

1 State of Arkansas

2 80th General Assembly

3 Regular Session, 1995

4 By: Representative Calhoun

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A Bill

HOUSE BILL

1817

For An Act To Be Entitled

8 "AN ACT TO INCREASE THE PENALTY FOR PROVIDING UNLAWFUL
9 ASSISTANCE TO A VOTER FROM A MISDEMEANOR TO A FELONY; AND
10 FOR OTHER PURPOSES."

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Subtitle

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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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19 SECTION 1. Arkansas Code § 7-1-103 is amended to read as follows:

20 "7-1-103. Miscellaneous misdemeanor offenses - Penalties. The
21 violation of any of the following shall be deemed misdemeanors punishable as
22 provided in this section:

23 (1) It shall be unlawful for any person to appoint or offer to appoint
24 anyone to any office or position of trust, or for any person to influence,
25 attempt to influence, or offer to influence the appointment, nomination, or
26 election of any person to office, in consideration of the support or
27 assistance of the person for any candidate in any election in this state;

28 (2)(A) It shall be unlawful for any public officer, deputy, or
29 assistant to devote any time or labor during usual office hours toward the
30 campaign of any other candidate for office or for the nomination to any
31 office;

32 (B) It shall be unlawful for any public officer or public
33 employee of the State of Arkansas or of any county or municipality of this
34 state to circulate an initiative or referendum petition or to solicit
35 signatures on an initiative or referendum petition in any public office of

1 the state, county, or municipal governments of Arkansas or during the usual
2 office hours or while on duty for any state agency or any county or municipal
3 government in Arkansas;

4 (3) It shall be unlawful for any public officer, deputy, or assistant
5 who may be a candidate for the nomination to any office, or who may be a
6 candidate for any office to be voted for at any election, to use any office
7 or room furnished at public expense for his political headquarters or to send
8 out or distribute any letters, circulars, or other campaign literature from a
9 public office or room;

10 (4) It shall be unlawful for any person to assess any state employee
11 for any political purpose whatever or to coerce by threats or otherwise any
12 state employee into making subscription or contribution for any political
13 purpose;

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

18 (6) It shall be unlawful for any campaign banners, cards, or campaign
19 literature to be placed on any cars, trucks, or tractors belonging to the
20 State of Arkansas or any municipality or county in the state;

21 (7) All articles, statements, or communications appearing in any
22 newspaper printed or circulated in this state, intended or calculated to
23 influence the vote of any elector in any election, and for the publication of
24 which a consideration is paid, or to be paid, to the proprietor or publisher
25 of the newspaper, shall be preceded or followed by the word Advertisement
26 in conspicuous letters;

27 (8) Unless the statement, communication, advertisement, circular,
28 pamphlet, form letter, mimeographed, printed, duplicated, or other similar
29 matter plainly bears the name or names and post office addresses of the
30 individuals, firms, committees, or other group or groups sponsoring and
31 bearing the cost, no statement, communication, or advertisement of a
32 political nature may be published in a newspaper or other periodical within
33 the State of Arkansas, and no circular, pamphlet, letter, form letter,
34 statement, advertisement, or other similar matter of a political nature, may
35 be printed or distributed in this state. If the sponsors thereof are not the

1 same persons, groups, committees, or organizations bearing the cost thereof,
2 then the names of both the sponsor and those bearing the cost shall plainly
3 appear upon the advertising matter. If the sponsor, or those bearing the
4 cost thereof, are a group, committee, association, council, or other body,
5 then the names of the three (3) principal officers of the sponsoring or
6 paying groups, committees, associations, councils, or other bodies, together
7 with the correct post office address of each, shall also be printed thereon;

8 (9) No officer of election shall do any electioneering on any election
9 day. No person shall hand out or distribute or offer to hand out or
10 distribute any campaign literature or any literature regarding any candidate
11 or issue on the ballot, solicit signatures on any petition, solicit
12 contributions for any charitable or other purpose, or do any electioneering
13 of any kind whatsoever within one hundred feet (100') of any polling place on
14 election day;

15 (10) No person shall willfully disturb or engage in riotous conduct at
16 or near any polling place with the intent or effect of disturbing or
17 interfering with the access of the electors to the polling place;

18 (11) It shall be unlawful for any person or group of persons to
19 solicit or receive money or other valuable consideration from any political
20 candidate for office where the return consideration is a promise to place, or
21 placement of, the candidate's name or identity among a list or register of
22 recommended candidates for office;

