

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

As Engrossed: S2/20/19

# A Bill

SENATE BILL 346

5 By: Senator M. Pitsch  
6 By: Representative Vaught  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS LAW CONCERNING THE  
10 PROCEDURES FOR PETITIONS AND REFERRED CONSTITUTIONAL  
11 AMENDMENTS; TO DECLARE AN EMERGENCY; AND FOR OTHER  
12 PURPOSES.  
13  
14

## Subtitle

16 TO AMEND ARKANSAS LAW CONCERNING THE  
17 PROCEDURES FOR PETITIONS AND REFERRED  
18 CONSTITUTIONAL AMENDMENTS; AND TO DECLARE  
19 AN EMERGENCY.  
20  
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
23

24 SECTION 1. Arkansas Code § 5-55-601(c), concerning the penalty for  
25 petition fraud, is amended to read as follows:

26 (c) Petition fraud is a ~~Class A misdemeanor~~ Class D felony.  
27

28 SECTION 2. Arkansas Code § 7-4-101(f), concerning the authority of the  
29 State Board of Election Commissioners, is amended to add an additional  
30 subdivision to read as follows:

31 (12) Consider the certification of the ballot title and popular name  
32 submitted on a statewide initiative petition or statewide referendum petition  
33 under § 7-9-111.  
34

35 SECTION 3. Arkansas Code § 7-9-103(b), concerning the signing of  
36 petitions, is amended to read as follows:



1 (b) A person commits a Class A misdemeanor if the person knowingly:

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

3 (2) Signs his or her name more than one (1) time to a petition;

4 ~~or~~

5 (3) Signs a petition when he or she is not legally entitled to  
6 sign the petition;

7 (4) Prints a name, address, or birth date other than his or her  
8 own on a petition unless the signer requires assistance due to disability and  
9 the person complies with this section; or

10 (5) Prints the date of signing for another person unless the  
11 signer requires assistance due to disability and the person complies with  
12 this section.

13  
14 SECTION 4. Arkansas Code § 7-9-103(d), concerning the signing of  
15 petitions, is amended to read as follows:

16 (d) When the official charged with verifying the signatures has  
17 reasonable grounds to believe that one (1) or more signatures on a petition  
18 is forged, ~~excluding signatures apparently signed by one (1) spouse for~~  
19 ~~another~~, the official shall report the suspected forgery and basis for  
20 suspecting forgery to:

21 (1) The Department of Arkansas State Police, in the case of a  
22 statewide petition; or

23 (2) The prosecuting attorney of the county, in the case of a  
24 local petition.

25  
26 SECTION 5. Arkansas Code § 7-9-104(b)-(d), concerning the form of  
27 initiative petitions, are amended to read as follows:

28 ~~(b) The information provided by the person on the petition may be used~~  
29 ~~as evidence of the validity or invalidity of the signature. However, if a~~  
30 ~~signature of a registered voter on the petition is sufficient to verify the~~  
31 ~~voter's name, then it shall not be adjudged invalid for failure to sign the~~  
32 ~~name or write the residence and city or town of residence exactly as it~~  
33 ~~appears on voter registration records, for failure to print the name in the~~  
34 ~~space provided, for failure to provide the correct date of birth, nor for~~  
35 ~~failure to provide the correct date of signing the petition, all the~~  
36 ~~information being an aid to verification rather than a mandatory requirement~~

1 ~~to perfect the validity of the signature.~~

2 ~~(e)(b)~~ No additional sheets of voter signatures shall be attached to  
3 any petition unless the sheets contain the full language of the petition.

4 ~~(d)(c)(1)~~ The signature section of the petition shall be formatted and  
5 shall contain the number of signature lines prescribed by the Secretary of  
6 State.

7 (2) Before the circulation of a statewide petition for  
8 signatures, the sponsor shall file a printed petition part with the Secretary  
9 of State in the exact form that will be used for obtaining signatures.

