2020 Initiatives and Referenda Handbook

Facts and Information for the 2020 General Election

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NOTE: Nothing herein should be considered a legal opinion. This short synopsis is meant to be informational only. If the reader has questions concerning any provision of the Constitution or statutes concerning initiatives and referenda, the reader should contact his or her own attorney for a legal opinion as to specific facts. Court cases can affect the law and how it is applied. Please consult with an attorney to advise you and answer questions. In the event of a conflict with this synopsis, statutory and case law control the outcome.

******Suggestions for corrections, additions, or other changes should be made to the Legal Division, Arkansas Secretary of State, Suite 256 – 500 Woodlane Street, Little Rock, AR 72201.***

******For the most recent version of this handbook, please check online at www.sos.arkansas.gov/elections***

Defendant's Exhibit 16

2019 – 2020 FACT SHEET
STATEWIDE INITIATIVE AND REFERENDUM

DEADLINES

Wednesday, June 3, 2020 – Deadline for publication of any statewide initiative measure in some newspaper of general (statewide) circulation, at the expense of petitioners, in order to place the measure on the November 2020 General Election Ballot. This is a prerequisite for submission to the Secretary of State. Arkansas Constitution, Art. 5, § 1.

Friday, July 3, 2020 – Deadline to file statewide initiative measures with the Secretary of State's office in order to place the measure on the November 2020 General Election Ballot.

Thursday, August 20, 2020 – Deadline for Secretary of State to certify ballot issues to the counties for inclusion on the ballot for the November General Election.

Tuesday, November 3, 2020 – General Election

SIGNATURE REQUIREMENTS

INITIATIVES

Constitutional Amendment – 89,151 - (Included in that number, there must be sufficient signatures from 15 different counties; see attached spreadsheet, pages 60-61.)

Initiated Act – 71,321 - (Included in that number, there must be sufficient signatures from 15 different counties; see attached spreadsheet, pages 60-61.)

REFERENDUM

Statewide Referendum – 53,491 - (Included in that number, there must be sufficient signatures from 15 different counties; see attached spreadsheet, pages 60-61.)

For more information contact:

Arkansas Secretary of State
Elections Division
State Capitol, Room 026
Little Rock, AR 72201
501-682-5070 or 1-800-482-1127
www.sos.arkansas.gov

Arkansas Attorney General
323 Center Street, Suite 200
Little Rock, AR 72201
501-682-2007
www.ag.arkansas.gov

Arkansas Ethics Commission
910 West Second Street, Suite 100
Little Rock, AR 72201
501-324-9600
www.arkansasethics.com

State Board of Election Commissioners
501 Woodlane Dr., Suite 401 N
Little Rock, AR 72201
501-682-1834
www.arkansas.gov/sbec/

INITIATIVE AND REFERENDUM

(SUMMARY)

Article 5, Section 1 of the Arkansas Constitution provides a process by which voters may propose statewide or local legislative measures or acts and statewide amendments to the Constitution. Such petitions are referred to as **initiatives**. The Arkansas Constitution also reserves to the people the right to call for a vote to approve or reject any act and any item of an appropriation bill or measure passed by the state legislature or a local government. These petitions are referred to as **referenda**.

INITIATIVES: To place an initiated **measure** on the ballot, it is necessary for a sponsoring group to follow certain procedures. An initiated measure is an initiative petition that may propose an Act or an Amendment to the Arkansas Constitution. The difference between the two types of measures is an initiated Act approved by a vote of the people creates a statute that may be altered or repealed by the Arkansas Legislature by a two-thirds vote. An initiated Amendment to the Arkansas Constitution may only be changed by another vote of the people unless otherwise specified therein.

For an initiated Act, a petition must contain the signatures of qualified electors in the amount of eight percent (8%) of the total number of votes cast for the office of governor in the last preceding general election. For a Constitutional Amendment, it is necessary for a petition to contain signatures of qualified electors in the amount of ten percent (10%) of the total number of votes cast for the office of governor in the last preceding general election. Initiated measures may only be voted upon in a general election. In order for the measure to be placed on the general election ballot, an initiative petition must be filed with the Secretary of State not less than four (4) months before the election and must be published at least thirty (30) calendar days before filing with Secretary of State.

All proposed Constitutional Amendments and statewide initiated Acts must be filed with the Secretary of State. Local initiatives for municipalities and counties have different requirements; this is addressed in a later section. (See page 49).

REFERENDA: A referendum petition is one that refers an act passed by the state legislature to a vote for approval or rejection. A petition for a statewide referendum requires that the petition contain signatures of qualified electors in the amount of six percent (6%) of the total number of votes cast for the office of governor in the last preceding general election. Referendum petitions regarding state measures are required to be filed with the Secretary of State not later than ninety (90) days after the final adjournment of the session at which the act was passed. An exception occurs when a recess or adjournment is taken temporarily for a longer period than ninety (90) days, in which case such petition shall be filed not later than ninety (90) days after such recess or temporary adjournment. Any measure referred to the people by referendum generally remains in abeyance until such vote is scheduled. However, a referendum does not hold an act in abeyance if there is an emergency clause. Referenda on local measures have different requirements; this is addressed in a later section. (See page 49).

SIGNATURES: At the time of filing a statewide initiative or referendum petition, it is necessary to file, at a minimum, the number of signatures required to place the measure on the ballot. For a Constitutional Amendment, the petition must contain at least 89,151

signatures at the time of filing. For an Initiated Act, the petition must contain at least 71,321 signatures. For a Referendum, the petition must contain at least 53,491 signatures at the time of filing.

In addition to the minimum number of signatures, the petition, at the time of filing, must contain signatures from at least fifteen (15) counties in the state. Each of these fifteen (15) counties' petitions must contain the signatures of not less than one half of the designated percentage of the electors from that county. This requirement has historically been interpreted as requiring qualified signatures of at least half of the designated percentage from fifteen (15) different counties, for each petition. (1/2 of 10% = 5% for an amendment; 1/2 of 8% = 4% for an act; 1/2 of 6% = 3% for a referendum). In other words, if one thousand (1000) people voted for governor in a particular county and it is a petition for an amendment, 5% (half of the designated percentage) would be fifty (50) qualified electors. See the chart attached below on pages 60-61.

PROCEDURES

NOTE 1 – Additional changes were made to the law regarding initiatives and referenda in the 92nd General Assembly of 2019. See Acts 376 and 898 of 2019. The language added by Acts 376 and 898 of 2019 is underlined and the old language is ~~stricken~~ in the statutes set out below.

NOTE 2 – Nothing herein should be considered a legal opinion. This short synopsis is meant to be informational only. If the reader has questions concerning any provision of the Constitution or statues concerning initiatives and referenda, the reader should contact his or her own attorney for a legal opinion as to specific facts. Court cases can affect the law and how it is applied. Please consult with an attorney to advise you and answer questions.

DEFINITIONS

The following terms are used throughout the initiative and referendum process. Knowing their definitions will aid in understanding the process.

Canvasser: The person who circulates the petition and seeks the signatures of Petitioners. The Canvasser must sign the affidavit included on the petition under oath in the presence of the Notary Public. The Canvasser must also provide appropriate identification documents to the Notary Public, unless the Notary Public knows the Canvasser. It is not necessary for the Canvasser to be a registered voter or an Arkansas resident, but a Canvasser must be at least eighteen (18) years of age.

Paid Canvasser: A person who is paid money or anything of value for soliciting or obtaining signatures on a petition. See more information for Paid Canvassers on page 9.

Petition Part: A single petition that includes all of the required elements, including, but not limited to the following: Attorney General Instructions to Canvassers, Popular Name,

Ballot Title, complete text of the Measure, Petitioners' oath, Petitioners' information and signatures, and Canvasser's Oath.

Petitioner: The person who signs an initiative or referendum petition requesting that the measure be placed on the ballot. Petitioner must be a qualified elector (legal voter) at the time he or she signs the petition.

Qualified Elector or Legal Voter: A Qualified Elector is a person who is registered to vote by the County Clerk. Only the County Clerk can register voters. Having a person complete a voter registration application does not register the person to vote. A person who completes an application should not be allowed to sign a petition until after the County Clerk registers the voter (i.e., completes the registration process in the Clerk's Office.) A Legal Voter is a Qualified Elector and vice-versa.

Sponsor: A Sponsor is the person responsible for the petition and either arranges for the circulation of the petition, or files the petition with the elected official responsible for verifying the signatures, or both. The Sponsor is also responsible for publication of the measure thirty (30) days before filing. Additionally, the Sponsor is now responsible for payment of the cost of publication of the measure after approval by the Secretary of State. See more responsibilities of a Sponsor on page 9.

PROCESS FOR STATEWIDE PETITIONS

The following outline provides a general guideline for **statewide** measures:

1. A petition Sponsor or group who receives contributions or makes expenditures in excess of five-hundred dollars ($500) for purposes of expressly advocating the passage or defeat of an initiative must file a statement of organization as a Ballot Question Committee with the Arkansas Ethics Commission. A petition Sponsor or group who receives contributions or makes expenditures in excess of five-hundred dollars ($500) for purposes of expressly advocating the passage or defeat of a referendum must file a statement of organization as a Legislative Question Committee. A Ballot Question Committee and a Legislative Question Committee must also file financial reports directly with the Ethics Commission every month. Financial reports are likewise required to be filed by an individual spending his or her own personal funds. A copy of the Statement of Organization can be found at the end of this booklet beginning on page 56. Please see the Ethics Commission's website for a copy of the current forms required to be filed by a Ballot Question Committee or Legislative Question Committee. Forms are also available by contacting the Arkansas Ethics Commission.

2. Prior to circulating the petition and gathering signatures, a Sponsor of a statewide initiative or referendum petition must file a copy of the petition as it will be circulated to the Secretary of State. This filing must include the full text of the measure, the popular name, and the ballot title. The Secretary of State will return a file-marked copy of this original draft to the sponsor, at which point the sponsor may begin circulating the petition.

3. At least thirty (30) days prior to filing the petition signatures with the Secretary of State, the measure must be published at the Sponsor's expense in a newspaper with statewide

circulation. Proof of Publication must accompany submission to the Secretary of State at the time of submission.

4. Each petition part that is circulated must contain the following information: Canvasser's Instructions provided by the Attorney General; Popular Name, Ballot Title, and full text of the measure; Petitioner's oath requesting that the measure be placed on the ballot; signature page; and Canvasser's affidavit which must be signed in the presence of the Notary Public and properly notarized.

5. The Canvasser Instructions must be in bold type and attached to a statewide petition under the signature of the Attorney General. The type font size for the instructions on penalties shall be larger than the font size for other instructions. See Ark. Code Ann. § 7-9-108(c).

6. The signature portion of an initiative or referendum petition shall be formatted and contain the number of signature lines prescribed by the Secretary of State.

7. The signature page of the petition should be landscape, on legal size paper, and the lines should be wide enough to allow the Petitioner sufficient space to print the required information with a maximum of ten (10) signature lines per page. The signature page should include spaces for the Petitioner's signature, printed name, address, birth date, county of residence, and date of signing in his/her own handwriting. If the Petitioner requires assistance due to disability, another person may print the name, address, birth date and date of signing for the Petitioner; **however, the person assisting must sign and print his/her own name in the margin of the petition.** Although not required by statute, it is virtually essential for the Petitioner to identify the County in which he or she is registered to vote.

An example form for the layout of signatures is provided herein on page 62. Please use legal size paper with a landscape layout. The Canvasser must sign his or her name in the presence of the Notary Public.

8. Each petition must contain an affidavit signed by the Canvasser in front of a notary. The affidavit must contain the following information:

a. Each Petitioner signed the petition in the presence of the Canvasser;
b. To the best of his/her knowledge and belief, the Canvasser believes that each signature is genuine;
c. To the best of his/her knowledge and belief, the Canvasser believes each signer is a registered voter;
d. That at all times during circulation, an exact copy of the popular name, ballot title and text was attached to the signature sheet;
e. The Canvasser's current residence; and
f. Whether the Canvasser is a Paid Canvasser or Volunteer/Unpaid Canvasser.

