

Arkansas Statutes

7-1-103. Miscellaneous misdemeanor offenses — Penalties — Definitions.

(a) The violation of any of the following shall be deemed misdemeanors punishable as provided in this section:

(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;

(2)

(A)

(i) It shall be unlawful for any public servant, as defined in § 21-8-402, to devote any time or labor during usual office hours toward the campaign of any other candidate for office or for the nomination to any office.

(ii) Devoting any time or labor during usual office hours toward the campaign of any other candidate for office or for the nomination to any office includes without limitation the gathering of signatures for a nominating petition.

(B) It shall be unlawful for any public servant, as defined in § 21-8-402, to circulate an initiative or referendum petition or to solicit signatures on an initiative or referendum petition in any public office of the state, county, or municipal governments of Arkansas or during the usual office hours or while on duty for any state agency or any county or municipal government in Arkansas.

(C) It shall be unlawful for any public servant, as defined in § 21-8-402, to coerce, by threats or otherwise, any public employee into devoting time or labor toward the campaign of any candidate for office or for the nomination to any office;

(3)

(A) It shall be unlawful for any public servant, as defined in § 21-8-402, to use any office or room furnished at public expense to distribute any letters, circulars, or other campaign materials unless such office or room is regularly used by members of the public for such purposes without regard to political affiliation. It shall further be unlawful for any public servant to use for campaign purposes any item of personal property provided with public funds.

(B) As used in subdivision (a)(3)(A) of this section, “campaign materials” and “campaign purposes” refer to:

(i) The campaign of a candidate for public office; and

(ii) Efforts to support or oppose a ballot measure, except as provided in § 7-1-111;

(4) It shall be unlawful for any person to assess any public employee, as defined in § 21-8-402, for any political purpose whatever or to coerce, by threats or otherwise, any public employee into making a subscription or contribution for any political purpose;

(5) It shall be unlawful for any person employed in any capacity in any department of the State of Arkansas to have membership in any political party or organization that advocates the overthrow of our constitutional form of government;

(6) It shall be unlawful for any campaign banners, campaign signs, or other campaign literature to be placed on any cars, trucks, tractors, or other vehicles belonging to the State of Arkansas or any municipality, county, or school district in the state;

(7)

(A)

(i) All articles, statements, or communications appearing in any newspaper printed or circulated in this state intended or calculated to influence the vote of any elector in any election and for the publication of which a consideration is paid or to be paid shall clearly contain the words “Paid Political Advertisement”, “Paid Political Ad”, or “Paid for by” the candidate, committee, or person who paid for the message.

(ii) Both the persons placing and the persons publishing the articles, statements, or communications shall be responsible for including the required disclaimer.

(B)

(i) All articles, statements, or communications appearing in any radio, television, or any other electronic medium intended or calculated to influence the vote of any elector in any election and for the publication of which a consideration is paid or to be paid shall clearly contain the words:

(a) “Paid political advertisement” or “paid political ad”; or

(b) “Paid for by”, “sponsored by”, or “furnished by” the true sponsor of the advertisement.

(ii) Both the persons placing and the persons publishing the articles, statements, or communications shall be responsible for including the required disclaimer;

(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;

(9) No election official shall perform any of the duties of the position before taking and subscribing to the oath provided for in § 7-4-110;

(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 commissioner;

(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)(17) 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 except as provided in § 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;

(21) No election official, poll watcher, or any other person in or out of this state in any primary, general, or special election in this state shall divulge to any person the results of any votes cast for any candidate or on any issue in the election until after the closing of the polls on the day of the election. The provisions of this subdivision (a)(21) shall not apply to any township or precinct in this state in which all of the registered voters therein have voted prior to the closing of the polls in those instances in which there are fifteen (15) or fewer registered voters in the precinct or township;

(22) Any person, election official, county clerk, or deputy clerk who violates any provisions of the absentee voting laws, § 7-5-401 et seq., shall be punished as provided in this section;

(23) No person applying to be placed on a ballot for any public office shall knowingly provide false information with reference to his or her qualifications; and

(24) A person shall not enter or remain in an area within one hundred feet (100') of the primary exterior entrance to a building where voting is taking place except for a person entering or leaving a building where voting is taking place for lawful purposes.

