



ISSUE NUMBER 1

(Referred to the people by the Arkansas General Assembly)

Defining Who is Eligible to Vote in Arkansas

POPULAR NAME: A constitutional amendment to be known as “The Citizens Only Voting Amendment” and providing that only a citizen of the United States meeting the qualifications of an elector under the Arkansas Constitution may vote in an election in this state.

BALLOT TITLE: An amendment to the Arkansas Constitution to create “The Citizens Only Voting Amendment”; to provide that only a citizen of the United States meeting the qualifications of an elector under the Arkansas Constitution may vote in an election in this state; and providing that a person who does not meet the qualifications of an elector under the Arkansas Constitution shall not be permitted to vote in any state or local election held in this state.

What is being proposed?

Issue 1 proposes changing the existing wording in Article 3 of the Arkansas Constitution about who can vote in Arkansas elections and adding specific language that people who don't meet the criteria, specifically noncitizens, cannot vote in local and state elections.

How did this issue get on the ballot?

The Arkansas Constitution grants the legislature the right to include up to three constitutional amendments on the general election ballot. The Arkansas Senate and House of

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QUICK LOOK: What does your vote mean?

FOR: A FOR vote means you are in favor of changing the Arkansas Constitution to specifically say only U.S. citizens who satisfy the existing qualifications of an elector may vote in Arkansas elections, and that a person who doesn't satisfy those requirements may not vote in a state or local election. The four existing qualifications, including U.S. citizenship, would remain unchanged.

AGAINST: An AGAINST vote means you are not in favor of changing Article 3 of the Arkansas Constitution about who can vote in Arkansas elections.

Where can I find more information?

The complete wording of this amendment can be found at uaex.uada.edu/issue1

You can read the full text of this proposed amendment as passed by legislators at bit.ly/Issue1-FullText

The following statements are examples of what supporters and opponents have made public in media statements, campaign literature, on websites, or in interviews with Public Policy Center staff. The University of Arkansas Division of Agriculture does not endorse or validate these statements.

What do supporters say?

- Whether you say, ‘every citizen, any citizen or all citizens,’ none of those phrases are sufficient because they constitute a floor rather than a ceiling. A floor says that any citizens can vote but leaves room as we have discovered in other states for other people to be added to that list. By moving to only-citizen language we’re setting a ceiling for eligibility that only citizens may vote and nobody else. That’s exclusive, unambiguous and absolute.
- We all have voters in our districts and across the state who are concerned about the crisis of illegal immigration and they want us to do something about it.
- Major American cities have taken steps to allow for noncitizens to legally cast ballots in their elections. Even though cities in Arkansas have not yet taken that step, it is much easier to address before that happens here.
- Simply put, the future of American government should be decided by Americans, rather than by allowing legalized noncitizen voting, which would dilute the voting power of American citizens.

What do opponents say?

- The Arkansas Constitution already restricts the right to vote to U.S. citizens who are residents of Arkansas. The amendment changes a few words but makes no substantive changes. So why propose the amendment at all?
- If voters approve the proposed amendment, the General Assembly could use the amendment as the impetus to pass new restrictive proof of citizenship legislation in 2027, establishing requirements that many qualified voters could not meet.
- Since 1920, the Arkansas Constitution has restricted the right to vote to U.S. citizens who are residents of Arkansas. The amendment changes a few words but makes no substantive changes. A months-long investigation by election officials on whether non-citizens were illegally voting in Arkansas found they were not. Immigrants will not vote if they are not citizens and risk future citizenship, prison or deportation.
- This amendment sends the message to immigrants that they do not belong. Its presence on the ballot is a waste of time and tax payer dollars.

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Representatives voted in April 2025 to place HJR1018 (Issue 1) on the November 2026 General Election Ballot.

Amending the state constitution requires the approval of a majority of voters in a statewide election. Election Day is Nov. 3, 2026.

Who were the main sponsors of this amendment?

Rep. David Ray of Maumelle and Sen. John Payton of Wilburn

When was the last time Arkansans voted on voter qualifications?

In 2008, voters approved a constitutional amendment changing the text of Article 3 in the Arkansas Constitution. The amendment, referred by the legislature, recognized regulations already in place. The constitutional amendment deleted outdated references to voters paying poll taxes and the requirement that people needed to be 21 years old in order to register to vote. Voters approved what is known as Amendment 85 by a vote of 714,128 (73%) to 267,326 (27%).

