

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4
5 By: Senator M. Johnson
6

A Bill

SENATE BILL 463

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING INITIATIVES AND
9 REFERENDA; TO PROVIDE FOR LICENSING AND REGISTRATION
10 OF CERTAIN PERSONS THAT PARTICIPATE IN THE PAID
11 CANVASSING INDUSTRY; TO STRENGTHEN THE ENFORCEMENT
12 MECHANISMS FOR LAWS CONCERNING INITIATIVES AND
13 REFERENDA; AND FOR OTHER PURPOSES.
14

Subtitle

15
16 TO AMEND THE LAW CONCERNING INITIATIVES
17 AND REFERENDA; AND TO PROVIDE FOR THE
18 LICENSING, REGISTRATION, AND ENFORCEMENT
19 OF LAWS CONCERNING CERTAIN PERSONS AND
20 ENTITIES THAT PARTICIPATE IN THE PAID
21 CANVASSING INDUSTRY.
22
23
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

26
27 SECTION 1. DO NOT CODIFY. Legislative intent and findings.
28 The General Assembly finds that:

29 (1) Arkansas Constitution, Article 5, protects the right of
30 citizens to govern themselves by providing a means for voters to enact laws
31 and constitutional amendments through the initiative process and to repeal
32 laws enacted by the General Assembly through the referendum process;

33 (2) The State of Arkansas has a compelling interest in
34 preserving and protecting the integrity of the initiative process and the
35 referendum process;

36 (3) The State of Arkansas has a compelling interest in



1 protecting voters from initiatives and referenda that are deficient or
 2 misleading or that are placed on the ballot by means of conduct that is
 3 misleading, perjured, fraudulent, felonious, or otherwise unlawful;

4 (4) The General Assembly may further these compelling interests
 5 by enacting laws intended to deter and penalize:

6 (A) Perjury;

7 (B) Forgery;

8 (C) Fraud;

9 (D) Misrepresentation of an issue, measure, or question;

10 (E) Misrepresentation of the effects of an issue, measure,
 11 or question; and

12 (F) Other felonies;

13 (5) The General Assembly may further these compelling interests
 14 by enacting laws of a practical nature to facilitate the initiative and
 15 referendum process; and

16 (6) Without reasonable and responsible laws and oversight, it
 17 may be possible for canvassers to benefit from conduct that is misleading,
 18 fraudulent, perjured, felonious, or otherwise unlawful.

19
 20 SECTION 2. Arkansas Code § 7-9-101 is amended to read as follows:

21 7-9-101. Definitions.

22 As used in this subchapter and § 7-9-601 et seq.:

23 (1) "Act" means an act having general application throughout the
 24 state, whether originating in the General Assembly or proposed by the people;

25 (2) "Amendment" means an amendment to the Arkansas Constitution
 26 that is proposed by the people;

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

30 (4) "Canvassing organization" means any person that:

31 (A) Employs one (1) or more persons as a canvasser; and

32 (B) Supplies paid canvasser labor or services to a
 33 sponsor;

34 (5) "Election" means a regular general election at which state
 35 and county officers are elected for regular terms;

36 ~~(5)~~(6) "Measure" means an amendment, an act, or an ordinance;

1 circulation of a petition or solicitation of signatures on the petition, the
2 sponsor shall reimburse the Secretary of State in full for all costs incurred
3 for verification of the petition.

4 (b) The Secretary of State shall promulgate rules and procedures
5 concerning the:

6 (1) Determination of the amount of the costs incurred for
7 verification of the petition; and

8 (2) Process for collecting payment from the sponsor.

9 (c)(1) Upon completion of the verification process, the Secretary of
10 State shall notify the sponsor of his or her determination and the costs
11 incurred in the verification process.

12 (2) If the sponsor fails to remit payment of the costs as
13 required under this section to the Secretary of State within thirty (30) days
14 after notification, the Secretary of State may recover the costs by bringing
15 an action in the Pulaski County Circuit Court or in the circuit court of any
16 county in which the petition was circulated.

