

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: S3/12/13

A Bill

SENATE BILL 821

5 By: Senators K. Ingram, E. Williams
6 By: Representatives Slinkard, Ferguson
7

For An Act To Be Entitled

9 AN ACT CONCERNING INITIATIVES AND REFERENDUMS; TO
10 REQUIRE PAID CANVASSERS OF INITIATIVE AND REFERENDUM
11 PETITIONS TO REGISTER WITH THE SECRETARY OF STATE
12 BEFORE CANVASSING; TO REQUIRE NOTICE TO THE STATE
13 POLICE OR TO COUNTY PROSECUTING ATTORNEYS OF
14 SUSPECTED FORGERY OF SIGNATURES ON PETITIONS; TO
15 REQUIRE SPONSORS OF STATEWIDE PETITIONS TO ASSUME THE
16 BURDEN OF DEFENDING THE SUFFICIENCY OF POPULAR NAMES
17 AND BALLOT TITLES IN JUDICIAL PROCEEDINGS; TO
18 REGULATE THE COUNTING OF SIGNATURES ON INITIATIVE AND
19 REFERENDUM PETITIONS; TO DECLARE AN EMERGENCY; AND
20 FOR OTHER PURPOSES.
21
22

Subtitle

23 TO AMEND THE LAWS PERTAINING TO
24 INITIATIVE AND REFERENDUM PETITIONS; AND
25 TO DECLARE AN EMERGENCY.
26
27
28

29 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
30

31 SECTION 1. DO NOT CODIFY. Legislative findings.

32 (a) The General Assembly finds that:

33 (1) Through Amendment 7 to the Arkansas Constitution, the people
34 of Arkansas have reserved to themselves the power to propose legislative
35 measures, laws, and amendments to the Arkansas Constitution and to enact or
36 reject the proposed measures, laws, and amendments at the polls independently



1 of the General Assembly;

2 (2) The citizens of this state have an expectation that their
3 right of initiative and referendum will be respected and that the process of
4 gathering signatures of registered voters will be free of fraud, forgery, and
5 other illegal conduct by sponsors, canvassers, notaries, and petitioners;

6 (3) Sponsors and paid canvassers may have an incentive to
7 knowingly submit forged or otherwise invalid signatures in order to obtain
8 additional time to gather signatures and submit supplemental petitions;

9 (4) In 2012, sponsors of four (4) separate initiative petitions
10 submitted petitions to the Secretary of State containing over two hundred
11 ninety-eight thousand (298,000) purported signatures of registered voters;

12 (5) Of the four petitions submitted, none had an initial
13 validity rate in excess of fifty-six percent (56%), and three (3) of the
14 petitions had an initial validity rate below thirty-one percent (31%); and

15 (6) Of the three petitions with the lowest initial validity
16 rate, there were widespread instances of apparent fraud, forgery, and false
17 statements in the signature-gathering process.

18 (b) It is further found and determined by the General Assembly that if
19 an effort is not made to address these issues:

20 (1) Unregistered and untrained paid canvassers will continue to
21 obtain and submit forged and otherwise facially invalid signatures; and

22 (2) Unscrupulous sponsors and canvassers will continue to have
23 an incentive to submit forged and otherwise facially invalid signatures and
24 make false statements to the Secretary of State.

25 (c) It is further found and determined by the General Assembly that if
26 this act becomes law:

27 (1) Sponsors and canvassers of proposed initiative measures will
28 be held more accountable for their actions in gathering signatures from
29 registered voters; and

30 (2) The earlier determination of the insufficiency of petitions
31 rife with false statements, forged signatures, and otherwise facially invalid
32 signatures will result in less confusion and frustration with the initiative
33 process.

34 (d) For the reasons stated in this section, the General Assembly finds
35 that passage of this act will make sponsors and canvassers more accountable
36 to the people of this state, facilitate the initiative process, conserve

1 state resources, and help to restore the confidence and trust of the people
2 in the initiative process.

3
4 SECTION 2. Arkansas Code § 7-9-101 is amended to read as follows:

5 7-9-101. Definitions.

