

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 584

By: Senator K. Hammer
By: Representative Hawk

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING LOCAL INITIATIVE
AND REFERENDUM PETITIONS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING LOCAL
INITIATIVE AND REFERENDUM PETITIONS.

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

SECTION 1. Arkansas Code § 7-9-101 is amended to read as follows:
7-9-101. Definitions.

As used in this subchapter:

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

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

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

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

(5) "Local" means a county or municipality;

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

~~(6)~~(7) "Ordinance" means an ordinance of a municipality or county, whether originating in the legislative body of the municipality or county or proposed by the people;

~~(7)~~(8) "Petition part" means a petition signature sheet



containing the information required under § 7-9-104 or § 7-9-105;

~~(8)~~(9) “Petitioner” means a person who signs an initiative or referendum petition ordering a vote on a measure;

~~(9)~~(10) “Registered voter” means a person who is registered at the time of signing the petition pursuant to Arkansas Constitution, Amendment 51; and

~~(10)~~(11) “Sponsor” means a person who arranges for the circulation of an initiative or referendum petition or who files an initiative or referendum petition with the official charged with verifying the signatures.

SECTION 2. Arkansas Code § 7-9-103(a)(4), concerning the signing of a petition, penalty for falsification, and notice of suspected forgery for initiative petitions and referendum petitions, is amended to read as follows:

(4) A person shall not act as a paid canvasser on a statewide initiative petition, or statewide referendum petition, local initiative petition, or local referendum petition if the sponsor has not provided the information required under § 7-9-601 ~~to the Secretary of State~~ before the person solicits signatures on a petition to the:

(A) Secretary of State for a statewide initiative petition or statewide referendum petition; and

(B) County clerk for a local initiative petition or local referendum petition.

SECTION 3. Arkansas Code § 7-9-103(c), concerning the signing of a petition, penalty for falsification, and notice of suspected forgery for initiative petitions and referendum petitions, is amended to read as follows:

(c) A person commits a Class A misdemeanor if the person, acting as a canvasser, notary, sponsor, or agent of a sponsor:

(1) Signs a name other than his or her own to a petition;

(2) Prints a name, address, or birth date other than his or her own on a petition unless the signer requires assistance due to disability and the person complies with this section;

(3) Solicits or obtains a signature to a petition knowing that the person signing is not qualified to sign the petition;

(4) Knowingly pays a person any form of compensation in exchange

for signing a petition as a petitioner;

(5) Accepts or pays money or anything of value for obtaining signatures on a petition when the person acting as a canvasser, sponsor, or agent of a sponsor knows that the person acting as canvasser's name or address is not included on the sponsor's list filed with the Secretary of State or the county clerk under § 7-9-601;

(6) Knowingly misrepresents the purpose and effect of the petition or the measure affected for the purpose of causing a person to sign a petition;

(7) As a canvasser, knowingly makes a false statement on a petition verification form;

(8) As a notary, fails to witness a canvasser's affidavit by witnessing the signing of the instrument in person and either personally knowing the signer or being presented with proof of identity of the signer; or

(9) As a sponsor, files a petition part with the official charged with verifying the signatures knowing that the petition part contains one (1) or more false or fraudulent signatures unless each false or fraudulent signature is clearly stricken by the sponsor before filing.

SECTION 4. Arkansas Code § 7-9-103(e), concerning the signing of a petition, penalty for falsification, and notice of suspected forgery for initiative petitions and referendum petitions and as amended by Acts 2025, No. 273, is amended to read as follows:

(e)(1) The Secretary of State shall not count signatures collected and witnessed by a canvasser for a statewide initiative petition or statewide referendum petition and the county clerk shall not count signatures collected and witnessed by a canvasser for a local initiative petition or local referendum petition if the Secretary of State or the county clerk finds by a preponderance of the evidence that the canvasser has violated Arkansas laws regarding canvassing, perjury, forgery, or fraudulent practices in the procurement of petition signatures or any provision of the Arkansas Constitution applicable to the collection of signatures on an initiative petition or referendum petition during the current election cycle.