17 (3) Upon a finding by the court of a failure to pay the required
18 costs under this section, the court shall order payment of the required
19 costs, attorney's fees, litigation expenses, and all other just and proper
20 relief.

21
22 7-9-128. Certification to ballot by Secretary of State – Additional
23 considerations.

24 (a) The Secretary of State shall not certify a statewide initiated or
25 referred measure to the ballot:

26 (1) That amends the manner for the decennial redistricting of
27 congressional and state legislative districts;

28 (2) That does not have general application throughout the state
29 and is limited in application to one (1) or more named counties or
30 municipalities;

31 (3) That does not have general application throughout the state
32 and grants authority, power, or privilege to:

33 (A) A specific individual identified by name or
34 implication; or

35 (B) A business entity identified by name or implication,
36 including without limitation a private corporation identified by name or

1 implication;

2 (4) That creates a monopoly for any county, municipality, or
3 business entity; or

4 (5) For which a paid canvasser was compensated, and the
5 Secretary of State has not been reimbursed by the sponsor for the costs of
6 verification under § 7-9-127.

7 (b) Subdivision (a)(3) of this section does not apply to lawful local
8 option elections.

9
10 SECTION 4. Arkansas Code § 7-9-601(c)-(e), concerning the hiring and
11 training of paid canvassers, are amended to read as follows:

12 ~~(c) As used in this section, "paid canvasser" means a person who is~~
13 ~~paid or with whom there is an agreement to pay money or anything of value~~
14 ~~before or after a signature on an initiative or referendum petition is~~
15 ~~solicited in exchange for soliciting or obtaining a signature on a petition.~~

16 ~~(d)~~ Before obtaining a signature on an initiative or referendum
17 petition as a paid canvasser, the a person who is a prospective canvasser
18 shall submit in person or by mail to the sponsor:

19 (1) The full name and any assumed name of the person;

20 (2) The current residence address of the person and the person's
21 permanent domicile address if the person's permanent domicile address is
22 different from the person's current residence address;

23 (3) A signed statement taken under oath or solemn affirmation
24 stating that the person has not pleaded guilty or nolo contendere to or been
25 found guilty of a criminal felony offense or a violation of the election
26 laws, fraud, forgery, or identification theft in any state of the United
27 States, the District of Columbia, Puerto Rico, Guam, or any other United
28 States protectorate;

29 (4) A signed statement that the person has read and understands
30 the Arkansas law applicable to obtaining signatures on an initiative or
31 referendum petition; and

32 (5) A signed statement that the person has been provided a copy
33 of the most recent edition of the Secretary of State's initiatives and
34 referenda handbook by the sponsor.

35 ~~(e)~~(d) A sponsor shall maintain the information required under this
36 section for each paid canvasser for three (3) years after the general

1 election.

2
3 SECTION 5. Arkansas Code Title 7, Chapter 9, Subchapter 6, is amended
4 to add additional sections to read as follows:

5 7-9-602. Compensation of paid canvassers.

6 A paid canvasser shall not be compensated:

7 (1) Before the signatures gathered by the paid canvasser have
8 been verified by the Secretary of State, county clerk, or city clerk;

9 (2) Before the paid canvasser is licensed as a paid canvasser;

10 (3) If the paid canvasser has not generated and maintained a
11 signature registry described in § 7-9-605(b)(1) listing the name of every
12 person who signed the petition for which the paid canvasser is licensed; or

13 (4) For signatures obtained by the paid canvasser for a county
14 in which the paid canvasser is not registered.

15
16 7-9-603. Licensing of paid canvassers.

17 (a) A person shall not circulate a petition in exchange for
18 compensation unless he or she has obtained a paid canvasser license under
19 this section.

20 (b)(1) A person who desires employment as a paid canvasser on a
21 particular issue, measure, or question may apply for a paid canvasser license
22 to be issued by the Secretary of State.