23 (12) It shall be unlawful for any person or group of persons to
24 distribute or cause to be distributed, on election day, any list or register
25 as is contemplated in subdivision (11) of this section;

26 (13) It shall be unlawful for any person or group of persons to
27 knowingly carry, or cause to be carried or transmitted, into any polling
28 place on election day, any list or register as is contemplated in subdivision
29 (11) of this section or to refer to any list or register while marking his
30 ballot;

31 (14) No judge, clerk, or election sheriff shall perform any of the
32 duties of their respective positions before taking and subscribing to the
33 oath provided for in § 7-4-110;

34 (15) No person applying for a ballot shall swear falsely to any oath
35 administered by the election judges with reference to their qualifications to

1 vote;

2 (16) No person shall willfully cause or attempt to cause his own name
3 to be registered in any other election precinct than that in which he is or
4 will be before the next ensuing election qualified as an elector;

5 (17) During any election, no person shall remove, tear down, or
6 destroy any booths or supplies, or other conveniences placed in any booth or
7 polling place for the purpose of enabling the voter to prepare his ballot;

8 (18) No person shall take or carry any ballot obtained from any judge
9 outside of the polling room or have in his possession outside of the polling
10 room before the closing of the polls any ballot provided by any county
11 election commissioners;

12 (19) No election official or other person shall unfold a ballot or,
13 without the express consent of the voter, ascertain or attempt to ascertain
14 any vote on a ballot before it is placed in the ballot box, or make or place
15 any mark or device on any ballot for the purpose or with the effect of
16 identifying the ballot with the elector;

17 (20) No person shall print or cause to be printed any ballot for any
18 election held under this act with the names of the candidates appearing
19 thereon in any other or different order or manner than provided by this act;

20 (21) No election judge or clerk shall permit the vote of any person to
21 be cast in any election precinct in this state in any election legally held
22 in this state when the person does not appear in person at the election
23 precinct and actually cast the vote. This subsection shall not apply to
24 persons entitled to cast absentee ballots;

25 (22) No person shall vote or offer to vote more than one (1) time in
26 any election held in this state, either in person or by absentee ballot, or
27 shall vote in more than one (1) election precinct in any election held in
28 this state. No person shall cast a ballot or vote in the preferential
29 primary of one (1) political party and then cast a ballot or vote in the
30 general primary of another political party in this state;

31 (23) No person shall vote, knowing himself not to be entitled to vote;
32 or vote more than once at any election, or knowingly cast more than one (1)
33 ballot, or attempt to do so; or alter or attempt to alter any ballot after it
34 has been cast; or add or attempt to add any ballot to those legally polled at
35 any election either by fraudulently introducing it into the ballot box before

1 or after the ballots have been counted, or at any other time or in any other
2 manner, with the intent or effect of affecting the count or recount of the
3 ballots; or withdraw or attempt to withdraw any ballot lawfully polled with
4 the intent or effect of affecting the count or recount of the ballots; or in
5 any manner interfere with the officers lawfully conducting the election or
6 the canvass or with the voters lawfully exercising their right to vote at the
7 election;

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

10 (25) No election judge, clerk, poll watcher, or any other person in or
11 out of this state in any primary, general, or special election in this state
12 shall divulge to any person the results of any votes cast for any candidate
13 or on any issue in said election until thirty (30) minutes after the closing
14 of the polls on the day of the election. The provisions of this subdivision
15 shall not apply to any township or precinct in this state in which all of the
16 registered voters therein have voted prior to the closing of the polls in
17 those instances where there are fifteen (15) or fewer registered voters in
18 the precinct or township;

19 (26) Any person, election official, county clerk, or deputy clerk who
20 violates any provisions of the absentee voting laws shall be punished as
21 provided in this section;

22 (27) Any violation of this act not covered by this section and
23 § 7-1-104 shall be considered a misdemeanor and shall be punishable as such;

24 (28) Except as otherwise provided, the violation of any provision of
25 this section shall be punishable by a fine no less than one thousand dollars
26 (\$1,000) or by imprisonment in the penitentiary not exceeding one (1) year,
27 or by both fine and imprisonment. Any person convicted under the provisions
28 of this section shall thereafter be ineligible to hold any office or
29 employment in any of the departments in this state. If any person is
30 convicted under the provisions of this section while employed by any of the
31 departments of this state, he shall be removed from employment immediately.
32 If any person is convicted under the provisions of this section while holding
33 public office, the conviction shall be deemed a misfeasance and malfeasance
34 in office and shall subject the person to impeachment."