10  
11 SECTION 6. Arkansas Code § 7-9-107 is amended to read as follows:

12 7-9-107. ~~Approval of ballot titles and popular names of petitions~~  
13 ~~prior to circulation~~ Publication Filing of original draft before  
14 circulation.

15 (a) Before any initiative petition or referendum petition ordering a  
16 vote upon any amendment or act shall be circulated for obtaining signatures  
17 of petitioners, the sponsors shall ~~submit~~ file the original draft ~~to the~~  
18 ~~Attorney General, with a proposed legislative or ballot title and popular~~  
19 ~~name~~ with the Secretary of State.

20 (b) The original draft shall include:

21 (1) The full text of the proposed measure;

22 (2) A ballot title for the proposed measure; and

23 (3) A popular name for the proposed measure.

24 (c) The Secretary of State shall return to the sponsor a file-marked  
25 copy of the original draft that shall serve as evidence that the original  
26 draft was filed in compliance with this section.

27 (d) The sponsor may begin circulating an initiative petition or  
28 referendum petition upon receipt of the file-marked copy under subsection (c)  
29 of this section.

30 ~~(b) Within ten (10) days, the Attorney General shall approve and~~  
31 ~~certify or shall substitute and certify a more suitable and correct ballot~~  
32 ~~title and popular name for each amendment or act. The ballot title so~~  
33 ~~submitted or supplied by the Attorney General shall briefly and concisely~~  
34 ~~state the purpose of the proposed measure.~~

35 ~~(c) If, as a result of his or her review of the ballot title and~~  
36 ~~popular name of a proposed initiated act or a proposed amendment to the~~

1 ~~Arkansas Constitution, the Attorney General determines that the ballot title,~~  
 2 ~~or the nature of the issue, is presented in such manner that the ballot title~~  
 3 ~~would be misleading or designed in such manner that a vote "FOR" the issue~~  
 4 ~~would be a vote against the matter or viewpoint that the voter believes~~  
 5 ~~himself or herself casting a vote for, or, conversely, that a vote "AGAINST"~~  
 6 ~~an issue would be a vote for a viewpoint that the voter is against, the~~  
 7 ~~Attorney General may reject the entire ballot title, popular name, and~~  
 8 ~~petition and state his or her reasons therefor and instruct the petitioners~~  
 9 ~~to redesign the proposed measure and the ballot title and popular name in a~~  
 10 ~~manner that would not be misleading.~~

11 ~~(d) If the Attorney General refuses to act or if the sponsors feel~~  
 12 ~~aggrieved at the Attorney General's acts in such premises, the sponsors may,~~  
 13 ~~by petition, apply to the Supreme Court for proper relief.~~

15 SECTION 7. Arkansas Code § 7-9-109(a), concerning the verification of  
 16 petitions containing signatures, is amended to read as follows:

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

20 "State of Arkansas

21 County of \_\_\_\_\_

22 I, (print name of canvasser), being duly sworn, state that each of the  
 23 foregoing persons signed his or her own name to this sheet of the petition in  
 24 my presence. To the best of my knowledge and belief, each signature is  
 25 genuine and each signer is a registered voter of the State of Arkansas,  
 26 \_\_\_\_\_ County, or City or Incorporated Town

27 of \_\_\_\_\_. At all times during the circulation of  
 28 this signature sheet, an exact copy of the popular name, ballot title, and  
 29 text was attached to the signature sheet. My current residence address is  
 30 correctly stated below.

31 Signature \_\_\_\_\_

32 Residence Current residence \_\_\_\_\_

33 Indicate one: \_\_\_ Paid Canvasser \_\_\_ Volunteer/Unpaid Canvasser

34 Subscribed and sworn to before me this \_\_\_ day of \_\_\_\_\_, 20\_\_

35 Signature \_\_\_\_\_

36 \_\_\_\_\_  
 Clerk, Notary, Judge, or J.P.

