

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

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

SENATE BILL 398

By: Senator C. Tucker
By: Representative Wooldridge

For An Act To Be Entitled

AN ACT TO AMEND ARKANSAS LAW CONCERNING INITIATIVE PETITIONS AND REFERENDUM PETITIONS; TO ALLOW A CURE PERIOD FOR INSUFFICIENT SUBMISSIONS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND ARKANSAS LAW CONCERNING INITIATIVE PETITIONS AND REFERENDUM PETITIONS; AND TO ALLOW A CURE PERIOD FOR INSUFFICIENT SUBMISSIONS.

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

SECTION 1. DO NOT CODIFY. Legislative findings.

The General Assembly finds that:

(1) When establishing the legislative branch of government in the Arkansas Constitution, Article 5, the people of Arkansas reserved in the first section of Arkansas Constitution, Article 5 the legislative powers of initiative and referendum for themselves;

(2) Article 5, § 1 of the Arkansas Constitution specifically states, in part, that the “first power reserved by the people is the initiative” and the “second power reserved by the people is the referendum”;

(3) Article 5, § 1 of the Arkansas Constitution also specifically states, in part, that “If the Secretary of State ... shall decide any petition to be insufficient, he or she shall without delay notify the sponsors of such petition, and permit at least thirty (30) days from the date of such notification ... for correction or amendment”; and



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(4) The General Assembly enacts this legislation to clarify the intent and support the spirit of Arkansas Constitution, Article 5, § 1.

SECTION 2. Arkansas Code § 7-9-111, concerning the determination of the sufficiency of a petition, is amended to add an additional subsection to read as follows:

(j)(1) If, while ascertaining and declaring the sufficiency or insufficiency of a statewide initiative petition or statewide referendum petition, or the signatures in support of such a petition, the Secretary of State determines that the petition, or signatures in support of the petition, are insufficient for any reason, the Secretary of State shall immediately notify the sponsor in writing through his or her designated agent and shall identify the insufficiency.

(2) The sponsor shall have thirty (30) days from the date of the delivery of the notice from the Secretary of State to cure the insufficiency identified under subdivision (j)(1) of this section to the Secretary of State.

(3) The Secretary of State shall ascertain and declare the sufficiency or insufficiency of each petition or signature resubmitted under subdivision (j)(2) of this section within ten (10) days of the resubmission of the petition or signature and notify the sponsor whether the resubmitted petition or signature is sufficient or insufficient.

(4) If the Secretary of State determines that the petition or any number of signatures resubmitted under subdivision (j)(2) of this section are sufficient, he or she shall proceed with the processing of the petition or with the counting of signatures that were not counted due to the determination of insufficiency by the Secretary of State.

(5) For all signatures determined to be insufficient under subdivision (j)(1) of this section, if feasible, the Secretary of State shall also immediately notify an individual who signed the petition that his or her signature was found to be insufficient.

SECTION 3. Arkansas Code § 7-9-126(b), concerning verification of signatures, is amended to read as follows:

(b) A Except as provided in § 7-9-111(j), a petition part and all signatures appearing on the petition part shall not be counted for any

purpose by the official charged with verifying the signatures, including the initial count of signatures, if one (1) or more of the following is true:

SECTION 4. Arkansas Code § 7-9-126(d), concerning the initial count of signatures, is amended to read as follows:

(d) ~~If~~ Except as provided in § 7-9-111(j), if the initial count of signatures under this section is less than the designated number of signatures required by the Arkansas Constitution and statutory law in order to certify the measure for the ballot and the deadline for filing petitions has passed, the official charged with verifying the signatures shall declare the petition insufficient and shall not accept and file any additional signatures to cure the insufficiency of the petition on its face.