

**Disclaimer:**

This guide is designed for informational purposes only. It is not legal advice and is not intended to create an attorney-client relationship. The Election Protection Coalition does not warrant any information contained in this guide, nor does the Coalition suggest that the information in this guide should be used as a basis to pursue legal advice or decision making.

**Questions Involving Access to the Ballot:**

**1. It is after 7:30 AM and the polling place is not open.**

Immediately contact your County Clerk's Office to report the problem. You can find information on County Election Offices at

[http://www.sos.arkansas.gov/elections/elections\\_pdfs/county\\_clerks.pdf](http://www.sos.arkansas.gov/elections/elections_pdfs/county_clerks.pdf).

If the polling place is open, but the voting machines have not arrived, call a Commander immediately. Voters should be permitted to vote by paper ballots (preferably) or by provisional ballots if there are no machines available.

**2. It is 7:30 PM and my precinct is closed or closing and they will not let me vote.**

Immediately contact the County Elections Office to report the problem. You can find information on County Clerk's Office at

[http://www.sos.arkansas.gov/elections/elections\\_pdfs/county\\_clerks.pdf](http://www.sos.arkansas.gov/elections/elections_pdfs/county_clerks.pdf).

**3. There are equipment problems at my precinct and I cannot vote. What should I do?**

Encourage the voter to ask to vote by a back-up paper ballot or by provisional ballot.

**Identification and Provisional Ballots:**

**1. I do not have any identification with me. Can I vote?**

Yes. If the voter is a first-time voter who registered by mail and did not present acceptable identification at that time, the voter may vote by provisional ballot. Only first-time voters who registered by mail and did not provide an ID when registering are required to provide an ID and will need to vote on a provisional ballot in the absence of an ID. Voters, including first-time voters, who registered by mail and provided an ID when registering but are unable to provide identification, are entitled to vote on a regular ballot. If possible, a voter should be encouraged to go and get an ID and NOT cast a provisional ballot.

## **2. I am a registered voter who is not on the rolls at my precinct. Can I vote?**

Confirm that the voter is qualified to vote (i.e., meets the age, criminal status and durational residency requirements found on page 16 of the manual) and that the voter registered in time to vote in this election. Next, using the online poll locator tool, make sure the voter is at the correct polling place.

If the voter has registered on time, is eligible and is in the correct polling place, direct the voter to ask the poll worker to call the County Clerk and confirm his registration. If the voter is still not on the rolls, let him know that he can vote provisionally. This is a LAST resort as provisional ballots will only be counted by the county board of election commissioners before certification of the election only upon certification by the county board of the provisional voter's registration status in the precinct.

## **3. Poll workers are turning voters away if they don't have photo ID.**

Contact a Commander immediately to report the problem. An attorney may be dispatched to the polling place. Encourage the voter to go back inside the polling place and demand the right to vote by a REGULAR ballot (unless the voter is a first time voter who registered to vote by mail and has not previously provided a copy of their ID, in which case they can vote by provisional ballot).

## **4. I have been offered a provisional ballot. What should I do?**

Provisional ballots are a LAST resort.

If the voter's name is not listed in the precinct voter registration list, the election officials must permit the voter to vote if the voter: identifies himself by stating his name and date of birth and is verified by the County Clerk as a registered voter within the county; gives and affirms his current residence and the election official verifies with the County Clerk that the voter's residence is within the precinct; completes an updated voter registration application.

If an individual is required to present identification before being permitted to vote, but does not have identification with him on Election Day, he must be permitted to cast a provisional ballot after signing an affirmation stating that he is eligible and registered to vote. If an individual is a first-time voter who registered by mail and fails to provide a valid photo identification, a copy of a current utility bill, a bank statement, government check, paycheck or other government document that shows the name and address of the voter, then the voter must be allowed to vote by provisional ballot.

Election officials must also provide the voter with written information that states that the individual who casts a provisional ballot will be able to find out whether the vote was counted and, if it was not, the reason the vote was not counted.

A provisional ballot will be counted by the county board of election commissioners before certification of the election only upon verification by the county board of the provisional voter's registration status in the precinct. The county board shall include valid provisional ballot results with all other election results for each race in the official certification of results of the election.

## **Where to Vote:**

### **I. Where do I vote (for voter's who have not moved)?**

You can look up polling locations at <http://www.vote411.org/pollingplacebystate.php>. You can also call the County Clerk or Board of Election Commissioners to verify or find out polling place locations.

