

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

As Engrossed: S4/6/21

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 § 7-9-109, concerning the form of
33 verification for petitions and the penalty for false statements, is amended
34 to add additional subsections to read as follows:

35 (e) A canvasser who witnesses signatures on a petition part but
36 knowingly allows another canvasser who did not witness all signatures on a



1 petition part to execute a false verification affidavit with respect to that
2 petition part commits a Class D felony.

3 (f) A sponsor, sponsor's agent, or representative commits a Class D
4 felony if a sponsor, sponsor's agent, or representative:

5 (1) Knowingly pays a canvasser for petitioner signatures on a
6 petition part not personally witnessed by that paid canvasser; or

7 (2) Knowingly submits to the Secretary of State a petition part
8 where the verifying canvasser has not witnessed each signature on that
9 petition part.

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11 SECTION 2. Arkansas Code § 7-9-601(a)(2), concerning the hiring and
12 training of paid canvassers, is amended to add additional subdivisions to
13 read as follows:

14 (E) Instruct the paid canvasser to provide the sponsor
15 sufficient information of the paid canvasser's identity to allow the sponsor
16 to obtain the criminal history of the paid canvasser within thirty (30) days
17 before the date that the paid canvasser begins collecting signatures;

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

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

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

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

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31 SECTION 4. Arkansas Code § 7-9-601(b), concerning the hiring and
32 training of paid canvassers, is amended to add an additional subdivision to
33 read as follows:

34 (5) The sponsor shall bear the ultimate burden of proving that a
35 paid canvasser registered by the sponsor does not have a disqualifying
36 conviction in an administrative proceeding or judicial proceeding.

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

4 (c) As used in this section, "paid canvasser" means a person who is
5 paid or with whom there is an agreement to pay money or anything of value
6 before or after a signature on an initiative or referendum petition is
7 solicited in exchange for soliciting ~~or obtaining~~ a signature on a petition.
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9 SECTION 6. Arkansas Code § 7-9-601(d)(3), concerning the hiring and
10 training of paid canvassers, is amended to read as follows:

11 (3) A signed statement taken under oath or solemn affirmation
12 stating that the person has not pleaded guilty or nolo contendere to or been
13 found guilty of a ~~criminal~~ felony or misdemeanor offense or a violation of
14 the election laws, fraud, forgery, or identification theft in any state of
15 the United States, the District of Columbia, Puerto Rico, Guam, or any other
16 United States protectorate;
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18 SECTION 7. Arkansas Code § 7-9-601, concerning the hiring and training
19 of paid canvassers, is amended to add additional subsections to read as
20 follows:

21 (g)(1) It is unlawful for a person to pay or offer to pay a person, or
22 receive payment or agree to receive payment, on a basis related to the number
23 of signatures obtained on a statewide initiative petition or statewide
24 referendum petition.

25 (2) This subsection does not prohibit compensation for
26 circulating petitions but only compensation for obtaining signatures when the
27 compensation or compensation level is impacted by or related to the number of
28 signatures obtained.

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

31 (4) A violation under this subsection is a Class A misdemeanor.
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33 SECTION 8. DO NOT CODIFY. Severability.

34 (a) All provisions of this act, including all sections, subsections,
35 and subdivisions, are severable and if any portion of this act is declared
36 invalid for any reason, then all remaining sections, subsections, and

1 subdivisions of this act shall remain in full effect.

2 (b) It is the intent of the General Assembly that the sections,
3 subsections, and subdivisions of this act are severable, notwithstanding
4 whether the act, section, sections, subsection, subsections, subdivision, or
5 subdivisions at issue are:

6 (1) Meant to accomplish a single purpose;

7 (2) Interrelated; or

8 (3) Dependent upon each other.

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10 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the
11 General Assembly of the State of Arkansas that petition canvassers in the
12 State of Arkansas have been approaching Arkansas voters without first passing
13 the required criminal background checks; that the use of canvassers who have
14 not passed criminal background checks poses a threat to the health and safety
15 of voters who may give personal information to canvassers with disqualifying
16 convictions; that this act protects voters from criminal canvassers; and that
17 this act is immediately necessary because the Supreme Court's decision in
18 Thurston v. Safe Surgery Arkansas, 2021 Ark. 55, has invalidated the current
19 version of § 7-9-601, leaving voters with inadequate protections from
20 criminal canvassers. Therefore, an emergency is declared to exist, and this
21 act being immediately necessary for the preservation of the public peace,
22 health, and safety shall become effective on:

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

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

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

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30 */s/B. Davis*
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