There has been a requirement that Arkansas voters have U.S. citizenship to vote in state and local elections since voters approved Amendment 8 in 1920.

What does the Arkansas Constitution currently say about voter qualifications?

Article 3, Section 1 of the Arkansas Constitution establishes the “qualifications of electors,” or people who can vote in Arkansas elections.

This section currently says:

“(a) Except as otherwise provided by this Constitution, any person may vote in an election in this state who is:

- 1. A citizen of the United States;
- 2. A resident of the State of Arkansas;
- 3. At least 18 years of age; and
- 4. Lawfully registered to vote in the election”

In addition to this language in Article 3, Section 9 of Amendment 51 to Arkansas’ Constitution addresses voter registration requirements as follows:

“All persons may register who:

- 1. Have not been convicted of a felony unless the person’s sentence has been discharged or the person has been pardoned;
- 2. Have not been adjudged mentally incompetent by a court of competent jurisdiction.
- 3. Meet one (1) of the following requirements:
 - A. Are qualified electors who have not previously registered;
 - B. Will become qualified electors during the thirty-day period immediately prior to the next election scheduled within the county; or
 - C. Are otherwise qualified electors but whose registration has been canceled in a manner provided for by this amendment; and
 - D. Are citizens of the United States.”

What wording would Issue 1 change?

Issue 1 proposes to add two new sentences to Article 3, Section 1 and modify the end of one sentence.

Current Text in Arkansas Constitution
(a) Except as otherwise provided by this Constitution, any person may vote in an election in this state who is: 1. A citizen of the United States; 2. A resident of the State of Arkansas; 3. At least 18 years of age; and 4. Lawfully registered to vote in the election.
Proposed Text in Issue 1
(a)(1) Only a citizen of the United States meeting the qualifications of an elector under this section may vote in an election in this state. (2) A person who does not meet the qualifications of an elector under this section shall not be permitted to vote in any state or local election held in this state. (b) Except as otherwise provided by this Constitution, to vote in an election in this state a person shall be: 1. A citizen of the United States; 2. A resident of the State of Arkansas; 3. At least eighteen (18) years of age; and 4. Lawfully registered to vote in the election.

How many people living in Arkansas are not U.S. citizens?

About 117,000 people out of the 3.1 million people living in Arkansas are not currently U.S. citizens, according to the U.S. Census Bureau’s 2024 American Community Survey. The statistics include people who are lawful permanent residents, foreign students and other temporary migrants, people who are in the country with humanitarian protections, and unauthorized migrants.

How have voting requirements changed over time in Arkansas?

Under the Arkansas Constitution, the authority to determine eligibility for voting in state and local elections rests with the voters of Arkansas. Throughout the state's history, efforts to revise voter qualifications have resulted in multiple statewide ballot measures seeking to define who may vote. The table below documents changes that have been approved over time.

Year	Law	Who Proposed?	Voter Requirements
1836	First state constitution	Territorial Delegates seeking statehood	Qualified voter defined as: • Free white male • Citizen of the U.S. • At least 21 • Lived in Arkansas for at least six months The constitution banned members of the military from voting. Counties were allowed to charge voters an annual poll tax.
1868	Fourth state constitution	Constitutional Convention	Qualified voter defined as: • Male citizen naturalized or who had declared his intention to be naturalized • At least 21 • Lived in Arkansas for at least six months Counties were allowed to charge voters an annual poll tax to raise money for schools.
1870	15th Amendment of the U.S. Constitution	Congress	States ratified the 15th Amendment to the U.S. Constitution, which said the rights of U.S. citizens to vote shall not be denied by federal or state government on account of race or previous condition of servitude.
1874	Fifth state constitution	Constitutional Convention	Qualified voter defined as: • Male • At least 21 • U.S. citizen or have declared their intention to become a U.S. citizen • Lived in Arkansas for at least one year, in their county for at least six months and in their voting precinct for at least one month Counties were allowed to charge voters an annual poll tax to raise money for schools.
1892	Amendment*	Legislature	Required voters to pay a \$1 state poll tax every year to register to vote. *A federal judge later overturned this amendment, saying it didn't receive a majority of approval of all voters.

