

**A DIGEST OF THE  
ELECTION LAWS OF THE  
STATE OF ARKANSAS IN  
FORCE APRIL 1, 1904**

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A Digest of the Election Laws of the State of Arkansas in Force April 1, 1904 by John W. Crockett

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**JOHN W. CROCKETT**

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By JOHN W. CROCKETT  
Secretary of State

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A DIGEST  
OF THE  
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STATE OF ARKANSAS.

GENERAL ELECTION.

TIME OF HOLDING.

SECTION 2598. On the first Monday in September, eighteen hundred and seventy-six, and every two years thereafter, there shall be held an election in each precinct and ward in this state for the election of all elective state, county and township officers whose term of office is fixed by the constitution at two years; and state senators whose term of office is fixed by the constitution at two years; and state senators in their respective districts when the terms for which senators may have been elected shall expire before the next general election; and for judges of the supreme and circuit courts when the term of office of any judge shall expire before the next general election; and for representatives to the congress of the United States for each congressional district; and for prosecuting attorneys. *Act January 23, 1875, sec. 1.*

STATE AND COUNTY BOARDS OF ELECTION COMMISSIONERS.

SEC. 2599. The governor, secretary of state and attorney general shall constitute a state board of election commissioners, whose duty it shall be, not more than ninety days nor less than thirty days before any general election for state and county officers, to appoint three qualified electors as commissioners in each county to select election judges for each voting precinct, and to perform the other duties herein prescribed. No person who is a candidate for any office to be voted for at such election, or is a deputy, or clerk or employee of any officer or person who is a candidate for election, shall act as county commis-

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sioner. The appointment of the county commissioners shall be in writing under the hands of the state board, and the said state board shall immediately mail to each county commissioner, at the county seat, a notice of his appointment, and, in addition thereto, shall mail to the clerk of the circuit court in such county a certificate of the appointment of such commissioners, and, upon the receipt of such certificate, it shall be the duty of such circuit clerk to cause to be served upon each of said commissioners, by the sheriff, a notice requiring said commissioners to appear before said clerk on or before the day fixed for entering upon their duties, and take and subscribe the oath prescribed by section twenty, of article nineteen of the constitution, which said oath shall be indorsed on the certificate, and when so indorsed, said certificate shall be filed in said office as a record.

SEC. 2600. The said commissioners shall hold office until their successors are appointed and qualified. Said commissioners shall meet at the courthouse at least twenty days prior to the general election, and shall organize themselves into a board of election commissioners by electing one member chairman and another clerk. Each commissioner shall have one vote, and two shall constitute a quorum, and the concurring votes of any two shall decide all questions before them.

[N. B.—The Federal statutes fixes the Tuesday after the first Monday in November for election of members of Congress.]

SEC. 2601. They shall, after their organization as aforesaid, not less than five (5) days before any general election, appoint three (3) judges of election for each voting precinct in the county, which appointments shall be served on or delivered to the persons appointed by the sheriff of the county and the clerk of the board shall make a record of such appointments and shall file the same, attested by the chairman and the clerk of the board, with the county clerk. If any judge so appointed shall die or resign before the election, said board shall fill the vacancy. All of said county commissioners shall not be members of the same political party. *Act May 23, 1901.*

SEC. 2602. Any vacancy in the county board of commissioners shall be filled by appointment by the state board of commissioners, in the same manner as the county commissioners are originally appointed; and if it shall occur that all, or a majority, of the county commissioners shall resign, refuse to act, die, or their places become vacant from any cause, so that there shall not be a quorum in office at the time that said board is required to do and perform any of the acts or things by this act required of them, then, and in that event, the county judge, sheriff and county clerk shall, in the order herein named, fill said vacancies for the time, and shall perform the duties of election commissioners until the vacancies in said board can be filled, as herein provided for. *Act March 4, 1891, sec. 1.*



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### QUALIFICATION OF ELECTORS.

SEC. 2603. Every male citizen of the United States, or male person who has declared his intention of becoming a citizen of the same, of the age of twenty-one years, who has resided in the state twelve months, in the county six months and in the precinct or ward one month, next preceding any election at which he may propose to vote, except such person as may, for the commission of some felony, be deprived of the right to vote by law, passed by the general assembly, and who shall exhibit a poll tax receipt or other evidence that he has paid his poll tax at the time of collecting taxes next preceding such election, shall be allowed to vote at any election in the state of Arkansas. *Provided*, That persons who make satisfactory proof that they have attained the age of twenty-one years since the time of assessing taxes next preceding said election and possesses the other necessary qualifications, shall be permitted to vote; *and provided, further*, that the said tax receipt shall be so marked by dated stamp or written indorsement by the judges of election to whom it may be first presented as to prevent the holder thereof from voting more than once at any election. *Constitution of Arkansas, amendment number 2.*

SEC. 2604. No idiot or insane person shall be entitled to the privileges of an elector, nor shall any soldier or marine in the military or naval service of the United States acquire a residence that shall entitle him to vote by reason of being stationed on duty in this state. No one who has been convicted of any offense which is a felony at the common law, or by statute, shall be allowed to vote at any election in this state, unless such person shall have been pardoned by the governor, and the records of the court wherein such person shall have been convicted shall be conclusive evidence of his conviction. Whenever any person shall present himself to vote, and there shall be no specific evidence prescribed by law as being necessary to establish his qualifications, the judges of election may interrogate him under oath, touching his qualifications as an elector, or they may satisfy themselves in relation thereto by any legal testimony. *Act March 4, 1891, sec. 18.*

