

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

# A Bill

SENATE BILL 821

5 By: Senators K. Ingram, E. Williams  
6 By: Representatives Slinkard, Ferguson  
7

## For An Act To Be Entitled

9 AN ACT CONCERNING INITIATIVES AND REFERENDUMS; TO  
10 REQUIRE PAID CANVASSERS OF INITIATIVE AND REFERENDUM  
11 PETITIONS TO REGISTER WITH THE SECRETARY OF STATE  
12 BEFORE CANVASSING; TO REQUIRE NOTICE TO THE STATE  
13 POLICE OR TO COUNTY PROSECUTING ATTORNEYS OF  
14 SUSPECTED FORGERY OF SIGNATURES ON PETITIONS; TO  
15 REQUIRE SPONSORS OF STATEWIDE PETITIONS TO ASSUME THE  
16 BURDEN OF DEFENDING THE SUFFICIENCY OF POPULAR NAMES  
17 AND BALLOT TITLES IN JUDICIAL PROCEEDINGS; TO  
18 REGULATE THE COUNTING OF SIGNATURES ON INITIATIVE AND  
19 REFERENDUM PETITIONS; TO DECLARE AN EMERGENCY; AND  
20 FOR OTHER PURPOSES.  
21  
22

## Subtitle

23 TO AMEND THE LAWS PERTAINING TO  
24 INITIATIVE AND REFERENDUM PETITIONS; AND  
25 TO DECLARE AN EMERGENCY.  
26  
27  
28

29 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
30

31 SECTION 1. DO NOT CODIFY. Legislative findings.

32 (a) The General Assembly finds that:

33 (1) Through Amendment 7 to the Arkansas Constitution, the people  
34 of Arkansas have reserved to themselves the power to propose legislative  
35 measures, laws, and amendments to the Arkansas Constitution and to enact or  
36 reject the proposed measures, laws, and amendments at the polls independently



1 of the General Assembly;

2 (2) The citizens of this state have an expectation that their  
3 right of initiative and referendum will be respected and that the process of  
4 gathering signatures of registered voters will be free of fraud, forgery, and  
5 other illegal conduct by sponsors, canvassers, notaries, and petitioners;

6 (3) Sponsors and paid canvassers may have an incentive to  
7 knowingly submit forged or otherwise invalid signatures in order to obtain  
8 additional time to gather signatures and submit supplemental petitions;

9 (4) In 2012, sponsors of four (4) separate initiative petitions  
10 submitted petitions to the Secretary of State containing over two hundred  
11 ninety-eight thousand (298,000) purported signatures of registered voters;

12 (5) Of the four petitions submitted, none had an initial  
13 validity rate in excess of fifty-six percent (56%), and three (3) of the  
14 petitions had an initial validity rate below thirty-one percent (31%); and

15 (6) Of the three petitions with the lowest initial validity  
16 rate, there were widespread instances of apparent fraud, forgery, and false  
17 statements in the signature-gathering process.

18 (b) It is further found and determined by the General Assembly that if  
19 an effort is not made to address these issues:

20 (1) Unregistered and untrained paid canvassers will continue to  
21 obtain and submit forged and otherwise facially invalid signatures; and

22 (2) Unscrupulous sponsors and canvassers will continue to have  
23 an incentive to submit forged and otherwise facially invalid signatures and  
24 make false statements to the Secretary of State.

25 (c) It is further found and determined by the General Assembly that if  
26 this act becomes law:

27 (1) Sponsors and canvassers of proposed initiative measures will  
28 be held more accountable for their actions in gathering signatures from  
29 registered voters; and

30 (2) The earlier determination of the insufficiency of petitions  
31 rife with false statements, forged signatures, and otherwise facially invalid  
32 signatures will result in less confusion and frustration with the initiative  
33 process.

34 (d) For the reasons stated in this section, the General Assembly finds  
35 that passage of this act will make sponsors and canvassers more accountable  
36 to the people of this state, facilitate the initiative process, conserve

1 state resources, and help to restore the confidence and trust of the people  
 2 in the initiative process.