(2) This subsection shall not constrain the duties and authority of the Secretary of State or the county clerk as set forth in Arkansas law.

SECTION 5. Arkansas Code § 7-9-107 as amended by Acts 2025, No. 154, is amended to read as follows:

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

(a) Before any statewide initiative petition, ~~or statewide~~ referendum petition, local initiative petition, or local 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:

(1) Attorney General for statewide initiative petitions and referendum petitions; and

(2) The county clerk where the petition is being circulated for local initiative petitions and referendum petitions in accordance with § 14-14-917.

(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 or the county clerk 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 or the county clerk with the assistance of the county civil attorney 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 or the county clerk shall briefly and concisely state the purpose of the proposed measure.

(e) 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, or a local ordinance or resolution, the Attorney General or the county clerk 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, or that the text

of the proposal conflicts with the United States Constitution or a federal statute, the Attorney General or the county clerk with the assistance of the civil attorney 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 or in conflict with the United States Constitution or a federal statute.

(f) 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.

(g)(1) A sponsor shall not submit multiple initiative petitions or referendum petitions that are conflicting measures ~~to the Attorney General~~ under this section for review, except as follows:

(A) If an initiative petition or referendum petition is certified under this section, a sponsor may submit an initiative petition or referendum petition that is a conflicting measure with the certified initiative petition or certified referendum petition after the date of the next general election following the certification; or

(B) If an initiative petition or referendum petition is rejected under this section, a sponsor may submit an initiative petition or referendum petition that is a conflicting measure with the rejected initiative petition or referendum petition.

(2)(A) The Attorney General shall reject all statewide initiative petitions and statewide referendum petitions that are submitted by a sponsor in violation of this subsection.

(B) The county clerk shall reject all local initiative petitions and local referendum petitions that are submitted by a sponsor in violation of this subsection in accordance with § 14-14-917.

(3) As used in this subsection, "conflicting measures" means two (2) or more initiative petitions or referendum petitions that:

- (A) Cover the same subject matter;
- (B) Are for the same general purpose; and
- (C) Contain different language in any part of their full texts, ballot titles, or popular names.

SECTION 6. Arkansas Code § 7-9-111(j) and (k), concerning a

determination on the sufficiency of petitions and as amended by Acts 2025, No. 241, is amended to read as follows:

(j)(1) Except as provided under subdivision (j)(4) of this section, a canvasser shall file a true affidavit with the Secretary of State for a statewide initiative petition or statewide referendum petition and the county clerk for a local initiative petition or local referendum petition certifying that the canvasser has complied with the Arkansas Constitution and all Arkansas law regarding canvassing, perjury, forgery, and fraudulent practices in the procurement of petition signatures during the current election cycle.

(2) The Secretary of State or the county clerk shall not count the signatures submitted by the canvasser until a true affidavit is submitted under subdivision (j)(1) of this section.

(3) A true affidavit submitted under subdivision (j)(1) of this section shall have no bearing to establish the genuineness or falsity of the signatures obtained by the canvasser.

(4)(A) The inability of a canvasser to submit an affidavit due to death or medical disability shall not disqualify the signatures gathered by the canvasser.

(B) Subdivision (j)(4)(A) of this section does not excuse a canvasser from filing the affidavit required under § 7-9-109.

(k) A canvasser who has filed a true affidavit under subsection (j) of this section shall not collect additional signatures unless the Secretary of State determines that the sponsor of the statewide initiative petition or statewide referendum petition or the county clerk determines that the sponsor of the local initiative petition or local referendum petition is eligible for an amendment to the statewide initiative petition, ~~or statewide~~ referendum petition, local initiative petition, or local referendum petition under Arkansas Constitution, Art. 5, § 1.

SECTION 7. Arkansas Code § 7-9-601(a)(1), concerning the hiring and training of paid canvassers for initiative petitions and referendum petitions, is amended to read as follows:

(a)(1) A person shall not provide money or anything of value to another person for obtaining signatures on a statewide initiative petition, ~~or statewide~~ referendum petition, local initiative petition, or local referendum petition unless the person receiving the money or item of value

meets the requirements of this section.