23 (2) The application for a paid canvasser license shall be on a
24 form prescribed by the Secretary of State and shall include:

25 (A) The applicant's date of birth;

26 (B) Two (2) forms of proof of residency in Arkansas;

27 (C) Proof that he or she is a qualified elector in
28 Arkansas;

29 (D) A description of the issue, measure, or question for
30 which the applicant wishes to canvass;

31 (E) Either:

32 (i) A copy of the applicant's official criminal
33 background check issued by the Department of Arkansas State Police no earlier
34 than thirty (30) days before the date that the canvasser applies for
35 licensing; or

36 (ii) A signed release allowing the Secretary of

1 State to obtain a criminal background check from the department and payment
2 of any associated department fee;

3 (F) Payment for the cost of part one of the paid canvasser
4 examination payable to the Secretary of State for deposit into a cash fund
5 account established in the State Treasury;

6 (G) Payment for the cost of part two of the paid canvasser
7 examination payable to the Attorney General for deposit into a cash fund
8 account established in the State Treasury; and

9 (H) Any other relevant information or documentation
10 requested by the Secretary of State.

11 (c)(1) The Secretary of State shall not issue a paid canvasser license
12 to a person who has not passed both parts of the paid canvasser examination
13 concerning the issue, measure, or question for which the person wishes to
14 canvass by a score indicating at least seventy-five percent (75%) accuracy on
15 each part of the examination.

16 (2)(A) The paid canvasser examination shall be given in two (2)
17 parts.

18 (B)(i) Part one of the paid canvasser examination shall
19 be:

20 (a) Generated by the Secretary of State; and

21 (b) Designed to demonstrate the applicant's
22 knowledge of the ballot initiative and referendum process in Arkansas.

23 (ii)(a) The fee for part one of the paid canvasser
24 examination shall be paid for each examination taken by the applicant, and
25 shall be payable to the Secretary of State for deposit into a cash fund
26 account established in the State Treasury.

27 (b) The fee under subdivision (c)(2)(B)(ii) of
28 this section shall be the greater of:

29 (1) One hundred fifty dollars (\$150); or

30 (2) An amount equal to the costs
31 incurred by the Secretary of State in issuing the paid canvasser license.

32 (iii) If a paid canvasser passes part one of the
33 paid canvasser examination and wishes to be licensed for more than one (1)
34 issue, measure, or question, the paid canvasser's passing score on part one
35 is valid for one (1) year without additional testing.

36 (C)(i) Part two of the paid canvasser examination shall

1 be:

2 (a) Generated by the:

3 (1) Attorney General if the issue,
 4 measure, or question is a statewide issue, measure, or question;

5 (2) County attorney if the issue,
 6 measure, or question is a countywide issue, measure, or question; or

7 (3) City attorney if the issue, measure,
 8 or question is a citywide issue, measure, or question; and

9 (b) Designed to demonstrate the applicant's
 10 knowledge of the ballot issue, measure, or question for which the person
 11 wishes to canvass.

12 (ii) The fee for part two (2) of the paid canvasser
 13 examination shall be payable to:

14 (a) The Attorney General for deposit into a
 15 cash fund account established in the State Treasury if the issue, measure, or
 16 question is a statewide issue, measure, or question;

17 (b) The county general fund if the issue,
 18 measure, or question is a countywide issue, measure, or question; or

19 (c) The city general fund if the issue,
 20 measure, or question is a citywide issue, measure, or question.

21 (iii) The fee for part two of the paid canvasser
 22 examination shall be the greater of:

23 (a) One hundred fifty dollars (\$150); or

24 (b) An amount equal to the costs incurred by
 25 the Attorney General, county attorney, or city attorney for administering and
 26 creating the exam.

27 (3) A paid canvasser license under this section shall be
 28 specific to the ballot issue, measure, or question for which it is requested
 29 and for which the paid canvasser examination is given. The paid canvasser
 30 license shall expire when the ballot issue, measure, or question for which
 31 the paid canvasser license is granted no longer requires the circulation of
 32 the petition.

33 (d)(1)(A) The Secretary of State shall issue a paid canvasser license
 34 to an applicant who:

35 (i) Meets the requirements of this section; and

36 (ii) Pays a license fee in an amount adopted by rule

1 of the Secretary of State, but not less than two hundred dollars (\$200).

