STATE OF ARKANSAS VOTER RIGHTS

Provided by:
The Office of the Secretary of State

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

YOU MAY VOTE IF:

You are a registered voter in Arkansas. New voters must register in their county at least 30 days before the election. If you are moving from one county to another within the state, your updated registration must be in the county clerk's office by the fourth day before the election.

Other Qualifications

- A U.S. citizen;
- An Arkansas resident;
- Age 18 or you will be 18 before the next election;
- Not a convicted felon who has not been discharged or pardoned;
- Not presently adjudged as mentally incompetent as to your ability to vote by a court of competent jurisdiction; and
- Not claiming the right to vote elsewhere – in another county in Arkansas or another state.

PHOTO IDENTIFICATION REQUIREMENTS

Whether you vote early or on Election Day, Arkansas law now requires each voter to provide Photo Identification before receiving their ballot.

Some examples of a valid photo ID include:

1. Arkansas Driver's License
2. State-issued Photo Identification Card
3. Concealed Handgun Carry License
4. U.S. Passport
5. Employee badge or identification document issued by the state or federal government or accredited post-secondary Arkansas institution
6. U.S. Military ID
7. Student ID Card from an accredited post-secondary Arkansas institution
8. Public Assistance ID Card
9. A Photo Voter Identification Card issued by the county clerk

If you are unable to provide photo identification during early voting or on Election Day, you may vote a provisional ballot. In order for your provisional ballot to count, you must provide proof of your identity or an appropriate affidavit to the county board of election commissioners or county clerk by 12:00 p.m. on the Monday following Election Day.

ID REQUIREMENTS 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 and you registered to vote by mail after January 1, 2003 and failed to provide identification when registering, you may vote a Provisional Ballot.

FAIL SAFE VOTING

When your current address differs from what appears on the Precinct Voter Registration List:

- A poll worker must contact the county clerk; and
- The county clerk must verify that your address is within the precinct.

When your new address is within the current voting precinct:

- You must complete the change of address portion of a voter registration application form to update county voter registration records.

When your new address is not within the current voting precinct:

- You must first verify with the county clerk your correct voting precinct. Then, you must visit the new polling site and complete the change of address portion of a voter registration application. This procedure will update the county voter registration records and allow you to vote.

When your name is NOT on the Precinct Voter Registration List:

- You must identify yourself by name and date of birth, and must be verified by the county clerk as a registered voter within the county;
- You must give and affirm your current address, and the election official must verify with the county clerk that the residence is within the voting precinct;
- You must complete an updated voter registration application; and
- You must sign the Precinct Voter Registration List.

When your name differs from the Precinct Voter Registration List:

- You must complete a voter registration application form to update county voter registration records.

CASTING A PROVISIONAL BALLOT

There are several reasons why you may be asked to vote a Provisional Ballot including:

- Your name does not appear on the precinct voter registration list;
- You are unable to comply with identification requirements for mail-in registrants who failed to provide the necessary identification when registering to vote;
- You failed to provide a photo ID;
- The precinct voter registration list indicates that you requested an absentee ballot or voted during early voting; or
- Your vote is challenged by a poll watcher.

The challenge must be made before you sign the Precinct Voter Registration List, and if applicable, the person making the challenge must complete a Challenged Ballot Form. If your vote is challenged, you must be given the opportunity to cast a Provisional Ballot.

Procedures for Casting a Provisional Ballot:

1. An election official will inform the voter.
2. If applicable, the poll watcher will complete a Challenged Ballot Form.
3. The election official will write the voter's name and address on the list of provisional voters.
4. The voter will complete a Voter Affirmation form on which the voter affirms that he or she is registered in the precinct and is eligible to vote in the election.
5. The election official will give the voter the proper ballot after removing the stub and placing it in the ballot stub box.
6. The voter will mark the ballot, then place it in the Provisional Ballot Envelope and seal it.
7. The sealed Provisional Ballot Envelope should be placed in the Provisional Voter Envelope, along with the Challenged Ballot Form (if applicable) and the Voter Affirmation. It is likely that the Challenged Ballot Form and the Voter Affirmation will be printed on the outside of the Provisional Voter Envelope.
8. The poll workers will set the Provisional Voter Envelope aside, separated from the regular ballots, until the county board of election commissioners determines whether the votes may be counted.
9. The election official will provide the voter with written instructions on how to determine whether the provisional vote was counted, and, if not, the reason the vote was not counted. (In most cases, the election commission will mail a notice to the voter.)
10. Before the results of the election are certified, the election commission must determine whether the Provisional ballots are valid and should be counted.