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1 SECTION 2. Arkansas Code § 7-1-104 is amended to read as follows:

2 "7-1-104. Miscellaneous felonies - Penalties. The following offenses
3 shall be deemed felonies punishable as provided in this section:

4 (1) No person shall falsely make or fraudulently destroy any
5 certificate of nominations, or any part thereof, file any certificate of
6 nominations, knowing the certificate, or any part thereof, to be false;
7 suppress any nomination which has been duly filed, or any part thereof; or
8 forge or falsely write the name or initials of any judge of election on any
9 ballot;

10 (2) No public official or deputy responsible for registration shall in
11 any manner willfully or corruptly permit any person not entitled to register
12 for the purpose of voting to do so; or forge a registration or attempt to do
13 so;

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

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

21 (5) It shall be unlawful for any person to make any threat or attempt
22 to intimidate any elector or the family, business, or profession of the
23 elector, and it shall be unlawful to attempt to prevent any qualified elector
24 from voting at any election;

25 (6) It shall be unlawful to distribute any ballots outside of those
26 ballots ordered for use in the election for the purpose of instructing voters
27 how to vote. It shall be lawful for any newspaper to print or for any
28 television station to telecast a replica of the official ballot for the
29 purpose of familiarizing electors with the ballot prior to the day of
30 election;

31 (7) It shall be unlawful for any person to attend any voting place on
32 election day and hand out or give away any campaign cards, placards, or other
33 articles for the purpose of influencing the electors to vote for any
34 candidate, except in the manner now provided by law;

35 (8) No person shall tamper with a voting machine or fraudulently

1 affect or attempt to affect its results;

2 (9) No person may cast a ballot in more than one (1) party primary
3 election on the same day in this state or for candidates for more than one
4 (1) political party;

5 (10) No person shall vote in any election more than one (1) vote;

6 (11) No person shall vote or attempt to vote other than his or her
7 legal ballot;

8 (12) No judge of any election shall knowingly permit any person to
9 vote other than his or her legal ballot in any election;

10 (13) No election official or other person shall fraudulently permit
11 any person to vote illegally, refuse the vote of any qualified elector, or
12 cast up or make a false return of any election;

13 (14) No election officer or other person shall willfully make a false
14 count of any election ballots or falsely or fraudulently certify the returns
15 of any election;

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

19 (16) No person shall contrive, alter, forge, counterfeit, detain,
20 mutilate, steal, secrete, or destroy any election returns or election
21 materials for the purpose of hindering or preventing or falsely reporting a
22 tabulation or check of the returns;

23 (17) It shall be unlawful for any person to mislead any elector, who
24 cannot read or who requires assistance, about the contents of the ballot and
25 it shall be unlawful for any person to change or mark the ballot of any
26 elector who cannot read or who requires assistance, so as to prevent the
27 elector from voting as the elector intended;

28 (18) Any person who violates the provisions of § 7-5-702 or who shall
29 disclose how any voter may have voted, unless compelled to do so in a
30 judicial proceeding, shall be deemed guilty of a felony and punished as
31 provided in this section;

32 (19) Any person convicted of a felony as defined in this section shall
33 be punished by imprisonment in the penitentiary for not less than one (1)
34 year nor more than five (5) years or by a fine no less than five thousand
35 dollars (\$5,000), or by both fine and imprisonment. Any person convicted of

1 a felony as defined in this section shall be barred from holding public
2 office or employment in any of the departments of the state from the date of
3 his conviction. If the person is employed by any of the departments of this
4 state at the time of his conviction, he shall be removed from employment
5 immediately. If any person is convicted under the provisions of this section
6 while holding public office, the conviction shall be deemed a misfeasance and
7 malfeasance in office and shall subject the person to impeachment."

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9 SECTION 3. All provisions of this act of a general and permanent
10 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
11 Code Revision Commission shall incorporate the same in the Code.

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13 SECTION 4. If any provision of this act or the application thereof to
14 any person or circumstance is held invalid, such invalidity shall not affect
15 other provisions or applications of the act which can be given effect without
16 the invalid provision or application, and to this end the provisions of this
17 act are declared to be severable.

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19 SECTION 5. All laws and parts of laws in conflict with this act are
20 hereby repealed.

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