9. Each petition page with the Canvasser's affidavit must be notarized. Because this type of notarization is an oath and due to statutory requirements in Initiative and Referendum law, it is necessary for the Canvasser to appear personally before the notary to sign the oath. The notary must personally witness Canvasser signature. The notary must also personally know the Canvasser, or obtain proof of the identity of the Canvasser, prior to

notarization (Ark. Code Ann. § 7-9-103(c)(8)). The notary must be a current notary in good standing and the notary seal must be placed on the petition page. The notary seal must be legible and use blue or black ink so that it is visible when photocopied. To determine if a notary is in good standing, please review the notary database on the Secretary of State's webpage at http://bcs.sos.arkansas.gov/NotarySearch.

10. If the Sponsor intends to use Paid Canvassers, a complete list of the Paid Canvassers' names and residential addresses, as well as the a copy of the signed statement described in § 7-9-601(d)(3), must be submitted to the Secretary of State's Office before those Canvassers begin collecting signatures. If additional Paid Canvassers are added after the initial list is submitted to the Secretary of State, an updated list and the necessary signed statements must be provided to the Secretary of State prior to those Paid Canvassers collecting signatures. Certification that each Paid Canvasser passed a criminal background check in the thirty (30) days before the first submission of the name to the Secretary of State is also required each time names are submitted. There are also specific training and registration requirements for Paid Canvassers which are described herein beginning on page 9.

11. In order to be placed on the November 2020 General Election ballot, statewide initiatives (constitutional amendments and initiated acts) must be first published and then filed with the requisite number of signatures and proof of publication with the Secretary of State by Friday, July 3, 2020. The deadline for filing a referendum petition with the requisite number of signatures is ninety (90) days AFTER the final adjournment of the session at which the Act being referred was passed by the Legislature.

12. When the petition with signatures is filed with the Secretary of State:
   a. The Petition Parts must be separated by county.
   b. The Sponsor must file an affidavit stating the total number of Petition Parts and the total number of signatures being filed.
   c. The Sponsor must provide the list of the designated fifteen (15) counties.
   d. If the Sponsor used Paid Canvassers, the Sponsor must submit a statement which identifies the Paid Canvassers by name, indicates that the Sponsor provided a copy of the most recent edition of the Secretary of State's initiatives and referenda handbook to each Paid Canvasser prior to the Canvasser gathering signatures, and indicates that the Sponsor explained the requirements under Arkansas law for obtaining signatures to each Paid Canvasser prior to the Canvasser gathering signatures, with a certification that the Paid Canvasser passed a criminal background check within thirty (30) before first gathering signatures
   e. If the Sponsor used Paid Canvassers, a separate Signature Card is required for each Paid Canvasser. An example of a sufficient Signature Card can be found on page 63.

13. At the time of filing, the petition must contain the requisite number of signatures, or it will be determined to be facially invalid and rejected without verifying any signatures. In other words, an initiated amendment petition must contain at least 89,151 signatures (also referred to as the initial count) **and** the required numbers from each of at least fifteen (15) counties, or it will be rejected without verifying any signatures. An initiated act petition must contain at least 71,321 signatures and the required numbers from each of at least fifteen (15) counties. A referendum petition must contain 53,491 signatures and the

required numbers from each of at least fifteen (15) counties. See pages 60-61 for exact county numbers.

14. When the petition is submitted to the Secretary of State for determination of the sufficiency of the signatures, the Secretary of state will submit the ballot title and popular name to the State Board of Election Commissioners, who will determine whether to certify the ballot title and popular name within thirty (30) days.

15. Prior to counting the signatures to determine the initial count, the Secretary of State reviews each Petition Part and rejects any Petition Part (and all of the signatures on the Petition Part) that contains one of the errors listed in § 7-9-126 (b).

None of the signatures on any of the Petition Parts rejected by the Secretary of State will be counted for any purpose, including the initial count and the determination as to whether the Sponsor submitted sufficient signatures from the fifteen (15) designated counties.

16. For the remaining Petition Parts, the Secretary of State reviews each part and rejects or culls any individual signature that contains one of the errors listed in § 7-9-126 (c).

None of the signatures that have been rejected or culled for any of the above reasons will be counted by the Secretary of State for any purpose, including the initial count and the determination as to whether the Sponsor submitted sufficient signatures from the fifteen (15) designated counties.

17. After all of the Petition Parts and signatures have been culled due to the reasons listed in paragraphs 14 and 15 above, the remaining signatures will be counted to determine whether the Sponsor submitted sufficient signatures to meet the initial count requirement and the fifteen (15) designated county requirement. If the Sponsor submitted a sufficient number of signatures, then the petition will be accepted and the signature verification process will begin.

If the petition does not contain the requisite number of signatures in the initial count or the requisite number of signatures in the designated fifteen (15) counties, the petition will be determined to be facially invalid and rejected without verifying any signatures.

18. The Secretary of State will not accept additional signatures after the initial submission until a determination of sufficiency is made.

19. If a petition is submitted for signature verification and it is determined that the petition does not contain the requisite number of valid signatures of registered voters, the Secretary of State will advise the Sponsor of the deficiency.

If the initial submission contains valid signatures of registered voters equal to at least

1. Seventy-five percent (75%) of the required number of overall state-wide signatures; AND
2. Seventy-five percent (75%) of the required number from at least fifteen (15) counties,

the Sponsor may submit additional signatures. Within thirty (30) days of notification of the insufficiency, the Sponsor may do any or all of the following:

A. Solicit and obtain additional signature; or
B. Submit proof that all or some of the rejected signatures are good and should be counted.

As an example, a petition proposing an amendment to the Arkansas Constitution must contain at the time of filing at least 89,151 signatures. After verification of signatures, at least seventy-five percent (75%) or 66,864 of those signatures must be determined to be registered voters in order for the Sponsor to be eligible to submit additional signatures. In addition, the valid signatures must be determined to meet the seventy-five percent (75%) threshold from at least fifteen (15) counties around the state.

20. The Secretary of State will verify signatures above the required number, but due to time constraints and statutory deadlines, may not verify every signature after making his determination that Petition is sufficient.

21. After a measure qualifies for the ballot, Sponsors must additionally reimburse the Arkansas Secretary of State for the costs of publishing the measure as a ballot issue within thirty (30) calendar days of being notified of the final costs of publication.

PAID CANVASSERS

Specific responsibilities are placed on both the Sponsor and on the Paid Canvasser. Please consult with your own legal counsel as to how to best comply with Arkansas Law.

RESPONSIBILITIES OF THE PAID CANVASSER:

A person who would like to be a ***Paid Canvasser*** must submit, in person or by mail, the following information to the **Sponsor** prior to obtaining signatures on a petition:

1. Canvasser's full name and any assumed name;
2. Canvasser's current residence address (P.O. Boxes and business addresses are NOT sufficient) and permanent domicile address if different;
3. Agree to have a criminal background check/search for each petition within thirty (30) days before gathering signatures on that petition;
4. A signed statement taken under oath that the Canvasser has not pleaded guilty or nolo contendere or been found guilty of a criminal felony offense or a violation of election laws, fraud, forgery, or identification theft in any state, the District of Columbia, Puerto Rico, Guam or any other US protectorate;
5. A signed statement that the Canvasser has read and understands the applicable Arkansas law regarding obtaining signatures on an initiative or referendum petition; and
6. A signed statement that the Canvasser has received a copy of the most recent edition of the Secretary of State's handbook on initiatives and referenda.

RESPONSIBILITIES OF THE SPONSOR:

If a Sponsor utilizes ***Paid Canvassers***, the Sponsor must complete the following steps ***before*** allowing a Paid Canvasser to obtain any signatures on a petition:

1. Provide the Paid Canvasser with a copy of the most recent edition of the Secretary of State's Initiative and Referendum Handbook; available online. [Check Secretary of State's webpage for most recent version as updates are posted there first.]

2. Explain the Arkansas law applicable to obtaining signatures on an initiative or referendum petition to the Paid Canvasser;

3. Obtain, at its cost, from the Department of Arkansas State Police, a current state and federal criminal background check on every Paid Canvasser. These background checks must be acquired in the thirty (30) days before the first day the Paid Canvasser begins to collect signatures. Certification that the criminal background check has been timely conducted must accompany each submission of the list of Paid Canvassers to the Secretary of State.

4. Obtain the required information and documentation from the Paid Canvasser as provided under Arkansas Code Annotated § 7-9-601(d). This information must be kept by the Sponsor for 3 years after the General Election in which the measure appears on the ballot.

5. Provide a complete list of all Paid Canvassers' names and current residential addresses (P.O. Boxes and business are addresses NOT sufficient), as well as a copy of the signed statement submitted to the sponsor by the canvasser pursuant to § 7-9-601(d)(3), to the Secretary of State prior to allowing the Paid Canvasser to circulate a petition and gather any signatures. If additional Paid Canvassers are added after the initial list is submitted to the Secretary of State, an updated list must be provided to the Secretary of State prior to allowing the additional Paid Canvassers to circulate a petition and gather any signatures.

6. The list of Paid Canvassers must contain the following information: Paid Canvassers' name (first and last name), current residential address, the date that the name is initially submitted to the Secretary of State's Office, and a certification that a criminal background check was timely completed for each Paid Canvasser. If the Sponsor submits supplemental list(s) of Paid Canvassers, each supplemental list must be a COMPLETE list with the names and addresses of ALL Paid Canvassers included, with the criminal background check certifications for each Paid Canvasser. Please note that the date the name was initially submitted to the Secretary of State should NOT change.

    a. For example, on February 1, the Sponsor may submit a list of 10 Paid Canvassers. On February 15, the Sponsor may submit a supplemental list with 15 Paid Canvassers, 5 of which are new. The date submitted for the original 10 Paid Canvassers should still be listed as February 1 and the date submitted for the additional 5 Paid Canvassers should be February 15.
    b. List of Paid Canvassers may be submitted in person, by mail, by fax or email. Act 1413 of 2013 states that "[b]efore a signature is solicited by a paid canvasser the sponsor shall . . . .[p]rovide a complete list of all paid canvassers' names and current residential addresses to the Secretary of State."

i. Please note that the Secretary of State's Office can only verify receipt during normal business hours. If the list is transmitted electronically after hours, on a weekend or on a holiday, the Secretary of State's Office will confirm receipt as soon as possible. Because the Secretary of State's Office cannot determine how a court may interpret this section of the law, the Sponsor assumes the risk concerning submission of a list after regular work hours, on a weekend or on a holiday.
ii. The list of Paid Canvassers can be sent to electionsemail@sos.arkansas.gov.

LIST OF PAID CANVASSERS PROVIDED WHEN FILING PETITION SIGNATURES

1. When filing the petition (with signatures) with the Secretary of State the Sponsor must submit a statement which identifies the Paid Canvassers by name, indicates that the Sponsor provided a copy of the most recent edition of the Secretary of State's initiatives and referenda handbook to each Paid Canvasser prior to the Canvasser gathering signatures, and indicates that the Sponsor explained the requirements under Arkansas law for obtaining signatures to each Paid Canvasser prior to the Canvasser gathering signatures. **The sponsor is also responsible for providing certification that each Paid Canvasser in its employ has passed a criminal background check in the thirty (30) days before the Paid Canvasser begins to collect signatures.**

2. The Sponsor may provide an electronic copy of the Paid Canvassers' list in either Excel or PDF format.

   a. If an Excel document is provided, the Paid Canvasser's first name and last name, and the date the name was initially submitted to the Secretary of State's Office should each be listed in separate fields. This will allow the Secretary of State's Office to sort information multiple ways to help facilitate the petition intake and review process.
   b. If a PDF is provided, three PDF versions of the list should be provided with the information for the Paid Canvassers sorted three (3) ways:
      i. By last name;
      ii. By first name;
      iii. By date of name being first submitted to Secretary of State (earliest to latest)

   OR

   The Sponsor may file three (3) paper copies of the list with the information for the Paid Canvassers sorted three (3) ways:
   c. By last name;
   d. By first name;
   e. By date of name being first submitted to Secretary of State (earliest to latest)

3. The Sponsor must also submit a signature card for each Paid Canvasser at the time of filing the petition. An example of a sufficient signature card is on page 63 of this book.