### POLL TAX RECEIPTS.

SEC. 2605. It shall be the duty of the auditor of state to prepare poll tax receipts in book form with stub, to be used by the collectors of the several counties of the state, and shall furnish the same to the county clerk of the several counties, and the said clerks shall deliver the said poll tax receipts to the collectors of taxes at the time of the delivery of the tax books, and when the collector files his delinquent personal list he shall return to the county clerk all unused blank poll tax receipts and the clerk shall at once return the same to the auditor.

SEC. 2606. The sheriff of each county shall, on or before the first day of July of each year, make out under oath, a certified copy, in alpha-

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betical order, of the names of all electors who have paid their poll tax for the preceding year and file the same with the county clerk of his county, for which service he shall be paid by the county the sum of twenty cents for each one hundred names filed with said clerk.

Sec. 2607. The county clerks of the several counties shall file the said list of electors so furnished by the sheriff or collector, and shall record the same in a book kept for that purpose, and shall furnish the sheriffs or collectors with not less than three certified printed copies for each voting precinct in the county at least ten days before any general or special election, and for such service the said clerks shall be paid by the county the same fees as are now allowed them by law for similar services.

Sec. 2608. It shall be the duty of the sheriff of each county to furnish the election judges of each precinct of his county the printed list of electors mentioned in section 2607 at the time he delivers the poll books, and all persons whose names appear on said list, in the event their said receipt be lost or mislaid and possess the other necessary qualifications of an elector, shall be entitled to vote at said election.

Sec. 2609. Any person who makes satisfactory proof that he has attained the age of twenty-one years since the time of assessing taxes next preceding said election and possess the necessary qualifications, shall be entitled to vote.

Sec. 2610. The said poll tax receipt of electors presented to the judges of said election shall be so marked by dated stamp or written indorsement by the judges of the election to whom it may be first presented as to prevent the holder thereof from voting more than once at any election.

Sec. 2611. The auditor of state, sheriff, collector, or clerk of any county who shall fail or refuse to comply with the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than fifty dollars, nor more than five hundred dollars.

Sec. 2612. Any elector offering to vote who does not present his poll tax receipt and whose name appears upon the printed list, shall be required by the judges to make oath that he has not voted at any other precinct or ward at the present election. *Act April 10, 1893.*

### NOMINATION OF CANDIDATES AND CERTIFICATION THEREOF.

Sec. 2613. The nominations of candidates shall be certified in the following manner: By the chairman and secretary of any convention of delegates, or of the canvassing board of any primary election, held by authority of any organized political party in the state, or subdivision thereof, in which such convention or primary election is held; and also, by electors of the state, district, county, township, ward of a city or incorporated town, for which the nomination is made. *Provided, the*

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number of signatures of electors so required shall not be less than fifty, nor more than one thousand, for the state or any district or county, and not less than ten, nor more than fifty, for any township, or ward of a city or incorporated town. All certificates of nomination made by the chairman and secretaries of conventions, or of canvassing boards of primary elections, shall be duly acknowledged before an officer authorized by law to take acknowledgments. The said certificate of nomination shall be accompanied by the receipt of the treasurer or collector of each county in which any candidate is to be voted for, for the following amounts, namely: Candidates for offices to be voted for by the electors of the entire state, fifty cents each; candidates for offices to be voted for by the electors of a district composed of more than one county, except members of congress, three dollars; candidates for representatives in congress, ten dollars; candidates for offices to be voted for by the electors of a single county, three dollars; candidates for offices to be voted for by the electors of a township, one dollar. These several amounts shall be placed to the credit of the fund for general county expenses. Candidates for offices to be voted for by the electors of any incorporated town or city, shall present the receipt of the treasurer or collector of such municipality for the sum of one dollar each. All money received from this source shall be placed to the credit of the fund for general expenses of said city or town.

SEC. 2614. All certificates of the nomination of candidates for presidential electors and members of congress, and for state and judicial, and district officers, either by convention, primary elections or electors, shall be filed with the secretary of state; and all certificates of the nomination of candidates for county, township, and municipal offices shall be filed with the county election commissioners of the county in which they are to be voted for.

SEC. 2615. Certificates of nomination required by this act to be filed with the secretary of state shall be filed not more than sixty days and not less than twenty days before the day fixed by law for the election of persons in nomination. Certificates of nominations herein directed to be filed with the county election commissioners shall be filed not more than sixty days and not less than fifteen days before the election. *Provided*, in case of any vacancy occurring in any nomination by declination, withdrawal, death or otherwise, the central committee, or a convention or primary election called for that purpose, of the party on whose ticket such vacancy may be, may select and certify to the secretary of state, or proper county election commissioners, the name of the candidate to fill such vacancy.

SEC. 2616. Whenever it shall appear by affidavit that an error or omission has occurred in the publication of the names or description of candidates nominated for office, or in the printing of ballots, the circuit court of any county, or the judge thereof in vacation, or if the circuit