

Stricken language would be deleted from and underlined language would be added to present law.
Act 416 of the Regular Session

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: H3/1/21 H3/4/21
A Bill

HOUSE BILL 1522

By: Representative Ray
By: Senator B. Ballinger

For An Act To Be Entitled

AN ACT TO AMEND ARKANSAS ELECTION LAW; TO AMEND
ELECTION LAW CONCERNING MISDEMEANOR OFFENSES; TO
CREATE A MISDEMEANOR OFFENSE FOR FALSE STATEMENTS BY
CANDIDATES; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND ARKANSAS ELECTION LAW; TO AMEND
ELECTION LAW CONCERNING MISDEMEANOR
OFFENSES; AND TO CREATE A MISDEMEANOR
OFFENSE FOR FALSE STATEMENTS BY
CANDIDATES.

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

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

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; ~~and~~

(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; and

(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.

(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.

(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.

/s/Ray

APPROVED: 3/22/21