2 (B) The fee under subdivision (d)(1)(A)(ii) of this
3 section shall be payable to the Secretary of State who shall:

4 (i) Deposit one-half (1/2) of the fee into a cash
5 fund account established in the State Treasury; and

6 (ii) Remit one-half (1/2) of the fee to the Arkansas
7 Ethics Commission to be deposited into a cash fund account established in the
8 State Treasury.

9 (2) The paid canvasser license shall be on a form prescribed by
10 the Secretary of State and shall contain the following:

11 (A) The licensee's name;

12 (B) A photo of the licensee;

13 (C) The licensee's address;

14 (D) A paid canvasser license number to be assigned by the
15 Secretary of State;

16 (E) The licensee's date of birth; and

17 (F) The expiration date of the paid canvasser license.

18 (e) The Secretary of State shall not issue a paid canvasser license
19 under this section to any person who has pleaded guilty or nolo contendere
20 to, or been found guilty of, a criminal offense.

21 (f)(1) The Secretary of State shall:

22 (A) Publish a list of licensed paid canvassers for each
23 ballot issue, measure, or question online;

24 (B) Create and maintain a hotline for citizens to report
25 potential violations concerning the circulation of petitions and solicitation
26 of signatures; and

27 (C) Accept citizen complaints in person or by:

28 (i) Email;

29 (ii) Text message;

30 (iii) Letter;

31 (iv) Online complaint form; and

32 (v) Any other medium the Secretary of State deems
33 appropriate.

34 (2) The hotline required under subdivision (f)(1)(B) of this
35 section shall be available for citizen complaints seven (7) days a week and
36 twenty-four (24) hours a day.

1 (g) If the Secretary of State, county clerk, or city clerk determines
2 that more than twenty-five percent (25%) of the signatures on the parts of a
3 petition that were circulated by a single paid canvasser could not be
4 verified, the Secretary of State, county clerk, or city clerk shall:

5 (1) Immediately revoke the paid canvasser's paid canvasser
6 license;

7 (2) Not issue another paid canvasser license to the paid
8 canvasser for a period of three (3) years;

9 (3) Not certify the issue, measure, or question to the ballot;
10 and

11 (4)(A) Report any potential violation to the proper law
12 enforcement authorities for investigation.

13 (B) If reporting under subdivision (g)(4)(A) of this
14 section, the Secretary of State, county clerk, or city clerk shall notify the
15 law enforcement authority that any or all of the following parties may have
16 violated Arkansas law:

17 (i) The sponsor of the issue, measure, or question;

18 (ii) A canvassing organization; or

19 (iii) A paid canvasser.

20
21 7-9-604. Paid canvassers – Registration and reporting.

22 (a)(1) Before a paid canvasser circulates a petition or solicits
23 signatures on the petition, he or she shall register:

24 (A) For a statewide issue, measure, or question or a
25 countywide issue, measure, or question, with the county clerk of any county
26 in which he or she will be circulating the petition or soliciting signatures;
27 or

28 (B) For a citywide issue, measure, or question, with the
29 city clerk of the city in which he or she will be circulating the petition or
30 soliciting signatures.

31 (2) Registration under subdivision (a)(1) of this section shall
32 include:

33 (A) A registration fee of twenty-five dollars (\$25.00)
34 payable to the county clerk or city clerk, as appropriate, with whom the paid
35 canvasser is registering; and

36 (B) A copy of the paid canvasser's license.

1 (b)(1) No later than five (5) days after issuance of a paid canvasser
2 license under § 7-9-603, a paid canvasser shall register with the Arkansas
3 Ethics Commission.

4 (2) Registration under subdivision (b)(1) of this section shall
5 include:

6 (A) The information required under § 7-9-603(d)(2);

7 (B) A list of the issues, measures, or questions for which
8 the paid canvasser is licensed; and

9 (C) The name, address, phone number, and email address for
10 the person employing the paid canvasser as a paid canvasser.