3  
 4 SECTION 2. Arkansas Code § 7-9-101 is amended to read as follows:

5 7-9-101. Definitions.

6 As used in this subchapter:

7 (1) "Act" means ~~any~~ an act having general application throughout  
 8 the state, whether originating in the General Assembly or proposed by the  
 9 people, ~~and referred acts;~~

10 (2) "Amendment" means ~~any proposed~~ an amendment to the Arkansas  
 11 Constitution, ~~whether that is~~ proposed by the General Assembly or by the  
 12 people;

13 (3) "Canvasser" means a person who circulates an initiative or  
 14 referendum petition or a part or parts of an initiative or referendum  
 15 petition to obtain the signatures of petitioners thereto;

16 (4) "Election" means a regular general election at which state  
 17 and county officers are elected for regular terms;

18 ~~(5) "Legal voter" means a person who is registered at the time~~  
 19 ~~of signing the petition pursuant to Arkansas Constitution, Amendment 51;~~

20 ~~(6)~~ (5) "Measure" means ~~either~~ an amendment, or an  
 21 ordinance;

22 (6) "Ordinance" means an ordinance of a municipality or county,  
 23 whether originating in the legislative body of the municipality or county or  
 24 proposed by the people;

25 (7) "Petition part" means a petition signature sheet containing  
 26 the information required under § 7-9-104 or § 7-9-105;

27 ~~(7)~~ (8) "Petitioner" means a person who signs an initiative or  
 28 referendum petition ordering a vote ~~upon an amendment or an act having~~  
 29 ~~general application throughout the state~~ on a measure; ~~and~~

30 (9) "Registered voter" means a person who is registered at the  
 31 time of signing the petition pursuant to Amendment 51 to the Arkansas  
 32 Constitution; and

33 ~~(8)~~ (10) "Sponsor" means ~~a person or group of persons filing who~~  
 34 arranges for the circulation of an initiative or referendum petition ~~with the~~  
 35 ~~Secretary of State or who files an initiative or referendum petition with the~~  
 36 official charged with verifying the signatures.

SECTION 3. Arkansas Code § 7-9-103 is amended to read as follows:

7-9-103. Signing of petition – Penalty for falsification – Notice of suspected forgery.

(a)(1)(A) ~~Any A~~ person who is a ~~qualified elector~~ registered voter of the State of Arkansas this state may sign his or her own name, address, birth date, and the date of signing on an initiative or referendum petition in his or her own proper handwriting, and not otherwise, to order an initiative or referendum vote upon a proposed ~~measure~~ amendment or a proposed or referred act.

(B) If a person signing a petition under subdivision (a)(1)(A) of this section requires assistance due to disability, another person:

(i) May print the address, birth date, and the date of signing; and

(ii) Shall sign and print his or her name in the margin of the petition.

(2)(A) ~~Any A~~ person who is an ~~elector~~ a registered voter of any a municipality or county of this state may sign any ~~petition for the referendum of any ordinance passed by the council of the municipality~~ his or her own name, address, birth date, and the date of signing on an initiative or referendum petition in his or her own proper handwriting, and not otherwise, to order an initiative or referendum vote upon a proposed or referred ordinance.

(B) If a person signing a petition under subdivision (a)(2)(A) of this section requires assistance due to disability, another person:

(i) May print the address, birth date, and the date of signing; and

(ii) Shall sign and print his or her name in the margin of the petition.

(3) A person who is under eighteen (18) years of age shall not act as a canvasser.

(4) A person shall not act as a paid canvasser if the person is not registered as a canvasser with the Secretary of State at the time he or she solicits signatures on a petition.

1 (b) A person ~~shall be deemed guilty of~~ commits a Class A misdemeanor  
 2 if the person:

3 (1) ~~Signs any~~ Knowingly signs a name other than his or her own  
 4 to ~~any~~ a petition;

5 (2) Knowingly signs his or her name more than ~~once~~ one (1) time  
 6 to ~~any~~ a petition; or

7 (3) Knowingly signs a petition when he or she is not legally  
 8 entitled to sign ~~it;~~ the petition.

