under this act with the names of the candidates appearing thereon in any other or different order or manner than provided by this act;
- (18) No election official shall permit the vote of any person to be cast in any election precinct in this state in any election legally held in this state when the person does not appear in person at the election precinct and actually cast the vote. This subdivision (a) (18) shall not apply to persons entitled to cast absentee ballots;
- (19) (A) No person shall vote or offer to vote more than one (1) time in any election held in this state, either in person or by absentee ballot, or shall vote in more than one (1) election precinct in any election held in this state;  
(B) No person shall cast a ballot or vote in the preferential primary of one (1) political party and then cast a ballot or vote in the general primary of another political party in this state;
- (20) No person shall:
  - (A) Vote, knowing himself not to be entitled to vote;
  - (B) Vote more than once at any election, or knowingly cast more than one (1) ballot, or attempt to do so;

- (C) Provide assistance to a voter in marking and casting the voter's ballot at the polls except as provided in A.C.A. 7-5-310, which allows a poll worker, the county clerk or a deputy clerk (during early voting) to assist no more than six (6) voters;
- (D) Alter or attempt to alter any ballot after it has been cast;
- (E) Add or attempt to add any ballot to those legally polled at any election either by fraudulently introducing it into the ballot box before or after the ballots have been counted or at any other time or in any other manner with the intent or effect of affecting the count or recount of the ballots;
- (F) Withdraw or attempt to withdraw any ballot lawfully polled with the intent or effect of affecting the count or recount of the ballots; or
- (G) In any manner interfere with the officials lawfully conducting the election or the canvass or with the voters lawfully exercising their right to vote at the election;

(21) No person shall make any bet or wager upon the result of any election in this state;

*The following offenses are Class D Felonies. Persons convicted of these offenses are subject to fines and imprisonment and lose the right to hold public office or employment. ACA 7-1-104*

(a) The following offenses shall be deemed felonies punishable as provided in this section:

- (1) No person shall falsely make or fraudulently destroy any certificate of nominations or any part thereof, file any certificate of nominations knowing the certificate or any part thereof to be false, suppress any nomination which has been filed or any part thereof, or forge or falsely write the name or initials of any election official on any ballot;
- (2) No public official or other person shall in any manner willfully or corruptly permit any person not entitled to register for the purpose of voting to register, nor shall a public official or other person forge or attempt to forge a registration;
- (3) No person shall vote in any election in the state unless the person is a qualified elector of this state and has registered to vote in the manner provided by law;
- (4) It shall be unlawful for any person to offer, accept, receive, or pay any person any money, goods, wares, or merchandise or solicit any money, goods, wares, or merchandise for the purpose of influencing his or her vote during the progress of any election in this state;
- (5) It shall be unlawful for any person to make any threat or attempt to intimidate any elector or the family, business, or profession of the elector;
- (6) It shall be unlawful for any person to prevent or to interfere with any qualified elector from voting at any election, or to attempt to prevent or interfere with any qualified elector from voting at any election, provided that this subdivision shall not prohibit good faith challenges of ballots or voters according to law by candidates or authorized representatives of candidates, political parties, or ballot issues.
- (7) No person shall tamper with a voting machine or fraudulently affect or attempt to affect its results;
- (8) (A) It shall be unlawful for a person, with the intent to defraud a voter or an election official, to possess an absentee ballot issued to another.
- (B) The possession by a person of more than ten (10) absentee ballots creates a rebuttable presumption of intent to defraud.
- (C) The presumption under subdivision (a)(8)(B) of this section does not apply to:
  - (i) An employee of the United States Postal Service performing the normal course of the employee's authorized duties;
  - (ii) A common or contract carrier performing the normal course of the carriers authorized duties;
  - (iii) The administrative head of a long-term care or residential care facility licensed by the state authorized by a voter under Arkansas law; or
  - (iv) An election official acting in his or her official capacity.

- (9) No person shall tamper with a voting machine or fraudulently affect or attempt to affect its results;
- (10) No person may cast a ballot in more than one (1) party primary election on the same day in this state or for candidates for more than one (1) political party;
- (11) No person shall vote in any election more than one (1) vote;
- (12) No person shall vote or attempt to vote other than his or her legal ballot;
- (13) No election official shall knowingly permit any person to vote other than his or her legal ballot in any election;
- (14) No election official or other person shall fraudulently permit any person to vote illegally, refuse the vote of any qualified elector, or cast up or make a false return of any election;
- (15) No election official or other person shall willfully make a false count of any election ballots or falsely or fraudulently certify the returns of any election;
- (16) No person shall fraudulently change, alter, or obliterate the poll books or books of any election or break any seals upon any ballot box, voting machine, or stub box, except as authorized by law;
- (17) No person shall contrive, alter, forge, counterfeit, detain, mutilate, steal, secrete, or destroy any election returns or election materials for the purpose of hindering or preventing or falsely reporting a tabulation or check of the returns.
- (18) Any person who violates the provisions of A.C.A. 7-5-702 or who shall disclose how any voter may have voted unless compelled to do so in a judicial proceeding shall be deemed guilty of a class D felony and punished as provided in this section.

