

State and Federal Election Law

State Laws on Election Fraud and Misrepresentation

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. Arkansas Code Annotated § 7-1-103 (a) reads in part:

- (1) It shall be unlawful for any person to appoint or offer to appoint anyone to any office or position of trust or for any person to influence, attempt to influence, or offer to influence the appointment, nomination, or election of any person to office in consideration of the support or assistance of the person for any candidate in any election in this state;
- (8) (A) An election official acting in his or her official capacity shall not do any electioneering:
 - (i) On election day or any day on which early voting is allowed;
 - (ii) In a building in which voting is taking place; or
 - (iii) Within one hundred feet (100') of the primary exterior entrance used by voters to a building in which voting is taking place.(B) On early voting days and election day a person shall not do any electioneering during voting hours :
 - (i) In a building in which voting is taking place;
 - (ii) Within one hundred feet (100') of the primary exterior entrance used by voters to a building in which voting is taking place; or
 - (iii) With persons standing in line to vote.(C)(i) As used in this subdivision (a)(8), "electioneering" means the display of or audible dissemination of information that advocates for or against any candidate, issue, or measure on a ballot.
 - (ii) "Electioneering" includes without limitation the following:
 - (a) Handing out, distributing, or offering to hand out or distribute campaign literature or literature regarding a candidate, issue, or measure on the ballot;
 - (b) Soliciting signatures on a petition;
 - (c) Soliciting contributions for a charitable or other purpose;
 - (d) Displaying a candidate's name, likeness, or logo;
 - (e) Displaying a ballot measure's number, title, subject, or logo;
 - (f) Displaying or dissemination of buttons, hats, pencils, pens, shirts, signs, or stickers containing electioneering information; and
 - (g) Disseminating audible electioneering information.
 - (iii) "Electioneering" does not include:
 - (a) The presentation of a candidate's identification by the candidate under Arkansas Constitution, Amendment 51, § 13; or
 - (b) The display of a ballot measure in the polling place as required under § 7-5-202.
- (10) 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;
- (11) No person shall willfully cause or attempt to cause his or her own name to be registered in any other election precinct than that in which he or she is or will be before the next ensuing election qualified as an elector;
- (12) 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 or her ballot;
- (13) No person shall take or carry any ballot obtained from any election official outside of the polling room or have in his or her possession outside of the polling room before the closing of the polls any ballot provided by any county election commissioners;
- (14) No person shall furnish a ballot to any elector who cannot read informing him or her that it contains a name or names different from those that 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;
- (15) 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;
- (16) 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;
- (17) 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;
- (18) (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;
- (19) No person shall:
 - (A) Vote, knowing himself or herself 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 Arkansas Code Annotated § 7-5-310;
 - (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;
- (20) 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. Arkansas Code Annotated § 7-1-104 reads in part:

- (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 or any part thereof which has been filed, 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 interfere with or to prevent any qualified elector from voting at any election or to attempt to interfere with or to prevent any qualified elector from voting at any election, provided that this subdivision (a) (6) shall not prohibit good faith challenges of ballots or voters according to law by candidates, authorized representatives of candidates, political parties, or ballot issues;
- (7) It shall be unlawful for any person to attend any polling site on election day and hand out or give away any campaign cards, placards, or other articles for the purpose of influencing the electors to vote for any candidate, except in the manner now provided by law;
- (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 carrier's 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; and
- (18) Any person who violates the provisions of Arkansas Code Annotated § 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 ON ELECTION 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.S. 15544(b); 18 U.S.C.S. 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.S. 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.S. 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.S. 1973i(c), 15544(a); 18 U.S.C.S. 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.S. 1973i(c),(e), 1973gg-10(2)(B); 18 U.S.C.S. 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.S. 1973i(c), 18 U.S.C.S. 597, 608(b)]

Persons must not intimidate, threaten or coerce any other person: for registering or voting; for urging or aiding persons in registering or voting; for purposes of interfering or influencing how a person chooses to vote or not vote; or for purposes of preventing a person from voting. [42 U.S.C.S. 1971(b), 1973i(b), 1973gg-10(1); 18 U.S.C.S. 241, 242, 245, 594]

Election officials must retain and preserve for 22 months after any election that includes a federal candidate all records and papers relating to registration and voting in that election. [42 U.S.C.S. 1974]

ABSENTEE BALLOT POSSESSION

A designated bearer may obtain absentee ballots from the county clerk for no more than 2 voters per election. If the county clerk knows or suspects that a designated bearer has more than 2 absentee ballots in his or her possession, the county clerk shall notify the prosecuting attorney. [A.C.A. § 7-5-403(a)]

CONTACT INFORMATION

Arkansas Secretary of State's Office.....	800-482-1127
Arkansas State Board of Election Commissioners.....	800-411-6996
Voting Section, Civil Rights Division, U.S. Department of Justice.....	202-514-2000
U.S. Attorney's Office, Little Rock.....	501-340-2600
U.S. Attorney's Office, Ft. Smith.....	479-783-5125

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.



**Provided by:
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