

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
95th General Assembly
Regular Session, 2025

As Engrossed: S2/19/25

A Bill

SENATE BILL 188

By: Senator C. Tucker
By: Representative Ray

For An Act To Be Entitled

AN ACT TO AMEND ARKANSAS LAW CONCERNING INITIATIVE PETITIONS AND REFERENDUM PETITIONS; TO REQUIRE PUBLIC POSTING OF STATEWIDE INITIATIVE PETITIONS AND REFERENDUM PETITIONS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND ARKANSAS LAW CONCERNING INITIATIVE PETITIONS AND REFERENDUM PETITIONS; AND TO REQUIRE PUBLIC POSTING OF STATEWIDE INITIATIVE PETITIONS AND REFERENDUM PETITIONS.

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

SECTION 1. Arkansas Code § 7-9-107 is amended to read as follows:

7-9-107. Filing of original draft before circulation.

(a) Before any initiative petition or referendum petition ordering a vote upon any amendment or act shall be circulated for obtaining signatures of petitioners, the sponsors shall submit the original draft with the Attorney General.

(b) The original draft shall include:

- (1) The full text of the proposed measure;
- (2) A ballot title for the proposed measure; and
- (3) A popular name for the proposed measure.

(c) The Attorney General shall return to the sponsor a file-marked copy of the original draft that shall serve as evidence that the original draft was filed in compliance with this section.



(d)(1) Within ten (10) business days, the Attorney General shall approve and certify or shall substitute and certify a more suitable and correct ballot title and popular name for each amendment or act.

(2) The ballot title so submitted or supplied by the Attorney General shall briefly and concisely state the purpose of the proposed measure.

(e)(1) After a proposed measure has been certified by the Attorney General, within five (5) business days of soliciting or otherwise gathering signatures for a proposed measure, the sponsor shall provide the following information to the Secretary of State:

(A) The full text of the proposed measure;

(B) The certified ballot title for the proposed measure;

(C) The certified popular name for the proposed measure;

and

(D) The letter from the Attorney General certifying the proposed measure.

(2)(A) The Secretary of State shall post the information provided under subdivision (e)(1)(A)-(C) of this section on the Secretary of State's website within five (5) days of receiving the information from the Attorney General.

(B) Except as provided in subdivision (e)(2)(C) of this section, the information provided under subdivision (e)(1)(A)-(C) of this section shall remain on the Secretary of State's website until the day following the next general election.

(C) The Secretary of State may remove the information provided under subdivision (e)(1)(A)-(C) of this section from the Secretary of State's website if:

(i) The proposed measure fails to qualify for the ballot for lack of signatures;

(ii) The sponsor of the proposed measure is not actively obtaining signatures for the proposed measure and requests that the Secretary of State remove the information from the Secretary of State's website;

(iii) The proposed measure has been removed from the ballot by:

(a) The Arkansas Supreme Court; or

(b) An Arkansas circuit court and the time for filing the notice of appeal has expired; or

(iv) The Secretary of State independently determines that the language submitted by the sponsor does not accurately reflect a proposed measure certified by the Attorney General or that is actively being circulated for signatures to the people of Arkansas.

~~(e)~~(f) If, as a result of his or her review of the ballot title and popular name of a proposed initiated act or a proposed amendment to the Arkansas Constitution, the Attorney General determines that the ballot title or the nature of the issue, is presented in such manner that the ballot title would be misleading or designed in such manner that a vote "FOR" the issue would be a vote against the matter or viewpoint that the voter believes himself or herself casting a vote for, or, conversely, that a vote "AGAINST" the issue would be a vote for a viewpoint that the voter is against, the Attorney General may reject the entire ballot title, popular name, and petition and state his or her reasons therefor and instruct the petitioners to redesign the proposed measure and the ballot title and popular name in a manner that would not be misleading.

(g) If the Secretary of State independently determines that a proposed measure is actively being circulated for signatures to the people of Arkansas and the sponsor has not submitted the information required under subdivision (e)(1) of this section to the Secretary of State, the Secretary of State may obtain the information from the Attorney General and post the information required under subdivision (e)(1)(A)-(C) of this section on the Secretary of State's website.

(h) If the sponsor of a proposed measure fails to comply with this section, that failure shall not contribute in any way to a determination by the Secretary of State that the proposed measure, or any individual signature submitted to the Secretary of State in connection with the proposed measure, is insufficient for any reason.

~~(f)~~(i) If the Attorney General refuses to act or if the sponsors feel aggrieved at the Attorney General's acts in such premises, the sponsors may, by petition, apply to the Supreme Court for proper relief.

/s/C. Tucker