

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4
5 By: Representative Boyd
6 By: Senator M. Pitsch
7

A Bill

HOUSE BILL 1504

For An Act To Be Entitled

9 AN ACT TO CLARIFY THE LAW CONCERNING PROHIBITED
10 ELECTIONEERING; TO PROVIDE A DEFINITION OF
11 ELECTIONEERING; AND FOR OTHER PURPOSES.
12
13

Subtitle

15 TO CLARIFY THE LAW CONCERNING PROHIBITED
16 ELECTIONEERING; AND TO PROVIDE A
17 DEFINITION OF ELECTIONEERING.
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 7-1-103(a)(8), concerning misdemeanor
23 offenses related to prohibited electioneering, is amended to read as follows:

24 (8)(A) ~~No~~ An election official acting in his or her official
25 capacity shall not do any electioneering ~~on any~~:

26 (i) On election day or any day on which early voting
27 is allowed. ~~Except as provided in subdivisions (a)(8)(B) and (C) of this~~
28 ~~section, no person shall hand out or distribute or offer to hand out or~~
29 ~~distribute any campaign literature or any literature regarding any candidate~~
30 ~~or issue on the ballot, solicit signatures on any petition, solicit~~
31 ~~contributions for any charitable or other purpose, or do any electioneering~~
32 ~~of any kind whatsoever in the;~~

33 (ii) In a building in which voting is taking place;
34 or ~~within~~

35 (iii) Within one hundred feet (100') of the primary
36 exterior entrance used by voters to ~~the~~ a building ~~containing the polling~~



1 ~~place on election day~~ in which voting is taking place.

2 (B) ~~During early voting days, no~~ On early voting days and
 3 ~~election day a person shall not hand out or distribute or offer to hand out~~
 4 ~~or distribute any campaign literature or any literature regarding any~~
 5 ~~candidate or issue on the ballot, solicit signatures on any petition, solicit~~
 6 ~~contributions for any charitable or other purpose, or do any electioneering~~
 7 ~~of any kind whatsoever~~ do any electioneering during early voting hours ~~in~~
 8 ~~the:~~

9 (i) ~~In a building or within~~ in which voting is
 10 taking place;

11 (ii) Within one hundred feet (100') of the primary
 12 exterior entrance used by voters to ~~the a building containing the early~~
 13 ~~voting site nor engage in those activities with~~ in which voting is taking
 14 place; or

15 (iii) With persons standing in line to vote ~~whether~~
 16 ~~within or without the courthouse.~~

17 (C) ~~When the early voting occurs at a facility other than~~
 18 ~~the county clerk's office, no person shall hand out or distribute or offer to~~
 19 ~~hand out or distribute any campaign literature or any literature regarding~~
 20 ~~any candidate or issue on the ballot, solicit signatures on any petition,~~
 21 ~~solicit contributions for any charitable or other purpose, or do any~~
 22 ~~electioneering of any kind whatsoever in the building or within one hundred~~
 23 ~~feet (100') of the primary exterior entrance used by voters to the building~~
 24 ~~containing the polling place;~~

25 (C)(i) As used in this subdivision (a)(8),
 26 "electioneering" means the display of or audible dissemination of information
 27 that advocates for or against any candidate, issue, or measure on a ballot.

28 (ii) "Electioneering" includes without limitation
 29 the following:

30 (a) Handing out, distributing, or offering to
 31 hand out or distribute campaign literature or literature regarding a
 32 candidate, issue, or measure on the ballot;

33 (b) Soliciting signatures on a petition;

34 (c) Soliciting contributions for a charitable
 35 or other purpose;

36 (d) Displaying a candidate's name, likeness,

1 or logo;

2 (e) Displaying a ballot measure's number,
3 title, subject, or logo;

4 (f) Displaying or dissemination of buttons,
5 hats, pencils, pens, shirts, signs, or stickers containing electioneering
6 information; and

7 (g) Disseminating audible electioneering
8 information.

9 (iii) "Electioneering" does not include:

10 (a) The presentation of a candidate's
11 identification by the candidate under Arkansas Constitution, Amendment 51,
12 §13; or

13 (b) The display of a ballot measure in the
14 polling place as required under § 7-5-202.

15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36