FREQUENTLY ASKED QUESTIONS

1) Why would a signature be invalidated?

The Secretary of State conducts a reasonable review of each Petition Part. The following are some common reasons why individual signatures may be invalidated:

a. Not a registered voter at the time of signing Petition Part;
b. Illegible handwriting;
c. Signature is illegible;
d. Signature is not accompanied by personally identifying information;
e. No signature or verification of a mark;
f. The signature is a forgery;
g. Corresponding identifying information was written by a person other than the Petitioner, except in circumstances of disability;
h. If litigated, a challenger may allege that the signer did not sign in the presence of the Canvasser;
i. A signature was obtained before the filing of the original draft for circulation under § 7-9-107.

It is important that each signature be accompanied by as much information as possible for identification and verification as a registered voter. The date of birth is one of the most helpful identifiers. County of registration is also of critical importance.

2) What are examples of errors or omissions that will cause an entire page of petition signatures to be invalidated?

a. Photocopy, not an original;
b. Not signed by a Canvasser;
c. No address for the Canvasser;
d. The residence address provided for the Canvasser is a P.O. Box or business address;
e. A petition part signed by more than one (1) Canvasser;
f. Not signed by a Canvasser under oath;
g. Canvasser's verification dated earlier than the date the petition was signed by a Petitioner;
h. Paid Canvasser collected signatures before criminal background check certified to Secretary of State;
i. Paid Canvasser collected signatures before appearing on Paid Canvasser list submitted to Secretary of State;
j. Paid Canvasser collected signatures before a copy of the signed statement required by § 7-9-601(d) was filed with the Secretary of State;
k. Not notarized;
l. Lacking a notary seal;
m. Notary seal or notary signature is illegible;
n. It is facially apparent that Notary did not personally see the Canvasser sign the petition part;

o. It is facially apparent that Notary did not know or personally obtain proof of the identity of the Canvasser;
p. A petition part notarized by more than one (1) notary;
q. A forged notary or Canvasser signature;
r. A notary notarizing his or her own signature;
s. A notary using the Great Seal of Arkansas or other invalid Notary Seal;
t. Failure to attach a legible copy of the entire text of the measure to each petition sheet containing signatures;
u. Failure to attach the popular name and ballot title to each petition sheet containing signatures;
v. If litigated, a challenger may claim that the Canvasser failed to sign the affidavit in the presence of the notary even if not facially apparent;
w. If litigated, a challenger may claim that the affidavit of the Canvasser is false.

3) Do Petition Parts have to be submitted by county?

Yes. Petition parts containing signatures of registered voters from one county must be submitted together and separated from petition parts of registered voters from other counties.

Determining whether a Petitioner has signed the correct petition is not always obvious. Many cities cross county boundaries. As an example, Springdale is in both Washington and Benton Counties. Also, Petitioners may have an address in one county, but physically reside in another county. There are voters whose home is in Saline County, but whose mailing address is Little Rock, because they receive their mail from a Little Rock post office. Those voters would list their address in Little Rock, but are registered to vote in Saline County, because their home is located in Saline County. This occurs frequently with voters whose homes are near a county border.

When circulating the petition, Canvassers should confirm with the Petitioner in which county he/she is registered to vote, have the Petitioner sign a petition from that county, and have the Petitioner write his or her County of Residence on the Petition Part. After the signature has been obtained, the Sponsor can check whether the Petitioner signed the correct county petition by finding the Petitioners name on the list of registered voters for that county.

4) What is considered a public forum to circulate petitions? Where can I circulate petitions?

This is a complicated issue. Not all public buildings are public forums that could allow access for signature gathering. The right to use government property for soliciting signatures depends upon whether the property by law or tradition has been given the status of a public forum, or rather has been reserved for specific official purposes. In other words, a government building may have a non-solicitation policy, which could preclude signature gathering. A Sponsor should check with each agency to determine the policy for each agency. Even if a public building is considered a public forum, the government may still implement reasonable time,

place and manner restrictions. It is always advisable to consult with a competent attorney, before undertaking any effort to gather signatures.

As for private property, the owner normally determines that policy.

When gathering signatures near a polling site a Canvasser must remain at least one hundred (100) feet from the polling site entrance. Local election officials monitor this distance. Violation of this law is a Class A misdemeanor pursuant to § 7-1-103.

5) Does a Canvasser have to be a registered voter to circulate a petition in Arkansas?

No. A Canvasser does not have to be a registered voter, but he or she must be at least eighteen (18) years of age.

6) Do you have to be an Arkansas resident to circulate a petition?

No.

7) May Canvassers be paid in Arkansas?

Yes. However, certain requirements must be met before a Paid Canvasser begins collecting signatures. Please see pages 9-11 for special instructions regarding Paid Canvassers, including mandatory criminal background checks.

8) How should a petition be delivered to the Secretary of State's Office?

Statewide Petitions should be delivered to the Elections Division of the Secretary of State's Office in Room 026 of the State Capitol, or at another location if agreed upon by the Elections Division and the Sponsor. In order to obtain timely assistance, it is advisable to call the Elections Division several days in advance of filing. The Petition Parts are required to be separated and filed by county. The Sponsor must file a statement indicating the fifteen designated counties. The Sponsor must also file an affidavit stating the number of Petition Parts and the total number of signatures being filed.

If the Sponsor used Paid Canvassers, the Sponsor must also submit the following when petitions are delivered:

1. A statement identifying the Paid Canvassers who have passed background checks by name, with the date the Canvasser's name was first submitted to the Secretary of State; and
2. A statement, signed by the Sponsor, indicating that the Sponsor provided a copy of the most recent edition of the Secretary of State's initiatives and referenda handbook to each Paid Canvasser, and that the Sponsor explained the requirements under Arkansas law for obtaining signatures to each Paid Canvasser prior to the Canvasser gathering signatures; and
3. A signature card for each paid canvasser. (See example signature card on page 63.)

9) Can a Petition Part be turned in with only one signature?

Yes.

10) After verification, if the Secretary of State determines that a petition does not contain enough valid signatures, can the Sponsor submit more?

At the time of filing, the petition must contain, on its face, the requisite number of signatures or it will be determined to be facially invalid and rejected without verifying any signatures. In other words, an initiated amendment petition must contain at least 89,151 signatures and the required numbers from at least fifteen (15) counties or it will be rejected without verifying any signatures. An initiated act petition must contain at least 71,321 signatures and the required numbers from each of at least fifteen (15) counties; and a referendum petition must contain at least 53,491 signatures and the required numbers from at least fifteen (15) counties, or they will be rejected without verifying any signatures. (The process for determining if the petition contains sufficient signatures at the time of filing is described on pages 4-9 of this booklet.)

If the petition does not contain the requisite number of signatures at the time of filing, both initial count and from the fifteen (15) designated counties, the Sponsor is NOT permitted to submit more signatures.

Sponsors can only submit more signatures if the petition was facially valid, and the number of verified signatures exceeds seventy-five percent (75%) of the required state-wide total, with at least fifteen (15) counties meeting or exceeding the seventy-five percent (75%) minimum as well.

11) What happens if two conflicting measures pass?

If directly conflicting measures are approved at the same election, the one receiving the highest number of affirmative votes shall become law.

12) What County should be used in a Canvasser's oath at the bottom of each Petition Part?

The blank line for "County" is the County in which the Notary Public is standing when the Notary Public personally witnesses the signature of the Canvasser when the Canvasser signs the oath at the bottom of the each individual Petition Part, even if that is not the County where the Notary resides. There is a separate line for the Notary Public's county of residence.

COMPLETE TEXT OF ARKANSAS CONSTITUTION, ARTICLE 5, SECTION 1

§ 1. Initiative and Referendum.
The legislative power of the people of this State shall be vested in a General Assembly, which shall consist of the Senate and House of Representatives, but the people reserve to themselves the power to propose legislative measures, laws and amendments to the Constitution, and to enact or reject the same at the polls independent of the General Assembly; and also reserve the power, at their own option to approve or reject at the polls any entire act or any item of an appropriation bill.

Initiative. The first power reserved by the people is the initiative. Eight per cent of the legal voters may propose any law and ten per cent may propose a constitutional amendment by initiative petition and every such petition shall include the full text of the measure so proposed. Initiative petitions for state-wide measures shall be filed with the Secretary of State not less than four months before the election at which they are to be voted upon; provided, that at least thirty days before the aforementioned filing, the proposed measure shall have been published once, at the expense of the petitioners, in some paper of general circulation.

Referendum. The second power reserved by the people is the referendum, and any number not less than six per cent of the legal voters may, by petition, order the referendum against any general Act, or any item of an appropriation bill, or measure passed by the General Assembly, but the filing of a referendum petition against one or more items, sections or parts of any such act or measure shall not delay the remainder from becoming operative. Such petition shall be filed with the Secretary of State not later than ninety days after the final adjournment of the session at which such Act was passed, except when a recess or adjournment shall be taken temporarily for a longer period than ninety days, in which case such petition shall be filed not later than ninety days after such recess or temporary adjournment. Any measure referred to the people by referendum petition shall remain in abeyance until such vote is taken. The total number of votes cast for the office of Governor in the last preceding general election shall be the basis upon which the number of signatures of legal voters upon state-wide initiative and referendum petitions shall be computed.

Upon all initiative or referendum petitions provided for in any of the sections of this article, it shall be necessary to file from at least fifteen of the counties of the State, petitions bearing the signature of not less than one-half of the designated percentage of the electors of such county.

Emergency. If it shall be necessary for the preservation of the public peace, health and safety that a measure shall become effective without delay, such necessity shall be stated in one section, and if upon a yea and nay vote two-thirds of all the members elected to each house, or two-thirds of all the members elected to city or town councils, shall vote upon separate roll call in favor of the measure going into immediate operation, such emergency measure shall become effective without delay. It shall be necessary, however, to state the fact which constitutes such emergency. Provided, however, that an emergency shall not be declared on any franchise or special privilege or act creating any

vested right or interest or alienating any property of the State. If a referendum is filed against any emergency measure such measure shall be a law until it is voted upon by the people, and if it is then rejected by a majority of the electors voting thereon, it shall be thereby repealed. The provision of this sub-section shall apply to city or town councils.

Local for Municipalities and Counties. The initiative and referendum powers of the people are hereby further reserved to the legal voters of each municipality and county as to all local, special and municipal legislation of every character in and for their respective municipalities and counties, but no local legislation shall be enacted contrary to the Constitution or any general law of the State, and any general law shall have the effect of repealing any local legislation which is in conflict therewith.

Municipalities may provide for the exercise of the initiative and referendum as to their local legislation. General laws shall be enacted providing for the exercise of the initiative and referendum as to counties. Fifteen per cent (15%) of the legal voters of any municipality or county may order the referendum, or invoke the initiative upon any local measure. In municipalities the number of signatures required upon any petition shall be computed upon the total vote cast for the office of mayor at the last preceding general election; in counties upon the office of circuit clerk. In municipalities and counties the time for filing an initiative petition shall not be fixed at less than sixty (60) days nor more than ninety (90) days before the election at which it is to be voted upon; for a referendum petition at not less than thirty (30) days nor more than ninety (90) days after the passage of such measure by a municipal council; nor less than ninety (90) days when filed against a local or special measure passed by the General Assembly.

Every extension, enlargement, grant, or conveyance of a franchise or any rights, property, easement, lease, or occupation of or in any road, street, alley or any part thereof in real property or interest in real property owned by municipalities, exceeding in value three hundred dollars, whether the same be by statute, ordinance, resolution, or otherwise, shall be subject to referendum and shall not be subject to emergency legislation.

General Provisions

Definition. The word "measure" as used herein includes any bill, law, resolution, ordinance, charter, constitutional amendment or legislative proposal or enactment of any character.

No Veto. The veto power of the Governor or mayor shall not extend to measures initiated by or referred to the people.

Amendment and Repeal. No measure approved by a vote of the people shall be amended or repealed by the General Assembly or by any city council, except upon a yea and nay vote on roll call of two-thirds of all the members elected to each house of the General Assembly, or of the city council, as the case may be.

