

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

*As Engrossed: H3/20/17*

# A Bill

HOUSE BILL 2074

5 By: Representative Leding  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND PROVISIONS CONCERNING INITIATIVES AND  
9 REFERENDA; AND FOR OTHER PURPOSES.  
10

### Subtitle

11 TO AMEND PROVISIONS CONCERNING  
12 INITIATIVES AND REFERENDA.  
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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19 SECTION 1. Arkansas Code § 7-9-101, concerning definitions, is amended  
20 to add an additional subdivision to read as follows:

21 (11) "Canvassing company" means a company hired to provide paid  
22 canvassers for the purpose of gathering signatures for a petition.  
23

24 *SECTION 2. Arkansas Code § 7-9-103(a), concerning signing of the*  
25 *petition, is amended to add an additional subdivision to read as follows:*

26 (5) A signature under subdivision (a)(1) of this section or  
27 subdivision (a)(2) of this section shall not be struck if it is incomplete.  
28

29 SECTION 3. Arkansas Code § 7-9-107, concerning approval of ballot  
30 titles and popular names of petitions prior to circulation, is amended to add  
31 an additional subsection to read as follows:

32 (e) A challenge to the ballot title shall be made no later than thirty  
33 (30) days after approval of the ballot title by the Attorney General.  
34

35 SECTION 4. Arkansas Code § 7-9-109(c)(1), concerning form of  
36 verification, is amended to read as follows:



1 (c)(1) Petitions shall not be disqualified due to clerical or  
2 technical errors made by a petitioner, canvasser, clerk, notary, judge, or  
3 justice of the peace when verifying the canvasser's signature.  
4

5 SECTION 5. Arkansas Code § 7-9-113(c), concerning publication of  
6 notice, is amended to read as follows:

7 (c) ~~At least one (1) notice~~ Notice shall contain the number, the  
8 popular name, the ballot title, and a ~~complete text of the measure~~ link to  
9 the Secretary of State's website providing a complete copy of the measure to  
10 be submitted and shall be published in a camera-ready format in a type no  
11 smaller than ten-point type.  
12

13 SECTION 6. Arkansas Code § 7-9-117(c)(2)(B), concerning ballot form,  
14 is amended to read as follows:

15 (B) ~~Initiated constitutional amendments, if any~~ Amendments  
16 of initiated acts in order of certification date;  
17

18 SECTION 7. Arkansas Code § 7-9-121(b), concerning contest of returns  
19 and certification, is amended to read as follows:

20 (b)(1) Any contest may be brought in the Pulaski County Circuit Court  
21 and shall be conducted under any ~~rules and regulations~~ rule as may be made  
22 and promulgated by the Supreme Court.

23 (2) However, the complaint shall be filed within ~~sixty (60)~~  
24 thirty (30) days after the certification of the vote thereon, and the  
25 contestants shall not be required to make bond for the costs.  
26

27 SECTION 8. Arkansas Code § 7-9-126(b), concerning count of signatures,  
28 is amended to read as follows:

29 (b) A petition part and all signatures appearing on the petition part  
30 shall not be counted for any purpose by the official charged with verifying  
31 the signatures, including the initial count of signatures, if one (1) or more  
32 of the following is true:

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

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

1 canvasser;

2 (3)(A) The canvasser is a paid canvasser whose name and the  
3 information required under § 7-9-601 were not submitted by the sponsor to the  
4 Secretary of State ~~before the petitioner signed the petition~~ when the sponsor  
5 submitted the signatures.

6 (B) A canvasser is a paid canvasser if he or she is paid  
7 money or anything of value for soliciting signatures before or after the  
8 signatures are obtained;

9 (4)(A) The canvasser verification is not notarized, is notarized  
10 by more than one (1) notary, or lacks a notary signature or a notary seal.