1 Seal \_\_\_\_\_ ”.

2

3 SECTION 8. Arkansas Code § 7-9-110(a), concerning the designation of  
4 the popular name, is amended to read as follows:

5 (a) The popular name of each state measure shall be ~~designated as~~  
6 ~~provided in~~ the popular name provided by the sponsor under § 7-9-107, and the  
7 number of the measure on the ballot shall be designated as provided in § 7-9-  
8 116.

9

10 SECTION 9. Arkansas Code § 7-9-111 is amended to read as follows:

11 7-9-111. Determination of sufficiency of petition – Corrections.

12 (a)~~(1)~~ The Secretary of State shall ascertain and declare the  
13 sufficiency or insufficiency of the signatures submitted on each statewide  
14 initiative petition and each statewide referendum petition within thirty (30)  
15 days after it is filed.

16 ~~(2)~~(b) The Secretary of State may contract with the various county  
17 clerks for their assistance in verifying the signatures on petitions. The  
18 county clerk shall return the petitions to the Secretary of State within ten  
19 (10) days.

20 ~~(b)~~ ~~In considering the sufficiency of the initiative and referendum~~  
21 ~~petitions, if it is made to appear beyond a reasonable doubt that twenty~~  
22 ~~percent (20%) or more of the signatures on any one (1) part thereof are~~  
23 ~~fictitious, forged, or otherwise clouded or that the challenged petitioners~~  
24 ~~were ineligible to sign the petition, which fact was known or could have been~~  
25 ~~ascertained by the exercise of reasonable diligence on the part of the~~  
26 ~~canvasser, then the Secretary of State shall require the sponsors to assume~~  
27 ~~the burden of proving that all other signatures appearing on the part are~~  
28 ~~genuine and that the signers are qualified electors and are in all other~~  
29 ~~respects entitled to sign the petition. If the sponsors refuse or fail to~~  
30 ~~assume and meet the burden, then the Secretary of State shall reject the part~~  
31 ~~and shall not count as petitioners any of the names appearing thereon.~~

32 (c) If the statewide initiative petition or statewide referendum  
33 petition is found to be sufficient, the Secretary of State shall certify and  
34 record the finding ~~and do~~ and perform such other duties relating thereto as  
35 are required by law.

36 (d)(1) If the ~~petition is~~ signatures submitted on a statewide

1 initiative petition or statewide referendum petition are found to be  
2 insufficient, the Secretary of State shall forthwith notify the sponsors in  
3 writing, through their designated agent, and shall set forth his or her  
4 reasons for so finding. When the notice is delivered, the sponsors shall have  
5 thirty (30) days in which to do any or all of the following:

6 (A) Solicit and obtain additional signatures; or

7 (B) Submit proof to show that the rejected signatures or  
8 some of them are good and should be counted; ~~or~~

9 ~~(C) Make the petition more definite and certain.~~

10 (2) Any amendments and corrections shall not materially change  
11 the purpose and effect of the statewide initiative petition or statewide  
12 referendum petition. No change shall be made in the measure, ~~except to~~  
13 ~~correct apparent typographical errors or omissions.~~

14 (3) The Secretary of State shall ascertain and declare the  
15 sufficiency or insufficiency of additional signatures submitted by the  
16 sponsors under this subsection within thirty (30) days of the filing of the  
17 supplemental petitions.

18 (e)(1) To assist the Secretary of State in ascertaining the  
19 sufficiency or insufficiency of each statewide initiative petition and each  
20 statewide referendum petition, all county clerks shall furnish at cost to the  
21 Secretary of State a single alphabetical list of all registered voters in  
22 their respective counties. The list shall be provided at least four (4)  
23 months before the election, and an updated list shall be provided at cost by  
24 September 1 in the year of the election. The list shall include the date of  
25 birth of each registered voter.