9 (c) A person commits a Class D felony if the person, acting as a  
 10 canvasser, notary, sponsor, or agent of a sponsor:

11 (1) Signs a name other than his or her own to a petition;

12 (2) Prints a name, address, or birth date other than his or her  
 13 own to a petition unless the signer requires assistance due to disability and  
 14 the person complies with § 7-9-103;

15 (3) Solicits or obtains a signature to a petition knowing that  
 16 the person signing is not qualified to sign the petition;

17 (4) Knowingly pays a person any form of compensation in exchange  
 18 for signing a petition as a petitioner;

19 (5) Accepts money or anything of value for obtaining signatures  
 20 on a petition when the person acting as a canvasser, notary, sponsor, or  
 21 agent of a sponsor knows that he or she is not registered with the Secretary  
 22 of State or that his or her registration has been terminated or revoked;

23 ~~(4)~~ (6) Knowingly and falsely misrepresents the purpose and  
 24 effect of the petition or the measure affected for the purpose of causing  
 25 ~~anyone~~ a person to sign a petition;

26 ~~(5)~~ (7) Acting in the capacity of As a canvasser, knowingly  
 27 makes a false statement on a petition verification form; ~~or~~

28 ~~(6)~~ (8) Acting in the capacity of As a notary, knowingly fails  
 29 to witness a canvasser's affidavit ~~either~~ by witnessing the signing of the  
 30 instrument in person and either personally knowing the signer or by being  
 31 presented with proof of the identity of the signer; or

32 (9) As a sponsor, files a petition part with the official  
 33 charged with verifying the signatures knowing that the petition part contains  
 34 one (1) or more false or fraudulent signatures unless each false or  
 35 fraudulent signature is clearly stricken by the sponsor before filing.

36 (d) When the official charged with verifying the signatures has

1 reasonable grounds to believe that one (1) or more signatures on a petition  
2 is forged, excluding signatures apparently signed by one (1) spouse for  
3 another, the official shall report the suspected forgery and the grounds for  
4 the suspected forgery to:

5 (1) The Department of Arkansas State Police, in the case of a  
6 statewide petition; or

7 (2) The prosecuting attorney of the county, in the case of a  
8 local petition.

9  
10 SECTION 4. Arkansas Code § 7-9-104(a), concerning the form of an  
11 initiative petition, is amended to read as follows:

12 (a) The petition for ~~any~~ an ordinance, ~~law act~~, or amendment ~~to the~~  
13 ~~Arkansas Constitution~~ proposed by initiative shall be on substantially the  
14 following form:

15 "INITIATIVE PETITION

16 \_\_\_\_\_  
17 To the Honorable

18 \_\_\_\_\_  
19 Secretary of State of the State of Arkansas, or County Clerk, or City  
20 Clerk

21 We, the undersigned ~~legal~~ registered voters of the State of Arkansas,  
22 or \_\_\_\_\_ County, Arkansas, or City of \_\_\_\_\_, or Incorporated Town of  
23 \_\_\_\_\_, Arkansas (as the case may be), respectfully propose the following  
24 amendment to the Constitution of the State or ~~law act~~ or ordinance (as the  
25 case may be), ~~to-wit:~~

26 ~~(Here insert title and full text of measure proposed.)~~  
27 \_\_\_\_\_  
28 \_\_\_\_\_

29 and by this, our petition, order that the same be submitted to the people of  
30 said state, or county, or municipality (as the case may be), to the end that  
31 the same may be adopted, enacted, or rejected by the vote of ~~legal~~ the  
32 registered voters of said (state, county, or municipality) at the regular  
33 general election to be held ~~in said~~ \_\_\_\_\_ on the \_\_\_ day of \_\_\_, 20\_\_\_, and  
34 each of us for himself or herself says:

35 I have personally signed this petition; I am a ~~legal~~ registered voter  
36 of the State of Arkansas, or \_\_\_\_\_ County, Arkansas, or City of \_\_\_\_\_.

1 or Incorporated Town of \_\_\_\_\_, Arkansas (as the case may be), and my  
2 printed name, date of birth, residence, city or town of residence, and date  
3 of signing this petition are correctly written after my signature.

