

Stricken language would be deleted from and underlined language would be added to present law.
Act 766 of the Regular Session

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: H3/28/23

A Bill

SENATE BILL 377

5 By: Senator K. Hammer
6 By: Representatives Gramlich, Wing
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING INITIATIVE
10 PETITIONS; TO CREATE A MISDEMEANOR OFFENSE CONCERNING
11 INITIATIVE PETITION SIGNATURES; TO ESTABLISH THE
12 DEFINITION OF A PAID PETITION BLOCKER; TO REGULATE
13 PAID PETITION BLOCKERS; AND FOR OTHER PURPOSES.
14

Subtitle

15
16 TO AMEND THE LAW CONCERNING INITIATIVE
17 PETITIONS; TO CREATE A MISDEMEANOR
18 OFFENSE CONCERNING INITIATIVE PETITION
19 SIGNATURES; AND TO ESTABLISH THE
20 DEFINITION OF AND REGULATE PAID PETITION
21 BLOCKERS.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code Title 7, Chapter 9, Subchapter 1, is amended
28 to add an additional section to read as follows:

29 7-9-127. Interference with initiative petitions and proposed measures.

30 (a) Upon conviction, a person commits a Class A misdemeanor if the
31 person knowingly:

32 (1) Changes a signature other than his or her own signature on a
33 petition;

34 (2) Erases or otherwise removes a signature other than his or
35 her signature on a petition;

36 (3) Intentionally destroys or discards a signature other than



1 his or her own signature on a petition;

2 (4) Pays a person any form of compensation in exchange for not
3 signing a petition as a petitioner;

4 (5) Accepts or pays money or anything of value for the purpose
5 of not obtaining signatures on a petition when the person is included on the
6 sponsor’s list filed with the Secretary of State under § 7-9-601;

7 (6) Misrepresents the purpose and effect of the petition or the
8 measure affected for the purpose of causing a person to not sign a petition
9 when acting as a canvasser; and

10 (7) Pays a person any form of compensation in exchange for
11 destroying a signature on a petition.

12 (b) A person may be charged with a Class A misdemeanor for each
13 violation under subsection (a) of this section.

14 (c)(1) A ballot question committee organized to support a ballot
15 initiative may destroy or discard signatures or petitions collected as a
16 result of its efforts if:

17 (A) The reason for the destruction or discard is
18 documented; or

19 (B) If the petition did not obtain enough signatures to
20 qualify to appear on the ballot.

21 (2) Actions taken by a ballot question committee under
22 subdivision (c)(1) of this section shall not be considered a violation of
23 this section.

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25 SECTION 2. Arkansas Code Title 7, Chapter 9, Subchapter 6, is amended
26 to add an additional section to read as follows:

27 7-9-602. Hiring of paid petition blockers – Definitions.

28 (a) As used in this section:

29 (1) “Disqualifying offense” means:

30 (A) A felony;

31 (B) A violation of the election laws;

32 (C) Fraud;

33 (D) Forgery;

34 (E) Counterfeiting;

35 (F) Identity theft;

36 (G) A crime of violence, including assault, battery, or

1 intimidation;

2 (H) Harassment;

3 (I) Terroristic threatening;

4 (J) A sex offense, including sexual harassment;

5 (K) A violation of the drug and narcotics laws;

6 (L) Breaking and entering;

7 (M) Trespassing;

8 (N) Destruction or damage of property;

9 (O) Vandalism;

10 (P) Arson; or

11 (Q) A crime of theft, including robbery, burglary, and
12 simple theft or larceny;

13 (2) "Paid petition blocker" means a person who is paid or with
14 whom there is an agreement to pay money or anything of value in exchange for
15 interfering with a paid canvasser's attempt to solicit or obtain a signature
16 on a petition or a paid canvasser's solicitation of a signature on a
17 petition; and

18 (3) "Petition-blocking sponsor" means a person, entity, or
19 person affiliated with an entity, who pays or who makes an agreement to pay
20 money or anything of value in exchange for interfering with a paid
21 canvasser's attempt to solicit or obtain a signature on a petition or a paid
22 canvasser's solicitation of a signature on a petition.

23 (b) A petition-blocking sponsor shall:

24 (1) Provide a complete list of all paid petition blockers' names
25 and current residential addresses to the Secretary of State;

26 (2) Update the list provided under subdivision (b)(1) of this
27 section if additional paid petition blockers are hired;

28 (c)(1) Upon submission of the petition-blocking sponsor's list of paid
29 petition blockers to the Secretary of State, the petition-blocking sponsor
30 shall certify to the Secretary of State that each paid petition blocker in
31 the petition-blocking sponsor's employ has no disqualifying offenses in
32 accordance with this section.

33 (2) To verify that there are no disqualifying offenses on record
34 for a paid petition blocker, a petition-blocking sponsor shall obtain, at the
35 petition-blocking sponsor's cost, from the Division of Arkansas State Police,
36 a current state criminal history and criminal record search on every paid

1 petition blocker to be registered with the Secretary of State.

2 (3) The criminal history and criminal record search required by
3 this section shall be obtained within thirty (30) days before the date that
4 the paid petition blocker begins interfering with the collection of
5 signatures.

6 (d) Before acting as a paid petition blocker, the prospective paid
7 petition blocker shall:

8 (1)(A) Be a citizen of the United States; and

9 (B) Be a resident of this state; and

10 (2) Submit in person or by mail to the petition-blocking
11 sponsor:

12 (A) The full name and any assumed name of the prospective
13 paid petition blocker;

14 (B) The current residence address of the prospective paid
15 petition blocker and the prospective paid petition blocker's permanent
16 domicile address if the prospective paid petition blocker's permanent
17 domicile address is different from the prospective paid petition blocker's
18 current residence address; and

19 (C) A signed statement taken under oath or solemn
20 affirmation stating that the prospective paid petition blocker has not
21 pleaded guilty or nolo contendere to or been found guilty of a disqualifying
22 offense in any state of the United States, the District of Columbia, Puerto
23 Rico, Guam, or any other United States protectorate.

24 (e) A petition-blocking sponsor shall maintain the information
25 required under this section for each paid petition blocker for three (3)
26 years after the general election.

27 (f) Upon conviction, a person commits a Class A misdemeanor if the
28 petition-blocking sponsor or paid petition blocker knowingly violates this
29 section.

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31 */s/K. Hammer*

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34 **APPROVED: 4/12/23**