26 (2) The State Board of Election Commissioners, upon the request  
27 of the county clerk, may grant a waiver from this provision if the state  
28 board determines that the county clerk is unable to provide the list within  
29 the time required.

30 (f)(1) A person filing statewide initiative petitions or statewide  
31 referendum petitions with the Secretary of State shall bundle the petitions  
32 by county and shall file an affidavit stating the number of petitions and the  
33 total number of signatures being filed.

34 (2) If signatures were obtained by paid canvassers, the person  
35 filing the petitions under this subsection shall also submit the following:

36 (A) A statement identifying the paid canvassers by name;

1 and

2 (B) A statement signed by the sponsor indicating that the  
3 sponsor:

4 (i) Provided a copy of the most recent edition of  
5 the Secretary of State's initiatives and referenda handbook to each paid  
6 canvasser before the paid canvasser solicited signatures; and

7 (ii) Explained the requirements under Arkansas law  
8 for obtaining signatures on an initiative or referendum petition to each paid  
9 canvasser before the paid canvasser solicited signatures.

10 (g) All county initiative and referendum elections shall be held in  
11 accordance with the provisions of § 14-14-917.

12 (h) Municipal referendum petition measures shall be submitted to the  
13 electors at a regular general election unless the petition expressly calls  
14 for a special election. If the date set by the petition does not allow  
15 sufficient time to comply with election procedures, then the city or town  
16 council shall fix the date for any special election on the referendum  
17 measure. The date of any special election shall be set in accordance with §  
18 7-11-201 et seq. but in no event more than one hundred twenty (120) calendar  
19 days after the date of certification of sufficiency by the municipal clerk.

20 (i)(1) When a statewide initiative petition or statewide referendum  
21 petition is submitted to the Secretary of State for determination of the  
22 sufficiency of the signatures, the Secretary of State shall submit the ballot  
23 title and popular name of the proposed measure to the State Board of Election  
24 Commissioners for certification as required by Arkansas Constitution, Article  
25 5, § 1.

26 (2) The State Board of Election Commissioners shall determine  
27 whether to certify the ballot title and popular name submitted for a proposed  
28 measure within thirty (30) days after the ballot title and popular name are  
29 submitted by the Secretary of State under subdivision (i)(1) of this section.

30 (3) If the State Board of Election Commissioners determines that  
31 the ballot title and popular name, and the nature of the issue, is presented  
32 in a manner that is not misleading and not designed in such manner that a  
33 vote "FOR" the issue would be a vote against the matter or viewpoint that the  
34 voter believes himself or herself casting a vote for, or, conversely, that a  
35 vote "AGAINST" an issue would be a vote for a viewpoint that the voter is  
36 against, the ballot title and popular name of the statewide initiative

1 petition or statewide referendum petition shall be certified to the Secretary  
2 of State to be placed upon the ballot if the signatures on the statewide  
3 initiative petition or statewide referendum petition are determined to be  
4 sufficient.

5 (4)(A) If the State Board of Election Commissioners determines  
6 that the ballot title or popular name, or the nature of the issue, is  
7 presented in such a manner that the ballot title or popular name would be  
8 misleading or designed in such manner that a vote "FOR" the issue would be a  
9 vote against the matter or viewpoint that the voter believes himself or  
10 herself casting a vote for, or, conversely, that a vote "AGAINST" an issue  
11 would be a vote for a viewpoint that the voter is against, the State Board of  
12 Election Commissioners shall:

13 (i) Not certify the ballot title and popular name;

14 (ii)(a) Notify the sponsors in writing, through  
15 their designated agent, that the ballot title and popular name were not  
16 certified and set forth its reasons for so finding.

17 (b) If the ballot title and popular name are  
18 not certified, the sponsor shall not submit a redesigned ballot title or  
19 popular name to the State Board of Election Commissioners; and

20 (iii) Notify the Secretary of State that the ballot  
21 title and popular name were not certified.