11 (3)(A) The paid canvasser shall file a report no later than the
12 fifteenth day of the month following any month in which he or she obtained a
13 signature or received compensation for obtaining signatures.

14 (B) The report shall be filed with the commission on a
15 form prescribed by the commission and shall list:

16 (i) The identity of any person who compensated the
17 paid canvasser during the month reported;

18 (ii) If the paid canvasser was compensated with
19 money, the amount of compensation for circulation of petitions;

20 (iii) If the paid canvasser was compensated with an
21 item that is not money, a description of the item and an estimate of its
22 value;

23 (iv) The number of signatures gathered in the month;

24 (v) The counties and cities within which the
25 signatures were gathered; and

26 (vi) The amount of money the paid canvasser spent in
27 the process of gathering signatures.

28 (c)(1) Any signature obtained before lawful registration under this
29 section shall:

30 (A) Be invalid; and

31 (B) Not be counted or verified by the Secretary of State,
32 county clerk, or city clerk.

33 (2) The Secretary of State shall revoke the paid canvasser
34 license of a paid canvasser who fails to comply with the provisions of this
35 section.

36

1 7-9-605. Paid canvasser registry.

2 (a) While circulating a petition or soliciting a signature, a paid
3 canvasser shall:

4 (1) Wear his or her paid canvasser license on his or her person
5 in a visible manner; and

6 (2) Make his or her paid canvasser license immediately available
7 for inspection upon request by any person.

8 (b)(1) A paid canvasser shall maintain a legible registry of persons
9 whose signatures he or she has collected on a petition which he or she is
10 licensed to circulate that shall include:

11 (A) The paid canvasser's name;

12 (B) The paid canvasser's paid canvasser license number;

13 (C) Each petitioner's printed name; and

14 (D) An acknowledgement signed by each petitioner that
15 indicates that:

16 (i) The paid canvasser accurately explained the
17 issue, measure, or question to the petitioner and answered any of his or her
18 questions; and

19 (ii) The petitioner understood the issue, measure,
20 or question as explained.

21 (2) A paid canvasser shall:

22 (A) Organize the registry under this section by county of
23 residence of the petitioner; and

24 (B) Submit the registry under this section to the
25 Secretary of State, county clerk, or city clerk at the time of submittal of
26 the petition.

27 (c) A paid canvasser shall:

28 (1) Request to see a petitioner's proof of identification;

29 (2) If the identification appears to be that of the petitioner,
30 verify that the petitioner signed his or her own name to the petition by
31 placing a mark designated by the Secretary of State next to the signature;

32 (3) If the petitioner refuses to provide identification,
33 indicate that the petitioner did not present identification by placing a mark
34 designated by the Secretary of State next to the signature; and

35 (4) If the petitioner appears to have signed the name of another
36 person on the petition, indicate that the name on the petition does not

1 appear to be that of the petitioner by placing a mark designated by the
2 Secretary of State next to the signature.

3
4 7-9-606. Licensing of a canvassing organization.

5 (a) A canvassing organization shall not use any paid canvasser in
6 furtherance of an issue, measure, or question without a canvassing
7 organization license issued by the Secretary of State under this section.

8 (b)(1) A canvassing organization that wishes to do business in
9 Arkansas may request a canvassing organization license under this section by
10 filing an application with the Secretary of State.

11 (2) The application under this section shall:

12 (A) Be on a form prescribed by the Secretary of State;

13 (B) Be filed for each issue, measure, or referendum the
14 canvassing organization will circulate petitions concerning; and

15 (C) Include:

16 (i) An application fee of one thousand dollars
17 (\$1,000) payable to the Secretary of State for deposit into a cash fund
18 account established in the State Treasury;

19 (ii) The name, address, and phone number of the
20 canvassing organization;

21 (iii) If the canvassing organization is not an
22 individual, the:

23 (a) Identity of the owners, board of
24 directors, officers, and other individuals with control of the canvassing
25 organization;

26 (b) Articles of incorporation, bylaws, and any
27 other organizational or control documents creating and governing the
28 canvassing organization; and

29 (c) Location of the corporate office, national
30 office, or other primary place of business for the canvassing organization;

31 (iv) A list of the names of all paid canvassers
32 employed in Arkansas by the canvassing organization;

33 (v) The identity of any sponsors the canvassing
34 organization is under contract with;

35 (vi) If the canvassing organization is bonded,
36 information concerning the bond; and

1 (vii) Any other relevant information or
2 documentation requested by the Secretary of State.