Election. All measures initiated by the people whether for the State, county, city or town, shall be submitted only at the regular elections, either State, congressional or municipal, but referendum petitions may be referred to the people at special elections to be called by the proper official, and such special elections shall be called when fifteen per cent of the

legal voters shall petition for such special election, and if the referendum is invoked as to any measure passed by a city or town council, such city or town council may order a special election.

Majority. Any measure submitted to the people as herein provided shall take effect and become a law when approved by a majority of the votes cast upon such measure, and not otherwise, and shall not be required to receive a majority of the electors voting at such election. Such measures shall be operative on and after the thirtieth day after the election at which it is approved, unless otherwise specified in the Act.

This section shall not be construed to deprive any member of the General Assembly of the right to introduce any measure, but no measure shall be submitted to the people by the General Assembly, except a proposed constitutional amendment or amendments as provided for in this Constitution.

Canvass and Declaration of Results. The result of the vote upon any State measure shall be canvassed and declared by the State Board of Election Commissioners (or legal substitute therefor); upon a municipal or county measure, by the county election commissioners (or legal substitute therefor).

Conflicting Measures. If conflicting measures initiated or referred to the people shall be approved by a majority of the votes severally cast for and against the same at the same election, the one receiving the highest number of affirmative votes shall become law.

The Petition

Title. At the time of filing petitions the exact title to be used on the ballot shall by the petitioners be submitted with the petition, and on state-wide measures, shall be submitted to the State Board of Election Commissioners, who shall certify such title to the Secretary of State, to be placed upon the ballot; on county and municipal measures such title shall be submitted to the county election board and shall by said board be placed upon the ballot in such county or municipal election.

Limitation. No limitation shall be placed upon the number of constitutional amendments, laws, or other measures which may be proposed and submitted to the people by either initiative or referendum petition as provided in this section. No petition shall be held invalid if it shall contain a greater number of signatures than required herein.

Verification. Only legal votes shall be counted upon petitions. Petitions may be circulated and presented in parts, but each part of any petition shall have attached thereto the affidavit of the person circulating the same, that all signatures thereon were made in the presence of the affiant, and that to the best of the affiant's knowledge and belief each signature is genuine, and that the person signing is a legal voter and no other affidavit or verification shall be required to establish the genuineness of such signatures.

Sufficiency. The sufficiency of all state-wide petitions shall be decided in the first instance by the Secretary of State, subject to review by the Supreme Court of the State, which shall have original and exclusive jurisdiction over all such causes. The sufficiency of all local

petitions shall be decided in the first instance by the county clerk or the city clerk as the case may be, subject to review by the chancery court.

Court Decisions. If the sufficiency of any petition is challenged such cause shall be a preference cause and shall be tried at once, but the failure of the courts to decide prior to the election as to the sufficiency of any such petition, shall not prevent the question from being placed upon the ballot at the election named in such petition, nor militate against the validity of such measure, if it shall have been approved by a vote of the people.

Amendment of Petition. (a)(1) If the Secretary of State, county clerk or city clerk, as the case may be, 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, in the instance of a state-wide petition, or ten (10) days in the instance of a municipal or county petition, for correction or amendment.

(2) For a state-wide petition, correction or amendment of an insufficient petition shall be permitted only if the petition contains valid signatures of legal voters equal to:

(A) At least seventy-five percent (75%) of the number of state-wide signatures of legal voters required; and

(B) At least seventy-five percent (75%) of the required number of signatures of legal voters from each of at least fifteen (15) counties of the state.

(b) In the event of legal proceedings to prevent giving legal effect to any petition upon any grounds, the burden of proof shall be upon the person or persons attacking the validity of the petition.

Unwarranted Restrictions Prohibited. No law shall be passed to prohibit any person or persons from giving or receiving compensation for circulating petitions, nor to prohibit the circulation of petitions, nor in any manner interfering with the freedom of the people in procuring petitions; but laws shall be enacted prohibiting and penalizing perjury, forgery, and all other felonies or other fraudulent practices, in the securing of signatures or filing of petitions.

Publication. All measures submitted to a vote of the people by petition under the provisions of this section shall be published as is now, or hereafter may be provided by law.

Enacting Clause. The style of all bills initiated and submitted under the provisions of this section shall be, "Be It Enacted by the People of the State of Arkansas, (municipality or county, as the case may be)." In submitting measures to the people, the Secretary of State and all other officials shall be guided by the general election laws or municipal laws as the case may be until additional legislation is provided therefor.

Self-Executing. This section shall be self-executing, and all its provisions shall be treated as mandatory, but laws may be enacted to facilitate its operation. No legislation shall be enacted to restrict, hamper or impair the exercise of the rights herein reserved to the people. [As amended by Const. Amend. 7]

ARKANSAS CODE SECTIONS CONCERNING INITIATIVE AND REFERENDUM

NOTE – Additional changes were made to the law regarding initiatives and referenda in the 92nd General Assembly of 2019. See Acts 376 and 898 of 2019. The language added by Acts 376 and 898 is underlined and the old language is ~~stricken~~ in the statutes set out below.

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) "Measure" means an amendment, an act, or an ordinance;

(6) 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) "Petition part" means a petition signature sheet containing the information required under § 7-9-104 or § 7-9-105;

(8)"Petitioner" means a person who signs an initiative or referendum petition ordering a vote on a measure;

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

(10) "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.

7-9-102. Duties of election officers -- Penalty for failure to perform.

(a) (1) The duties imposed by this act upon members of the State Board of Election Commissioners and county boards of election commissioners, election officials, and all

other officers expressly named in this act are declared to be mandatory.

(2) These duties shall be performed in good faith within the time and in the manner provided.

(b) (1) If any member of any board, any election official, or any other officer so charged with the duty shall knowingly and willfully fail or refuse to perform his or her duty or shall knowingly and willfully commit a fraud in evading the performance of his or her duty, then he or she shall be guilty of a violation.

(2) Upon conviction, he or she shall be fined any sum not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) and also shall be removed from office.

7-9-103. Signing of petition -- Penalty for falsification -- Notice of suspected forgery.

(a) (1)(A) A person who is a registered voter of this state may sign his or her own name and print his or her own name, address, birth date, and the date of signing on an initiative or referendum petition in his or her own proper handwriting, and not otherwise, to order an initiative or referendum vote upon a proposed amendment or a proposed or referred act.

(B) If a person signing a petition under subdivision (a)(1)(A) of this section requires assistance due to disability, another person:

(i) May print the name, address, birth date, and the date of signing; and

(ii) Shall sign and print his or her name in the margin of the petition.

(2) (A) A person who is a registered voter of a municipality or county of this state may sign his or her own name and print his or her own name, address, birth date, and the date of signing on an initiative or referendum petition in his or her own proper handwriting, and not otherwise, to order an initiative or referendum vote upon a proposed or referred ordinance.

(B) If a person signing a petition under subdivision (a)(2)(A) of this section requires assistance due to disability, another person:

(i) May print the name, address, birth date, and the date of signing; and

(ii) Shall sign and print his or her name in the margin of the petition.

(3) A person who is under eighteen (18) years of age shall not act as a canvasser.

(4) A person shall not act as a paid canvasser on a statewide initiative or 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.

(b) A person commits a Class A misdemeanor if the person knowingly:

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

(2) Signs his or her name more than one (1) time to a petition; or

(3) Signs a petition when he or she is not legally entitled to sign the petition~~.;~~

(4) 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; or

(5) Prints the date of signing for another person unless the signer requires assistance due to disability and the person complies with this section.

(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 to 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 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 by 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.

(d) When the official charged with verifying the signatures has reasonable grounds to believe that one (1) or more signatures on a petition is forged, ~~excluding signatures apparently signed by one (1) spouse for another,~~ the official shall report the suspected forgery and basis for suspecting forgery to:

(1) The Department of Arkansas State Police, in the case of a statewide petition; or

(2) The prosecuting attorney of the county, in the case of a local petition.

7-9-104. Form of initiative petition -- Sufficiency of signatures.

(a) The petition for an ordinance, act, or amendment proposed by initiative shall be on substantially the following form:

"INITIATIVE PETITION

To the Honorable _____
Secretary of State of the State of Arkansas, or County Clerk, or City Clerk
We, the undersigned registered voters of the State of Arkansas, or _____ County, Arkansas, or City of _____ ,or Incorporated Town of _____, Arkansas (as the case may be), respectfully propose the following amendment to the Constitution of the State or act or ordinance (as the case may be), and by this, our petition, order that the same be submitted to the people of said state, or county, or municipality (as the case may be), to the end that the same may be adopted, enacted, or rejected by the vote of the registered voters of said (state, county, or municipality) at the regular general election to be held on the _____ day of _____, 20 __, and each of us for himself or herself says:

I have personally signed this petition; I am a registered voter of the State of Arkansas, or _____County, Arkansas, or City of _____, or Incorporated Town of _____, Arkansas (as the case may be), and my printed name, date of birth, residence, city or town of residence, and date of signing this petition are correctly written after my signature.

(Here insert popular name and ballot title of initiated measure.)
(In the case of a proposed initiated act or ordinance, insert the following:
BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARKANSAS, OR_____ COUNTY, ARKANSAS, OR CITY OF_____OR INCORPORATED TOWN OF_____, ARKANSAS (as the case may be)):
(Here insert full text of initiated measure.)"

~~**(b)** The information provided by the person on the petition may be used as evidence of the validity or invalidity of the signature. However, if a signature of a registered voter on the petition is sufficient to verify the voter's name, then it shall not be adjudged invalid for failure to sign the name or write the residence and city or town of residence exactly as it appears on voter registration records, for failure to print the name in the space provided, for failure to provide the correct date of birth, nor for failure to provide the correct date of signing the petition, all the information being an aid to verification rather than a mandatory requirement to perfect the validity of the signature.~~

~~**(c)**~~**(b)** No additional sheets of voter signatures shall be attached to any petition unless the sheets contain the full language of the petition.

~~**(d)**~~**(c)(1)** The signature section of the petition shall be formatted and shall contain the number of signature lines prescribed by the Secretary of State.

(2) Before the circulation of a statewide petition for signatures, the sponsor shall file a printed petition part with the Secretary of State in the exact form that will be used for obtaining signatures.

7-9-105. Form of referendum petition -- Sufficiency of signatures.

(a) The petition and order of referendum for an ordinance or act shall be on substantially the following form:

"REFERENDUM PETITION

To the Honorable _____
Secretary of State of the State of Arkansas, or County Clerk, or City Clerk
We, the undersigned registered voters of the State of Arkansas, or _____ County, Arkansas, or City or Incorporated Town of _____, Arkansas, (as the case may be) respectfully order by this, our petition, that Act No. _____ of the General Assembly of the State of Arkansas, approved on the _____ day of _____, 20__, entitled 'An Act _____' or Ordinance No. _____, passed by the county quorum court, the city (or town) council of the City (or Incorporated Town), or County of _____, Arkansas, on the _____ day of _____, 20__, entitled, 'An Ordinance _____,' be referred to the people of said state, county, or municipality (as the case may be), to the end that the same may be approved or rejected by the vote of the registered voters of the state, or of said county or municipality (as the case may be) at the biennial (or annual, as the case may be, if a city ordinance) regular general election (or at a special election, as the case may be) to be held on the _____ day of _____, 20__; and each of us for himself or herself says:

I have personally signed this petition; I am a registered voter of the State of Arkansas, or _____County, Arkansas, or City of_____, or Incorporated Town of_____, Arkansas (as the case may be),and my printed name, date of birth, residence, city or town of residence, and date of signing this petition are correctly written after my signature.
(Here insert popular name and ballot title of referred measure.)
REFERRED TO THE PEOPLE OF THE STATE OF ARKANSAS, OR _____ COUNTY, ARKANSAS, OR CITY OF _____ OR INCORPORATED TOWN OF _____, ARKANSAS (as the case may be):
(Here insert full text of referred measure.)"

(b) The information provided by the person on the petition may be used as evidence of the validity or invalidity of the signature. However, if a signature of a registered voter on the petition is sufficient to verify the voter's name, then it shall not be adjudged invalid for failure to sign the name or write the residence and city or town of residence exactly as it appears on voter registration records, for failure to print the name in the space provided, for failure to provide the correct date of birth, nor for failure to provide the correct date of signing the petition, all of that information being an aid to verification rather than a mandatory requirement to perfect the validity of the signature.