4 (Here insert popular name and ballot title of initiated measure.)

5 (In the case of a proposed initiated act or ordinance, insert the following:

6 BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARKANSAS, OR \_\_\_\_\_ COUNTY,  
7 ARKANSAS, OR CITY OF \_\_\_\_\_ OR INCORPORATED TOWN OF \_\_\_\_\_, ARKANSAS (as the  
8 case may be)):

9 (Here insert full text of initiated measure.)”

10

11 SECTION 5. Arkansas Code § 7-9-104, concerning the form of an  
12 initiative petition and the sufficiency of signatures, is amended to add an  
13 additional subsection to read as follows:

14 (d)(1) The signature section of the petition shall be formatted and  
15 shall contain the number of signature lines prescribed by the Secretary of  
16 State.

17 (2) Before the circulation of a statewide petition for  
18 signatures, the sponsor shall file a printed petition part with the Secretary  
19 of State in the exact form that will be used for obtaining signatures.

20

21 SECTION 6. Arkansas Code § 7-9-105(a), concerning the form of a  
22 referendum petition, is amended to read as follows:

23 (a) The petition and order of referendum for an ordinance or act shall  
24 be on substantially the following form:

25 “~~PETITION FOR REFERENDUM~~ PETITION

26

27 \_\_\_\_\_  
28 To the Honorable

28

29 \_\_\_\_\_  
30 Secretary of State of the State of Arkansas, or County Clerk, or City  
31 Clerk

31 We, the undersigned ~~legal~~ registered voters of the State of Arkansas,  
32 or \_\_\_\_\_ County, Arkansas, or City or Incorporated Town of \_\_\_\_\_, Arkansas  
33 (as the case may be) respectfully order by this, our petition, that Act No.  
34 \_\_\_\_\_ of the General Assembly of the State of Arkansas, approved on the \_\_\_\_ day  
35 of \_\_\_\_\_, 20\_\_\_\_, entitled ‘An Act \_\_\_\_\_’ or Ordinance No. \_\_\_\_\_, passed by the  
36 county quorum court, the city (or town) council of the City (or Incorporated

1 Town), or County of \_\_\_\_\_, Arkansas, on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_, entitled,  
2 ‘An Ordinance \_\_\_\_\_,’ be referred to the people of said state, county, or  
3 municipality (as the case may be), to the end that the same may be approved  
4 or rejected by the vote of the ~~legal~~ registered voters of the state, or of  
5 said county or municipality (as the case may be) at the biennial (or annual,  
6 as the case may be, if a city ordinance) regular general election (or at a  
7 special election, as the case may be) to be held on the \_\_\_ day of \_\_\_\_\_,  
8 20\_\_\_; and each of us for himself or herself says:

9 I have personally signed this petition; I am a ~~legal~~ registered voter  
10 of the State of Arkansas, or \_\_\_\_\_ County, Arkansas, or City of \_\_\_\_\_,  
11 or Incorporated Town of \_\_\_\_\_, Arkansas (as the case may be), and my  
12 printed name, date of birth, residence, city or town of residence, and date  
13 of signing this petition are correctly written after my signature.

14 (Here insert popular name and ballot title of referred measure.)

15 REFERRED TO THE PEOPLE OF THE STATE OF ARKANSAS, OR \_\_\_\_\_ COUNTY, ARKANSAS,  
16 OR CITY OF \_\_\_\_\_ OR INCORPORATED TOWN OF \_\_\_\_\_, ARKANSAS (as the case may  
17 be):

18 (Here insert full text of referred measure.)”  
19

20 SECTION 7. Arkansas Code § 7-9-105, concerning the form of a  
21 referendum petition and the sufficiency of signatures, is amended to add an  
22 additional subsection to read as follows:

23 (d)(1) The signature section of the petition shall be formatted and  
24 shall contain the number of signature lines as prescribed by the Secretary of  
25 State.