11 (B) If the notary in subdivision (b)(4)(A) of this section  
12 is not in good standing or the notarization is illegible, a correction page  
13 shall be attached to the original petition and the canvasser shall have the  
14 signatures notarized by another notary;

15 (5) The canvasser verification is dated earlier than the date on  
16 which a petitioner signed the petition, unless the signature date was clearly  
17 an error made by the petitioner;

18 (6) The petition fails to comply with § 7-9-104 or § 7-9-105,  
19 including the lack of the exact popular name or ballot title approved by the  
20 Attorney General for a statewide initiative, a discrepancy in the text of the  
21 initiated or referred measure, or the lack of an enacting clause in a  
22 statewide petition for an initiated act; or

23 (7) The petition part has a material defect that, on its face,  
24 renders the petition part invalid.

25

26 SECTION 9. Arkansas Code § 7-9-404(a)(1)(A), concerning filing  
27 deadlines, is amended to read as follows:

28 (a)(1)(A) A ballot question committee or a legislative question  
29 committee, including a hired canvassing company, shall file a statement of  
30 organization with the Arkansas Ethics Commission within five (5) days of  
31 receiving contributions or making expenditures in excess of five hundred  
32 dollars (\$500) for the purpose of expressly advocating the qualification,  
33 passage, or defeat of a ballot question or the passage or defeat of a  
34 legislative question.

35

36 SECTION 10. Arkansas Code § 7-9-601(a) and (b), concerning hiring and

1 training of paid canvassers, are amended to read as follows:

2 (a)(1) A person shall not provide money or anything of value to  
3 another person for obtaining signatures on a statewide initiative or  
4 referendum petition unless the person receiving the money or item of value  
5 meets the requirements of this section.

6 (2) Before a signature is solicited by a paid canvasser, the  
7 sponsor shall:

8 (A) Provide the paid canvasser with a copy of the most  
9 recent edition of the Secretary of State's initiatives and referenda  
10 handbook; and

11 (B) Explain the Arkansas law applicable to obtaining  
12 signatures on an initiative or referendum petition to the canvasser; ~~and.~~

13 ~~(C)(i) Provide a complete list of all paid canvassers'~~  
14 ~~names and current residential addresses to the Secretary of State.~~

15 ~~(ii) If additional paid canvassers agree to solicit~~  
16 ~~signatures on behalf of a sponsor after the complete list is provided, the~~  
17 ~~sponsor shall provide an updated list of all paid canvassers' names and~~  
18 ~~current residential addresses to the Secretary of State.~~

19 (b)(1) To verify that there are no criminal offenses on ~~record~~ the  
20 record of a canvasser, a sponsor shall obtain, at its cost, from ~~the~~  
21 ~~Department of Arkansas State Police~~ an authorized entity, a current state and  
22 federal criminal record search on every paid canvasser to be registered with  
23 the Secretary of State.

24 (2) The criminal record search shall be obtained within thirty  
25 ~~(30) days prior to the registration of the paid canvasser~~ of the date that  
26 the paid canvasser began gathering signatures.

27 (3) Upon submission of its list of paid canvassers to the  
28 Secretary of State, the sponsor shall certify to the Secretary of State that  
29 each paid canvasser in its employ has passed a criminal background search in  
30 accordance with this section.

31 (4) A willful violation of this section by a sponsor or paid  
32 canvasser constitutes a Class A misdemeanor.

33 (5) Signatures incorrectly obtained or submitted under this  
34 section shall not be counted by the Secretary of State.

35  
36 SECTION 11. Arkansas Code § 7-9-601(d), concerning hiring and training

1 of paid canvassers, is amended to add an additional subdivision to read as  
2 follows:

3 (6) A canvassing company hired for the purpose of providing  
4 canvassers shall provide state and federal background checks on any and all  
5 owners and employees providing services and shall provide a bond of one  
6 hundred thousand dollars (\$100,000) to protect against any legal actions  
7 taken against the signatures.

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*/s/Leding*

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