(c) No additional sheets of voter signatures shall be attached to any petition unless the sheets contain the full language of the petition.

(d)(1) The signature section of the petition shall be formatted and shall contain the number of signature lines as prescribed by the Secretary of State.

(2) Before the circulation of a statewide petition for signatures, the sponsor shall file a printed petition part with the Secretary of State in the exact form that will be used for obtaining signatures.

7-9-106. Required attachments to petitions.

(a) To every petition for the initiative shall be attached a full and correct copy of the title and the measure proposed.

(b) To every petition for the referendum shall be attached a full and correct copy of the measure on which the referendum is ordered.

7-9-107. ~~Approval of ballot titles and popular names of petitions prior to circulation -- Publication.~~ 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~~ file the original draft t~~o the Attorney General, with a proposed legislative or ballot title and popular name~~ with the Secretary of State.

(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 Secretary of State 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) The sponsor may begin circulating an initiative petition or referendum petition upon receipt of the file-marked copy under subsection (c) of this section.

~~**(b)** Within ten (10) 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. The ballot title so submitted or supplied by the Attorney General shall briefly and concisely state the purpose of the proposed measure.~~

~~**(c)** 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" an 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.~~

~~**(d)** 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.~~

7-9-108. Procedure for circulation of petition.

(a) Each initiative or referendum petition ordering a vote upon a measure having general application throughout the state shall be prepared and circulated in fifteen (15) or more parts or counterparts, and each shall be an exact copy or counterpart of all other such parts upon which signatures of petitioners are to be solicited. When a sufficient number of parts are signed by a requisite number of qualified electors and are filed and duly certified by the Secretary of State, they shall be treated and considered as one (1) petition.

(b) Each part of a petition shall have attached thereto the affidavit of the canvasser to the effect that the canvasser's current residence address appearing on the verification is correct, that all signatures appearing on the petition part were made in the presence of the affiant, and that to the best of the affiant's knowledge and belief each signature is genuine and each person signing is a registered voter.

(c) Preceding every petition, there shall be set out in boldface type, over the signature of the Attorney General, any instructions to canvassers and signers as may appear proper and beneficial informing them of the privileges granted by the Arkansas Constitution and of the penalties imposed for violations of this act. The instructions on penalties shall be in larger type than the other instructions.

(d) No part of any initiative or referendum petition shall contain signatures of petitioners from more than one (1) county.

7-9-109. Form of verification -- Penalty for false statement.

(a) Each petition containing signatures shall be verified in substantially the following form by the canvasser's affidavit thereon as a part thereof:

"State of Arkansas
County of _____*

I, (print name of canvasser), being duly sworn, state that each of the foregoing persons signed his or her own name to this sheet of the petition in my presence. To the best of my knowledge and belief, each signature is genuine and each signer is a registered voter of the State of Arkansas, _____ County, or City or Incorporated Town of _____. At all times during the circulation of this signature sheet, an exact copy of the popular name, ballot title, and text was attached to the signature sheet. My current residence address is correctly stated below.

* County is the County location where the Notary Public personally witnesses the signature of the Canvasser signing the petition, even if different from the County where the Notary Public lives.

Signature _____
~~Residence~~ Current Residence _____
Indicate one: _____Paid Canvasser_____Volunteer/Unpaid Canvasser
Subscribed and sworn to before me this _____ day of _____, 20__
Signature _____
Clerk, Notary, Judge or J.P.
Seal_____"

(b) Forms herein given are not mandatory, and if substantially followed in any petition it shall be sufficient, disregarding clerical and merely technical errors.

(c) (1) Petitions shall not be disqualified due to clerical or technical errors made by a clerk, notary, judge, or justice of the peace when verifying the canvasser's signature.

(2) Petitions shall not be disqualified for failure of a clerk, notary, judge, or justice of the peace to sign exactly as his or her name appears on his or her seal if the signature of a clerk, notary, judge, or justice of the peace is sufficient to verify his or her name.

(d) A canvasser who knowingly makes a false statement on a petition verification form required by this section shall be deemed guilty of a Class D felony.

7-9-110. Designation of number and popular name.

(a) The popular name of each state measure shall be ~~designated as provided in~~ the popular name provided by the sponsor under § 7-9-107, and the number of the measure on the ballot shall be designated as provided in § 7-9-116.

(b) In all legal notices and publications affecting a measure, the measure shall be identified by both the designated number and popular name.

7-9-111. Determination of sufficiency of petition -- Corrections.

(a) ~~**(1)**~~ The Secretary of State shall ascertain and declare the sufficiency or insufficiency of the signatures submitted on each statewide initiative petition and each statewide referendum petition within thirty (30) days after it is filed.

~~**(2)**~~ **(b)** The Secretary of State may contract with the various county clerks for their assistance in verifying the signatures on petitions. The county clerk shall return the petitions to the Secretary of State within ten (10) days.

~~**(b)** In considering the sufficiency of initiative and referendum petitions, if it is made to appear beyond a reasonable doubt that twenty percent (20%) or more of the signatures on any one (1) part thereof are fictitious, forged, or otherwise clouded or that the challenged petitioners were ineligible to sign the petition, which fact was known or could have been ascertained by the exercise of reasonable diligence on the part of the canvasser, then the Secretary of State shall require the sponsors to assume the burden of proving that all other signatures appearing on the part are genuine and that the signers are qualified electors and are in all other respects entitled to sign the petition. If the sponsors refuse or fail to assume and meet the burden, then the Secretary of State shall reject the part and~~

~~shall not count as petitioners any of the names appearing thereon.~~

(c) If the statewide initiative petition or statewide referendum petition is found to be sufficient, the Secretary of State shall certify and record the finding ~~and do~~ and perform such other duties relating thereto as are required by law.

(d) (1) If the ~~petition is~~ signatures submitted on a statewide initiative petition or statewide referendum petition are found to be insufficient, the Secretary of State shall forthwith notify the sponsors in writing, through their designated agent, and shall set forth his or her reasons for so finding. When the notice is delivered, the sponsors shall have thirty (30) days in which to do any or all of the following:

(A) Solicit and obtain additional signatures; or

(B) Submit proof to show that the rejected signatures or some of them are good and should be counted~~; or~~

~~**(C)** Make the petition more definite and certain~~.

(2) Any amendments and corrections shall not materially change the purpose and effect of the statewide initiative petition or statewide referendum petition. No change shall be made in the measure~~, except to correct apparent typographical errors or omissions~~.

(3) The Secretary of State shall ascertain and declare the sufficiency or insufficiency of additional signatures submitted by the sponsors under this subsection within thirty (30) days of the filing of the supplemental petitions.

(e) (1) To assist the Secretary of State in ascertaining the sufficiency or insufficiency of each statewide initiative petition and each statewide referendum petition, all county clerks shall furnish at cost to the Secretary of State a single alphabetical list of all registered voters in their respective counties. The list shall be provided at least four (4) months before the election, and an updated list shall be provided at cost by September 1st in the year of the election. The list shall include the date of birth of each registered voter.

(2) The State Board of Election Commissioners, upon the request of the county clerk, may grant a waiver from this provision if the state board determines that the county clerk is unable to provide the list within the time required.

(f)(1) A person filing statewide initiative petitions or statewide referendum petitions with the Secretary of State shall bundle the petitions by county and shall file an affidavit stating the number of petitions and the total number of signatures being filed.

(2) If signatures were obtained by paid canvassers, the person filing the petitions under this subsection shall also submit the following:

(A) A statement identifying the paid canvassers by name; and

(B) A statement signed by the sponsor indicating that the sponsor:

(i) Provided a copy of the most recent edition of the Secretary of State's initiatives and referenda handbook to each paid canvasser before the paid canvasser solicited signatures; and

(ii) Explained the requirements under Arkansas law for obtaining signatures on an initiative or referendum petition to each paid canvasser before the paid canvasser solicited signatures.

(g) All county initiative and referendum elections shall be held in accordance with the provisions of § 14-14-917.

(h) Municipal referendum petition measures shall be submitted to the electors at a regular general election unless the petition expressly calls for a special election. If the date set by the petition does not allow sufficient time to comply with election procedures, then the city or town council shall fix the date for any special election on the referendum measure. The date of any special election shall be set in accordance with § 7-11-201 et seq. but in no event more than one hundred twenty (120) calendar days after the date of certification of sufficiency by the municipal clerk.

(i)(1) When a statewide initiative petition or statewide referendum petition is submitted to the Secretary of State for determination of the sufficiency of the signatures, the Secretary of State shall submit the ballot title and popular name of the proposed measure to the State Board of Election Commissioners for certification as required by Arkansas Constitution, Article 5, § 1.

(2) The State Board of Election Commissioners shall determine whether to certify the ballot title and popular name submitted for a proposed measure within thirty (30) days after the ballot title and popular name are submitted by the Secretary of State under subdivision (i)(1) of this section.

(3) If the State Board of Election Commissioners determines that the ballot title and popular name, and the nature of the issue, is presented in a manner that is not misleading and not 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" an issue would be a vote for a viewpoint that the voter is against, the ballot title and popular name of the statewide initiative petition or statewide referendum petition shall be certified to the Secretary of State to be placed upon the ballot if the signatures on the statewide initiative petition or statewide referendum petition are determined to be sufficient.

(4)(A) If the State Board of Election Commissioners determines that the ballot title or popular name, or the nature of the issue, is presented in such a manner that the ballot title or popular name 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" an issue would be a vote for a viewpoint that the voter is against, the State Board of Election Commissioners shall:

(i) Not certify the ballot title and popular name;

(ii)(a) Notify the sponsors in writing, through their designated agent, that the ballot title and popular name were not certified and set forth its reasons for so finding.

(b) If the ballot title and popular name are not certified, the sponsor shall not submit a redesigned ballot title or popular name to the State Board of Election Commissioners; and

(iii) Notify the Secretary of State that the ballot title and popular name were not certified.

(B) If the ballot title and popular name are not certified under subdivision (i)(4)(A) of this section, the Secretary of State shall declare the proposed measure insufficient for inclusion on the ballot for the election at which the statewide initiative petition or statewide referendum petition would be considered.

7-9-112. Failure to act on petition -- Mandamus -- Injunction.

(a) ~~If the Secretary of State does not examine and certify an initiative or referendum petition within the time prescribed in § 7-9-111, the sponsors may apply to the Supreme Court for appropriate relief~~ If the Secretary of State determines that the signatures submitted on a statewide initiative petition or statewide referendum petition are insufficient or the State Board of Election Commissioners does not certify the ballot tile or popular name of a proposed measure resulting in the Secretary of State finding the proposed measure insufficient, the following persons may petition the Supreme Court to determine if the signatures submitted on the statewide initiative petition or statewide referendum petition are sufficient or if the ballot tile or popular name of the proposed measure should be certified:

(1) The sponsor of the statewide initiative petition or statewide referendum petition; or

(2) A registered voter.

(b) ~~If the Supreme Court decides that the petition is legally sufficient, it shall order the Secretary of State to certify the sufficiency for placing the initiated or referred measure on the election ballot~~ The Supreme Court shall act expeditiously to review the sufficiency of the signatures or the certification of the ballot title or popular name in a timely manner and shall make every effort to reach a decision in advance of the election at which the proposed measure would be considered.

(c) (1)(A) If the Supreme Court decides that the signatures submitted on a statewide initiative petition or statewide referendum petition are sufficient, the Supreme Court shall order the Secretary of State to certify the sufficiency for placing the proposed measure on the election ballot if the ballot title and popular name are sufficient.

(B) If the Supreme Court decides that the ballot title and popular name should be certified, the Supreme Court shall order the State Board of Election Commissioners to certify the ballot title and popular name to the Secretary of State, who shall declare the proposed measure sufficient to be placed upon the ballot if the signatures on the statewide initiative petition or statewide referendum petition are sufficient.