(b)

(1) Except as otherwise provided, the violation of any provision of this section shall be a Class A misdemeanor.

(2)

(A) Any person convicted under the provisions of this section shall thereafter be ineligible to hold any office or employment in any of the departments in this state.

(B)

- (i)** If any person is convicted under the provisions of this section while employed by any of the departments of this state, he or she shall be removed from employment immediately.
- (ii)** If any person is convicted under the provisions of this section while holding public office, the conviction shall be deemed a misfeasance and malfeasance in office and shall subject the person to impeachment.
- (3)** A person convicted of a misdemeanor offense as listed in this section shall be barred from serving as an election official in subsequent elections.
- (c)** Any violation of this act not covered by this section and § 7-1-104 shall be considered a Class A misdemeanor and shall be punishable as such.

7-1-104. Miscellaneous felonies — Penalties.

(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 four (4) 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 § 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.
- (b)**
 - (1)** Any person convicted of a felony as defined in this section shall be guilty of a Class D felony.
 - (2)**
 - (A)** Any person convicted of a felony as defined in this section shall be barred from holding public office or employment in any of the departments of the state from the date of his or her conviction.
 - (B)**
 - (i)** If the person is employed by any of the departments of this state at the time of his or her conviction, he or she shall be removed from employment immediately.
 - (ii)** If any person is convicted under the provisions of this section while holding public office, the conviction shall be deemed a misfeasance and malfeasance in office and shall subject the person to impeachment.
 - (c)** A person convicted of a felony as listed in this section shall be barred from serving as an election official in subsequent elections.

7-3-108. Subversive parties — New parties — Affidavit required — Penalty.

- (a)** A political party shall not be recognized, qualified to participate, or permitted to have the names of its candidates printed on the ballot in any election in this state that:
 - (1)** Either directly or indirectly advocates, teaches, justifies, aids, or abets the overthrow by force or violence, or by any unlawful means, of the government of the United States or this state, or an act of terrorism as described by § 5-54-205; or
 - (2)** Directly or indirectly carries on, advocates, teaches, justifies, aids, or abets a program of sabotage, force and violence, sedition, or treason against the government of the United States or this state.
- (b)**
 - (1)** A newly organized political party shall not be recognized, qualified to participate, or permitted to have the names of its candidates printed on the ballot in any election in this state until it has filed an affidavit, by the officers of the party in this state under oath, that:
 - (A)** It does not either directly or indirectly advocate, teach, justify, aid, or abet the overthrow by force or violence or by any unlawful means of the government of the United States or this state, or an act of terrorism as described by § 5-54-205; or
 - (B)** It does not directly or indirectly carry on, advocate, teach, justify, aid, or abet a program of sabotage, force and violence, sedition, or treason against the government of the United States or this state.
 - (2)** The affidavit shall be filed with the Secretary of State.
 - (c)** Any person who violates any provision of this section shall be guilty of a Class A misdemeanor.

7-6-101. Campaign services contract — Right of action.

No action shall be brought to charge any person upon any contract, promise, or agreement for any service rendered to or for him or her as a candidate in any election in this state or in aid of his or her campaign for the nomination to any office in this state unless the agreement, promise, or contract, upon which said action shall be brought, or some memorandum or note thereof, shall be made in writing and signed by the party to be charged therewith, or signed by some other person by him or her thereunto properly authorized in writing.

7-6-102. Political practices pledge — Penalty for falsification.

(a)

(1) Candidates for political party nominations for state or district offices shall file with the Secretary of State and candidates for county, municipal, or township offices shall file with the county clerk of the county during the filing period set out in § 7-7-203 for the preferential primary election a pledge in writing stating that they are familiar with the requirements of §§ 7-1-103, 7-1-104, 7-3-108, 7-6-101, 7-6-103, 7-6-104, and this section and will comply in good faith with their terms.