**2. I have moved within the same PRECINCT and have not updated my address for voter registration purposes. Where should I vote?**

If the voter has moved within the same precinct and the voter registration list still lists the voter's old address, the voter will be asked to complete a voter registration application form for the purpose of updating county voter registration record files. The election official will then check the updated address with the County Clerk. Once the County Clerk ensures that the updated address is within the precinct, the voter must be permitted to vote.

**3. I have moved to a different precinct within the same COUNTY and I have not updated my address for voter registration purposes. Where should I vote?**

If the voter has moved within the same county and the voter registration list still lists the voter's old address, the voter will be asked to complete a voter registration application form for the purpose of updating county voter registration record files. The election official will then check the updated address with the County Clerk. If the updated address is not within the precinct, the election official will instruct the voter to contact the County Clerk to determine the proper precinct.

**4. I have moved from one county to another and have not updated my address for voter registration purposes. Where should I vote?**

If the voter has moved from one county to another within Arkansas, he must cancel his registration in the old county and complete and sign a new registration form in his new county of residence. The voter should go to the County Clerk's office in the new county, complete and sign a new voter registration form, and then vote by provisional ballot.

**Assistance at the polls:**

**1. I am physically disabled and need assistance; will my polling place be accessible?**

Arkansas law requires voting locations to be accessible to disabled voters. Please call the State Board of Election Commissioners (800-411-6996) if you are uncertain about the accessibility of a polling site. If a voter reports that a polling place is not accessible to the handicapped, contact a Commander so an attorney can get in touch with the responsible election official to report the problem immediately.

**2. I am blind, physically disabled and require assistance at the polls in order to vote. Can I get assistance at the polls?**

If a voter is unable to mark the ballot because he cannot read or write or because of physical, sensory or other disability or other legal cause, the voter may request assistance at the time he presents himself to vote and receive help from either two election officials or a person named by the voter. If the voter is assisted by two election officials, one will observe and the other will assist the voter in operating the machine or completing the ballot in accordance with the voter's wishes. If the voter is assisted by one person named by the voter, the person may assist the voter in operating the machine or completing the ballot in accordance with the wishes of the voter.

Election Protection volunteers can serve as assistants to disabled voters if asked to do so by the voter. If a poll worker refuses to allow a disabled voter to bring a person of their choice into the voting booth, contact a Commander.

## **Miscellaneous Issues:**

### **1. I have been approached by candidates or others at the polls.**

All poll monitors, including Election Protection volunteers, must stay at least 100 feet from the entrance to the polling place; they can solicit you if they comply with this rule. If they are violating the 100-foot requirement, contact a Commander to report the problem, let them know the extent of the problem and work with them to assess if calling an election official is necessary.

### **2. What if I requested an absentee ballot but I want to vote in person on Election Day?**

Any person who receives an absentee ballot according to the precinct voter registration list but who elects to vote by early voting or to vote at his or her polling site on Election Day shall be permitted to cast a provisional ballot. If the precinct voter registration list indicates that the voter received an absentee ballot yet the voter presents himself to vote at an early voting location or his polling site on Election Day, the election official must permit the voter to cast a provisional ballot at the poll.

### **3. There are people at the polls trying to intimidate voters.**

Contact a Commander immediately. An attorney will be dispatched to the polling place. If the voter agrees, put them on hold while you call the Commander so they can send an attorney to the location immediately. Then, gather as much information from the voter as possible.

### **4. I have a felony conviction. Can I vote?**

Yes, if the voter has obtained a pardon from the Governor or served his full sentence, including any period of probation or parole, and has re-registered with the county clerk. To be put back on the voting rolls, a voter must take proof of the pardon or completion of sentence to the local county clerk.

### **5. I am a college student, can I vote where I go to school?**

If the voter is a college student attending college outside his home county, he must decide what county you consider "home." If he intends to return someday to his home county, then he should list his parents' address as his residence. If he does not intend to return there, he should list the college address as his residence. The residence address must be kept current on the voter registration. This requirement often persuades college students to use their parents' address, which is less likely to change repeatedly.

Thus, college students may register and vote where they go to school provided that they consider that location their voting residence. A voting residence is the residence the student claims as their home, i.e., the residence which qualifies them to vote on a particular ballot. Students must be held to the SAME eligibility requirements as any other voter in the jurisdiction. Of course, a student may not be registered and vote in more than one place.

If a student has been turned away at the polls, ascertain if they have fulfilled all of the registration requirements (age, criminal status, durational residency requirements) and that they have registered on time for this election. If so, contact a Commander to dispatch an attorney to the location and/or contact the appropriate election official. Where there is no Legal Command Center, call the County Clerk's office. If there is an on-call attorney in that jurisdiction, advise the attorney of the problem.