(2) On a proper showing that ~~any petition is not sufficient~~ the signatures are not sufficient or the ballot title or popular name should not be certified, the Supreme Court may enjoin the Secretary of State from certifying ~~its sufficiency and may also enjoin the various election boards from allowing the ballot title thereof to be printed on the ballots and certifying votes cast on the proposal~~ the proposed measure for inclusion on the ballot for the election at which the proposed measure would be considered or, in the event that the proposed measure will appear on the election ballot, from canvassing and certifying the vote on the proposed measure.

7-9-113. Publication of notice.

(a)(1) The Secretary of State shall be charged with the duty of letting contracts for publishing notices as authorized in this section.

(2)(A) For measures proposed by petition, the petition sponsor shall reimburse the cost of publication to the Secretary of State within thirty (30) calendar days of notification of the final costs for publication.

(B) The Secretary of State shall provide the sponsor of the measure a complete cost breakdown including the:

(i) Number of locations where the measure was published;

(ii) Number of times the measure was published;

(iii) Dates the measure was published; and

(iv) Costs for publishing the measure.

(C)(i) The reimbursement shall be placed by the Secretary of State into the Mandatory Publication Reimbursement Fund.

(ii) Funds shall be transferred from time to time from the Mandatory Publication Reimbursement Fund to the State Central Services Fund as refunds for costs associated with mandatory publications.

(b)(1) Before the election at which any proposed or referred measure is to be voted upon by the people, notice shall be published in two (2) weekly issues of some newspaper in each county as is provided by law.

(2)(A) Publication of the notice for amendments proposed by the General Assembly shall commence six (6) months before the election.

(B) Publication of the notice for all other measures shall commence eight (8) weeks before the election.

(c)(1) For amendments proposed by the General Assembly, at least one (1) notice shall:

(A) Contain the number, the popular name, the ballot title, and a complete text of the amendment to be submitted; and

(B) Be published in a camera-ready format in a type no smaller than 10-point type.

(2) For all other proposed measures or amendments, at least one (1) notice shall:

(A) Contain the number, the popular name, and the ballot title of the measure to be submitted;

(B) Reference a website where the full text of the measure is published; and

(C) Be published in a camera-ready format in a type no smaller than 10-point type.

(d) It shall be the duty of the Secretary of State, in connection with notice of the proposed measure, to give notice in the same newspapers that each elector on depositing his or her ballot at the election shall vote for or against the measure.

7-9-114. Abstract of proposed measure.

(a) The Attorney General shall prepare a concise abstract of the contents of each statewide initiative and referendum measure proposed under Arkansas Constitution, Amendment 7, and he or she shall transmit it to the Secretary of State not less than twenty (20) days before the election.

(b) Not less than eighteen (18) days before the election, the Secretary of State shall transmit a certified copy of the abstract to the county boards of election commissioners, who shall cause copies to be printed and posted conspicuously at all polling places in the county for the information of the voters.

(c) The cost of printing copies of the abstracts shall be borne by the counties as a regular expense of the election.

7-9-115. Furnishing ballot title and popular name to election commissioners.

Not less than eighteen (18) days before the election, the Secretary of State shall furnish the State Board of Election Commissioners and county boards of election commissioners a certified copy of the ballot title and popular name for each proposed measure and each referred act to be voted upon at the ensuing election.

7-9-116. Captions and designations of numbered issues.

(a) The Secretary of State shall fix and declare the number of the issue by which state measures shall be designated on the ballot.

(b) Each state measure shall be identified with the issue number designated by the Secretary of State.

(c) Measures proposed by initiative petition shall be captioned, "CONSTITUTIONAL

AMENDMENT (OR ACT) PROPOSED BY PETITION OF THE PEOPLE".

(d) Measures referred to a vote by petition shall be captioned, "MEASURE REFERRED BY ORDER OF THE PEOPLE".

(e) Measures referred to a vote by the General Assembly shall be captioned, "CONSTITUTIONAL AMENDMENT (OR OTHER MEASURE) REFERRED TO THE PEOPLE BY THE GENERAL ASSEMBLY".

7-9-117. Ballot form.

(a) It shall be the duty of the county board of election commissioners in each county to cause each title and popular name to be printed upon the official ballot to be used in the election at which the measure is to be voted upon, in the manner certified by the Secretary of State.

(b) The title and popular name shall be stated plainly, followed by these words:

"FOR ISSUE NO. ...
"AGAINST ISSUE NO. …"

(c) (1) In arranging the ballot titles on the ballot, the county board shall place each measure separate and apart from others.

(2) Each statewide measure shall be designated on the ballot as an issue, and the issues shall be numbered consecutively beginning with "Issue 1" and in the following order:

(A) Constitutional amendments proposed by the General Assembly, if any;

(B) Initiated constitutional amendments, if any;

(C) Statewide initiated acts, if any;

(D) Referred acts of the General Assembly, if any;

(E) Questions referred by the General Assembly, if any; and

(F) Other measures that may be referred, if any.

(3) The ballot titles of measures submitted by municipalities, counties, and other political subdivisions that may submit ballot measures to the people shall be:

(A) Placed separate and apart on the ballot from the ballot titles of statewide measures and from other ballot titles of measures submitted by municipalities, counties, and other political subdivisions; and

(B) Numbered consecutively for each political subdivision in the following order:
(i) Initiated local measures, if any;

(ii) Referred local measures, if any; and
(iii) Other measures that may be referred, if any.

7-9-118. Failure to place proposal on ballot -- Manner of voting.

If any election board shall fail or refuse to submit any proposal after its sufficiency has been duly certified, the qualified electors of the county may vote for or against the measure by writing or stamping on their ballot the proposed ballot title, followed by the word "FOR" or "AGAINST". All votes so cast, if otherwise legal, shall be canvassed, counted, and certified.

7-9-119. Counting, canvass, and return of votes -- Proclamation of result -- Effective date.

(a) The vote on each measure shall be counted, tabulated, and returned by the proper precinct election officials to the county board of election commissioners in each county at the time and in the manner the vote for candidates for state and county officers is tabulated, canvassed, and returned.

(b) An abstract of all votes cast on any measure shall be certified by the county board and delivered or postmarked to the Secretary of State no earlier than forty-eight (48) hours and no later than fifteen (15) calendar days after the election is held.

(c) It shall be the duty of the Secretary of State to canvass the returns on each measure not later than ten (10) days thereafter and to certify the result to the Governor and to the State Board of Election Commissioners.

(d) (1) (A) The Governor shall thereupon issue a proclamation showing the total number of votes cast and the number cast for and the number cast against each measure and shall declare the measure adopted or rejected, as the facts appear.

(B) If the Governor declares any measure adopted, it shall be in full force and effect thirty (30) days after the election unless otherwise provided in the measure.

(2) However, amendments to the Arkansas Constitution shall also be declared adopted or rejected by the Speaker of the House of Representatives, as is provided by the Arkansas Constitution.

7-9-120. Printing of approved measures with general laws -- Certification of city ordinances.

(a) The Secretary of State shall cause every measure approved by the people to be printed with the general laws enacted by the next ensuing session of the General Assembly with the date of the Governor's proclamation declaring the same to have been approved by the people.

(b) However, city ordinances approved by the people shall only be certified by the Secretary of State to the city clerk or recorder of the municipality for which the ordinance has been approved, who shall immediately record the same as he or she is required by

law to record other ordinances of the municipality.

7-9-121. Contest of returns and certification.

(a) The right to contest the returns and certification of the votes cast upon any measure is expressly conferred upon any twenty-five (25) qualified electors of the state.

(b) Any contest may be brought in the Pulaski County Circuit Court and shall be conducted under any rules and regulations as may be made and promulgated by the Supreme Court. However, the complaint shall be filed within sixty (60) days after the certification of the vote thereon, and the contestants shall not be required to make bond for the costs.

7-9-122. Adoption of conflicting measures.

If two (2) or more conflicting measures shall be approved by a majority of the votes severally cast for and against the measures at the same election, the measure receiving the greatest number of affirmative votes shall become law.

7-9-123. Preservation of records.

All petitions, notices, certificates, or other documentary evidence of procedural steps taken in submitting any measure shall be filed and preserved. Petitions with signatures shall be retained for two (2) years and thereafter destroyed. The measure and the certificates relating thereto shall be recorded in a permanent record and duly attested by the Secretary of State.

7-9-124. Voter registration signature imaging system -- Creation of fund.

(a) There is hereby established in the office of the Secretary of State a voter registration signature imaging system, and the Secretary of State is authorized to acquire and maintain the necessary equipment and facilities to accommodate the system.

(b) The Department of Information Systems shall cooperate with and assist the Secretary of State in determining the computer equipment and software needed in the office of the Secretary of State for the voter registration signature imaging system.

(c) There is hereby created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Voter Registration Signature Imaging System Fund".

7-9-125. Definitions -- Prohibition of profit -- Penalties -- Freedom of information

(a) As used in this section, “property” means both real and personal property and includes, without limitation both tangible and intangible property.

(b)(1) No person who is a sponsor of an initiative petition, referendum petition, or constitutional amendment which proposes the sale of property owned by a municipality or county shall receive anything of value as a result of the passage of the act sponsored by

the person.

(2) A sponsor of an initiative petition, referendum petition, or constitutional amendment which proposes the sale of property owned by a municipality or county shall file, within sixty (60) calendar days of the election at which the initiative, referendum, or constitutional amendment has been voted upon, with the Secretary of State an accounting of all expenditures by the sponsor in connection with the petition or amendment.

(3) No person shall directly or indirectly benefit from sponsorship of a petition or amendment which proposes the sale of property owned by a municipality or county by contracting sponsorship activities to any business enterprise in which the sponsor has a substantial interest.

(4) Nothing in this act shall prohibit the circulation of petitions or compensation to persons who circulate the petitions.

(c)(1)(A) If a sponsor violates any provision of subsection (b) of this section, the sponsor shall be fined an amount equal to twice the amount of the person's personal gain.

(B) The fine shall be paid to the state, municipality, or county in which the petition or amendment was voted upon.

(2) This section shall be enforced by the:

(A) City attorney of the municipality;

(B) Prosecuting attorney of the county; or

(C) Attorney General of this state.

(d) The expense reports filed by the sponsor of the petition shall be subject to the Freedom of Information Act of 1967, § 25-19-101 et seq.

7-9-126. Count of signatures.

(a) Upon the initial filing of an initiative petition or referendum petition, the official charged with verifying the signatures shall:

(1) Perform an initial count of the signatures; and

(2) Determine whether the petition contains, on its face and before verification of the signatures of registered voters, the designated number of signatures required by the Arkansas Constitution and statutory law in order to certify the measure for the election ballot.

(b) 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:

(1) The petition is not an original petition, including without limitation a petition that is photocopied or is a facsimile transmission;

(2) The petition does not conform to the original draft filed under § 7-9-107;

~~**(2)**~~**(3)** The petition lacks the signature, printed name, and residence address of the canvasser or is signed by more than one (1) canvasser;

~~**(3)(A)**~~**(4)(A)** The canvasser is a paid canvasser whose name and the information required under § 7-9-601 were not submitted by the sponsor to the Secretary of State before the petitioner signed the petition.

(B) A canvasser is a paid canvasser if he or she is paid money or anything of value for soliciting signatures before or after the signatures are obtained;

~~**(4)**~~**(5)** The canvasser verification ~~is~~:

(A) ~~not~~ Is not notarized~~,~~;

(B) ~~is notarized~~ Is notarized by more than one (1) notary~~,~~;

(C) ~~or lacks~~ Lacks a notary signature or a notary seal; or

(D) Lacks a legible notary signature or a legible notary seal;

~~**(5)**~~**(6)** The canvasser verification is dated earlier than the date on which a petitioner signed the petition;

~~**(6)**~~**(7)** The petition fails to comply with § 7-9-104 or § 7-9-105, including the lack of the exact popular name or ballot title ~~approved by the Attorney General~~ for a statewide initiative, a discrepancy in the text of the initiated or referred measure, or the lack of an enacting clause in a statewide petition for an initiated act; or

~~**(7)**~~**(8)** The petition part has a material defect that, on its face, renders the petition part invalid.

