

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 310 of the Regular Session

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009  
4

*As Engrossed: S2/2/09*

**A Bill**

HOUSE BILL 1019

5 By: Representative Greenberg  
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**For An Act To Be Entitled**

9 AN ACT CONCERNING REQUIRED STATEMENTS IN  
10 BROADCAST POLITICAL ADVERTISEMENTS; AND FOR OTHER  
11 PURPOSES.  
12

**Subtitle**

13 CONCERNING REQUIRED STATEMENTS IN  
14 BROADCAST POLITICAL ADVERTISEMENTS.  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
19

20 SECTION 1. Arkansas Code § 7-1-103 is amended to read as follows:

21 7-1-103. Miscellaneous misdemeanor offenses – Penalties.

22 (a) The violation of any of the following shall be deemed misdemeanors  
23 punishable as provided in this section:

24 (1) It shall be unlawful for any person to appoint or offer to  
25 appoint anyone to any office or position of trust or for any person to  
26 influence, attempt to influence, or offer to influence the appointment,  
27 nomination, or election of any person to office in consideration of the  
28 support or assistance of the person for any candidate in any election in this  
29 state;

30 (2)(A) It shall be unlawful for any public servant, as defined  
31 in § 21-8-402, to devote any time or labor during usual office hours toward  
32 the campaign of any other candidate for office or for the nomination to any  
33 office.

34 (B) It shall be unlawful for any public servant, as  
35 defined in § 21-8-402, to circulate an initiative or referendum petition or



1 to solicit signatures on an initiative or referendum petition in any public  
2 office of the state, county, or municipal governments of Arkansas or during  
3 the usual office hours or while on duty for any state agency or any county or  
4 municipal government in Arkansas.

5 (C) It shall be unlawful for any public servant, as  
6 defined in § 21-8-402, to coerce by threats or otherwise any public employee  
7 into devoting time or labor toward the campaign of any candidate for office  
8 or for the nomination to any office;

9 (3)(A) It shall be unlawful for any public servant, as defined  
10 in § 21-8-402, to use any office or room furnished at public expense to  
11 distribute any letters, circulars, or other campaign materials unless such  
12 office or room is regularly used by members of the public for such purposes  
13 without regard to political affiliation. It shall further be unlawful for any  
14 public servant to use for campaign purposes any item of personal property  
15 provided with public funds.

16 (B) As used in subdivision (a)(3)(A) of this section,  
17 "campaign materials" and "campaign purposes" refer to the campaign of a  
18 candidate for public office and not efforts to support or oppose a ballot  
19 measure;

20 (4) It shall be unlawful for any person to assess any public  
21 employee, as defined in § 21-8-402, for any political purpose whatever or to  
22 coerce by threats or otherwise any public employee into making a subscription  
23 or contribution for any political purpose;

24 (5) It shall be unlawful for any person employed in any capacity  
25 in any department of the State of Arkansas to have membership in any  
26 political party or organization that advocates the overthrow of our  
27 constitutional form of government;

28 (6) It shall be unlawful for any campaign banners, campaign  
29 signs, or other campaign literature to be placed on any cars, trucks,  
30 tractors, or other vehicles belonging to the State of Arkansas or any  
31 municipality, county, or school district in the state;

32 (7)(A)(i) *All articles, statements, or communications appearing*  
33 *in any newspaper printed or circulated in this state ~~or on radio, television,~~*  
34 *~~or any other electronic medium~~ intended or calculated to influence the vote*  
35 *of any elector in any election and for the publication of which a*  
36 *consideration is paid or to be paid shall clearly contain the words "Paid*

1 *Political Advertisement” or “Paid Political Ad”.*

2 ~~*(B)(ii) Both the persons placing and the persons*~~  
 3 ~~*publishing the articles, statements, or communications shall be responsible*~~  
 4 ~~*for including the required disclaimer.*~~

5 *(B)(i) All articles, statements, or communications*  
 6 *appearing in any radio, television, or any other electronic medium intended*  
 7 *or calculated to influence the vote of any elector in any election and for*  
 8 *the publication of which a consideration is paid or to be paid shall clearly*  
 9 *contain the words:*

10 *(a) “Paid political advertisement” or “paid*  
 11 *political ad”;* or

12 *(b) “Paid for by”, “sponsored by”, or*  
 13 *“furnished by” the true sponsor of the advertisement.*

14 *(ii) Both the persons placing and the persons*  
 15 *publishing the articles, statements, or communications shall be responsible*  
 16 *for including the required disclaimer;*

17 (8) [Repealed.]

18 (9)(A) No election official acting in his or her official  
 19 capacity shall do any electioneering on any election day or any day on which  
 20 early voting is allowed. Except as provided in subdivisions (a)(9)(B) and (C)  
 21 of this section, no person shall hand out or distribute or offer to hand out  
 22 or distribute any campaign literature or any literature regarding any  
 23 candidate or issue on the ballot, solicit signatures on any petition, solicit  
 24 contributions for any charitable or other purpose, or do any electioneering  
 25 of any kind whatsoever in the building or within one hundred feet (100’) of  
 26 the primary exterior entrance used by voters to the building containing the  
 27 polling place on election day.