6 As used in this subchapter:

7 (1) "Act" means ~~any~~ an act having general application throughout
8 the state, whether originating in the General Assembly or proposed by the
9 people, ~~and referred acts;~~

10 (2) "Amendment" means ~~any proposed~~ an amendment to the Arkansas
11 Constitution, ~~whether that is~~ proposed by the ~~General Assembly or by the~~
12 people;

13 (3) "Canvasser" means a person who circulates an initiative or
14 referendum petition or a part or parts of an initiative or referendum
15 petition to obtain the signatures of petitioners thereto;

16 (4) "Election" means a regular general election at which state
17 and county officers are elected for regular terms;

18 ~~(5) "Legal voter" means a person who is registered at the time~~
19 ~~of signing the petition pursuant to Arkansas Constitution, Amendment 51;~~

20 ~~(6)~~ (5) "Measure" means ~~either~~ an amendment, ~~or~~ an act, or an
21 ordinance;

22 (6) "Ordinance" means an ordinance of a municipality or county,
23 whether originating in the legislative body of the municipality or county or
24 proposed by the people;

25 (7) "Petition part" means a petition signature sheet containing
26 the information required under § 7-9-104 or § 7-9-105;

27 ~~(7)~~ (8) "Petitioner" means a person who signs an initiative or
28 referendum petition ordering a vote ~~upon an amendment or an act having~~
29 ~~general application throughout the state~~ on a measure; ~~and~~

30 (9) "Registered voter" means a person who is registered at the
31 time of signing the petition pursuant to Amendment 51 to the Arkansas
32 Constitution; and

33 ~~(8)~~ (10) "Sponsor" means a person or group of persons filing who
34 arranges for the circulation of an initiative or referendum petition ~~with the~~
35 ~~Secretary of State~~ or who files an initiative or referendum petition with the
36 official charged with verifying the signatures.

1
2 SECTION 3. Arkansas Code § 7-9-103 is amended to read as follows:

3 7-9-103. Signing of petition – Penalty for falsification – Notice of
4 suspected forgery.

5 (a)(1)(A) Any A person who is a ~~qualified elector~~ registered voter of
6 ~~the State of Arkansas~~ this state may sign his or her own name, address, birth
7 date, and the date of signing on an initiative or referendum petition in his
8 or her own proper handwriting, and not otherwise, to order an initiative or
9 referendum vote upon a proposed ~~measure~~ amendment or a proposed or referred
10 act.

11 (B) If a person signing a petition under subdivision
12 (a)(1)(A) of this section requires assistance due to disability, another
13 person:

14 (i) May print the address, birth date, and the date
15 of signing; and

16 (ii) Shall sign and print his or her name in the
17 margin of the petition.

18 (2)(A) Any A person who is ~~an elector~~ a registered voter of ~~any~~
19 a municipality or county of this state may sign ~~any petition for the~~
20 ~~referendum of any ordinance passed by the council of the municipality~~ his or
21 her own name, address, birth date, and the date of signing on an initiative
22 or referendum petition in his or her own proper handwriting, and not
23 otherwise, to order an initiative or referendum vote upon a proposed or
24 referred ordinance.

25 (B) If a person signing a petition under subdivision
26 (a)(2)(A) of this section requires assistance due to disability, another
27 person:

28 (i) May print the address, birth date, and the date
29 of signing; and

30 (ii) Shall sign and print his or her name in the
31 margin of the petition.

32 (3) A person who is under eighteen (18) years of age shall not
33 act as a canvasser.

34 (4) A person shall not act as a paid canvasser if the person is
35 not registered as a canvasser with the Secretary of State at the time he or
36 she solicits signatures on a petition.

1 (b) A person ~~shall be deemed guilty of~~ commits a Class A misdemeanor
2 if the person:

3 (1) ~~Signs any~~ Knowingly signs a name other than his or her own
4 to ~~any a~~ a petition;

5 (2) Knowingly signs his or her name more than ~~one~~ one (1) time
6 to ~~any a~~ a petition; or

7 (3) Knowingly signs a petition when he or she is not legally
8 entitled to sign ~~it;~~ the petition.

