

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

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

SENATE BILL 102

By: Senator B. Davis
By: Representative Vaught

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING CANVASSERS FOR LOCAL OPTION ELECTIONS; TO AMEND THE LAW CONCERNING COMPENSATION OF PAID CANVASSERS FOR LOCAL OPTION ELECTIONS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING CANVASSERS FOR LOCAL OPTION ELECTIONS; AND TO AMEND THE LAW CONCERNING COMPENSATION OF PAID CANVASSERS FOR LOCAL OPTION ELECTIONS.

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

SECTION 1. Arkansas Code § 3-8-801(3), concerning the definition of "paid canvasser" in local option elections, is amended to read as follows:

(3) "Paid canvasser" means a person who is paid or with whom there is an agreement to pay money or anything of value before or after a signature on a local option election petition is solicited in exchange for soliciting ~~or obtaining~~ a signature on a petition;

SECTION 2. Arkansas Code § 3-8-802 is amended to read as follows:
3-8-802. Hiring and training of paid canvassers.

(a)(1) A person shall not provide money or anything of value to another person for obtaining signatures on a local option election 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



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sponsor shall:

(A) Explain the Arkansas law applicable to obtaining signatures on a local option election petition to the canvasser; ~~and~~

(B)(i) Provide a complete list of all paid canvassers' names and current residential addresses to the county clerk.

(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 county clerk;

(C) Submit to the county clerk a copy of the signed statement provided by the paid canvasser under subdivision (c)(3) of this section;

(D) Instruct the paid canvasser to provide the sponsor sufficient information of the paid canvasser's identity to allow the sponsor to obtain the criminal history and criminal record of the paid canvasser within thirty (30) days before the date that the paid canvasser begins collecting signatures;

(E) Obtain the criminal history and criminal record of the paid canvasser; and

(F) Contact the appropriate authority in the state or jurisdiction if a paid canvasser's criminal history and criminal record indicate an open or pending criminal charge that constitutes a disqualifying offense to determine the ultimate disposition or current status of the charge.

(3) Upon filing the petition with the county clerk, the sponsor shall submit to the county clerk a:

(A) Final list of the names and current residential addresses of each paid canvasser; and

(B) Signature card for each paid canvasser.

(b)(1) To verify that there are no disqualifying offenses on record, a sponsor shall obtain, at the sponsor's cost, from the Division of Arkansas State Police, a current state criminal history and criminal record search on every paid canvasser to be registered with the county clerk.

(2) The criminal history and criminal record search required by this section shall be obtained within thirty (30) days before the date that the paid canvasser begins collecting signatures.

(3) Upon submission of the sponsor's list of paid canvassers to the county clerk, the sponsor shall certify to the county clerk that each paid canvasser in the sponsor's employ has no disqualifying offenses in accordance with this section.

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

(5) The sponsor shall bear the ultimate burden of proving that a paid canvasser registered by the sponsor does not have a disqualifying offense in an administrative proceeding or judicial proceeding.

(c) Before obtaining a signature on a local option election petition as a paid canvasser, a person shall submit in person or by mail to the sponsor:

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

(2) The current residence address of the person and the person's permanent domicile address if the person's permanent domicile address is different from the person's current residence address;

(3) A signed statement taken under oath or solemn affirmation that states that the person has not pleaded guilty or nolo contendere to or been found guilty of a ~~criminal offense involving a violation of the election laws, fraud, forgery, or identification theft in any state~~ disqualifying offense under § 7-9-601(d)(3)(B) in any state of the United States, District of Columbia, Puerto Rico, Guam, or any other United States protectorate;

(4) A signed statement that the person has read and understands the Arkansas law applicable to obtaining signatures on a local option election petition; and

(5) A photograph of the person taken within ninety (90) days of the submission of the information required under this section.

~~(e)(d)~~ A sponsor shall maintain the information required under this section for each paid canvasser for three (3) years after the general election.

(e) Signatures incorrectly obtained or submitted under this section shall not be counted by the county clerk for any purpose.

(f)(1) It is unlawful for a person to pay or offer to pay a person, or receive payment or agree to receive payment, on a basis related to the number of signatures obtained on a local option petition.

(2) This subsection does not prohibit compensation for

circulating petitions but only compensation for obtaining signatures when the compensation or compensation level is impacted by or related to the number of signatures obtained.

(3) A signature obtained in violation of this subsection is void and shall not be counted.

(4) A violation under this subsection is a Class A misdemeanor.

SECTION 3. Arkansas Code § 3-8-805(a), concerning signatures for local option petitions, is amended to add additional subdivisions to read as follows:

(4) A person shall not act as a canvasser unless he or she is a citizen of the United States.

(5) A person shall not act as a canvasser unless he or she is a resident of this state.

SECTION 4. Arkansas Code § 3-8-806(d)(1), concerning form of initiative petitions and sufficiency of signatures, is amended to read as follows:

(d)(1) The signature section of the petition shall be formatted as prescribed by the county clerk and shall contain the same number of signature lines prescribed by the ~~county clerk~~ Secretary of State for statewide petitions under § 7-9-104.

SECTION 5. Arkansas Code § 3-8-808, concerning the affidavits for canvassers of local option elections, is amended to add additional subsections to read as follows:

(e) A canvasser who witnesses signatures on a petition part but knowingly allows another canvasser who did not witness all signatures on a petition part to execute a false verification affidavit with respect to that petition part commits a Class D felony.

(f) A sponsor, sponsor's agent, or representative commits a Class D felony if a sponsor, sponsor's agent, or representative:

(1) Knowingly pays a canvasser for petition signatures on a petition part not personally witnessed by that paid canvasser; or

(2) Knowingly submits to the county clerk a petition part where the verifying canvasser has not witnessed each signature on that petition

part.

SECTION 6. Arkansas Code § 3-8-811(b)(2)-(3), concerning when a petition part and signatures will not be counted, are amended to read as follows:

(2) The petition lacks the signature, printed name, and residence address of the canvasser, is signed by a canvasser who does not meet the canvasser requirements of § 3-8-805(a), or is signed by more than one (1) canvasser;

(3)~~(A)~~ The canvasser is a paid canvasser who does not meet the paid canvasser requirements of § 3-8-802 or whose name and the information required under § 3-8-802 were not submitted by the sponsor to the county clerk before the petitioner signed the petition.

~~(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;~~

SECTION 7. DO NOT CODIFY. Severability.

(a) All provisions of this act, including all sections, subsections, and subdivisions, are severable and if any portion of this act is declared invalid for any reason, then all remaining sections, subsections, and subdivisions of this act shall remain in full effect.

(b) It is the intent of the General Assembly that the sections, subsections, and subdivisions of this act are severable, notwithstanding whether the act, section, sections, subsection, subsections, subdivision, or subdivisions at issue are:

- (1) Meant to accomplish a single purpose;
- (2) Interrelated; or
- (3) Dependent upon each other.