26 (2) Before the circulation of a statewide petition for  
27 signatures, the sponsor shall file a printed petition part with the Secretary  
28 of State in the exact form that will be used for obtaining signatures.  
29

30 SECTION 8. Arkansas Code § 7-9-107(d), concerning the certification of  
31 ballot titles by the Attorney General before circulation of a petition, is  
32 amended to read as follows:

33 (d) If the Attorney General refuses to act or if the sponsors feel  
34 aggrieved at ~~his or her~~ the Attorney General’s acts in such premises, ~~they~~  
35 the sponsors may, by petition, apply to the Supreme Court for proper relief.  
36



SECTION 9. Arkansas Code § 7-9-108(b), concerning the procedure for circulating a petition, is amended to read as follows:

(b) Each part of ~~any~~ a petition shall have attached thereto the affidavit of the ~~person who circulated the petition~~ canvasser to the effect that the canvasser's current residence address appearing on the verification is correct, that all signatures appearing ~~thereon~~ on the petition part were made in the presence of the affiant, and that to the best of the affiant's knowledge and belief each signature is genuine and ~~that the~~ each person ~~so~~ signing is a ~~legal~~ registered voter.

SECTION 10. Arkansas Code § 7-9-109(a), concerning the form of verification for canvassers, is amended to read as follows:

(a) Each petition containing ~~the~~ signatures shall be verified in substantially the following form, by the ~~person who circulated the sheet of the petition by his or her~~ canvasser's affidavit thereon as a part thereof:

"State of Arkansas  
County of \_\_\_\_\_

I, (print name of canvasser), being ~~first~~ duly sworn, state that each of the foregoing persons signed ~~this sheet of the foregoing petition, and each of them signed his or her own name thereunto~~ to this sheet of the petition in my presence. To the best of my knowledge and belief, I believe that each has stated his or her name, date of birth, residence or town of residence correctly, and that each signature is genuine and each signer is a legal registered voter of the State of Arkansas, \_\_\_\_\_ County, or City or Incorporated Town of \_\_\_\_\_. At all times during the circulation of this signature sheet, an exact copy of the popular name, ballot title, and text was attached to the signature sheet. My current residence address is correctly stated below.

Signature \_\_\_\_\_

Residence \_\_\_\_\_

Indicate one: \_\_\_\_\_ Paid Canvasser \_\_\_\_\_ Volunteer/Unpaid Canvasser

Subscribed and sworn to before me ~~the~~ this \_\_ day of \_\_\_\_\_, 20\_\_

Signature \_\_\_\_\_

Clerk, Notary, Judge or J.P.

Residence \_\_\_\_\_"

1           (Seal)”

2

3           SECTION 11. Arkansas Code § 7-9-110 is amended to read as follows:

4           7-9-110. Designation of number and popular name.

5           (a) ~~The Attorney General shall fix and declare the popular name by~~  
6 ~~which each amendment to the Arkansas Constitution and each initiated and~~  
7 ~~referred of each state measure shall be designated as provided in § 7-9-107,~~  
8 ~~and the number of the measure on the ballot shall be designated as provided~~  
9 ~~in § 7-9-116.~~

10           (b) In all legal notices and publications, ~~proceedings, and publicity~~  
11 ~~affecting any such amendment or a measure, the amendment or measure shall be~~  
12 ~~designated identified~~ by both the designated number and popular name ~~fixed as~~  
13 ~~provided in subsection (a) of this section.~~

14

15           SECTION 12. Arkansas Code § 7-9-111(d), concerning the determination  
16 of the sufficiency of signatures on a petition, is amended to add an  
17 additional subdivision to read as follows:

18                   (3) The Secretary of State shall ascertain and declare the  
19 sufficiency or insufficiency of additional signatures submitted by the  
20 sponsors under this subsection within thirty (30) days of the filing of the  
21 supplemental petitions.

22

23           SECTION 13. Arkansas Code § 7-9-111(f), concerning filing petitions  
24 with the Secretary of State, is amended to read as follows:

25           (f)(1) A person filing initiative or referendum petitions with the  
26 Secretary of State shall bundle the petitions by county and shall file an  
27 affidavit stating the number of petitions and the total number of signatures  
28 being filed.