3 (c) The Secretary of State shall not issue a canvassing organization
4 license under this section to a canvassing organization that:

5 (1) Does not have a physical address in Arkansas; or

6 (2) Files an incomplete or fraudulent application under this
7 section.

8
9 7-9-607. Reporting.

10 (a) A canvassing organization that is licensed under § 7-9-606, pays
11 more than five hundred dollars (\$500) to one (1) or more paid canvassers, or
12 otherwise engages in activities in support of or opposition to a ballot
13 issue, measure, or question shall:

14 (1) Be deemed a ballot question committee for purposes of
15 reporting under 7-6-201 et seq.; and

16 (2) File quarterly reports with the Arkansas Ethics Commission
17 identifying the nature and amount of expenditures made in support of or
18 opposition to a ballot measure.

19 (b) The commission shall adopt rules concerning the form, content, and
20 process for filing of the reports required under this section.

21
22 7-9-608. Criminal penalties.

23 (a) A person who knowingly acts as a paid canvasser in violation of
24 this subchapter is guilty of a Class A misdemeanor.

25 (b) A sponsor or canvassing organization that knowingly acts in
26 violation of this subchapter is guilty of a Class D felony.

27 (c) It is a Class A misdemeanor for a sponsor, canvassing
28 organization, or other person to authorize payment to or make payment to a
29 paid canvasser if:

30 (1) The paid canvasser circulated a part of an initiative or
31 referendum petition;

32 (2) The Secretary of State reviewed the entire initiative or
33 referendum petition; and

34 (3) Less than eighty-five percent (85%) of the signatures
35 gathered by that paid canvasser are verified.

36 (d) If less than eighty-five percent (85%) of the signatures on an

1 initiative or referendum petition concerning an issue, measure, or question
2 are verified, a person who authorizes payment to or makes payment to a paid
3 canvasser who circulated the petition is guilty of a Class A misdemeanor.

4 (e)(1) It is a class A misdemeanor for a paid canvasser, without the
5 express written permission of the private property owner, to circulate or
6 solicit signatures on a petition while:

7 (A) On private property; or

8 (B) At a private event whether the event is open or closed
9 to the public.

10 (2) To be sufficient permission under this section, the written
11 permission of the private property owner shall include at a minimum:

12 (A) The times and dates the paid canvasser is authorized
13 to circulate petitions and solicit signatures;

14 (B) The location of and area within which the canvasser is
15 authorized to circulate petitions and solicit signatures; and

16 (C) The name, address, and telephone number for the
17 private property owner or manager of the private property.

18 (3) Upon request by any person, a paid canvasser shall present
19 his or her written permission under subdivision (e)(2) of this section to the
20 person.

21 (f) If a person pleads guilty or nolo contendere to, or is found
22 guilty of, a violation under this section, his or her paid canvasser license
23 under § 7-9-603 shall be revoked, and he or she shall not be issued another
24 paid canvasser license under § 7-9-603.

25
26 7-9-609. Civil penalties.

27 (a)(1) The Secretary of State, the Attorney General, the Arkansas
28 Ethics Commission, or any other person may file an action in circuit court
29 against a canvassing organization, paid canvasser, or sponsor that violates
30 any provision of this subchapter.

31 (2) Each day of a continuing violation is a separate violation.

32 (3) After a finding that the canvassing organization, paid
33 canvasser, or sponsor violated a provision of this subchapter, the circuit
34 court may assess an administrative civil penalty in an amount not to exceed
35 one thousand dollars (\$1,000) per violation.