Year	Law	Who Proposed?	Voter Requirements
1908	Amendment*	Legislature	Required voters to pay a \$1 state poll tax every year to register to vote. *The Arkansas Supreme Court later overturned this amendment, saying it didn't receive a majority of approval of all voters.
1917	State Law	Legislature	Allowed Arkansas women to vote in primary elections.
1920	Amendment 8	Legislature	Qualified voter defined as: • Male or female • U.S. citizen • At least 21 • Lived in Arkansas for at least one year, in their county for at least six months and in their voting precinct for at least one month • Could not have committed a felony • Paid state poll tax every year to register to vote This election occurred after the adoption of the 19th Amendment to the U.S. Constitution, which gave women the right to vote.
1944	Amendment 36	Citizen initiative	Allowed Arkansas citizens serving in the U.S. military to vote in any election without paying the required poll tax as long as they otherwise met the qualifications to vote. This election occurred after Congress voted in 1942 to allow military members to vote in federal elections without paying local poll taxes.
1948	Amendment 39	Legislature	Gave legislators the power to make voter registration laws and established that a person's right to vote depended on being registered to vote.
1964	Amendment 51	Citizen initiative	Arkansas voters approved the state enacting a new voter registration system that among other things did not require voters to pay a poll tax to register to vote. This election occurred after Congress passed the Civil Rights Act of 1964, which in part outlawed unequal voter registration requirements based on race.
1971	26th Amendment of the U.S. Constitution	Congress	States including Arkansas ratified the 26th Amendment of the U.S. Constitution, which lowered the voting age to 18.

2008	Amendment 85	Legislature	Set the current elector requirements for voting and allowed the legislature to set the date and time of elections. Qualified voters defined as: • U.S. citizen • Resident of Arkansas • At least 18 • Lawfully registered to vote in the election

Can noncitizens vote in the United States?

Under federal law, noncitizens cannot vote in federal elections. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 made it a crime for noncitizens to vote in federal elections. A person who violates the federal law faces fines and up to one year in prison, and opens themselves up to deportation.

There is no state in which noncitizens can vote in state elections. Since 2018, 15 state constitutions prohibit noncitizens from voting in state and local elections. The organization Americans for Citizen Voting has been lobbying state legislatures, including Arkansas, to change the wording of their constitutions to be more explicit about allowing only citizens to vote. In addition to Arkansas, legislatures in Kansas, South Dakota and West Virginia placed noncitizen voting amendments on

their November 2026 ballots. A citizen initiative effort in Alaska for a similar constitutional amendment has qualified for the ballot.

There are some communities in California, Maryland, Vermont, along with Washington D.C. that allow noncitizens to vote in certain local elections.

Since 1992, 16 cities in Maryland have approved giving noncitizens the right to vote in city elections. Over the past decade, voters in San Francisco and Oakland, California, approved local ballot measures to allow noncitizens who are parents or legal guardians of children in their school districts to vote in school board elections. Three cities in Vermont currently allow noncitizens to vote in city elections. Additionally, in 2022, the Washington, D.C., City Council changed city code to allow noncitizens to vote in local elections, including local ballot measures. Congress, which has oversight of several functions in the district, did not block the law change.

There have not been any local governments in Arkansas that have proposed allowing noncitizens to vote.

If passed, when would this amendment take effect?

This proposal would take effect Jan. 1, 2027.



The following is the proposed constitutional amendment name and title as they will appear on the state's November General Election ballot.

CONSTITUTIONAL AMENDMENT REFERRED TO THE PEOPLE BY THE GENERAL ASSEMBLY

Issue No. 1
(Popular Name)

A Constitutional Amendment to be Known as “The Citizens Only Voting Amendment” and Providing That Only a Citizen of the United States Meeting the Qualifications of an Elector Under the Arkansas Constitution May Vote in an Election in this State.

(Ballot Title)

AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO CREATE “THE CITIZENS ONLY VOTING AMENDMENT”; TO PROVIDE THAT ONLY A CITIZEN OF THE UNITED STATES MEETING THE QUALIFICATIONS OF AN ELECTOR UNDER THE ARKANSAS CONSTITUTION MAY VOTE IN AN ELECTION IN THIS STATE; AND PROVIDING THAT A PERSON WHO DOES NOT MEET THE QUALIFICATIONS OF AN ELECTOR UNDER THE ARKANSAS CONSTITUTION SHALL NOT BE PERMITTED TO VOTE IN ANY STATE OR LOCAL ELECTION HELD IN THIS STATE.

- ☐ FOR ISSUE NO. 1
- ☐ AGAINST ISSUE NO. 1