

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

As Engrossed: S2/2/09
A Bill

HOUSE BILL 1019

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

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

4 (B)(i) All articles, statements, or communications
 5 appearing in any radio, television, or any other electronic medium intended
 6 or calculated to influence the vote of any elector in any election and for
 7 the publication of which a consideration is paid or to be paid shall clearly
 8 contain the words:

9 (a) "Paid political advertisement" or "paid
 10 political ad"; or

11 (b) "Paid for by", "sponsored by", or
 12 "furnished by" the true sponsor of the advertisement.

13 (ii) Both the persons placing and the persons
 14 publishing the articles, statements, or communications shall be responsible
 15 for including the required disclaimer;

16 (8) [Repealed.]

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

27 (B) During early voting days, no person shall hand out or
 28 distribute or offer to hand out or distribute any campaign literature or any
 29 literature regarding any candidate or issue on the ballot, solicit signatures
 30 on any petition, solicit contributions for any charitable or other purpose,
 31 or do any electioneering of any kind whatsoever during early voting hours in
 32 the building or within one hundred feet (100') of the primary exterior
 33 entrance used by voters to the building containing the early voting site nor
 34 engage in those activities with persons standing in line to vote whether
 35 within or without the courthouse.

36 (C) When the early voting occurs at a facility other than

1 the county clerk's office, no person shall hand out or distribute or offer to
2 hand out or distribute any campaign literature or any literature regarding
3 any candidate or issue on the ballot, solicit signatures on any petition,
4 solicit contributions for any charitable or other purpose, or do any
5 electioneering of any kind whatsoever in the building or within one hundred
6 feet (100') of the primary exterior entrance used by voters to the building
7 containing the polling place;

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

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

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

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

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

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

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

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

1 (18) No election official shall permit the vote of any person to
2 be cast in any election precinct in this state in any election legally held
3 in this state when the person does not appear in person at the election
4 precinct and actually cast the vote. This subdivision (a)(18) shall not apply
5 to persons entitled to cast absentee ballots;

6 (19)(A) No person shall vote or offer to vote more than one (1)
7 time in any election held in this state, either in person or by absentee
8 ballot, or shall vote in more than one (1) election precinct in any election
9 held in this state.

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

13 (20) No person shall:

14 (A) Vote, knowing himself or herself not to be entitled to
15 vote;

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

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

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

25 (E) Withdraw or attempt to withdraw any ballot lawfully
26 polled with the intent or effect of affecting the count or recount of the
27 ballots; or

28 (F) In any manner interfere with the officials lawfully
29 conducting the election or the canvass or with the voters lawfully exercising
30 their right to vote at the election;

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

33 (22) No election official, poll watcher, or any other person in
34 or out of this state in any primary, general, or special election in this
35 state shall divulge to any person the results of any votes cast for any
36 candidate or on any issue in the election until after the closing of the

1 polls on the day of the election. The provisions of this subdivision (a)(22)
2 shall not apply to any township or precinct in this state in which all of the
3 registered voters therein have voted prior to the closing of the polls in
4 those instances in which there are fifteen (15) or fewer registered voters in
5 the precinct or township; *and*

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

9 (b)(1) Except as otherwise provided, the violation of any
10 provision of 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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25 /s/ Greenberg
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