29                   (2) If signatures were obtained by paid canvassers, the person  
30 filing the petitions under this subsection shall also submit a statement  
31 identifying the paid canvassers by name and registration number.

32

33           SECTION 14. Arkansas Code § 7-9-112(a) and (b), concerning the failure  
34 of the Secretary of State to act on a petition, is amended to read as  
35 follows:

36           (a) If the Secretary of State ~~shall fail or refuse to~~ does not examine

1 and ~~file any~~ certify an initiative or referendum petition within the time  
 2 prescribed in § 7-9-111, ~~any twenty five (25) qualified electors who feel~~  
 3 ~~aggrieved thereby~~ the sponsors may, ~~within fifteen (15) days thereafter,~~  
 4 apply to the Supreme Court for a writ of mandamus to ~~compel the officer to~~  
 5 ~~certify the sufficiency of the petition~~ appropriate relief.

6 (b) If the Supreme Court ~~shall decide~~ decides that the petition is  
 7 legally sufficient, it shall order the Secretary of State to ~~file and~~ certify  
 8 the sufficiency ~~thereof as of the date upon which it was first offered for~~  
 9 ~~filing, and a certified copy of the judgment shall be attached to the~~  
 10 ~~petition~~ for placing the initiated or referred measure on the election  
 11 ballot.

12  
 13 SECTION 15. Arkansas Code § 7-9-125(a), concerning the definitions to  
 14 be used regarding prohibitions, penalties, and freedom of information  
 15 relating to petitions, is amended to read as follows:

16 (a) ~~For purposes of~~ As used in this section+, “property”

17 (1) ~~“Act” means an enactment having general application throughout the~~  
 18 ~~state or an ordinance applicable to a municipality or county and enacted by~~  
 19 ~~legislative authority or by the people;~~

20 (2) ~~“Amendment” means any proposed amendment to the Arkansas~~  
 21 ~~Constitution, whether proposed under the provisions of Amendment 7 or Article~~  
 22 ~~19, § 22;~~

23 (3) ~~“Election” means a general election at which state and county~~  
 24 ~~officers are elected for regular terms;~~

25 (4) ~~“Initiative petition” means a form of petition which conforms to~~  
 26 ~~the requirements of § 7-9-104;~~

27 (5) ~~“Measure” means either an amendment or an act;~~

28 (6) ~~“Property” means both real and personal property and includes, but~~  
 29 ~~is not limited to,~~ without limitation both tangible and intangible property;

30 (7) ~~“Referendum petition” means a form of petition which conforms to~~  
 31 ~~the requirements of § 7-9-105; and~~

32 (8) ~~“Sponsor” means a person or persons who arrange for the~~  
 33 ~~circulation of initiative, referendum, or constitutional amendment petitions~~  
 34 ~~or who file an initiative, referendum, or constitutional amendment with the~~  
 35 ~~Secretary of State or other authorized recipient of the petitions.~~

36

1 SECTION 16. Arkansas Code Title 7, Chapter 9, Subchapter 1, is amended  
2 to add an additional section to read as follows:

3 7-9-126. Count of signatures.

4 (a) Upon the initial filing of an initiative or referendum petition,  
5 the official charged with verifying the signatures shall:

6 (1) Perform an initial count of the signatures; and

7 (2) Determine whether the petition contains, on its face and  
8 before verification of the signatures of registered voters, the designated  
9 number of signatures required by the Arkansas Constitution and statutory law  
10 in order to certify the measure for the election ballot.