SECTION 8. Arkansas Code § 7-9-601(a)(2)(C) and (D), concerning the hiring and training of paid canvassers for initiative petitions and referendum petitions, is amended to read as follows:

(C)(i) Provide a complete list of all paid canvassers' names and current residential addresses to the:

(a) Secretary of State for statewide initiative petitions and referendum petitions; and

(b) The county clerk where the petition will be submitted for local initiative petitions and local referendum petitions.

(ii) If additional paid canvassers agree to solicit signatures on behalf of a sponsor after the complete list is provided, the sponsor shall provide an updated list of all paid canvassers' names and current residential addresses to the:

(a) Secretary of State for statewide initiative petitions and statewide referendum petitions; and

(b) The county clerk where the petition will be submitted for local initiative petitions and local referendum petitions;

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

(i) Secretary of State for statewide initiative petitions and statewide referendum petitions; and

(ii) The county clerk where the petition will be submitted for local initiative petitions and local referendum petitions;

SECTION 9. Arkansas Code § 7-9-601(a)(3), concerning the hiring and training of paid canvassers for initiative petitions and referendum petitions, is amended to read as follows:

(3) Upon filing the petition with the Secretary of State for a statewide initiative petition or statewide referendum petition or with the county clerk for a local initiative petition or local referendum petition, the sponsor shall submit to the Secretary of State or the county clerk a:

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

(B) Signature card for each paid canvasser.

SECTION 10. Arkansas Code § 7-9-601(b)(3), concerning the hiring and training of paid canvassers for initiative petitions and referendum petitions, is amended to read as follows:

(3) Upon submission of the sponsor's list of paid canvassers ~~to the Secretary of State~~ under subdivision (a)(2) of this section, the sponsor shall certify to the Secretary of State or the county clerk that each paid canvasser in the sponsor's employ has no disqualifying offenses in accordance with this section.

SECTION 11. Arkansas Code § 7-9-601(f), concerning the hiring and training of paid canvassers for initiative petitions and referendum petitions, is amended to read as follows:

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

SECTION 12. Arkansas Code § 7-9-601(g)(1), concerning the hiring and training of paid canvassers for initiative petitions and referendum petitions, is amended to read as follows:

(g)(1) It is unlawful for a person to pay or offer to pay a person, or receive payment or agree to receive payment, on a basis related to the number of signatures obtained on a statewide initiative petition, ~~or~~ statewide referendum petition, local initiative petition, or local referendum petition.

SECTION 13. Arkansas Code § 14-14-915(a), concerning county initiative and referendum petition requirements, is amended to read as follows:

(a) Style Requirements of Petitions. A petition for county initiative or referendum filed by the electors shall:

(1) Embrace only a single comprehensive topic and shall be styled and circulated for signatures in the manner prescribed for county ordinances and amendments to ordinances established in this section and § 7-9-101 et seq.;

(2) Set out fully in writing the ordinance sought by petitioners; or in the case of an amendment, set out fully in writing the

ordinance sought to be amended and the proposed amendment; or in the case of referendum, set out the ordinance, or parts thereof, sought to be repealed;
~~and~~

(3)(A)(i) Contain a written certification of legal review by an attorney at law duly registered and licensed to practice in the State of Arkansas.

(ii) This legal review shall be conducted for the purpose of form, proper title, legality, constitutionality, and conflict with existing ordinances.

(iii) Legal review shall be concluded prior to the circulations of the petition for signatures.

(B) No change shall be made in the text of any initiative or referendum petition measure after any or all signatures have been obtained; ~~and~~

(4) Contain the full ballot title of the initiative or referendum at the top of each signature page.

SECTION 14. Arkansas Code § 14-14-915(b)(1), concerning county initiative and referendum petition requirements, is amended to read as follows:

(1) Initiative Petitions.

(A) All petitions for initiated county measures shall be filed with the county clerk not less than ninety (90) calendar days nor more than one hundred twenty (120) calendar days prior to the date established for the next regular election.

(B) A petition sponsor shall comply with §§ 7-9-107 and 7-9-601 before filing an initiative or referendum petition with the county clerk in the county where the petition will be circulated.