22 (B) If the ballot title and popular name are not certified  
23 under subdivision (i)(4)(A) of this section, the Secretary of State shall  
24 declare the proposed measure insufficient for inclusion on the ballot for the  
25 election at which the statewide initiative petition or statewide referendum  
26 petition would be considered.

27  
28 SECTION 10. Arkansas Code § 7-9-112 is amended to read as follows:

29 ~~7-9-112. Failure to act on petition—Mandamus—Injunction~~ Right of  
30 review.

31 ~~(a) If the Secretary of State does not examine and certify an~~  
32 ~~initiative or referendum petition within the time prescribed in § 7-9-111,~~  
33 ~~the sponsors may apply to the Supreme Court for appropriate relief~~ If the  
34 Secretary of State determines that the signatures submitted on a statewide  
35 initiative petition or statewide referendum petition are insufficient or the  
36 State Board of Election Commissioners does not certify the ballot tile or



1 popular name of a proposed measure resulting in the Secretary of State  
2 finding the proposed measure insufficient, the following persons may petition  
3 the Supreme Court to determine if the signatures submitted on the statewide  
4 initiative petition or statewide referendum petition are sufficient or if the  
5 ballot title or popular name of the proposed measure should be certified:

6 (1) The sponsor of the statewide initiative petition or  
7 statewide referendum petition; or

8 (2) A registered voter.

9 ~~(b) If the Supreme Court decides that the petition is legally~~  
10 ~~sufficient, it shall order the Secretary of State to certify the sufficiency~~  
11 ~~for placing the initiated or referred measure on the election ballot. The~~  
12 Supreme Court shall act expeditiously to review the sufficiency of the  
13 signatures or the certification of the ballot title or popular name in a  
14 timely manner and shall make every effort to reach a decision in advance of  
15 the election at which the proposed measure would be considered.

16 (c)(1)(A) If the Supreme Court decides that the signatures submitted  
17 on a statewide initiative petition or statewide referendum petition are  
18 sufficient, the Supreme Court shall order the Secretary of State to certify  
19 the sufficiency for placing the proposed measure on the election ballot if  
20 the ballot title and popular name are sufficient.

21 (B) If the Supreme Court decides that the ballot title and  
22 popular name should be certified, the Supreme Court shall order the State  
23 Board of Election Commissioners to certify the ballot title and popular name  
24 to the Secretary of State, who shall declare the proposed measure sufficient  
25 to be placed upon the ballot if the signatures on the statewide initiative  
26 petition or statewide referendum petition are sufficient.

27 (2) On a proper showing that ~~any petition is not sufficient~~ the  
28 signatures are not sufficient or the ballot title or popular name should not  
29 be certified, the Supreme Court may enjoin the Secretary of State from  
30 certifying ~~its sufficiency and may also enjoin the various election boards~~  
31 ~~from allowing the ballot title thereof to be printed on the ballots and~~  
32 ~~certifying votes cast on the proposal~~ the proposed measure for inclusion on  
33 the ballot for the election at which the proposed measure would be considered  
34 or, in the event that the proposed measure will appear on the election  
35 ballot, from canvassing and certifying the vote on the proposed measure.

36

1 SECTION 11. Arkansas Code § 7-9-126 is amended to read as follows:

2 7-9-126. Count of signatures.

3 (a) Upon the initial filing of an initiative petition or referendum  
4 petition, the official charged with verifying the signatures shall:

5 (1) Perform an initial count of the signatures; and

6 (2) Determine whether the petition contains, on its face and  
7 before verification of the signatures of registered voters, the designated  
8 number of signatures required by the Arkansas Constitution and statutory law  
9 in order to certify the measure for the election ballot.

