

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

SENATE BILL 614

5 By: Senator B. Davis
6 By: Representative M. Gray
7

For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS LAW CONCERNING PAID
10 CANVASSERS; TO AMEND THE LAW CONCERNING THE
11 COMPENSATION OF PAID CANVASSERS; TO DECLARE AN
12 EMERGENCY; AND FOR OTHER PURPOSES.
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Subtitle

16 TO AMEND ARKANSAS LAW CONCERNING PAID
17 CANVASSERS; TO AMEND THE LAW CONCERNING
18 THE COMPENSATION OF PAID CANVASSERS; AND
19 TO DECLARE AN EMERGENCY.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 7-9-103(a), concerning signing a petition,
25 penalty for falsification, and notice of suspected forgery, is amended to add
26 additional subdivisions to read as follows:

27 (5) A person shall not act as a canvasser unless he or she is
28 citizen of the United States.

29 (6) A person shall not act as a canvasser unless he or she is a
30 resident of this state.
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32 SECTION 2. Arkansas Code § 7-9-601(a)(2), concerning the hiring and
33 training of paid canvassers, is amended to add additional subdivisions to
34 read as follows:

35 (E) Instruct the paid canvasser to provide the sponsor
36 sufficient information of the paid canvasser's identity to allow the sponsor



1 to obtain the criminal history of the paid canvasser within thirty (30) days
 2 before the date that the paid canvasser begins collecting signatures;

3 (F) Obtain the criminal history of the paid canvasser; and

4 (G) Contact the appropriate authority in the state or
 5 jurisdiction if a paid canvasser's criminal history indicates an open or
 6 pending criminal charge that constitutes a disqualifying conviction to
 7 determine the ultimate disposition or current status of the charge.

8
 9 SECTION 3. Arkansas Code § 7-9-601(b)(1), concerning the hiring and
 10 training of paid canvassers, is amended to read as follows:

11 (b)(1) To verify that there are no criminal offenses on record, a
 12 sponsor shall obtain, at the sponsor's cost, from the Division of Arkansas
 13 State Police, a current state ~~and federal~~ criminal record search on every
 14 paid canvasser to be registered with the Secretary of State.

15
 16 SECTION 4. Arkansas Code § 7-9-601(c), concerning the hiring and
 17 training of paid canvassers, is amended to read as follows:

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

22
 23 SECTION 5. Arkansas Code § 7-9-601(d)(3), concerning the hiring and
 24 training of paid canvassers, is amended to read as follows:

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 or misdemeanor offense or a violation of
 28 the election laws, fraud, forgery, or identification theft in any state of
 29 the United States, the District of Columbia, Puerto Rico, Guam, or any other
 30 United States protectorate;

31
 32 SECTION 6. Arkansas Code § 7-9-601, concerning the hiring and training
 33 of paid canvassers, is amended to add additional subsections to read as
 34 follows:

35 (g)(1) It is unlawful for a person to pay or offer to pay a person, or
 36 receive payment or agree to receive payment, on a basis related to the number

1 of signatures obtained on a statewide initiative petition or statewide
2 referendum petition.

3 (2) This subsection does not prohibit compensation for
4 circulating petitions but only compensation for obtaining signatures when the
5 compensation or compensation level is impacted by or related to the number of
6 signatures obtained.

7 (3) A signature obtained in violation of this subsection is void
8 and shall not be counted.

9 (4) A violation under this subsection is a Class A misdemeanor.

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11 SECTION 7. DO NOT CODIFY. Severability.

12 (a) All provisions of this act, including all sections, subsections,
13 and subdivisions, are severable and if any portion of this act is declared
14 invalid for any reason, then all remaining sections, subsections, and
15 subdivisions of this act shall remain in full effect.

16 (b) It is the intent of the General Assembly that the sections,
17 subsections, and subdivisions of this act are severable, notwithstanding
18 whether the act, section, sections, subsection, subsections, subdivision, or
19 subdivisions at issue are:

20 (1) Meant to accomplish a single purpose;

21 (2) Interrelated; or

22 (3) Dependent upon each other.

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24 SECTION 8. EMERGENCY CLAUSE. It is found and determined by the
25 General Assembly of the State of Arkansas that petition canvassers in the
26 State of Arkansas have been approaching Arkansas voters without first passing
27 the required criminal background checks; that the use of canvassers who have
28 not passed criminal background checks poses a threat to the health and safety
29 of voters who may give personal information to canvassers with disqualifying
30 convictions; that this act protects voters from criminal canvassers; and that
31 this act is immediately necessary because the Supreme Court's decision in
32 Thurston v. Safe Surgery Arkansas, 2021 Ark. 55, has invalidated the current
33 version of § 7-9-601, leaving voters with inadequate protections from
34 criminal canvassers. Therefore, an emergency is declared to exist, and this
35 act being immediately necessary for the preservation of the public peace,
36 health, and safety shall become effective on:

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

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

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