11 (b) The petition parts and all signatures appearing on the petition  
12 parts shall not be counted for any purpose by the official charged with  
13 verifying the signatures, including the initial count of signatures, if one  
14 (1) or more of the following is true:

15 (1) The petition is not an original petition, including without  
16 limitation a petition that is photocopied or is a facsimile transmission;

17 (2) The petition lacks the signature, printed name, and  
18 residence address of the canvasser or is signed by more than one (1)  
19 canvasser;

20 (3) The canvasser is a paid canvasser who was not registered or  
21 whose registration was terminated or revoked when a petitioner signed the  
22 petition;

23 (4) The canvasser verification is not notarized, is notarized by  
24 more than one notary, lacks a notary signature or a notary seal, or contains  
25 the signature or seal of a notary whose commission has expired;

26 (5) The canvasser verification is dated earlier than the date on  
27 which a petitioner signed the petition;

28 (6) The petition fails to comply with § 7-9-104 or § 7-9-105,  
29 including the lack of the exact popular name or ballot title, a discrepancy  
30 in the text of the initiated or referred measure, or the lack of an enacting  
31 clause in a statewide petition for an initiated act;

32 (7) The petition part of a statewide petition clearly and  
33 unmistakably contains signatures of petitioners from more than one (1) county  
34 unless each signature of a petitioner from another county is clearly stricken  
35 before the filing of the petition with the Secretary of State; or

36 (8) The petition part has a material defect that, on its face,

1 renders the petition part invalid.

2 (c) The following signatures shall not be counted for any purpose by  
 3 the official charged with verifying the signatures, including the initial  
 4 count of signatures:

5 (1) A signature that is not an original signature;

6 (2) A signature that is obviously not that of the purported  
 7 petitioner;

8 (3) A signature that is illegible and is accompanied by no  
 9 personally identifying information;

10 (4) A signature for which the corresponding printed name,  
 11 address, or birth date is written by someone other than the signer except  
 12 under circumstances of disability of the signer; and

13 (5) A signature that has any other material defect that, on its  
 14 face, renders the signature invalid.

15 (d) If the initial count of signatures under this section is less than  
 16 the designated number of signatures required by the Arkansas Constitution and  
 17 statutory law in order to certify the measure for the ballot and the deadline  
 18 for filing petitions has passed, the official charged with verifying the  
 19 signatures shall declare the petition insufficient and shall not accept and  
 20 file any additional signatures to cure the insufficiency of the petition on  
 21 its face.

22  
 23 SECTION 17. Arkansas Code § 7-9-204 is amended to read as follows.

24 7-9-204. Ballot ~~title~~ titles and popular names of constitutional  
 25 amendments proposed by the legislature.

26 The ~~title of~~ General Assembly may designate in the joint resolution  
 27 proposing an amendment to the Arkansas Constitution ~~shall be the ballot title~~  
 28 ~~of the proposed constitutional amendment~~ the popular name and ballot title of  
 29 the amendment for the election ballot.

30  
 31 SECTION 18. Arkansas Code Title 7, Chapter 9, is amended to add an  
 32 additional subchapter to read as follows:

33 Subchapter 6 – Registration of Paid Canvassers

34  
 35 7-9-601. Registration and training of paid canvassers.

36 (a)(1)(A) A person shall not provide money or anything of value to

1 another person for obtaining signatures on an initiative or referendum  
2 petition unless the person receiving the money or item of value meets the  
3 requirements of this section.

4 (B) A person shall not receive money or anything of value  
5 for obtaining signatures on an initiative or referendum petition unless the  
6 person meets the requirements of this section.

7 (2) A person obtaining the signatures on an initiative or  
8 referendum petition shall:

9 (A) Register with the Secretary of State as a canvasser;  
10 and

11 (B) Complete the training program established by the  
12 Secretary of State for canvassers, which shall include a summary of the law  
13 applicable to obtaining signatures on an initiative or referendum petition.

14 (b) To register as a canvasser, a person shall submit to the Secretary  
15 of State a completed application, which shall include the following:

16 (1) The full name and any assumed name of the applicant;

17 (2) The current residence address of the applicant and the  
18 applicant's permanent domicile address if the applicant's permanent domicile  
19 address is different from the applicant's current residence address;

20 (3) A list of the petition or petitions on which the applicant  
21 intends to gather signatures, including the name and address of the sponsor  
22 or sponsors of each petition;

23 (4) A signed statement taken under oath or solemn affirmation  
24 that states that the applicant has not pleaded guilty or nolo contendere to  
25 or been found guilty of a criminal offense involving a violation of the  
26 election laws, fraud, forgery, or identification theft in any state;

27 (5) A signed statement that the applicant has read and  
28 understands the Arkansas law applicable to obtaining signatures on an  
29 initiative or referendum petition;

30 (6) Evidence indicating that the applicant has completed the  
31 training program required by the Secretary of State; and

32 (7) A photograph of the applicant taken within ninety (90) days  
33 of the submission of the application.