9 (c) A person commits a Class D felony if the person, acting as a
10 canvasser, notary, sponsor, or agent of a sponsor:

11 (1) Signs a name other than his or her own to a petition;

12 (2) Prints a name, address, or birth date other than his or her
13 own to a petition unless the signer requires assistance due to disability and
14 the person complies with § 7-9-103;

15 (3) Solicits or obtains a signature to a petition knowing that
16 the person signing is not qualified to sign the petition;

17 (4) Knowingly pays a person any form of compensation in exchange
18 for signing a petition as a petitioner;

19 (5) Accepts money or anything of value for obtaining signatures
20 on a petition when the person acting as a canvasser, notary, sponsor, or
21 agent of a sponsor knows that he or she is not registered with the Secretary
22 of State or that his or her registration has been terminated or revoked;

23 ~~(4)~~ (6) Knowingly and falsely misrepresents the purpose and
24 effect of the petition or the measure affected for the purpose of causing
25 anyone a person to sign a petition;

26 ~~(5)~~ (7) Acting in the capacity of As a canvasser, knowingly
27 makes a false statement on a petition verification form; ~~or~~

28 ~~(6)~~ (8) Acting in the capacity of As a notary, knowingly fails
29 to witness a canvasser's affidavit ~~either~~ by witnessing the signing of the
30 instrument in person and either personally knowing the signer or by being
31 presented with proof of the identity of the signer; or

32 (9) As a sponsor, files a petition part with the official
33 charged with verifying the signatures knowing that the petition part contains
34 one (1) or more false or fraudulent signatures unless each false or
35 fraudulent signature is clearly stricken by the sponsor before filing.

36 (d) When the official charged with verifying the signatures has

1 reasonable grounds to believe that one (1) or more signatures on a petition
2 is forged, excluding signatures apparently signed by one (1) spouse for
3 another, the official shall report the suspected forgery and the grounds for
4 the suspected forgery to:

5 (1) The Department of Arkansas State Police, in the case of a
6 statewide petition; or

7 (2) The prosecuting attorney of the county, in the case of a
8 local petition.

9
10 SECTION 4. Arkansas Code § 7-9-104(a), concerning the form of an
11 initiative petition, is amended to read as follows:

12 (a) The petition for ~~any~~ an ordinance, ~~law act~~, or amendment ~~to the~~
13 ~~Arkansas Constitution~~ proposed by initiative shall be on substantially the
14 following form:

15 "INITIATIVE PETITION

16 _____
17 To the Honorable

18 _____
19 Secretary of State of the State of Arkansas, or County Clerk, or City
20 Clerk

21 We, the undersigned ~~legal~~ registered voters of the State of Arkansas,
22 or _____ County, Arkansas, or City of _____, or Incorporated Town of
23 _____, Arkansas (as the case may be), respectfully propose the following
24 amendment to the Constitution of the State or ~~law act~~ or ordinance (as the
25 case may be), ~~to-wit:~~

26 ~~(Here insert title and full text of measure proposed.)~~

27 _____
28 _____
29 and by this, our petition, order that the same be submitted to the people of
30 said state, or county, or municipality (as the case may be), to the end that
31 the same may be adopted, enacted, or rejected by the vote of ~~legal~~ the
32 registered voters of said (state, county, or municipality) at the regular
33 general election to be held ~~in said~~ _____ on the ___ day of ___, 20___, and
34 each of us for himself or herself says:

35 I have personally signed this petition; I am a ~~legal~~ registered voter
36 of the State of Arkansas, or _____ County, Arkansas, or City of _____.

1 or Incorporated Town of _____, Arkansas (as the case may be), and my
2 printed name, date of birth, residence, city or town of residence, and date
3 of signing this petition are correctly written after my signature.

4 (Here insert popular name and ballot title of initiated measure.)