28 (B) During early voting days, no person shall hand out or  
 29 distribute or offer to hand out or distribute any campaign literature or any  
 30 literature regarding any candidate or issue on the ballot, solicit signatures  
 31 on any petition, solicit contributions for any charitable or other purpose,  
 32 or do any electioneering of any kind whatsoever during early voting hours in  
 33 the building or within one hundred feet (100’) of the primary exterior  
 34 entrance used by voters to the building containing the early voting site nor  
 35 engage in those activities with persons standing in line to vote whether  
 36 within or without the courthouse.

1 (C) When the early voting occurs at a facility other than  
2 the county clerk's office, no person shall hand out or distribute or offer to  
3 hand out or distribute any campaign literature or any literature regarding  
4 any candidate or issue on the ballot, solicit signatures on any petition,  
5 solicit contributions for any charitable or other purpose, or do any  
6 electioneering of any kind whatsoever in the building or within one hundred  
7 feet (100') of the primary exterior entrance used by voters to the building  
8 containing the polling place;

9 (10) No election official shall perform any of the duties of the  
10 position before taking and subscribing to the oath provided for in § 7-4-110;

11 (11) No person applying for a ballot shall swear falsely to any  
12 oath administered by the election officials with reference to his or her  
13 qualifications to vote;

14 (12) No person shall willfully cause or attempt to cause his or  
15 her own name to be registered in any other election precinct than that in  
16 which he or she is or will be before the next ensuing election qualified as  
17 an elector;

18 (13) During any election, no person shall remove, tear down, or  
19 destroy any booths or supplies or other conveniences placed in any booth or  
20 polling site for the purpose of enabling the voter to prepare his or her  
21 ballot;

22 (14) No person shall take or carry any ballot obtained from any  
23 election official outside of the polling room or have in his or her  
24 possession outside of the polling room before the closing of the polls any  
25 ballot provided by any county election commissioner;

26 (15) No person shall furnish a ballot to any elector who cannot  
27 read informing him or her that it contains a name or names different from  
28 those that are written or printed thereon or shall change or mark the ballot  
29 of any elector who cannot read so as to prevent the elector from voting for  
30 any candidate, act, section, or constitutional amendment as the elector  
31 intended;

32 (16) No election official or other person shall unfold a ballot  
33 or without the express consent of the voter ascertain or attempt to ascertain  
34 any vote on a ballot before it is placed in the ballot box;

35 (17) No person shall print or cause to be printed any ballot for  
36 any election held under this act with the names of the candidates appearing

1 thereon in any other or different order or manner than provided by this act;

2 (18) No election official shall permit the vote of any person to  
3 be cast in any election precinct in this state in any election legally held  
4 in this state when the person does not appear in person at the election  
5 precinct and actually cast the vote. This subdivision (a)(18) shall not apply  
6 to persons entitled to cast absentee ballots;

7 (19)(A) No person shall vote or offer to vote more than one (1)  
8 time in any election held in this state, either in person or by absentee  
9 ballot, or shall vote in more than one (1) election precinct in any election  
10 held in this state.

11 (B) No person shall cast a ballot or vote in the  
12 preferential primary of one (1) political party and then cast a ballot or  
13 vote in the general primary of another political party in this state;

14 (20) No person shall:

15 (A) Vote, knowing himself or herself not to be entitled to  
16 vote;

17 (B) Vote more than once at any election or knowingly cast  
18 more than one (1) ballot or attempt to do so;

19 (C) Alter or attempt to alter any ballot after it has been  
20 cast;

21 (D) Add or attempt to add any ballot to those legally  
22 polled at any election either by fraudulently introducing it into the ballot  
23 box before or after the ballots have been counted or at any other time or in  
24 any other manner with the intent or effect of affecting the count or recount  
25 of the ballots;

26 (E) Withdraw or attempt to withdraw any ballot lawfully  
27 polled with the intent or effect of affecting the count or recount of the  
28 ballots; or

29 (F) In any manner interfere with the officials lawfully  
30 conducting the election or the canvass or with the voters lawfully exercising  
31 their right to vote at the election;

32 (21) No person shall make any bet or wager upon the result of  
33 any election in this state;

34 (22) No election official, poll watcher, or any other person in  
35 or out of this state in any primary, general, or special election in this  
36 state shall divulge to any person the results of any votes cast for any

1 candidate or on any issue in the election until after the closing of the  
2 polls on the day of the election. The provisions of this subdivision (a)(22)  
3 shall not apply to any township or precinct in this state in which all of the  
4 registered voters therein have voted prior to the closing of the polls in  
5 those instances in which there are fifteen (15) or fewer registered voters in  
6 the precinct or township; *and*

7 (23) Any person, election official, county clerk, or deputy  
8 clerk who violates any provisions of the absentee voting laws, § 7-5-401 et  
9 seq., shall be punished as provided in this *section*.

10 (b)(1) Except as otherwise provided, the violation of any  
11 provision of this section shall be a Class A misdemeanor.

12 (2)(A) Any person convicted under the provisions of this section  
13 shall thereafter be ineligible to hold any office or employment in any of the  
14 departments in this state.

15 (B)(i) If any person is convicted under the provisions of  
16 this section while employed by any of the departments of this state, he or  
17 she shall be removed from employment immediately.

18 (ii) If any person is convicted under the provisions  
19 of this section while holding public office, the conviction shall be deemed a  
20 misfeasance and malfeasance in office and shall subject the person to  
21 impeachment.

22 (c) Any violation of this act not covered by this section and § 7-1-  
23 104 shall be considered a Class A misdemeanor and shall be punishable as  
24 such.

25  
26 /s/ Greenberg

27  
28 **APPROVED: 3/06/2009**