(2) An independent candidate or school district candidate shall file the political practices pledge at the time of filing the petition for nomination.

(3) Independent candidates for municipal office shall file the political practices pledge with the county clerk at the time of filing the petition for nomination.

(4) Write-in candidates shall file the political practices pledge at the time of filing the notice to be a write-in candidate.

(5) A nonpartisan candidate paying filing fees in accordance with § 7-10-103(b) shall file the political practices pledge at the time of filing for office.

(6) A nonpartisan candidate filing by petition according to § 7-10-103(c) shall file the political practices pledge at the time of filing the petition.

(b) All political practices pledge forms for state or district offices and county, municipal, or township offices shall contain the following additional pledge:

“I hereby certify that I have never been convicted of a felony in Arkansas or in any other jurisdiction outside of Arkansas.”

(c) Any person who has been convicted of a felony and signs the pledge stating that he or she has not been convicted of a felony shall be guilty of a Class D felony.

(d) For purposes of this section, a person shall be qualified to be a candidate for a state, district, county, municipal, and township office and may certify that he or she has never been convicted of a felony if his or her record was expunged in accordance with §§ 16-93-301 — 16-93-303, or a similar expunction statute in another state if the candidate presents a certificate of expunction from the court that convicted the candidate.

(e)

(1) The name of a candidate who fails to sign and file the pledge shall not appear on the ballot.

(2)

(A) Within two (2) days of the date the pledge is required to be filed, the Secretary of State or the county clerk shall notify by certified mail that requires a return receipt signed by the candidate those candidates who have failed to file a signed political practice pledge and include a copy of the written pledge required by this section.

(B) Failure of the state or district candidate to file with the Secretary of State or of the county, municipal, or township candidate to file with the county clerk within five (5) days of receipt or refusal of this notice shall prevent the candidate's name from appearing on the ballot.

7-6-103. Campaign participation by judges — Penalty — Definition.

(a) It shall be unlawful for any judge of the district or circuit courts and any Justice of the Supreme Court or Judge of the Court of Appeals to participate in the campaign of any candidate for office at any election, other than his or her own.

(b) The word “participation”, as used in this section, shall mean the managing of another's campaign or any solicitation on his or her behalf.

(c) Participation shall be deemed to be misfeasance and malfeasance in office and shall subject the judge to impeachment therefor.

7-6-104. Defamatory political broadcasts.

Neither the owner, licensee, nor operator of a visual or sound radio broadcasting station or network of stations nor his or her agents or employees shall be liable for any damages for any defamatory statement published or uttered in, or as a part of, a visual or sound broadcast by a candidate for political office in those instances in which, under the acts of Congress or the rules and regulations of the Federal Communications Commission, the broadcasting station or network is prohibited from censoring the script of the broadcast.

7-6-228 Campaign signs and materials.

(a) A candidate may retain campaign signs, campaign literature, and other printed campaign materials that:

(1) Were purchased by the campaign;

(2) Were reported on the appropriate contribution and expenditure report for the campaign at the time of the purchase; and

(3) Are retained for use in a future campaign by the same candidate.

(b) A candidate:

(1) May reuse the campaign signs, campaign literature, and other printed campaign materials under subsection (a) of this section in future campaigns; and

(2) Is not required to list the campaign signs, campaign literature, and other printed campaign materials under subsection (a) of this section in future reports filed under this subchapter.

(c)

(1)

(A) Campaign signs, campaign literature, and other printed campaign materials shall clearly contain the words “Paid for by” followed by the name of the candidate, committee, or person who paid for the campaign sign, campaign literature, or other printed campaign materials.

(B) The candidate printing the campaign sign, campaign literature, or other printed campaign materials shall be responsible for including the language required by subdivision (c)(1)(A) of this section.

(2) Subdivision (c)(1)(A) of this section applies only to campaign signs, campaign literature, and other printed campaign materials created by or sponsored by a political candidate, the campaign of a political candidate, a political action committee, or an independent expenditure committee.