5 (In the case of a proposed initiated act or ordinance, insert the following:

6 BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARKANSAS, OR _____ COUNTY,
7 ARKANSAS, OR CITY OF _____ OR INCORPORATED TOWN OF _____, ARKANSAS (as the
8 case may be)):

9 (Here insert full text of initiated measure.)”

10

11 SECTION 5. Arkansas Code § 7-9-104, concerning the form of an
12 initiative petition and the sufficiency of signatures, is amended to add an
13 additional subsection to read as follows:

14 (d)(1) The signature section of the petition shall be formatted and
15 shall contain the number of signature lines prescribed by the Secretary of
16 State.

17 (2) Before the circulation of a statewide petition for
18 signatures, the sponsor shall file a printed petition part with the Secretary
19 of State in the exact form that will be used for obtaining signatures.

20

21 SECTION 6. Arkansas Code § 7-9-105(a), concerning the form of a
22 referendum petition, is amended to read as follows:

23 (a) The petition and order of referendum for an ordinance or act shall
24 be on substantially the following form:

25 “~~PETITION FOR REFERENDUM~~ PETITION

26

27 To the Honorable

28

29 Secretary of State of the State of Arkansas, or County Clerk, or City
30 Clerk

31 We, the undersigned ~~legal~~ registered voters of the State of Arkansas,
32 or _____ County, Arkansas, or City or Incorporated Town of _____, Arkansas
33 (as the case may be) respectfully order by this, our petition, that Act No.
34 ___ of the General Assembly of the State of Arkansas, approved on the ___ day
35 of _____, 20___, entitled ‘An Act ___’ or Ordinance No. _____, passed by the
36 county quorum court, the city (or town) council of the City (or Incorporated

1 Town), or County of _____, Arkansas, on the ___ day of _____, 20___, entitled,
 2 'An Ordinance _____,' be referred to the people of said state, county, or
 3 municipality (as the case may be), to the end that the same may be approved
 4 or rejected by the vote of the ~~legal~~ registered voters of the state, or of
 5 said county or municipality (as the case may be) at the biennial (or annual,
 6 as the case may be, if a city ordinance) regular general election (or at a
 7 special election, as the case may be) to be held on the ___ day of _____,
 8 20___; and each of us for himself or herself says:

9 I have personally signed this petition; I am a ~~legal~~ registered voter
 10 of the State of Arkansas, or _____ County, Arkansas, or City of _____,
 11 or Incorporated Town of _____, Arkansas (as the case may be), and my
 12 printed name, date of birth, residence, city or town of residence, and date
 13 of signing this petition are correctly written after my signature.

14 (Here insert popular name and ballot title of referred measure.)

15 REFERRED TO THE PEOPLE OF THE STATE OF ARKANSAS, OR _____ COUNTY, ARKANSAS,
 16 OR CITY OF _____ OR INCORPORATED TOWN OF _____, ARKANSAS (as the case may
 17 be):

18 (Here insert full text of referred measure.)"

19
 20 SECTION 7. Arkansas Code § 7-9-105, concerning the form of a
 21 referendum petition and the sufficiency of signatures, is amended to add an
 22 additional subsection to read as follows:

23 (d)(1) The signature section of the petition shall be formatted and
 24 shall contain the number of signature lines as prescribed by the Secretary of
 25 State.

26 (2) Before the circulation of a statewide petition for
 27 signatures, the sponsor shall file a printed petition part with the Secretary
 28 of State in the exact form that will be used for obtaining signatures.

29
 30 SECTION 8. Arkansas Code § 7-9-107(d), concerning the certification of
 31 ballot titles by the Attorney General before circulation of a petition, is
 32 amended to read as follows:

33 (d) If the Attorney General refuses to act or if the sponsors feel
 34 aggrieved at ~~his or her~~ the Attorney General's acts in such premises, ~~they~~
 35 the sponsors may, by petition, apply to the Supreme Court for proper relief.