34 (c)(1) If a qualified applicant satisfactorily completes a  
35 registration application under this section, the Secretary of State shall  
36 register the applicant and assign the applicant a registration number within

1 five (5) days of receiving the completed application.

2 (2)(A) A person who is currently registered as a canvasser  
3 under this section is not required to reapply for registration in order to  
4 obtain signatures on an additional initiative or referendum petition.

5 (B) However, a person who is currently registered as a  
6 canvasser under this section shall submit to the Secretary of State a list of  
7 the petitions on which the person intends to gather signatures before  
8 soliciting signatures on any petition.

9  
10 7-9-602. Proof of registration – Canvassing more than one petition.

11 (a)(1) A canvasser registered under this subchapter shall carry  
12 evidence of registration while acting as a canvasser.

13 (2) The evidence of registration required under subdivision  
14 (a)(1) of this section shall include the registration number of the canvasser  
15 and the photograph submitted to the Secretary of State under § 7-9-601.

16 (b)(1) A person may obtain signatures on more than one (1) petition at  
17 the same time if the person is registered as a canvasser for each petition.

18 (2) A canvasser shall not obtain signatures on a petition for  
19 which the canvasser is being paid at the same time that the canvasser is  
20 obtaining signatures on a petition for which the canvasser is not being paid.

21  
22 7-9-603. Signatures not counted.

23 If a person receives money or anything of value for obtaining  
24 signatures on an initiative or referendum petition and the person either was  
25 not registered as a canvasser when the signatures were obtained or the  
26 person's registration as a canvasser was terminated or revoked with respect  
27 to the petition, the official charged with verifying the signatures shall not  
28 count any signatures obtained by the person for any purpose.

29  
30 7-9-604. Termination or revocation of registration.

31 (a) Registration as a canvasser to obtain signatures on a petition  
32 terminates with respect to the petition when one (1) of the following occurs:

33 (1) The deadline for filing signatures expires without any  
34 signatures having been filed by the sponsors;

35 (2) The official charged with verifying the signatures makes a  
36 final administrative determination of the sufficiency or insufficiency of the

1 petition; or

2 (3) The canvasser submits a written statement of voluntary  
3 termination to the Secretary of State.

4 (b) The Secretary of State shall revoke the registration of a  
5 canvasser and shall notify the person of the revocation in writing and by  
6 electronic means if:

7 (1) The Secretary of State determines that information that the  
8 person submitted with the application for registration is materially false or  
9 misleading;

10 (2) The person is convicted of or has pled guilty or nolo  
11 contendere to a violation of the election laws, fraud, forgery, or  
12 identification theft in any state; or

13 (3)(A) The sponsors notify the Secretary of State in writing  
14 that the person is no longer authorized to act as a canvasser with respect to  
15 the petition.

16 (B) However, a revocation under subdivision (b)(3)(A) of  
17 this section is effective with respect to only that petition.

18  
19 SECTION 19. EMERGENCY CLAUSE. It is found and determined by the  
20 General Assembly of the State of Arkansas that existing procedures for  
21 initiating and referring state laws and ordinances pursuant to Amendment 7 to  
22 the Arkansas Constitution and state statutes are inadequate to prevent  
23 fraudulent practices by sponsors and canvassers in obtaining ballot access;  
24 that this act addresses these inadequacies; and that this act is immediately  
25 necessary to prevent fraudulent practices because petition campaigns are  
26 either being conducted at the present time or may be conducted immediately  
27 upon the adjournment of the General Assembly with respect to either initiated  
28 or referred measures. Therefore, an emergency is declared to exist, and this  
29 act being immediately necessary for the preservation of the public peace,  
30 health, and safety shall become effective on:

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

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

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