

Stricken language would be deleted from and underlined language would be added to present law.
Act 766 of the Regular Session

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: H3/28/23

A Bill

SENATE BILL 377

By: Senator K. Hammer
By: Representatives Gramlich, Wing

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING INITIATIVE PETITIONS; TO CREATE A MISDEMEANOR OFFENSE CONCERNING INITIATIVE PETITION SIGNATURES; TO ESTABLISH THE DEFINITION OF A PAID PETITION BLOCKER; TO REGULATE PAID PETITION BLOCKERS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING INITIATIVE PETITIONS; TO CREATE A MISDEMEANOR OFFENSE CONCERNING INITIATIVE PETITION SIGNATURES; AND TO ESTABLISH THE DEFINITION OF AND REGULATE PAID PETITION BLOCKERS.

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

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

7-9-127. Interference with initiative petitions and proposed measures.

(a) Upon conviction, a person commits a Class A misdemeanor if the person knowingly:

(1) Changes a signature other than his or her own signature on a petition;

(2) Erases or otherwise removes a signature other than his or her signature on a petition;

(3) Intentionally destroys or discards a signature other than



his or her own signature on a petition;

(4) Pays a person any form of compensation in exchange for not signing a petition as a petitioner;

(5) Accepts or pays money or anything of value for the purpose of not obtaining signatures on a petition when the person is included on the sponsor's list filed with the Secretary of State under § 7-9-601;

(6) Misrepresents the purpose and effect of the petition or the measure affected for the purpose of causing a person to not sign a petition when acting as a canvasser; and

(7) Pays a person any form of compensation in exchange for destroying a signature on a petition.

(b) A person may be charged with a Class A misdemeanor for each violation under subsection (a) of this section.

(c)(1) A ballot question committee organized to support a ballot initiative may destroy or discard signatures or petitions collected as a result of its efforts if:

(A) The reason for the destruction or discard is documented; or

(B) If the petition did not obtain enough signatures to qualify to appear on the ballot.

(2) Actions taken by a ballot question committee under subdivision (c)(1) of this section shall not be considered a violation of this section.

SECTION 2. Arkansas Code Title 7, Chapter 9, Subchapter 6, is amended to add an additional section to read as follows:

7-9-602. Hiring of paid petition blockers – Definitions.

(a) As used in this section:

(1) "Disqualifying offense" means:

(A) A felony;

(B) A violation of the election laws;

(C) Fraud;

(D) Forgery;

(E) Counterfeiting;

(F) Identity theft;

(G) A crime of violence, including assault, battery, or

intimidation;

(H) Harassment;

(I) Terroristic threatening;

(J) A sex offense, including sexual harassment;

(K) A violation of the drug and narcotics laws;

(L) Breaking and entering;

(M) Trespassing;

(N) Destruction or damage of property;

(O) Vandalism;

(P) Arson; or

(Q) A crime of theft, including robbery, burglary, and simple theft or larceny;

(2) "Paid petition blocker" means a person who is paid or with whom there is an agreement to pay money or anything of value in exchange for interfering with a paid canvasser's attempt to solicit or obtain a signature on a petition or a paid canvasser's solicitation of a signature on a petition; and

(3) "Petition-blocking sponsor" means a person, entity, or person affiliated with an entity, who pays or who makes an agreement to pay money or anything of value in exchange for interfering with a paid canvasser's attempt to solicit or obtain a signature on a petition or a paid canvasser's solicitation of a signature on a petition.

(b) A petition-blocking sponsor shall:

(1) Provide a complete list of all paid petition blockers' names and current residential addresses to the Secretary of State;

(2) Update the list provided under subdivision (b)(1) of this section if additional paid petition blockers are hired;

(c)(1) Upon submission of the petition-blocking sponsor's list of paid petition blockers to the Secretary of State, the petition-blocking sponsor shall certify to the Secretary of State that each paid petition blocker in the petition-blocking sponsor's employ has no disqualifying offenses in accordance with this section.

(2) To verify that there are no disqualifying offenses on record for a paid petition blocker, a petition-blocking sponsor shall obtain, at the petition-blocking sponsor's cost, from the Division of Arkansas State Police, a current state criminal history and criminal record search on every paid

petition blocker to be registered with the Secretary of State.

(3) The criminal history and criminal record search required by this section shall be obtained within thirty (30) days before the date that the paid petition blocker begins interfering with the collection of signatures.

(d) Before acting as a paid petition blocker, the prospective paid petition blocker shall:

(1)(A) Be a citizen of the United States; and

(B) Be a resident of this state; and

(2) Submit in person or by mail to the petition-blocking sponsor:

(A) The full name and any assumed name of the prospective paid petition blocker;

(B) The current residence address of the prospective paid petition blocker and the prospective paid petition blocker's permanent domicile address if the prospective paid petition blocker's permanent domicile address is different from the prospective paid petition blocker's current residence address; and

(C) A signed statement taken under oath or solemn affirmation stating that the prospective paid petition blocker has not pleaded guilty or nolo contendere to or been found guilty of a disqualifying offense in any state of the United States, the District of Columbia, Puerto Rico, Guam, or any other United States protectorate.

(e) A petition-blocking sponsor shall maintain the information required under this section for each paid petition blocker for three (3) years after the general election.

(f) Upon conviction, a person commits a Class A misdemeanor if the petition-blocking sponsor or paid petition blocker knowingly violates this section.

/s/K. Hammer

APPROVED: 4/12/23