36

1 SECTION 9. Arkansas Code § 7-9-108(b), concerning the procedure for
2 circulating a petition, is amended to read as follows:

3 (b) Each part of ~~any~~ a petition shall have attached thereto the
4 affidavit of the ~~person who circulated the petition~~ canvasser to the effect
5 that the canvasser's current residence address appearing on the verification
6 is correct, that all signatures appearing ~~thereon~~ on the petition part were
7 made in the presence of the affiant, and that to the best of the affiant's
8 knowledge and belief each signature is genuine and ~~that the~~ each person ~~so~~
9 signing is a ~~legal~~ registered voter.

10
11 SECTION 10. Arkansas Code § 7-9-109(a), concerning the form of
12 verification for canvassers, is amended to read as follows:

13 (a) Each petition containing ~~the~~ signatures shall be verified in
14 substantially the following form, by the ~~person who circulated the sheet of~~
15 ~~the petition by his or her~~ canvasser's affidavit thereon as a part thereof:

16 "State of Arkansas
17 County of _____

18 I, (print name of canvasser), being ~~first~~ duly sworn, state that each
19 of the foregoing persons signed ~~this sheet of the foregoing petition, and~~
20 ~~each of them signed~~ his or her own name ~~thereunto~~ to this sheet of the
21 petition in my presence. To the best of my knowledge and belief, I believe
22 ~~that each has stated his or her name, date of birth, residence or town of~~
23 ~~residence correctly, and that~~ signature is genuine and each signer is a
24 ~~legal~~ registered voter of the State of Arkansas, _____ County, or City or
25 Incorporated Town of _____. At all times during the circulation of this
26 signature sheet, an exact copy of the popular name, ballot title, and text
27 was attached to the signature sheet. My current residence address is
28 correctly stated below.

29 Signature _____

30 Residence _____

31 Indicate one: _____ Paid Canvasser _____ Volunteer/Unpaid Canvasser

32 Subscribed and sworn to before me ~~the~~ this __ day of _____, 20__

33 Signature _____

34
35 Clerk, Notary, Judge or J.P.

36 Residence _____"

1 (Seal)”

2
3 SECTION 11. Arkansas Code § 7-9-110 is amended to read as follows:
4 7-9-110. Designation of number and popular name.

5 ~~(a) The Attorney General shall fix and declare the popular name by~~
6 ~~which each amendment to the Arkansas Constitution and each initiated and~~
7 ~~referred of each state measure shall be designated as provided in § 7-9-107,~~
8 ~~and the number of the measure on the ballot shall be designated as provided~~
9 ~~in § 7-9-116.~~

10 (b) In all legal notices and publications, ~~proceedings, and publicity~~
11 ~~affecting any such amendment or a measure, the amendment or measure shall be~~
12 ~~designated~~ identified by both the designated number and popular name ~~fixed as~~
13 ~~provided in subsection (a) of this section.~~

14
15 SECTION 12. Arkansas Code § 7-9-111(a), concerning the Secretary of
16 State's determination of the sufficiency of a petition, is amended to add an
17 additional subdivision to read as follows:

18 (3) After a petition has been filed under this subchapter, a
19 canvasser shall not circulate a petition or collect, solicit, or obtain any
20 additional signatures for the filed petition until the Secretary of State
21 determines the sufficiency of the petition under this section.

22
23 SECTION 13. Arkansas Code § 7-9-111(d), concerning the determination
24 of the sufficiency of signatures on a petition, is amended to add an
25 additional subdivision to read as follows:

26 (3) The Secretary of State shall ascertain and declare the
27 sufficiency or insufficiency of additional signatures submitted by the
28 sponsors under this subsection within thirty (30) days of the filing of the
29 supplemental petitions.

30
31 SECTION 14. Arkansas Code § 7-9-111(f), concerning filing petitions
32 with the Secretary of State, is amended to read as follows:

33 (f)(1) A person filing initiative or referendum petitions with the
34 Secretary of State shall bundle the petitions by county and shall file an
35 affidavit stating the number of petitions and the total number of signatures
36 being filed.

