

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

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

SENATE BILL 620

By: Senator A. Clark

For An Act To Be Entitled

AN ACT CONCERNING ELECTIONEERING ON PRIVATE PROPERTY
USED AS A POLLING PLACE; TO AMEND THE LAW CONCERNING
POLLING PLACES; TO AMEND THE LAW CONCERNING
ELECTIONEERING; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING ELECTIONEERING ON PRIVATE
PROPERTY USED AS A POLLING PLACE; TO
AMEND THE LAW CONCERNING POLLING PLACES;
AND TO AMEND THE LAW CONCERNING
ELECTIONEERING.

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

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

7-1-115. Use of property as a polling place.

(a)(1) As used in this section, "electioneering" means the display of or audible dissemination of information that advocates for or against any candidate, issue, or measure on a ballot.

(2) "Electioneering" includes without limitation the following:

(A) Handing out, distributing, or offering to hand out or distribute campaign literature or literature regarding a candidate, issue, or measure on the ballot;

(B) Soliciting signatures on a petition;

(C) Soliciting contributions for a charitable or other purpose;



(D) Displaying a candidate's name, likeness, or logo;

(E) Displaying a ballot measure's number, title, subject, or logo;

(F) Displaying or dissemination of buttons, hats, pencils, pens, shirts, signs, or stickers containing electioneering information; and

(G) Disseminating audible electioneering information.

(3) "Electioneering" does not include:

(A) The presentation of a candidate's identification by the candidate under Arkansas Constitution, Amendment 51, § 13; or

(B) The display of a ballot measure in the polling place as required under § 7-5-202;

(b) A county board of election commissioners shall ensure all agreements with private property owners to use private property as a polling site are consistent across the county.

(c) A county board of election commissioners may select private property to be a polling site if a private property owner agrees that:

(1) The private property shall be designated as a polling site, including all parking areas, a reasonable area adjacent to a parking area, and all areas adjacent to roadways;

(A) If the private property is a leased premises, the entire area of the leased premises and a reasonable amount of the shared parking area shall be designated as a polling site;

(B) If the private property has multiple buildings and a shared parking area, the property owner shall designate a reasonable amount of the shared parking area, the building used for voting, and the area adjacent to the roadway as the polling site; and

(2) The private property owner shall not restrict electioneering on the designated property on election day or any day on which early voting is allowed, except:

(A) Electioneering shall not be allowed:

(i) In a building in which voting is taking place;

(ii) Within one hundred feet (100') of the primary exterior entrance used by voters to a building in which voting is taking place; or

(iii) With persons standing in line to vote; and

(B) A private property owner may restrict electioneering

activities that create or cause permanent damage to the private property, including without limitation:

(i) The display of electioneering materials installed with a permanent material, including concrete; and

(ii) The use of paint on any portion of the private property.

(d) A public building to be used as a polling site shall not restrict electioneering on the property, including all parking areas, on election day or any day on which early voting is allowed, except electioneering shall not be allowed:

(1) In a building in which voting is taking place;

(2) Within one hundred feet (100') of the primary exterior entrance used by voters to a building in which voting is taking place; or

(3) With persons standing in line to vote.