## **FEDERAL LAWS REGARDING PROHIBITIONS OF ACTS OF FRAUD AND MISREPRESENTATION IN ELECTIONS**

### **Subsection F (Prohibited Acts of Fraud and Misrepresentation)**

- Persons must not make any false statement or claim that they are citizens of the United States in order to register or vote in any Federal, State, or local election. [42 U.S.C. 15544(b); 18 U.S.C. 611, 911, 1015(f)]
- Persons must not vote more than once in any election that includes a federal candidate (note: this does not include voting a replacement ballot after a spoiled ballot was invalidated). [42 U.S.C. 1973i(e)]
- Persons must not procure or submit materially false, fraudulent or fictitious voter registration applications in any election that includes a federal candidate. [42 U.S.C. 1973gg-10(2)(A)]
- Persons must not submit false information as to name, address or period of residence in a voting district for the purpose of establishing eligibility to register or vote in any election that includes a federal candidate. [42 U.S.C. 1973i(c), 15544(a); 18 U.S.C. 608(b)]
- Persons must not procure, cast or tabulate materially false, fraudulent or fictitious ballots in any election that includes a federal candidate. [42 U.S.C. 1973i(c),(e), 1973gg-10(2)(B); 18 U.S.C. 242]
- Persons must not pay, offer to pay or accept payment for voting, registering to vote, withholding their vote, or voting for or against any candidate in any election that includes a federal candidate. [42 U.S.C. 1973i(c), 18 U.S.C. 597, 608(b)]

## **FEDERAL LAWS REGARDING VOTING RIGHTS**

### **Subsection E (Voting Rights)**

- Voters whose names do not appear on the poll list in an election for federal office, or are unable to comply with identification requirements for mail-in registrants, are entitled to vote by provisional ballot if they declare they are registered to vote in the jurisdiction and eligible to vote in the election.  
[42 U.S.C. 15482(a), 15483(b)]

- Voters in an election for federal office who vote by provisional ballot are entitled to written information describing how they may learn, through a free access system, whether their provisional ballot was counted by election officials, and if it was not counted, the reason the vote was not counted. [42 U.S.C. 15482(a)]
- Voters who vote in an election for federal office after the established time for polls to close due to a court order or other order requiring the polls to remain open extended hours will have to vote by provisional ballot (unless those voters were in line at the time polls closed). [42 U.S.C. 15482(c)]
- Voters may have to show identification the first time they vote in an election for federal office after January 1, 2004 if they registered to vote for the first time in a state or jurisdiction by mail after January 1, 2003, and have not provided identification or identifying information to the registrar prior to election day, unless they are entitled to vote absentee under federal law. [42 U.S.C. 15483(b)]
- Voters who are registered to vote and who have moved within the same registrar's jurisdiction before an election for federal office are generally entitled to vote in that election under failsafe procedures even if they did not previously advise the registrar of the move. [42 U.S.C. 1973gg-6(f)]
- Voters who have submitted to appropriate officials (or mailed and postmarked) their completed and valid registration application by 30 days before an election for federal office or such lesser time as permitted by state law, and whom the registrar has determined are eligible, are entitled to be registered and to vote in that election. [42 U.S.C. 1973gg-6(a)(1)]
- Voters who are otherwise qualified to register and vote may be entitled to register and vote absentee in an election for federal office if they are in the military or are residing overseas. [42 U.S.C. 1973ff-1]
- Voters in jurisdictions with a statutorily-specified minimum number of language minority voters may be entitled to receive a written ballot or other election materials or assistance in a language other than English. [42 U.S.C. 1973b(f)(4), 1973aa-1a]
- Voters who require assistance in voting due to blindness, disability or inability to read or write may receive assistance from a person of the voter's choice other than the voter's employer (or agent thereof) or an officer of the voter's union (or agent thereof). [42 U.S.C. 1973aa-6]

## **Contact Information**

### ***State Contacts***

Arkansas Secretary of State's Office ..... 800-247-3312  
 Arkansas State Board of Election Commissioners ..... 800-411-6996

### ***Federal Contacts***

The Voting Section, Civil Rights Division  
 U.S. Department of Justice ..... 202-307-3266

### ***U.S. Attorney's Office***

(Little Rock)..... 501-340-2600  
 (Ft. Smith)..... 479-783-5125

### ***Local Contacts***

For information on how to contact your local County Clerk, County Board of Election Commissioners or your local Prosecuting Attorney, call the Arkansas Secretary of State's office at the number listed above.