1 (2) If signatures were obtained by paid canvassers, the person
2 filing the petitions under this subsection shall also submit a statement
3 identifying the paid canvassers by name and registration number.
4

5 SECTION 15. Arkansas Code § 7-9-112(a) and (b), concerning the failure
6 of the Secretary of State to act on a petition, is amended to read as
7 follows:

8 (a) If the Secretary of State ~~shall fail or refuse to~~ does not examine
9 and ~~file any~~ certify an initiative or referendum petition within the time
10 prescribed in § 7-9-111, ~~any twenty-five (25) qualified electors who feel~~
11 ~~aggrieved thereby~~ the sponsors may, ~~within fifteen (15) days thereafter,~~
12 apply to the Supreme Court for ~~a writ of mandamus to compel the officer to~~
13 ~~certify the sufficiency of the petition~~ appropriate relief.

14 (b) If the Supreme Court ~~shall decide~~ decides that the petition is
15 legally sufficient, it shall order the Secretary of State to ~~file and~~ certify
16 the sufficiency thereof ~~as of the date upon which it was first offered for~~
17 ~~filing, and a certified copy of the judgment shall be attached to the~~
18 ~~petition~~ for placing the initiated or referred measure on the election
19 ballot.

20
21 SECTION 16. Arkansas Code § 7-9-125(a), concerning the definitions to
22 be used regarding prohibitions, penalties, and freedom of information
23 relating to petitions, is amended to read as follows:

24 (a) ~~For purposes of~~ As used in this section, "property"

25 (1) ~~"Act" means an enactment having general application throughout the~~
26 ~~state or an ordinance applicable to a municipality or county and enacted by~~
27 ~~legislative authority or by the people;~~

28 (2) ~~"Amendment" means any proposed amendment to the Arkansas~~
29 ~~Constitution, whether proposed under the provisions of Amendment 7 or Article~~
30 ~~19, § 22;~~

31 (3) ~~"Election" means a general election at which state and county~~
32 ~~officers are elected for regular terms;~~

33 (4) ~~"Initiative petition" means a form of petition which conforms to~~
34 ~~the requirements of § 7-9-104;~~

35 (5) ~~"Measure" means either an amendment or an act;~~

36 (6) ~~"Property" means both real and personal property and includes, but~~

1 ~~is not limited to, without limitation~~ both tangible and intangible property;

2 ~~(7) "Referendum petition" means a form of petition which conforms to~~
3 ~~the requirements of § 7-9-105; and~~

4 ~~(8) "Sponsor" means a person or persons who arrange for the~~
5 ~~circulation of initiative, referendum, or constitutional amendment petitions~~
6 ~~or who file an initiative, referendum, or constitutional amendment with the~~
7 ~~Secretary of State or other authorized recipient of the petitions.~~

8
9 SECTION 17. Arkansas Code Title 7, Chapter 9, Subchapter 1, is amended
10 to add an additional section to read as follows:

11 7-9-126. Count of signatures.

12 (a) Upon the initial filing of an initiative or referendum petition,
13 the official charged with verifying the signatures shall:

14 (1) Perform an initial count of the signatures; and

15 (2) Determine whether the petition contains, on its face and
16 before verification of the signatures of registered voters, the designated
17 number of signatures required by the Arkansas Constitution and statutory law
18 in order to certify the measure for the election ballot.

19 (b) The petition parts and all signatures appearing on the petition
20 parts shall not be counted for any purpose by the official charged with
21 verifying the signatures, including the initial count of signatures, if one
22 (1) or more of the following is true:

23 (1) The petition is not an original petition, including without
24 limitation a petition that is photocopied or is a facsimile transmission;

25 (2) The petition lacks the signature, printed name, and
26 residence address of the canvasser or is signed by more than one (1)
27 canvasser;

28 (3) The canvasser is a paid canvasser who was not registered or
29 whose registration was terminated or revoked when a petitioner signed the
30 petition;

31 (4) The canvasser verification is not notarized, is notarized by
32 more than one notary, lacks a notary signature or a notary seal, or contains
33 the signature or seal of a notary whose commission has expired;

34 (5) The canvasser verification is dated earlier than the date on
35 which a petitioner signed the petition;

36 (6) The petition fails to comply with § 7-9-104 or § 7-9-105,

1 including the lack of the exact popular name or ballot title, a discrepancy
2 in the text of the initiated or referred measure, or the lack of an enacting
3 clause in a statewide petition for an initiated act;

4 (7) The petition part of a statewide petition clearly and
5 unmistakably contains signatures of petitioners from more than one (1) county
6 unless each signature of a petitioner from another county is clearly stricken
7 before the filing of the petition with the Secretary of State; or

8 (8) The petition part has a material defect that, on its face,
9 renders the petition part invalid.