(c) The following signatures shall not be counted for any purpose by the official charged with verifying the signatures, including the initial count of signatures:

(1) A signature that is not an original signature;

(2) A signature that is obviously not that of the purported petitioner;

(3) A signature that is illegible; ~~and~~

(4) A signature that is not accompanied by ~~no~~ personally identifying information;

~~**(4)**~~**(5)** A signature for which the corresponding printed name, address, ~~or~~ birth date, or date of signing is written by someone other than the signer except under circumstances of disability of the signer; ~~and~~

(6) A signature obtained before the filing of the original draft for circulation under § 7-9-107; and

~~**(5)**~~**(7)** A signature that has any other material defect that, on its face, renders the signature invalid.

(d) 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.

7-9-401. Title.

This subchapter shall be known as the "Disclosure Act for Public Initiatives, Referenda, and Measures Referred to Voters"

7-9-402. Definitions.

As used in this subchapter:

(1) "Ballot question" means a question in the form of a statewide, county, municipal, or school district initiative or referendum which is submitted or intended to be submitted to a popular vote at an election, whether or not it qualifies for the ballot;

(2)(A) "Ballot question committee" means any person, located within or outside Arkansas, that receives contributions for the purpose of expressly advocating the qualification, disqualification, passage, or defeat of any ballot question, or any person, other than an elected official expending public funds, or an individual, located within or outside Arkansas, who makes expenditures for the purpose of expressly advocating the qualification, disqualification, passage, or defeat of any ballot question.

(B) A person other than an individual or an approved political action committee as defined in § 7-6-201, located within or outside Arkansas, also qualifies as a ballot question committee if two percent (2%) or more of its annual revenues, operating expenses, or funds are used to make a contribution or contributions to another ballot question committee and if the contribution or contributions exceed ten thousand dollars ($10,000) in value;

(3)(A) "Contribution" means, whether direct or indirect, advances, deposits, transfers of funds, contracts, or obligations, whether or not legally enforceable, payments, gifts, subscriptions, assessments, payment for services, dues, advancements, forbearance, loans, pledges, or promises of money or anything of value, whether or not legally enforceable, to a person for the purpose of expressly advocating the qualification, disqualification, passage, or defeat of a ballot question or the passage or defeat of a legislative question.

(B) "Contribution" includes the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events, and the granting of discounts or rebates by television and radio stations and newspapers, not extended on an equal basis to all

persons seeking to expressly advocate the qualification, disqualification, passage, or defeat of a ballot question or the passage or defeat of a legislative question.

(C) "Contribution" shall not include noncompensated, nonreimbursed volunteer personal services or travel;

(4) "Contribution and expenditure" shall not include activities designed solely to encourage individuals to register to vote or to vote, or any communication by a bona fide church or religious denomination to its own members or adherents for the sole purpose of protecting the right to practice the religious tenets of the church or religious denomination, and "expenditure" shall not include one made for communication by a person strictly with the person's paid members or shareholders;

(5) "Disqualification of a ballot question" means any action or process, legal or otherwise, which seeks to prevent a ballot question from being on the ballot at an election;

(6) "Elected official" means any person holding an elective office of any governmental body, whether elected or appointed to the office;

(7) "Expenditure" means a purchase, payment, distribution, gift, loan, or advance of money or anything of value, and a contract, promise, or agreement to make an expenditure, for goods, services, materials, or facilities for the purpose of expressly advocating the qualification, disqualification, passage, or defeat of a ballot question or the passage or defeat of a legislative question;

(8) "Governmental body" means any office, department, commission, council, board, committee, legislative body, agency, or other establishment of the executive, judicial, or legislative branch of the state, municipality, county, school district, improvement district, or any political district or subdivision thereof;

(9) "Legislative question" means a question in the form of a measure referred by the General Assembly, a quorum court, a municipality, or a school district to a popular vote at an election;

(10)(A) "Legislative question committee" means any person, located within or outside Arkansas, that receives contributions for the purpose of expressly advocating the passage or defeat of any legislative question or any person, other than an elected official expending public funds, or an individual, located within or outside Arkansas, who makes expenditures for the purpose of expressly advocating the passage or defeat of any legislative question.

(B) A person other than an individual or an approved political action committee as defined in § 7-6-201, located within or outside Arkansas, also qualifies as a legislative question committee if two percent (2%) or more of its annual revenues, operating expenses, or funds are used to make a contribution or contributions to another legislative question committee and if the contribution or contributions exceed ten thousand dollars ($10,000) in value;

(11)(A) "Person" means any individual, business, proprietorship, firm, partnership, joint venture, syndicate, business trust, labor organization, company, corporation, association, committee, or any other organization or group of persons acting in concert.

(B) "Person" includes an elected official using public funds to expressly advocate the qualification, disqualification, passage, or defeat of any ballot question or the passage or defeat of any legislative question; and

(12) "Qualification of a ballot question" means any action or process, legal or otherwise, through which a ballot question obtains certification to be on the ballot at an election.

7-9-403. Penalty.

Upon conviction, any person who knowingly fails to comply with any of the provisions of this subchapter shall be fined an amount not to exceed one thousand dollars ($1,000) or be imprisoned for not more than one (1) year, or both.

7-9-404. Filing deadlines.

(a)(1)(A) A ballot question committee or a legislative question committee shall file a statement of organization with the Arkansas Ethics Commission within five (5) days of receiving contributions or making expenditures in excess of five hundred dollars ($500) for the purpose of expressly advocating the qualification, disqualification, passage, or defeat of a ballot question or the passage or defeat of a legislative question.

(B) The commission shall maintain the statement of organization until notified of the committee's dissolution.

(2) A ballot question committee or legislative question committee failing to file a statement of organization required by this section shall be subject to a late filing fee not exceeding fifty dollars ($50.00) for each day the statement remains not filed.

(b) The statement of organization for a ballot question committee as defined in § 7-9-402(2)(A) or a legislative question committee as defined in § 7-9-402(10)(A) shall include the following information:

(1) The name, the street address, and where available, the telephone number of the committee. A committee address and telephone number may be that of the residence of an officer or a director of the committee;

(2) The name, street address, and ~~where~~ if available, the telephone number of the treasurer and other principal officers and directors of the committee;

(3) The name and address of each financial institution in which the committee deposits money or anything else of monetary value;

(4) The name of each person who is a member of the committee. A person that is not an individual may be listed by its name without also listing its own members, if any; and

(5) A brief statement identifying the substance of each ballot question, the qualification, disqualification, passage, or defeat of which the committee seeks to influence or of each legislative question, the passage or defeat of which the committee seeks to influence, and if known, the date each ballot or legislative question shall be presented to a popular vote at an election.

(c) The statement of organization for a ballot question committee as defined in § 7-9-402(2)(B) or a legislative question committee as defined in § 7-9-402(10)(B) shall include:

(1)(A) The name, the street address, and if available, the telephone number of the committee.
(B) The address and telephone number of a committee in subdivision (c)(1)(A) of this section may be that of the residence of an officer of a director of the committee;

(2) The name, street address, and if available, the telephone number of the treasurer and the other principal officers and directors of the committee;

(3) The name and address of each financial institution in which the committee deposits money or anything else of monetary value;

(4)(A) The name of each person who is a member of the committee.

(B) A person that is not an individual may be listed by its name without also listing its own members, if any; and

(5) A brief statement identifying the substance of each ballot question, the qualification, disqualification, passage, or defeat of which the committee seeks to influence, and if known, the date each ballot or legislative question shall be presented to a popular vote at an election.

(d) When any of the information required in a statement of organization is changed, an amendment shall be filed within ten (10) days to reflect the change, except that changes in individual membership may be filed when the next financial report is required. A committee failing to file a change as required shall be subject to a late filing fee not exceeding twenty-five dollars ($25.00) for each day the change remains not filed.

(e) Upon dissolution, a ballot question committee or a legislative question committee shall so notify the commission in writing. Any remaining funds on hand at the time of dissolution shall be turned over to either:

(1) The Treasurer of State for the benefit of the General Revenue Fund Account of the State Apportionment Fund;

(2) An organized political party as defined in § 7-1-101 or a political party caucus of the General Assembly, the Senate, or House of Representatives;

(3) A nonprofit organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code;

(4) Cities of the first class, cities of the second class, or incorporated towns; or

(5) The contributors to the ballot or legislative question committee.

7-9-405. Contributions and expenditures limited.

(a) No ballot question committee or legislative question committee shall accept any contribution in cash, meaning currency or coin, that exceeds one hundred dollars ($100).

(b) No ballot question committee or legislative question committee shall accept any contribution from a prohibited political action committee as defined in § 7-6-201.

(c) No ballot question committee, legislative question committee, or individual shall make an expenditure in cash that exceeds fifty dollars ($50.00) to influence the qualification, disqualification, passage, or defeat of a ballot question or the passage or defeat of a legislative question.

(d) No contributions shall be made, directly or indirectly, by any person in a name other than the name by which the person is identified for legal purposes.

(e)(1) No person shall make an anonymous contribution totaling fifty dollars ($50.00) or more to a ballot question committee or legislative question committee.

(2) Any such anonymous contribution actually received by any ballot question committee or legislative question committee shall be promptly paid by the recipient to the Arkansas Ethics Commission for deposit into the State Treasury as general revenues.

7-9-406. Financial reports -- Requirement.

(a) A ballot question committee or legislative question committee that either receives contributions or makes expenditures in excess of five hundred dollars ($500) for the purpose of expressly advocating the qualification, disqualification, passage, or defeat of a ballot question or the passage or defeat of a legislative question shall file with the Arkansas Ethics Commission financial reports as required by §§ 7-9-407 -- 7-9-409.

(b) An individual person who on his or her own behalf expends in excess of five hundred dollars ($500), excluding contributions, for the purpose of expressly advocating the qualification, disqualification, passage, or defeat of a ballot question or the passage or defeat of a legislative question shall file with the commission financial reports as required by §§ 7-9-407 -- 7-9-409.

(c) An elected official expending public funds in excess of five hundred dollars ($500) for the purpose of expressly advocating the qualification, disqualification, passage, or defeat of a ballot question or the passage or defeat of a legislative question shall file with the commission financial reports as required by §§ 7-9-407 -- 7-9-409.

(d) Except as provided in subsection (f) of this section, any report required by this subchapter shall be deemed timely filed if it is:

(1) Hand-delivered to the commission on or before the date due;

(2) Mailed to the commission, properly addressed, postage prepaid, bearing a postmark indicating that it was received by the post office or common carrier on or before the date due;

(3) Received via facsimile by the commission on or before the date due, provided that the original is received by the commission within ten (10) days of the transmission; or

(4) Received by the commission in a readable electronic format that is approved by the commission.

(e) Whenever a report under this subchapter becomes due on a day that is a Saturday, Sunday, or legal holiday, the report shall be due the next day that is not a Saturday, Sunday, or legal holiday.

(f) A preelection report is timely filed if it is received by the commission no later than seven (7) days prior to the election for which it is filed.

(g) A final financial report as described in § 7-9-409(a)(3) is required regardless of whether a ballot question committee, legislative question committee, individual, or elected official received contributions or made expenditures in excess of five hundred dollars ($500).

7-9-407. Financial report -- Information.