YOUR RIGHTS AS A VOTER

Registration

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.S. 1973ff-1*]

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.S. 1973gg-6(a)(1)*]

You are entitled to notice of the disposition of your voter registration application. [*42 U.S.C.S. 1973gg-6(a)(2)*]

Qualified to vote

Jurisdictions must not apply standards or practices which deny or abridge the right to vote on account of race, must not deny any individual the right to vote on account of errors or omissions in registration applications which are not material to determining whether such individual is qualified to vote, and must not apply different standards and procedures to voters in determining whether they are qualified to vote. [*42 U.S.C.S. 1971(a); 1973*]

Early Voting

Early voting shall be available to any qualified elector who applies to the county clerk's early voting location beginning 15 days before a preferential primary or general election between the hours of 8 a.m. and 6 p.m. M-F and 10 a.m. to 4 p.m. Saturday and ending at 5 p.m. the Monday before the election. [*A.C.A. § 7-5-418*]

Voting

If you are otherwise qualified to vote in an election for President or Vice-President, you may not be denied the right to vote for those offices due solely to a failure to satisfy a durational residency requirement. [*42 U.S.C.S. 1973aa-1*]

Jurisdictions must take steps to make the registration and voting process accessible to the elderly and to individuals with disabilities. [*42 U.S.C.S. 1973ee-1, 1973ee-2, 1973ee-3, A.C.A. § 7-5-310 to 311*]

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.S. 1973b(f)(4), 1973aa-1a*]

Each voter shall be provided the privacy to mark his or her ballot. [*A.C.A. § 7-5-310*]

Election officials must not fail or refuse to permit a person to vote who is entitled to vote and must not refuse to tabulate, count and report such person's vote. [*A.C.A. § 7-1-104(a)(6), 42 U.S.C.S. 1973i(a); 18 U.S.C.S. 241, 242, 608(a)*]

Election officials must not deny persons of any right secured by the 26th Amendment to the U.S. Constitution (regarding not denying the right to vote to citizens 18 years of age and older on account of age). [*42 U.S.C.S. 1973bb*]

Provisional Ballot

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.S. 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.S. 15482(c)*]

Disabilities

Voters with disabilities shall be provided with voting locations that are accessible with reasonable and adequate methods where a person with disabilities may personally and secretly execute their ballots at the polling place. [*A.C.A. § 7-5-311*]

Any voter who because of physical, sensory, or other disability who presents himself or herself for voting and who then informs a poll worker at the polling site that he or she is unable to stand in line for extended periods of time shall be entitled to and assisted by a polling worker to advance to the head of any line of voters then waiting in line to vote at the polling site. [*A.C.A. § 7-5-310(c)*]

Assistance in Voting

If you need assistance in voting, you may use a voting machine accessible to persons with disabilities [*A.C.A. § 7-5-310*] or you have the right to be assisted by the person of your choice, or by two poll workers, one of whom shall assist with voting, the other shall observe. Anyone assisting the voter shall do so according to the wishes of the voter without comment or interpretation. [*A.C.A. § 7-5-310, 311; 42 U.S.C.S. 1973aa-6*]

The following officials may assist an unlimited number of voters who request help in marking and casting a ballot:

- 2 Poll Workers
- County Clerk (during Early Voting)
- Deputy County Clerk (during Early Voting)

All other persons may assist no more than six voters in marking and casting a ballot at an election. [*A.C.A. § 7-5-310(b)(4)*]

Absentee

Voters may designate someone to pick up and deliver voter applications and/or absentee ballots.

Qualified electors may cast an absentee ballot if the voter is unavoidably absent from his or her voting place on the day of the election or the person will be unable to attend the polls on election day because of illness or physical disability [*A.C.A. § 7-5-402*]

CONTACT INFORMATION

STATE CONTACTS

Arkansas Secretary of State's Office 800-482-1127
Arkansas State Board of Election Commissioners 800-411-6996

FEDERAL CONTACTS

The Voting Section, Civil Rights Division
U.S. Department of Justice 202-514-2000

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.

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