10 (b) A petition part and all signatures appearing on the petition part  
11 shall not be counted for any purpose by the official charged with verifying  
12 the signatures, including the initial count of signatures, if one (1) or more  
13 of the following is true:

14 (1) The petition is not an original petition, including without  
15 limitation a petition that is photocopied or is a facsimile transmission;

16 (2) The petition does not conform to the original draft filed  
17 under § 7-9-107;

18 ~~(2)(3)~~ (3) The petition lacks the signature, printed name, and  
19 residence address of the canvasser or is signed by more than one (1)  
20 canvasser;

21 ~~(3)(A)(4)(A)~~ (4)(A) The canvasser is a paid canvasser whose name and  
22 the information required under § 7-9-601 were not submitted or updated by the  
23 sponsor to the Secretary of State before the petitioner signed the petition.

24 (B) A canvasser is a paid canvasser if he or she is paid  
25 money or anything of value for soliciting signatures before or after the  
26 signatures are obtained;

27 ~~(4)(5)~~ (5) The canvasser verification ~~is~~:

28 (A) ~~not~~ Is not notarized~~;~~;

29 (B) ~~is notarized~~ Is notarized by more than one (1)  
30 notary~~;~~;

31 (C) ~~or lacks~~ Lacks a notary signature or a notary seal; or

32 (D) Lacks a legible notary signature or a legible notary  
33 seal;

34 ~~(5)(6)~~ (6) The canvasser verification is dated earlier than the date  
35 on which a petitioner signed the petition;

36 ~~(6)(7)~~ (7) The petition fails to comply with § 7-9-104 or § 7-9-105,

1 including the lack of the exact popular name or ballot title ~~approved by the~~  
 2 ~~Attorney General~~ for a statewide initiative, a discrepancy in the text of the  
 3 initiated or referred measure, or the lack of an enacting clause in a  
 4 statewide petition for an initiated act; or

5 ~~(7)~~(8) The petition part has a material defect that, on its  
 6 face, renders the petition part invalid.

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

10 (1) A signature that is not an original signature;

11 (2) A signature that is obviously not that of the purported  
 12 petitioner;

13 (3) A signature that is illegible; ~~and~~

14 (4) A signature that is not accompanied by ~~no~~ personally  
 15 identifying information;

16 ~~(4)~~(5) A signature for which the corresponding printed name,  
 17 address, ~~or~~ birth date, or date of signing is written by someone other than  
 18 the signer except under circumstances of disability of the signer; ~~and~~

19 (6) A signature obtained before the filing of the original draft  
 20 for circulation under § 7-9-107; and

21 ~~(5)~~(7) A signature that has any other material defect that, on  
 22 its face, renders the signature invalid.

23 (d) If the initial count of signatures under this section is less than  
 24 the designated number of signatures required by the Arkansas Constitution and  
 25 statutory law in order to certify the measure for the ballot and the deadline  
 26 for filing petitions has passed, the official charged with verifying the  
 27 signatures shall declare the petition insufficient and shall not accept and  
 28 file any additional signatures to cure the insufficiency of the petition on  
 29 its face.

30  
 31 SECTION 12. Arkansas Code Title 7, Chapter 9, Subchapter 2, is amended  
 32 to add an additional section to read as follows:

33 7-9-205. Challenges to constitutional amendments proposed by the  
 34 General Assembly.

35 If the General Assembly passes a joint resolution proposing an  
 36 amendment to the Arkansas Constitution, a qualified elector may file an

1 action in a court of competent jurisdiction at any time after the passage of  
2 the joint resolution challenging the sufficiency of the joint resolution,  
3 including without limitation the:

4 (1) Text of the proposed amendment;

5 (2) Ballot title of the proposed amendment; and

6 (3) Popular name of the proposed amendment.

7  
8 SECTION 13. Arkansas Code § 7-9-601 is amended to read as follows:

9 7-9-601. Hiring and training of paid canvassers – Definition.

10 (a)(1) A person shall not provide money or anything of value to  
11 another person for obtaining signatures on a statewide initiative petition or  
12 statewide referendum petition unless the person receiving the money or item  
13 of value meets the requirements of this section.

