

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

A Bill

HOUSE BILL 1019

5 By: Representative Greenberg
6
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For An Act To Be Entitled

9 AN ACT CONCERNING REQUIRED STATEMENTS IN
10 BROADCAST POLITICAL ADVERTISEMENTS; AND FOR OTHER
11 PURPOSES.
12

Subtitle

13 CONCERNING REQUIRED STATEMENTS IN
14 BROADCAST POLITICAL ADVERTISEMENTS.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code § 7-1-103 is amended to read as follows:

21 7-1-103. Miscellaneous misdemeanor offenses – Penalties.

22 (a) The violation of any of the following shall be deemed misdemeanors
23 punishable as provided in this section:

24 (1) It shall be unlawful for any person to appoint or offer to
25 appoint anyone to any office or position of trust or for any person to
26 influence, attempt to influence, or offer to influence the appointment,
27 nomination, or election of any person to office in consideration of the
28 support or assistance of the person for any candidate in any election in this
29 state;

30 (2)(A) It shall be unlawful for any public servant, as defined
31 in § 21-8-402, to devote any time or labor during usual office hours toward
32 the campaign of any other candidate for office or for the nomination to any
33 office.

34 (B) It shall be unlawful for any public servant, as
35 defined in § 21-8-402, to circulate an initiative or referendum petition or
36 to solicit signatures on an initiative or referendum petition in any public



1 office of the state, county, or municipal governments of Arkansas or during
 2 the usual office hours or while on duty for any state agency or any county or
 3 municipal government in Arkansas.

4 (C) It shall be unlawful for any public servant, as
 5 defined in § 21-8-402, to coerce by threats or otherwise any public employee
 6 into devoting time or labor toward the campaign of any candidate for office
 7 or for the nomination to any office;

8 (3)(A) It shall be unlawful for any public servant, as defined
 9 in § 21-8-402, to use any office or room furnished at public expense to
 10 distribute any letters, circulars, or other campaign materials unless such
 11 office or room is regularly used by members of the public for such purposes
 12 without regard to political affiliation. It shall further be unlawful for any
 13 public servant to use for campaign purposes any item of personal property
 14 provided with public funds.

15 (B) As used in subdivision (a)(3)(A) of this section,
 16 “campaign materials” and “campaign purposes” refer to the campaign of a
 17 candidate for public office and not efforts to support or oppose a ballot
 18 measure;

19 (4) It shall be unlawful for any person to assess any public
 20 employee, as defined in § 21-8-402, for any political purpose whatever or to
 21 coerce by threats or otherwise any public employee into making a subscription
 22 or contribution for any political purpose;

23 (5) It shall be unlawful for any person employed in any capacity
 24 in any department of the State of Arkansas to have membership in any
 25 political party or organization that advocates the overthrow of our
 26 constitutional form of government;

27 (6) It shall be unlawful for any campaign banners, campaign
 28 signs, or other campaign literature to be placed on any cars, trucks,
 29 tractors, or other vehicles belonging to the State of Arkansas or any
 30 municipality, county, or school district in the state;

31 (7)(A) All articles, statements, or communications appearing in
 32 any newspaper printed or circulated in this state ~~or on radio, television, or~~
 33 ~~any other electronic medium~~ intended or calculated to influence the vote of
 34 any elector in any election and for the publication of which a consideration
 35 is paid or to be paid shall clearly contain the words “Paid Political
 36 Advertisement” or “Paid Political Ad”.

1 (B) Both the persons placing and the persons publishing
 2 the articles, statements, or communications shall be responsible for
 3 including the required disclaimer;

4 (8) [Repealed.]

5 (9)(A) No election official acting in his or her official
 6 capacity shall do any electioneering on any election day or any day on which
 7 early voting is allowed. Except as provided in subdivisions (a)(9)(B) and (C)
 8 of this section, no person shall hand out or distribute or offer to hand out
 9 or distribute any campaign literature or any literature regarding any
 10 candidate or issue on the ballot, solicit signatures on any petition, solicit
 11 contributions for any charitable or other purpose, or do any electioneering
 12 of any kind whatsoever in the building or within one hundred feet (100') of
 13 the primary exterior entrance used by voters to the building containing the
 14 polling place on election day.

15 (B) During early voting days, no person shall hand out or
 16 distribute or offer to hand out or distribute any campaign literature or any
 17 literature regarding any candidate or issue on the ballot, solicit signatures
 18 on any petition, solicit contributions for any charitable or other purpose,
 19 or do any electioneering of any kind whatsoever during early voting hours in
 20 the building or within one hundred feet (100') of the primary exterior
 21 entrance used by voters to the building containing the early voting site nor
 22 engage in those activities with persons standing in line to vote whether
 23 within or without the courthouse.

