

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A Bill

SENATE BILL 728

4 **By:**

5

6

7

For An Act To Be Entitled

8

"AN ACT TO ESTABLISH QUALIFICATIONS AND REQUIREMENTS FOR
9 CANVASSERS; AND FOR OTHER PURPOSES."

10

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

12

13 SECTION 1. Requirements for Canvassers.

14 (a) No person may act as a canvasser during the period of appointment
15 as a voter registrar or volunteer deputy voter registrar.

16 (b) Prior to the solicitation of any signatures upon any initiative or
17 referendum petition, a canvasser shall register before the clerk of the county
18 in which such canvasser is registered to vote and before the county clerk of
19 the county in which the canvasser circulates petitions.

20 (c) The form of registration as a canvasser shall be as provided by the
21 Secretary of State, and shall include:

22 (1) The popular name of the measure proposed to be initiated or
23 referred;

24 (2) The name and address of the canvasser as it appears on such
25 canvasser's affidavit of voter registration and the canvasser's Social
26 Security number, typed or legibly printed upon the form; and

27 (3) An acknowledgment by the canvasser that the canvasser is a
28 registered voter of the State of Arkansas and that the canvasser has never
29 been convicted of any felony (or, if convicted, that the canvasser has been
30 pardoned); provided, however, that the canvasser shall not be required to make
31 affidavit or other form of verification with respect to the foregoing
32 requirements for purposes of this registration.

33 (d) The original forms of registration shall be forwarded by the
34 canvasser to the Secretary of State and a duplicate thereof shall be filed in
35 the office of the county clerk. The Secretary of State shall affix a receipt

1 or file mark upon each registration, but shall refuse to accept any form of
2 registration which does not contain the original signature of the canvasser,
3 and shall so notify the canvasser by first class mail, addressed to the
4 canvasser at the address appearing on the form.

5 (e) At the time of registration or thereafter upon proper
6 identification, which shall include the signature of the canvasser upon the
7 duplicate copy of the registration form, signed in the presence of the county
8 clerk, the canvasser shall present blank pages of the petition which the
9 canvasser intends to circulate in that county, to the county clerk. The
10 county clerk shall confirm that the pages correspond to the measure for which
11 the canvasser is registered, that the name, address and social security number
12 of the canvasser is printed or written legibly in ink upon each page of such
13 petition, and then shall sign and date the county clerk's confirmation of the
14 above. However, the county clerk shall not endorse any page of a petition
15 upon which signatures have already been obtained.

16 (f) Signatures appearing upon any page of a petition shall be void and
17 shall not be counted, provided that:

18 (1) The canvasser appearing thereon has not been registered as such
19 prior to the solicitation of signatures, as required by this section; or

20 (2) The signature of the canvasser thereon does not substantially
21 conform to the signature appearing on such canvasser's form of registration.

22

23 *SECTION 2. Penalties.*

24 (a) *A person shall be guilty of a Class A misdemeanor for each*
25 *violation who, while acting as a canvasser with respect to any petition:*

26 (1) *Shall sign any name other than his own to such petition;*

27 (2) *Shall knowingly sign his name more than once to such petition;*

28 (3) *Shall solicit or knowingly permit any person to sign such petition*
29 *when such person is not entitled to sign it;*

30 (4) *Shall knowingly and falsely misrepresent the purpose and effect of*
31 *such petition for the purpose of causing another person to sign it;*

32 (5) *Shall permit signatures to be affixed to such petition while the*
33 *petition is out of the possession of the canvasser;*

34 (6) *Shall knowingly and falsely execute the verification on any page of*
35 *such petition; or*

36 (7) *Shall solicit voter registrants as a voter registrar or volunteer*

1 deputy voter registrar for purposes of obtaining signatures upon such
2 petition.

3

4 SECTION 3. Procedure for circulating and filing of petition.

5 (a) Upon the filing of any petition with a public official, the pages
6 of the petition shall be separately numbered by the sponsor. The numbering
7 system shall be printed or written in ink on each page of the petition and, in
8 the case of a statewide petition, shall be sufficient to identify each
9 separate page of the petition filed with respect to each county.

10 (b) Any filing of pages of a petition with a public official,
11 subsequent to and in addition to the initial filing of the petition with such
12 public official, shall comply with this section and, in addition, shall be
13 sufficient to distinguish each such subsequent filing from every other filing
14 of pages with respect to the same petition. A sequential numbering system
15 shall be a sufficient compliance with this section, provided that a record is
16 made of the exact pages contained in each separate filing, including the date
17 of such filing.

18 (c) The public official charged with the duty of certifying the
19 petition shall not accept pages of a petition by mail or other delivery from a
20 person other than the sponsor identified upon the petition. Such pages shall
21 be tendered to the sponsor.

22

23 SECTION 4. Arkansas Code 7-9-111(b) is hereby amended to read as
24 follows:

25 "(b) Where any page of a petition contains evidence of deliberate
26 forgery or other irregularity, disregarding technical and merely inadvertent
27 errors, the Secretary of State shall require the sponsor to assume the burden
28 of proving, within five (5) business days after notification of the
29 irregularity, that all other signatures appearing on that page are genuine and
30 that the signers are registered voters and are in all other respects entitled
31 to sign the petition. If the sponsor fails to assume and meet the burden,
32 then the Secretary of State shall reject that page and shall not count any of
33 the signatures appearing thereon. The Secretary of State shall further notify
34 the prosecuting attorney of Pulaski County in writing of his findings."

35

1 SECTION 5. Arkansas Code 7-9-111(f) is hereby enacted to read as
2 follows:

3 "(f) The Secretary of State shall not in any event return pages of the
4 petition previously filed to the sponsor, but shall maintain custody of such
5 pages as required by law."
6

7 SECTION 6. The Secretary of State, after receipt of a written request,
8 shall allow a person, or group of person, not exceeding five (5) in number,
9 reasonable access to the immediate area where the signatures are being
10 verified, in order to observe the verification process and to make reasonable
11 objections to the verification process. The person or group of persons shall
12 be solely responsible for any costs incurred in connection with their
13 activity.
14

15 SECTION 7. All provisions of this act of a general and permanent nature
16 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
17 Revision Commission shall incorporate the same in the Code.
18

19 SECTION 8. If any provision of this act or the application thereof to
20 any person or circumstance is held invalid, such invalidity shall not affect
21 other provisions or applications of the act which can be given effect without
22 the invalid provision or application, and to this end the provisions of this
23 act are declared to be severable.
24

25 SECTION 9. All laws and parts of laws in conflict with this act are
26 hereby repealed.
27

28 SECTION 10. EMERGENCY. It is hereby found and determined by the
29 General Assembly that present law pertaining to the obtaining of signatures on
30 initiative and referendum petitions is insufficient to assure the legitimacy
31 of signatures; this act will strengthen that area of the law; and this act
32 should go into effect immediately in order to assure the legitimacy of the
33 initiative and referendum process as soon as possible. Therefore an emergency
34 is hereby declared to exist and this act being necessary for the preservation
35 of the public peace, health and safety shall be in full force and effect from

As Amended 2/11/07

1 *and after its passage and approval.*

2

3

/s/