

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: H3/20/17
A Bill

HOUSE BILL 2074

By: Representative Leding

For An Act To Be Entitled

AN ACT TO AMEND PROVISIONS CONCERNING INITIATIVES AND REFERENDA; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND PROVISIONS CONCERNING
INITIATIVES AND REFERENDA.

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

SECTION 1. Arkansas Code § 7-9-101, concerning definitions, is amended to add an additional subdivision to read as follows:

(11) "Canvassing company" means a company hired to provide paid canvassers for the purpose of gathering signatures for a petition.

SECTION 2. Arkansas Code § 7-9-103(a), concerning signing of the petition, is amended to add an additional subdivision to read as follows:

(5) A signature under subdivision (a)(1) of this section or subdivision (a)(2) of this section shall not be struck if it is incomplete.

SECTION 3. Arkansas Code § 7-9-107, concerning approval of ballot titles and popular names of petitions prior to circulation, is amended to add an additional subsection to read as follows:

(e) A challenge to the ballot title shall be made no later than thirty (30) days after approval of the ballot title by the Attorney General.

SECTION 4. Arkansas Code § 7-9-109(c)(1), concerning form of verification, is amended to read as follows:



(c)(1) Petitions shall not be disqualified due to clerical or technical errors made by a petitioner, canvasser, clerk, notary, judge, or justice of the peace when verifying the canvasser's signature.

SECTION 5. Arkansas Code § 7-9-113(c), concerning publication of notice, is amended to read as follows:

(c) ~~At least one (1) notice~~ Notice shall contain the number, the popular name, the ballot title, and a ~~complete text of the measure~~ link to the Secretary of State's website providing a complete copy of the measure to be submitted and shall be published in a camera-ready format in a type no smaller than ten-point type.

SECTION 6. Arkansas Code § 7-9-117(c)(2)(B), concerning ballot form, is amended to read as follows:

(B) ~~Initiated constitutional amendments, if any~~ Amendments of initiated acts in order of certification date;

SECTION 7. Arkansas Code § 7-9-121(b), concerning contest of returns and certification, is amended to read as follows:

(b)(1) Any contest may be brought in the Pulaski County Circuit Court and shall be conducted under any ~~rules and regulations~~ rule as may be made and promulgated by the Supreme Court.

(2) However, the complaint shall be filed within ~~sixty (60)~~ thirty (30) days after the certification of the vote thereon, and the contestants shall not be required to make bond for the costs.

SECTION 8. Arkansas Code § 7-9-126(b), concerning count of signatures, is amended to read as follows:

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

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

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

canvasser;

(3)(A) The canvasser is a paid canvasser whose name and the information required under § 7-9-601 were not submitted by the sponsor to the Secretary of State ~~before the petitioner signed the petition~~ when the sponsor submitted the signatures.

(B) A canvasser is a paid canvasser if he or she is paid money or anything of value for soliciting signatures before or after the signatures are obtained;

(4)(A) The canvasser verification is not notarized, is notarized by more than one (1) notary, or lacks a notary signature or a notary seal.

(B) If the notary in subdivision (b)(4)(A) of this section is not in good standing or the notarization is illegible, a correction page shall be attached to the original petition and the canvasser shall have the signatures notarized by another notary;

(5) The canvasser verification is dated earlier than the date on which a petitioner signed the petition, unless the signature date was clearly an error made by the petitioner;

(6) The petition fails to comply with § 7-9-104 or § 7-9-105, including the lack of the exact popular name or ballot title approved by the Attorney General for a statewide initiative, a discrepancy in the text of the initiated or referred measure, or the lack of an enacting clause in a statewide petition for an initiated act; or

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

SECTION 9. Arkansas Code § 7-9-404(a)(1)(A), concerning filing deadlines, is amended to read as follows:

(a)(1)(A) A ballot question committee or a legislative question committee, including a hired canvassing company, shall file a statement of organization with the Arkansas Ethics Commission within five (5) days of receiving contributions or making expenditures in excess of five hundred dollars (\$500) for the purpose of expressly advocating the qualification, passage, or defeat of a ballot question or the passage or defeat of a legislative question.

SECTION 10. Arkansas Code § 7-9-601(a) and (b), concerning hiring and

training of paid canvassers, are amended to read as follows:

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

(2) Before a signature is solicited by a paid canvasser, the sponsor shall:

(A) Provide the paid canvasser with a copy of the most recent edition of the Secretary of State's initiatives and referenda handbook; and

(B) Explain the Arkansas law applicable to obtaining signatures on an initiative or referendum petition to the canvasser; ~~and.~~

~~(C)(i) Provide a complete list of all paid canvassers' names and current residential addresses to the Secretary of State.~~

~~(ii) If additional paid canvassers agree to solicit signatures on behalf of a sponsor after the complete list is provided, the sponsor shall provide an updated list of all paid canvassers' names and current residential addresses to the Secretary of State.~~

(b)(1) To verify that there are no criminal offenses on ~~record~~ the record of a canvasser, a sponsor shall obtain, at its cost, from ~~the Department of Arkansas State Police~~ an authorized entity, a current state and federal criminal record search on every paid canvasser to be registered with the Secretary of State.

(2) The criminal record search shall be obtained within thirty ~~(30) days prior to the registration of the paid canvasser~~ of the date that the paid canvasser began gathering signatures.

(3) Upon submission of its list of paid canvassers to the Secretary of State, the sponsor shall certify to the Secretary of State that each paid canvasser in its employ has passed a criminal background search in accordance with this section.

(4) A willful violation of this section by a sponsor or paid canvasser constitutes a Class A misdemeanor.

(5) Signatures incorrectly obtained or submitted under this section shall not be counted by the Secretary of State.

SECTION 11. Arkansas Code § 7-9-601(d), concerning hiring and training

of paid canvassers, is amended to add an additional subdivision to read as follows:

(6) A canvassing company hired for the purpose of providing canvassers shall provide state and federal background checks on any and all owners and employees providing services and shall provide a bond of one hundred thousand dollars (\$100,000) to protect against any legal actions taken against the signatures.

/s/Leding