

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 658 of the Regular Session

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009

As Engrossed: S3/4/09 S3/12/09

A Bill

SENATE BILL 192

4  
5 By: Senator Faris  
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8 **For An Act To Be Entitled**

9 AN ACT CONCERNING PENALTIES FOR VIOLATIONS OF  
10 ABSENTEE VOTING LAWS; AND FOR OTHER PURPOSES.  
11

12 **Subtitle**

13 CONCERNING PENALTIES FOR VIOLATIONS OF  
14 ABSENTEE VOTING LAWS.  
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16  
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
18

19 *SECTION 1. Arkansas Code § 7-1-103(a)(20), concerning certain*  
20 *misdemeanor offenses, is amended to read as follows:*

21 *(20) No person shall:*

22 *(A) Vote, knowing himself or herself not to be entitled to*  
23 *vote;*

24 *(B) Vote more than once at any election or knowingly cast*  
25 *more than one (1) ballot or attempt to do so;*

26 *(C) Provide assistance to a voter in marking and casting*  
27 *the voter's ballot at the polls except as provided in § 7-5-310;*

28 *~~(D)~~ Alter or attempt to alter any ballot after it has*  
29 *been cast;*

30 *~~(D)~~(E) Add or attempt to add any ballot to those legally*  
31 *polled at any election either by fraudulently introducing it into the ballot*  
32 *box before or after the ballots have been counted or at any other time or in*  
33 *any other manner with the intent or effect of affecting the count or recount*  
34 *of the ballots;*

35 *~~(E)~~(F) Withdraw or attempt to withdraw any ballot lawfully*



1 *polled with the intent or effect of affecting the count or recount of the*  
2 *ballots; or*

3 ~~(F)~~(G) *In any manner interfere with the officials lawfully*  
4 *conducting the election or the canvass or with the voters lawfully exercising*  
5 *their right to vote at the election;*

6  
7 *SECTION 2. Arkansas Code § 7-1-104(a), concerning certain felony*  
8 *offenses, is amended to read as follows:*

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

11 *(1) No person shall falsely make or fraudulently destroy any*  
12 *certificate of nominations or any part thereof, file any certificate of*  
13 *nominations knowing the certificate or any part thereof to be false, suppress*  
14 *any nomination or any part thereof which has been filed, or forge or falsely*  
15 *write the name or initials of any election official on any ballot;*

16 *(2) No public official or other person shall in any manner*  
17 *willfully or corruptly permit any person not entitled to register for the*  
18 *purpose of voting to register, nor shall a public official or other person*  
19 *forge or attempt to forge a registration;*

20 *(3) No person shall vote in any election in the state unless the*  
21 *person is a qualified elector of this state and has registered to vote in the*  
22 *manner provided by law;*

23 *(4) It shall be unlawful for any person to offer, accept,*  
24 *receive, or pay any person any money, goods, wares, or merchandise or solicit*  
25 *any money, goods, wares, or merchandise for the purpose of influencing his or*  
26 *her vote during the progress of any election in this state;*

27 *(5) It shall be unlawful for any person to make any threat or*  
28 *attempt to intimidate any elector or the family, business, or profession of*  
29 *the elector;*

30 *(6) It shall be unlawful for any person to prevent or to*  
31 *interfere with any qualified elector from voting at any election or to*  
32 *attempt to prevent or interfere with any qualified elector from voting at any*  
33 *election, provided that this subdivision (a)(6) shall not prohibit good faith*  
34 *challenges of ballots or voters according to law by candidates, authorized*  
35 *representatives of candidates, political parties, or ballot issues;*

36 *(7) It shall be unlawful for any person to attend any polling*

1 site on election day and hand out or give away any campaign cards, placards,  
2 or other articles for the purpose of influencing the electors to vote for any  
3 candidate, except in the manner now provided by law;

4 (8)(A) It shall be unlawful for a person, with the intent to  
5 defraud a voter or an election official, to possess an absentee ballot issued  
6 to another.

7 (B) The possession by a person of more than ten (10)  
8 absentee ballots creates a rebuttable presumption of intent to defraud.

9 (C) The presumption under subdivision (a)(8)(B) of this  
10 section does not apply to:

11 (i) An employee of the United States Postal Service  
12 performing the normal course of the employee's authorized duties;

13 (ii) A common or contract carrier performing the  
14 normal course of the carrier's authorized duties;

15 (iii) The administrative head of a long-term care or  
16 residential care facility licensed by the state authorized by a voter under  
17 Arkansas law; or

18 (iv) An election official acting in his or her  
19 official capacity.

20 ~~(8)(9)~~ No person shall tamper with a voting machine or  
21 fraudulently affect or attempt to affect its results;

22 ~~(9)(10)~~ No person may cast a ballot in more than one (1) party  
23 primary election on the same day in this state or for candidates for more  
24 than one (1) political party;

25 ~~(10)(11)~~ No person shall vote in any election more than one (1)  
26 vote;

27 ~~(11)(12)~~ No person shall vote or attempt to vote other than his  
28 or her legal ballot;

29 ~~(12)(13)~~ No election official shall knowingly permit any person  
30 to vote other than his or her legal ballot in any election;

31 ~~(13)(14)~~ No election official or other person shall fraudulently  
32 permit any person to vote illegally, refuse the vote of any qualified  
33 elector, or cast up or make a false return of any election;

34 ~~(14)(15)~~ No election official or other person shall willfully  
35 make a false count of any election ballots or falsely or fraudulently certify  
36 the returns of any election;

1 ~~(15)~~(16) No person shall fraudulently change, alter, or  
2 obliterate the poll books or books of any election or break any seals upon  
3 any ballot box, voting machine, or stub box, except as authorized by law;

4 ~~(16)~~(17) No person shall contrive, alter, forge, counterfeit,  
5 detain, mutilate, steal, secrete, or destroy any election returns or election  
6 materials for the purpose of hindering or preventing or falsely reporting a  
7 tabulation or check of the returns; and

8 ~~(17)~~(18) Any person who violates the provisions of § 7-5-702 or  
9 who shall disclose how any voter may have voted unless compelled to do so in  
10 a judicial proceeding shall be deemed guilty of a Class D felony and punished  
11 as provided in this section.

12  
13 SECTION 3. Arkansas Code § 7-5-310(b)(4), concerning voter assistance,  
14 is amended to read as follows:

15 (4)(A) If the voter is assisted by one (1) person named by the  
16 voter, he or she may assist the voter in marking and casting the ballot  
17 according to the wishes of the voter without any comment or interpretation.

18 (B) No person other than the following shall assist more  
19 than six (6) voters in marking and casting a ballot at an election:

20 (i) A poll worker;

21 (ii) The county clerk during early voting; or

22 (iii) A deputy county clerk during early voting.

23  
24 /s/ Faris

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26 APPROVED: 3/27/2009