

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

SENATE BILL 516

5 By: Senator G. Leding
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For An Act To Be Entitled

8 AN ACT TO AMEND ARKANSAS LAW CONCERNING CRIMINAL
9 BACKGROUND CHECKS FOR PAID CANVASSERS; TO DECLARE AN
10 EMERGENCY; AND FOR OTHER PURPOSES.
11

Subtitle

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13 TO AMEND ARKANSAS LAW CONCERNING CRIMINAL
14 BACKGROUND CHECKS FOR PAID CANVASSERS;
15 AND TO DECLARE AN EMERGENCY.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 7-9-601 is amended to read as follows:

22 7-9-601. Hiring and training of paid canvassers – Definition.

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

27 (2) Before a signature is solicited by a paid canvasser the
28 sponsor shall:

29 (A) Provide the paid canvasser with a copy of the most
30 recent edition of the Secretary of State's initiatives and referenda
31 handbook;

32 (B) Explain the Arkansas law applicable to obtaining
33 signatures on an initiative or referendum petition to the canvasser; and

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

36 (ii) If additional paid canvassers agree to solicit



1 signatures on behalf of a sponsor after the complete list is provided, the
2 sponsor shall provide an updated list of all paid canvassers' names and
3 current residential addresses to the Secretary of State, ~~and~~

4 ~~(D) Submit to the Secretary of State a copy of the signed~~
5 ~~statement provided by the paid canvasser under subdivision (d)(3) of this~~
6 ~~section.~~

7 (3) Upon filing the petition with the Secretary of State, the
8 sponsor shall submit to the Secretary of State a:

9 (A) Final list of the names and current residential
10 addresses of each paid canvasser; and

11 (B) Signature card for each paid canvasser.

12 ~~(b)(1) To verify that there are no criminal offenses on record, a~~
13 ~~sponsor shall obtain, at the sponsor's cost, from the Division of Arkansas~~
14 ~~State Police, a current state and federal criminal record search on every~~
15 ~~paid canvasser to be registered with the Secretary of State.~~

16 ~~(2) The criminal record search shall be obtained within thirty~~
17 ~~(30) days before the date that the paid canvasser begins collecting~~
18 ~~signatures.~~

19 ~~(3) Upon submission of the sponsor's list of paid canvassers to~~
20 ~~the Secretary of State, the sponsor shall certify to the Secretary of State~~
21 ~~that each paid canvasser in the sponsor's employ has passed a criminal~~
22 ~~background check in accordance with this section.~~

23 ~~(4) A willful violation of this section by a sponsor or paid~~
24 ~~canvasser constitutes a Class A misdemeanor.~~

25 (b)(1) At least thirty (30) days before the date that a paid canvasser
26 begins collecting signatures, the paid canvasser shall apply to the Division
27 of Arkansas State Police for a state and national criminal background check
28 to be conducted by the division and the Federal Bureau of Investigation.

29 (2) Criminal history records from the Arkansas Crime Information
30 Center shall be available to the Secretary of State for the review of
31 canvasser qualifications.

32 (3) The state and national criminal background check shall
33 conform to applicable federal standards and shall include the taking of
34 fingerprints.

35 (4) The paid canvasser shall sign a release of information to
36 the Secretary of State and shall be responsible for the payment of any fee

1 associated with the state and national criminal background check.

2 (5) Upon the completion of the state and national criminal
 3 background check, the division shall forward to the Secretary of State all
 4 releasable information obtained concerning the paid canvasser.

5 (6) Upon receipt of all releasable information that has been
 6 forwarded by the division under subdivision (b)(5) of this section, the
 7 Secretary of State shall inform the sponsor whether the paid canvasser has
 8 any disqualifying convictions.

9 (7) If a paid canvasser has one (1) or more disqualifying
 10 convictions, he or she shall not solicit signatures for an initiative or
 11 referendum petition.

12 (c) As used in this section:

13 (1) "Disqualifying conviction" means a plea of guilty or nolo
 14 contendere to or a finding of guilty for a criminal felony offense or a
 15 violation of the election laws, fraud, forgery, or identification theft in
 16 any state of the United States, the District of Columbia, Puerto Rico, Guam,
 17 or any other United States protectorate; and

18 (2) "Paid canvasser" means a person who is paid or with
 19 whom there is an agreement to pay money or anything of value before or after
 20 a signature on an initiative or referendum petition is solicited in exchange
 21 for soliciting or obtaining a signature on a petition.

22 (d) Before obtaining a signature on an initiative or referendum
 23 petition as a paid canvasser, the prospective canvasser shall submit in
 24 person or by mail to the sponsor:

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

26 (2) The current residence address of the person and the person's
 27 permanent domicile address if the person's permanent domicile address is
 28 different from the person's current residence address;

29 ~~(3) A signed statement taken under oath or solemn affirmation~~
 30 ~~stating that the person has not pleaded guilty or nolo contendere to or been~~
 31 ~~found guilty of a criminal felony offense or a violation of the election~~
 32 ~~laws, fraud, forgery, or identification theft in any state of the United~~
 33 ~~States, the District of Columbia, Puerto Rico, Guam, or any other United~~
 34 ~~States protectorate;~~

35 ~~(4)~~(3) A signed statement that the person has read and
 36 understands the Arkansas law applicable to obtaining signatures on an

1 initiative or referendum petition; and

2 ~~(5)~~(4) A signed statement that the person has been provided a
3 copy of the most recent edition of the Secretary of State’s initiatives and
4 referenda handbook by the sponsor.

5 (e) A sponsor shall maintain the information required under this
6 section for each paid canvasser for three (3) years after the general
7 election.

8 (f) Signatures incorrectly obtained or submitted under this section
9 shall not be counted by the Secretary of State for any purpose.

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11 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
12 General Assembly of the State of Arkansas that the power of initiative and
13 referendum is reserved to the people under Arkansas Constitution, Article 5,
14 § 1; that citizens are currently working on initiatives for consideration at
15 the 2022 elections; that the effects of this act on the qualifications of
16 paid canvassers impact the initiative and referendum process as the Division
17 of Arkansas State Police cannot comply with the current requirements of § 7-
18 9-601 regarding federal background checks; and that the provisions of this
19 act should become effective as soon as possible to ensure that the statutory
20 process for background checks of paid canvassers is fully implemented to
21 protect the public peace, health, and safety by ensuring that paid canvassers
22 are in compliance with Arkansas law and obtain the statutorily required
23 background checks. Therefore, an emergency is declared to exist, and this
24 act being immediately necessary for the preservation of the public peace,
25 health, and safety shall become effective on:

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

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

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

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