10 (c) The following signatures shall not be counted for any purpose by
11 the official charged with verifying the signatures, including the initial
12 count of signatures:

13 (1) A signature that is not an original signature;

14 (2) A signature that is obviously not that of the purported
15 petitioner;

16 (3) A signature that is illegible and is accompanied by no
17 personally identifying information;

18 (4) A signature for which the corresponding printed name,
19 address, or birth date is written by someone other than the signer except
20 under circumstances of disability of the signer; and

21 (5) A signature that has any other material defect that, on its
22 face, renders the signature invalid.

23 (d) If the initial count of signatures under this section is less than
24 the designated number of signatures required by the Arkansas Constitution and
25 statutory law in order to certify the measure for the ballot and the deadline
26 for filing petitions has passed, the official charged with verifying the
27 signatures shall declare the petition insufficient and shall not accept and
28 file any additional signatures to cure the insufficiency of the petition on
29 its face.

30
31 SECTION 18. Arkansas Code § 7-9-204 is amended to read as follows.

32 7-9-204. Ballot ~~title~~ titles and popular names of constitutional
33 amendments proposed by the legislature.

34 The ~~title of~~ General Assembly may designate in the joint resolution
35 proposing an amendment to the Arkansas Constitution ~~shall be the ballot title~~
36 ~~of the proposed constitutional amendment~~ the popular name and ballot title of

1 the amendment for the election ballot.

2
3 SECTION 19. Arkansas Code Title 7, Chapter 9, is amended to add an
4 additional subchapter to read as follows:

5 Subchapter 6 – Registration of Paid Canvassers

6
7 7-9-601. Registration and training of paid canvassers.

8 (a)(1)(A) A person shall not provide money or anything of value to
9 another person for obtaining signatures on an initiative or referendum
10 petition unless the person receiving the money or item of value meets the
11 requirements of this section.

12 (B) A person shall not receive money or anything of value
13 for obtaining signatures on an initiative or referendum petition unless the
14 person meets the requirements of this section.

15 (2) A person obtaining the signatures on an initiative or
16 referendum petition shall:

17 (A) Register with the Secretary of State as a canvasser;
18 and

19 (B) Complete the training program established by the
20 Secretary of State for canvassers, which shall include a summary of the law
21 applicable to obtaining signatures on an initiative or referendum petition.

22 (b) To register as a canvasser, a person shall submit to the Secretary
23 of State a completed application, which shall include the following:

24 (1) The full name and any assumed name of the applicant;

25 (2) The current residence address of the applicant and the
26 applicant's permanent domicile address if the applicant's permanent domicile
27 address is different from the applicant's current residence address;

28 (3) A list of the petition or petitions on which the applicant
29 intends to gather signatures, including the name and address of the sponsor
30 or sponsors of each petition;

31 (4) A signed statement taken under oath or solemn affirmation
32 that states that the applicant has not pleaded guilty or nolo contendere to
33 or been found guilty of a criminal offense involving a violation of the
34 election laws, fraud, forgery, or identification theft in any state;

35 (5) A signed statement that the applicant has read and
36 understands the Arkansas law applicable to obtaining signatures on an

1 initiative or referendum petition;

2 (6) Evidence indicating that the applicant has completed the
3 training program required by the Secretary of State; and

4 (7) A photograph of the applicant taken within ninety (90) days
5 of the submission of the application.

6 (c)(1) If a qualified applicant satisfactorily completes a
7 registration application under this section, the Secretary of State shall
8 register the applicant and assign the applicant a registration number within
9 five (5) days of receiving the completed application.

