

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 551

By: Senator K. Hammer
By: Representative Eubanks

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING CANVASSING FOR A
PETITION FOR A LOCAL OPTION ELECTION; AND FOR OTHER
PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING CANVASSING
FOR A PETITION FOR A LOCAL OPTION
ELECTION.

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

SECTION 1. Arkansas Code § 3-8-805(a) and (b), concerning the signing of a petition and the penalty for falsification for a local option election, are amended to read as follows:

(a)(1) A person signing a petition under this subchapter shall:

(A) Be a registered voter; and

(B) ~~Sign~~ After reading the ballot title of the petition in the presence of the canvasser or having the ballot title of the petition read aloud to him or her in the presence of the canvasser, sign his or her own name and print his or her own name, address, birthdate, and the date of signing on a petition in his or her own handwriting.

(2) If a person signing a petition under subdivision (a)(1) of this section requires assistance due to disability, another person:

(A) May print the name, address, birthdate, and the date of signing; and

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



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

(4) A person acting as a canvasser shall not obtain a signature for a petition without disclosing to the potential petitioner that petition fraud is a criminal offense before the potential petitioner signs the petition in the custody of the canvasser by:

(A) Verbal notification; or

(B) If verbal notification is impossible, written notification with a document that is provided separately from all other petition materials.

(b) A person commits a Class A misdemeanor if the person, acting as a canvasser, notary, sponsor, or agent of a sponsor knowingly:

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

(2) Prints a name, address, or birthdate other than his or her own on a petition unless the signer requires assistance due to disability and the person complies with this section;

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

(4) Pays a person any form of compensation in exchange for signing a petition as a petitioner;

(5) Accepts or pays money or anything of value for obtaining signatures on a petition when the person acting as a canvasser, sponsor, or agent of a sponsor knows that the person acting as canvasser's name or address is not included on the sponsor's list filed with the county clerk; ~~or~~

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

(7) As a canvasser, knowingly accepts a signature when the person signing the petition has not read the ballot title of the petition in the presence of the canvasser or the ballot title of the petition has not been read aloud to the person in the presence of the canvasser; or

(8) As a canvasser, fails to disclose to a potential petitioner that petition fraud is a criminal offense before the potential petitioner signs the petition in the custody of the canvasser under subdivision (a)(4) of this section.

SECTION 2. Arkansas Code § 3-8-805, concerning the signing of a petition and penalty for falsification for a local option election, is amended to add an additional subsection to read as follows:

(d)(1) The county clerk shall not count signatures collected and witnessed by a canvasser if the county clerk finds by a preponderance of the evidence that the canvasser has violated Arkansas laws regarding canvassing, perjury, forgery, or fraudulent practices in the procurement of petition signatures or any provision of the Arkansas Constitution applicable to the collection of signatures on a local option petition during the current election cycle.

(2) This subsection shall not constrain the duties and authority of the county clerk as set forth in Arkansas law.

SECTION 3. Arkansas Code § 3-8-808(a), concerning the form of verification for a petition for a local option election, is amended to read as follows:

(a) Each petition containing signatures shall be verified in substantially the following form by the canvasser's affidavit thereon as a part thereof:

"State of Arkansas, County of _____

I, _____ (print name of canvasser) _____, being duly sworn, state that each of the foregoing persons signed his or her own name to this sheet of the petition in my presence. To the best of my knowledge and belief, each signature is genuine and each signer is a registered voter of _____ County, or City or Incorporated Town of _____. At all times during the circulation of this signature sheet, an exact copy of the popular name, ballot title, and text was attached to the signature sheet, and each signer read the ballot title of the petition or had the ballot title of the petition read to the signer in my presence. My current residence address is correctly stated below.

Signature _____

Residence _____

Indicate one: _____ Paid Canvasser _____

Volunteer/Unpaid Canvasser

Subscribed and sworn to before me this _____ day of

_____, 20_____

Signature_____

Clerk, Notary, Judge, or Justice of the Peace

Seal_____”.

SECTION 4. Arkansas Code § 3-8-808 is amended to add an additional subsection to read as follows:

(e)(1) A canvasser who witnesses signatures on a petition part shall view a copy of a potential petitioner’s photo identification to verify the identity of the potential petitioner before obtaining the signature.

(2) If a canvasser cannot verify the identity of the potential petitioner, the canvasser shall not obtain a signature from the potential petitioner.

(3) A canvasser who submits a canvasser affidavit under subsection (a) of this section swearing that to the best of the affiant’s knowledge and belief each signature is genuine and that the person signing is a legal voter, but does not comply with the requirements under subdivision (e)(1) of this section, makes a false statement on the petition verification form.

(4) As used in this subsection, "photo identification" means a document or identification card permitted under § 7-1-101(40).

SECTION 5. Arkansas Code § 3-8-811(c), concerning the count of signatures for a local option petition, is amended to read as follows:

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

- (1) A signature that is not an original signature;
- (2) A signature that is obviously not that of the purported petitioner;
- (3) A signature that is illegible and is accompanied by no personally identifying information;
- (4) A signature for which the corresponding printed name, address, or birthdate is written by someone other than the signer except under circumstances of disability of the signer; ~~and~~
- (5) A signature that has any other material defect that, on its

face, renders the signature invalid; and

(6) A signature submitted by a canvasser who has not filed a true affidavit with the county clerk as required under subdivision (d)(1) of this section certifying that the canvasser has complied with the Arkansas Constitution and all Arkansas laws regarding canvassing, perjury, forgery, and fraudulent practices in the procurement of petition signatures during the current election cycle.

SECTION 6. Arkansas Code § 3-8-811, concerning the count of signatures for a local option petition, is amended to add additional subsections to read as follows:

(d)(1) Except as provided under subdivision (d)(4) of this section, a canvasser shall file a true affidavit with the county clerk certifying that the canvasser has complied with the Arkansas Constitution and all Arkansas laws regarding canvassing, perjury, forgery, and fraudulent practices in the procurement of petition signatures during the current election cycle.

(2) The county clerk shall not count the signatures submitted by the canvasser until a true affidavit is submitted under subdivision (d)(1) of this section.

(3) A true affidavit submitted under subdivision (d)(1) of this section shall have no bearing to establish the genuineness or falsity of the signatures obtained by the canvasser.

(4)(A) The inability of a canvasser to submit an affidavit due to death or medical disability shall not disqualify the signatures gathered by the canvasser.

(B) Subdivision (d)(4)(A) of this section does not excuse a canvasser from filing the affidavit required under § 3-8-808.

(e) A canvasser who has filed a true affidavit under subsection (d) of this section shall not collect additional signatures unless the county clerk determines that the sponsor of the local option petition is eligible to solicit and add additional signatures to the local petition under § 14-14-915(e).