14 (2) Before a signature is solicited by a paid canvasser the  
15 sponsor shall:

16 (A) Provide the paid canvasser with a copy of the most  
17 recent edition of the Secretary of State's initiatives and referenda  
18 handbook;

19 (B) Explain the Arkansas law applicable to obtaining  
20 signatures on an initiative or referendum petition to the canvasser; ~~and~~

21 (C)(i) Provide a complete list of all paid canvassers'  
22 names and current residential addresses to the Secretary of State.

23 (ii) If additional paid canvassers agree to solicit  
24 signatures on behalf of a sponsor after the complete list is provided, the  
25 sponsor shall provide an updated list of all paid canvassers' names and  
26 current residential addresses to the Secretary of State; and

27 (D) Submit to the Secretary of State a copy of the signed  
28 statement provided by the paid canvasser under subdivision (d)(3) of this  
29 section.

30 (3) Upon filing the petition with the Secretary of State, the  
31 sponsor shall submit to the Secretary of State a:

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

34 (B) Signature card for each paid canvasser.

35 (b)(1) To verify that there are no criminal offenses on record, a  
36 sponsor shall obtain, at its cost, from the Department of Arkansas State

1 Police, a current state and federal criminal record search on every paid  
2 canvasser to be registered with the Secretary of State.

3 (2) The criminal record search shall be obtained within thirty  
4 (30) days before the date that the paid canvasser begins collecting  
5 signatures.

6 (3) Upon submission of its list of paid canvassers to the  
7 Secretary of State, the sponsor shall certify to the Secretary of State that  
8 each paid canvasser in its employ has passed a criminal background check in  
9 accordance with this section.

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

12 ~~(5) Signatures incorrectly obtained or submitted under this~~  
13 ~~section shall not be counted by the Secretary of State.~~

14 (c) As used in this section, "paid canvasser" means a person who is  
15 paid or with whom there is an agreement to pay money or anything of value  
16 before or after a signature on an initiative or referendum petition is  
17 solicited in exchange for soliciting or obtaining a signature on a petition.

18 (d) Before obtaining a signature on an initiative or referendum  
19 petition as a paid canvasser, the prospective canvasser shall submit in  
20 person or by mail to the sponsor:

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

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

25 (3) A signed statement taken under oath or solemn affirmation  
26 stating that the person has not pleaded guilty or nolo contendere to or been  
27 found guilty of a criminal felony offense or a violation of the election  
28 laws, fraud, forgery, or identification theft in any state of the United  
29 States, the District of Columbia, Puerto Rico, Guam, or any other United  
30 States protectorate;

31 (4) A signed statement that the person has read and understands  
32 the Arkansas law applicable to obtaining signatures on an initiative or  
33 referendum petition; and

34 (5) A signed statement that the person has been provided a copy  
35 of the most recent edition of the Secretary of State's initiatives and  
36 referenda handbook by the sponsor.

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

4 (f) Signatures incorrectly obtained or submitted under this section  
5 shall not be counted by the Secretary of State for any purpose.

6  
7 SECTION 14. EMERGENCY CLAUSE. It is found and determined by the  
8 General Assembly of the State of Arkansas that this act amends the process  
9 for circulating initiative petitions and referendum petitions; and that the  
10 provisions of this act should become effective immediately so that its  
11 provisions apply to all petitions circulated after the passage of the act to  
12 avoid confusion in petition circulation. Therefore, an emergency is declared  
13 to exist, and this act being immediately necessary for the preservation of  
14 the public peace, health, and safety shall become effective on:

15 (1) The date of its approval by the Governor;

16 (2) If the bill is neither approved nor vetoed by the Governor,  
17 the expiration of the period of time during which the Governor may veto the  
18 bill; or

19 (3) If the bill is vetoed by the Governor and the veto is  
20 overridden, the date the last house overrides the veto.

21  
22  
23 /s/M. Pitsch

24  
25  
26 **APPROVED: 3/8/19**