36 (b) If a sponsor prevails in a breach of contract action against a

1 canvassing organization, the sponsor shall be entitled to attorney's fees,
2 costs, a civil penalty payable to the Secretary of State for deposit into a
3 cash fund account established in the State Treasury in an amount not to
4 exceed ten percent (10%) of the total cost contracted for, and any other just
5 and proper relief.

6 (c)(1) In addition to any common law or contract remedies, a person
7 who employs or contracts with a canvassing organization or a paid canvasser
8 has a private right of action against the canvassing organization or paid
9 canvasser that violates the registration or licensure provisions of this
10 subchapter in a manner that results in the invalidation of signatures
11 gathered.

12 (2) The person who employs or contracts with the canvassing
13 organization or paid canvasser under subdivision (c)(1) of this section, upon
14 a finding of a violation under subdivision (c)(1) of this section, shall be
15 awarded the following recovery:

16 (A) Any sums paid to the canvassing organization or paid
17 canvasser for collecting the invalidated signatures;

18 (B) A civil penalty in an amount not to exceed one
19 thousand dollars (\$1,000) per day of a continuing violation; and

20 (C) Costs of pursuing the action, including without
21 limitation:

22 (i) Reasonable attorney's fees;

23 (ii) Expert witness fees; and

24 (iii) Investigative fees.

25
26 7-9-610. Compensation to a paid canvasser.

27 (a) No person may compensate a canvasser to circulate a petition for
28 an issue, measure, or referenda based on the number of persons who sign the
29 petition.

30 (b) This section does not prohibit compensating a canvasser:

31 (i) By hourly wage;

32 (ii) By salary;

33 (iii) Conditioned on minimum productivity requirements; or

34 (iv) By awarding discretionary bonuses based on
35 reliability, longevity, and productivity.

36

1 SECTION 6. DO NOT CODIFY. Implementation of laws and adoption of
2 rules.

3 (a) It is the intent of the General Assembly that this act, being
4 immediately necessary, be implemented as soon as possible and in a way that
5 does not unnecessarily interfere with ongoing petition processes and
6 canvassing efforts.

7 (b) When adopting the initial rules required under this act, the
8 Secretary of State and Arkansas Ethics Commission shall file the final rules
9 with the Secretary of State for adoption under § 25-15-204(f):

10 (1) On or before August 1, 2019; or

11 (2) If approval under § 10-3-309 has not occurred by August 1,
12 2019, as soon as practicable after approval under § 10-3-309.

13 (c) The Secretary of State and Arkansas Ethics Commission shall file
14 the proposed rules with the Legislative Council under § 10-3-309(c)
15 sufficiently in advance of August 1, 2019, so that the Legislative Council
16 may consider the rules for approval before August 1, 2019.

17 (d) The Secretary of State and Arkansas Ethics Commission shall give
18 the notice required under § 25-15-204(a)(1) for any initial rules required
19 under this act no later than thirty (30) days after the effective date of
20 this act.

21 (e) During the verification process for an initiative or referendum
22 petition, the Secretary of State, county clerk, or city clerk shall consider
23 each signature on a petition part under the laws and rules that were in
24 effect on the date that each signature was gathered.

25
26 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the
27 General Assembly of the State of Arkansas that there are petitions for ballot
28 issues, measures, and questions for which signatures are currently being
29 solicited by paid canvassers; that paid canvassers are often citizens of
30 other states and unfamiliar with Arkansas laws; that the paid canvassing
31 industry is rife with opportunities for fraud; that it is essential to
32 protect the initiative and referendum rights of Arkansas citizens involved in
33 grassroots efforts by limiting fraud and corruption commonly caused by
34 willful manipulation of the initiative process and referendum process; and
35 that this act is immediately necessary because the rights of the people
36 during the initiative process and referendum process are protected by

1 protecting the initiative process and referendum process from fraud and
2 deceit. Therefore, an emergency is declared to exist, and this act being
3 immediately necessary for the preservation of the public peace, health, and
4 safety shall become effective on:

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

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

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

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