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

32 (10) No election official shall perform any of the duties of the
 33 position before taking and subscribing to the oath provided for in § 7-4-110;

34 (11) No person applying for a ballot shall swear falsely to any
 35 oath administered by the election officials with reference to his or her
 36 qualifications to vote;

1 (12) No person shall willfully cause or attempt to cause his or
 2 her own name to be registered in any other election precinct than that in
 3 which he or she is or will be before the next ensuing election qualified as
 4 an elector;

5 (13) During any election, no person shall remove, tear down, or
 6 destroy any booths or supplies or other conveniences placed in any booth or
 7 polling site for the purpose of enabling the voter to prepare his or her
 8 ballot;

9 (14) No person shall take or carry any ballot obtained from any
 10 election official outside of the polling room or have in his or her
 11 possession outside of the polling room before the closing of the polls any
 12 ballot provided by any county election commissioner;

13 (15) No person shall furnish a ballot to any elector who cannot
 14 read informing him or her that it contains a name or names different from
 15 those that are written or printed thereon or shall change or mark the ballot
 16 of any elector who cannot read so as to prevent the elector from voting for
 17 any candidate, act, section, or constitutional amendment as the elector
 18 intended;

19 (16) No election official or other person shall unfold a ballot
 20 or without the express consent of the voter ascertain or attempt to ascertain
 21 any vote on a ballot before it is placed in the ballot box;

22 (17) No person shall print or cause to be printed any ballot for
 23 any election held under this act with the names of the candidates appearing
 24 thereon in any other or different order or manner than provided by this act;

25 (18) No election official shall permit the vote of any person to
 26 be cast in any election precinct in this state in any election legally held
 27 in this state when the person does not appear in person at the election
 28 precinct and actually cast the vote. This subdivision (a)(18) shall not apply
 29 to persons entitled to cast absentee ballots;

30 (19)(A) No person shall vote or offer to vote more than one (1)
 31 time in any election held in this state, either in person or by absentee
 32 ballot, or shall vote in more than one (1) election precinct in any election
 33 held in this state.

34 (B) No person shall cast a ballot or vote in the
 35 preferential primary of one (1) political party and then cast a ballot or
 36 vote in the general primary of another political party in this state;

1 (20) No person shall:

2 (A) Vote, knowing himself or herself not to be entitled to
3 vote;

4 (B) Vote more than once at any election or knowingly cast
5 more than one (1) ballot or attempt to do so;

6 (C) Alter or attempt to alter any ballot after it has been
7 cast;

8 (D) Add or attempt to add any ballot to those legally
9 polled at any election either by fraudulently introducing it into the ballot
10 box before or after the ballots have been counted or at any other time or in
11 any other manner with the intent or effect of affecting the count or recount
12 of the ballots;

13 (E) Withdraw or attempt to withdraw any ballot lawfully
14 polled with the intent or effect of affecting the count or recount of the
15 ballots; or

16 (F) In any manner interfere with the officials lawfully
17 conducting the election or the canvass or with the voters lawfully exercising
18 their right to vote at the election;

19 (21) No person shall make any bet or wager upon the result of
20 any election in this state;

21 (22) No election official, poll watcher, or any other person in
22 or out of this state in any primary, general, or special election in this
23 state shall divulge to any person the results of any votes cast for any
24 candidate or on any issue in the election until after the closing of the
25 polls on the day of the election. The provisions of this subdivision (a)(22)
26 shall not apply to any township or precinct in this state in which all of the
27 registered voters therein have voted prior to the closing of the polls in
28 those instances in which there are fifteen (15) or fewer registered voters in
29 the precinct or township; ~~and~~

30 (23) Any person, election official, county clerk, or deputy
31 clerk who violates any provisions of the absentee voting laws, § 7-5-401 et
32 seq., shall be punished as provided in this section; and

33 (24)(A) All articles, statements, or communications appearing in
34 any radio, television, or any other electronic medium intended or calculated
35 to influence the vote of any elector in any election and for the publication
36 of which a consideration is paid or to be paid shall clearly contain the

1 words:

2 (i) "Paid political advertisement" or "paid
3 political ad"; or

4 (ii) "Paid for", "sponsored by", or "furnished by"
5 the true sponsor of the ad.

6 (B) Both the persons placing and the persons publishing
7 the articles, statements, or communications shall be responsible for
8 including the required disclaimer.

9 (b)(1) Except as otherwise provided, the violation of any provision of
10 this section shall be a Class A misdemeanor.

11 (2)(A) Any person convicted under the provisions of this section
12 shall thereafter be ineligible to hold any office or employment in any of the
13 departments in this state.

14 (B)(i) If any person is convicted under the provisions of
15 this section while employed by any of the departments of this state, he or
16 she shall be removed from employment immediately.

17 (ii) If any person is convicted under the provisions
18 of this section while holding public office, the conviction shall be deemed a
19 misfeasance and malfeasance in office and shall subject the person to
20 impeachment.

21 (c) Any violation of this act not covered by this section and § 7-1-
22 104 shall be considered a Class A misdemeanor and shall be punishable as
23 such.

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