10 (2)(A) A person who is currently registered as a canvasser
11 under this section is not required to reapply for registration in order to
12 obtain signatures on an additional initiative or referendum petition.

13 (B) However, a person who is currently registered as a
14 canvasser under this section shall submit to the Secretary of State a list of
15 the petitions on which the person intends to gather signatures before
16 soliciting signatures on any petition.

17 (d)(1) A person may not pay or offer to pay money or anything of value
18 to another person on a basis related to the number of signatures obtained on
19 an initiative or referendum petition.

20 (2) Subdivision (d)(1) of this section does not prohibit the
21 payment of salary and expenses for the circulation of a petition on a basis
22 that is not related to the number of signatures obtained.

23
24 7-9-602. Proof of registration – Canvassing more than one petition.

25 (a)(1) A canvasser registered under this subchapter shall carry
26 evidence of registration while acting as a canvasser.

27 (2) The evidence of registration required under subdivision
28 (a)(1) of this section shall include the registration number of the canvasser
29 and the photograph submitted to the Secretary of State under § 7-9-601.

30 (b)(1) A person may obtain signatures on more than one (1) petition at
31 the same time if the person is registered as a canvasser for each petition.

32 (2) A canvasser shall not obtain signatures on a petition for
33 which the canvasser is being paid at the same time that the canvasser is
34 obtaining signatures on a petition for which the canvasser is not being paid.

35
36 7-9-603. Signatures not counted.

1 If a person receives money or anything of value for obtaining
2 signatures on an initiative or referendum petition and the person either was
3 not registered as a canvasser when the signatures were obtained or the
4 person's registration as a canvasser was terminated or revoked with respect
5 to the petition, the official charged with verifying the signatures shall not
6 count any signatures obtained by the person for any purpose.

7
8 7-9-604. Termination or revocation of registration.

9 (a) Registration as a canvasser to obtain signatures on a petition
10 terminates with respect to the petition when one (1) of the following occurs:

11 (1) The deadline for filing signatures expires without any
12 signatures having been filed by the sponsors;

13 (2) The official charged with verifying the signatures makes a
14 final administrative determination of the sufficiency or insufficiency of the
15 petition; or

16 (3) The canvasser submits a written statement of voluntary
17 termination to the Secretary of State.

18 (b) The Secretary of State shall revoke the registration of a
19 canvasser and shall notify the person of the revocation in writing and by
20 electronic means if:

21 (1) The Secretary of State determines that information that the
22 person submitted with the application for registration is materially false or
23 misleading;

24 (2) The person is convicted of or has pled guilty or nolo
25 contendere to a violation of the election laws, fraud, forgery, or
26 identification theft in any state; or

27 (3)(A) The sponsors notify the Secretary of State in writing
28 that the person is no longer authorized to act as a canvasser with respect to
29 the petition.

30 (B) However, a revocation under subdivision (b)(3)(A) of
31 this section is effective with respect to only that petition.

32
33 SECTION 20. EMERGENCY CLAUSE. It is found and determined by the
34 General Assembly of the State of Arkansas that existing procedures for
35 initiating and referring state laws and ordinances pursuant to Amendment 7 to
36 the Arkansas Constitution and state statutes are inadequate to prevent

1 fraudulent practices by sponsors and canvassers in obtaining ballot access;
2 that this act addresses these inadequacies; and that this act is immediately
3 necessary to prevent fraudulent practices because petition campaigns are
4 either being conducted at the present time or may be conducted immediately
5 upon the adjournment of the General Assembly with respect to either initiated
6 or referred measures. Therefore, an emergency is declared to exist, and this
7 act being immediately necessary for the preservation of the public peace,
8 health, and safety shall become effective on:

9 (1) The date of its approval by the Governor;

10 (2) If the bill is neither approved nor vetoed by the Governor,
11 the expiration of the period of time during which the Governor may veto the
12 bill; or

13 (3) If the bill is vetoed by the Governor and the veto is
14 overridden, the date the last house overrides the veto.

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16 */s/K. Ingram*
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