A financial report of a ballot question committee, a legislative question committee, an individual person, or an elected official, as required by § 7-9-406, shall contain the following information:

(1) The name, address, and telephone number of the committee, individual person, or elected official filing the report;

(2)(A) For a ballot question committee as defined in § 7-9-402(2)(A) or a legislative question committee as defined in § 7-9-402(10)(A):

(i) The total amount of contributions received during the period covered by the financial report;

(ii) The total amount of expenditures made by the committee or on behalf of the committee by an advertising agency, public relations firm, or political consultant during the period covered by the financial report;

(iii) The cumulative amount of contributions and expenditures reported under subdivisions (2)(A)(i) and (ii) of this section for each ballot question or legislative question;

(iv) The balance of cash and cash equivalents on hand at the beginning and the end of the period covered by the financial report;

(v) The total amount of contributions received during the period covered by the financial report from persons who contributed less than fifty dollars ($50.00) and the cumulative amount of that total for each ballot question or legislative question;

(vi) The total amount of contributions received during the period covered by the financial report from persons who contributed fifty dollars ($50.00) or more and the cumulative amount of that total for each ballot question or legislative question;

(vii) The name and street address of each person who contributed fifty dollars ($50.00) or more during the period covered by the financial report, together with the amount contributed, the date of receipt, and the cumulative amount contributed by that person for each ballot question or legislative question;

(viii) For each person listed under subdivision (2)(A)(vii) of this section, the contributor's principal place of business, employer, occupation, the amount contributed, the date the contribution was accepted by the committee, and the cumulative amount contributed for each ballot question or legislative question;

(ix) The name and address of each person who contributed a nonmoney item, together with a description of the item, the date of receipt, and the value, not including volunteer service by individuals;

(x) [Repealed by Acts of 2017, Act 721, § 9, eff. Aug. 1, 2017.];

(xi) A list of all expenditures by category, including without limitation the following:

(a) Advertising;

(b) Direct mail;

(c) Office supplies;

(d) Travel;

(e) Expenses; and

(f) Telephone; and

(xii) The total amount of nonitemized expenditures made during the period covered by the financial report;

(B) For a ballot question committee as defined in § 7-9-402(2)(B) or a legislative question committee as defined in § 7-9-402(10)(B) shall include the following information:

(i) The total amount of contributions made by the committee to another ballot or legislative question committee reported during the period covered by the financial report; and

(ii) The cumulative amount of contributions under subdivisions (2)(B)(i) of this section.

(C) For an individual person:

(i) The total amount of expenditures made by the individual person or on behalf of the individual person by an advertising agency, public relations firm, or political consultant during the period covered by the financial report; and
(ii) The cumulative amount of expenditures for each ballot question or legislative question; and

(D) For an elected official using public funds:

(i) The total amount of expenditures made by the elected official using public funds or on behalf of the elected official using public funds by an advertising agency, public relations firm, or political consultant during the period covered by the financial report; and

(ii) The cumulative amount of expenditures for each ballot question or legislative question; and

(3) The name and street address of each person to whom expenditures totaling one hundred dollars ($100) or more were made by the committee, individual person, or elected official using public funds, or on behalf of the committee, individual person, or elected official using public funds, by an advertising agency, public relations firm, or political consultant, together with the date and amount of each separate expenditure to each person during the period covered by the financial report and the purpose of each expenditure.

7-9-408. Financial reports -- Verification.

The financial reports identified in § 7-9-407 shall be verified by affidavit by the person filing them to the effect that to the best of his or her knowledge and belief the information disclosed is a complete, true, and accurate financial statement of contributions or expenditures.

7-9-409. Financial reports -- Time to file -- Late fee.

(a)(1) The first financial reports shall be filed no later than fifteen (15) days following the month in which the five-hundred-dollar threshold of § 7-9-406 is met and thereafter no later than fifteen (15) days after the end of each month until the election is held. Provided, however, for any month in which certain days of that month are included in a preelection financial report required under subdivision (a)(2) of this section, no monthly report for that month shall be due, but those days of that month shall be carried forward and included in the final financial report.

(2) Additionally, a preelection financial report shall be filed no less than seven (7) days prior to any election on the ballot question or legislative question, such statement to have a closing date of ten (10) days prior to the election.
(3) Furthermore, a final financial report shall be filed no later than thirty (30) days after the election.

(b) A ballot question committee, legislative question committee, or individual person who files a late financial report shall be subject to a late filing fee not exceeding fifty dollars ($50.00) for each day the report remains unfiled.

7-9-410. Public inspection -- Record retention.

(a) All statements of organization and financial reports required by this subchapter shall be open to public inspection at the office of the Arkansas Ethics Commission during regular office hours.

(b) All records supporting the reports filed under this subchapter shall be:

(1) Made available to the commission; and

(2) Retained by the filer for a period of four (4) years after the date of filing the report.

7-9-411. Enforcement.

The Arkansas Ethics Commission shall have the same power and authority to enforce the provisions of this subchapter as is provided the commission under §§ 7-6-217 and 7-6-218 for the enforcement of campaign finance laws.

7-9-415. Scope.

Nothing in this subchapter may limit, waive, or abrogate the scope of any statutory or common law privilege, including, but not limited to, the work product doctrine and the attorney-client privilege.

7-9-601. Hiring and training of paid canvassers.

(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 unless the person receiving the money or item of value meets the requirements of this section.

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

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

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

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

(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 Secretary of State; and

(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.

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

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

(B) Signature card for each paid canvasser.

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

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

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

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

~~**(5)** Signatures incorrectly obtained or submitted under this section shall not be counted by the Secretary of State.~~

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

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

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

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

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

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

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

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

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

CRIMINAL OFFENSES – PETITION FRAUD

5-55-601. Petition fraud.

(a) As used in this section, "petition" means a petition under § 3-8-201 et seq., § 3-8-801 et seq., or §7-9-101 et seq.

(b) A person commits the offense of petition fraud:

(1) If the person knowingly:

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

(B) Signs his or her name more than one (1) time to a petition; or

(C) Signs a petition when he or she is not legally entitled to sign the petition;

(2) If the person acting as a canvasser, notary, sponsor as defined under § 7-9-101, or agent of a sponsor:

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

(B) Prints a name, address, or birth date other than his or her own to a petition unless the signor requires assistance due to disability and the person complies with § 7-9-103;

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

(D) Knowingly pays a person any form of compensation in exchange for signing a petition as a petitioner;

(E) 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 a canvasser's name or address is not included on the sponsor's list filed with the Secretary of State under § 7-9-601; or

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

(3) If the person acting as a canvasser knowingly makes a false statement on a petition verification form;

(4) If the person acting as a notary knowingly fails to witness a canvasser's affidavit by witnessing the signing of the instrument in person and either personally knowing the signor or by being presented with proof of the identity of the signer; or

(5) If the person acting as a sponsor files a petition or a part of a petition with the official charged with verifying the signatures knowing that the petition or part of the petition contains one (1) or more false or fraudulent signatures unless each false or fraudulent signature is clearly stricken by the sponsor before filing.

(c) Petition fraud is a ~~Class A misdemeanor~~ Class D Felony.

LOCAL MEASURES

This publication is primarily focused on statewide measures. Article 5, Section 1 of the Arkansas Constitution, does allow the initiative and referendum petition process at the local level.

The statutes included above from Ark. Code Ann. §§ 7-9-101 et seq. have general application to a county or municipal initiative or referendum. Several of the above statutes specifically refer to local measures. See e.g. Ark. Code Ann. §§ 7-9-104 and 7-9-105 on the form of petitions.

However, there are specific statutes outlining the process for county measures and those are attached to this booklet beginning in the below section. For guidance at the municipal level, please review any municipal ordinance that may have been passed concerning initiative or referendum petitions.

COUNTY-WIDE INITIATIVES & REFERENDUM

14-14-914. Initiative and referendum generally.

(a) County Legislative Powers Reserved. The powers of initiative and referendum are reserved to the electors of each county government pursuant to Arkansas Constitution, Amendment 7.

(b) Restrictions. No county legislative measure shall be enacted contrary to the Arkansas Constitution or any general state law which operates uniformly throughout the state, and any general law of the state shall have the effect of repealing any county ordinance which is in conflict therewith. All ordinances adopted by the county quorum court providing for alternative county organizations and all proposed reorganizations of county government that may be proposed by initiative petition of electors of the county under Arkansas Constitution, Amendment 7 shall be submitted to the electors of the county only at the next following general election. However, such referendum shall be subject to initiative petition.

(c) Petition by Electors. The qualified electors of each county may initiate and amend ordinances and require submission of existing ordinances to a vote of the people by petition if signed by not less than fifteen percent (15%) of the qualified electors voting in the last general election for the office of circuit clerk, or the office of Governor where the electors have abolished the office of circuit clerk.

(d) Suspension of Force. (1) General Ordinance. A referendum petition on a general ordinance, or any part thereof, shall delay the effective date on such part included in the petition until the ordinance is ratified by the electors. However, the filing of a referendum petition against one (1) or more items, sections, or parts of any ordinance shall not delay the remainder from becoming operative.

(2) Emergency Ordinance. A referendum petition on an emergency ordinance shall not suspend the force of the law, but the measure may be law until it is voted upon by the electors.

14-14-915. Initiative and referendum requirements.

(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) Contain a written certification of legal review by an attorney at law duly registered and licensed to practice in the State of Arkansas. This legal review shall be conducted for the purpose of form, proper title, legality, constitutionality, and conflict with existing ordinances. Legal review shall be concluded prior to the circulations of the petition for signatures. No change shall be made in the text of any initiative or referendum petition measure after any or all signatures have been obtained.

(b) Time Requirements for Filing Petitions. (1) Initiative Petitions. 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.

(2) Referendum Petitions. All petitions for referendum on county measures must be filed with the county clerk within sixty (60) calendar days after passage and publication of the measure sought to be repealed.

(3) Certification. All initiative and referendum petitions must be certified sufficient to the county board of election commissioners not less than seventy (70) calendar days prior to a regular general election to be included on the ballot. If the adequacy of a petition is determined by the county clerk less than seventy (70) days prior to the next regular election, the election on the measure shall be delayed until the following regular election unless a special election is called on a referendum measure as provided by law.

(c) Filing of Petitions. Initiative and referendum petitions ordering the submission of county ordinances or measures to the electors shall be directed to and filed with the county clerk.

(d) Sufficiency of Petition. Within ten (10) days after the filing of any petition, the county clerk shall examine and ascertain its sufficiency. Where the petition contains evidence of forgery, perpetuated either by the circulator or with his or her connivance, or evidence that a person has signed a name other than his or her own to the petition, the prima facie verity of the circulator's affidavit shall be nullified and disregarded, and the burden of proof shall be upon the sponsors of petitions to establish the genuineness of each signature. If the petition is found sufficient, the clerk shall immediately certify such finding to the county board of election commissioners and the quorum court.

(e) Insufficiency of Petition and Recertification. If the county clerk finds the petition insufficient, the clerk shall, within ten (10) days after the filing thereof, notify the petitioners or their designated agent or attorney of record, in writing, setting forth in detail every reason for the findings of insufficiency. Upon notification of insufficiency of petition, the petitioners shall be afforded ten (10) calendar days, exclusive of the day notice of insufficiency is receipted, in which to solicit and add additional signatures, or to submit proof tending to show that signatures rejected by the county clerk are correct and should be counted. Upon resubmission of a petition which was previously declared insufficient, the county clerk shall, within five (5) calendar days, recertify its sufficiency or insufficiency in the same manner as prescribed in this section and, thereupon, the clerk's jurisdiction as to the sufficiency of the petition shall cease.

(f) Appeal of Sufficiency or Insufficiency Findings. Any taxpayer aggrieved by the

action of the clerk in certifying the sufficiency or insufficiency of any initiative or referendum petition, may within fifteen (15) calendar days, but not thereafter, may file a petition in circuit court for a review of the findings.

14-14-916. Judicial jurisdiction over initiative and referendum.

(a) Jurisdiction of Circuit Court. Jurisdiction is vested upon the circuit courts to hear and determine petitions for writs of mandamus, injunctions, and all other actions affecting the submission of any proposed county initiative or referendum petitions. All such proceedings and actions shall be heard summarily upon five (5) calendar days' notice in writing and shall have precedence over all other suits and matters before the court.

(b) Limitation of Injunction or Stay of Proceedings. No procedural steps in submitting an initiative or referendum measure shall be enjoined, stayed, or delayed by the order of any court or judge after the petition has been declared sufficient, except in circuit court on petition to review as provided in this section. During the pendency of any proceeding to review, the findings of the county clerk shall be conclusive and binding and shall not be changed or modified by any temporary order or ruling, and no court or judge shall entertain jurisdiction of any action or proceeding questioning the validity of any such ordinance or measure until after it shall have been adopted by the people.

14-14-917. Initiative and referendum elections.

(a) Time of Election for Initiative and Referendum Measures. (1) Initiative. Initiative petition measures shall be considered by the electors only at a regular general election at which state and county officers are elected for regular terms.

(2) Referendum. Referendum petition measures may be submitted to the electors during a regular general election and shall be submitted if the adequacy of the petition is determined within the time limitation prescribed in this section. A referendum measure may also be referred to the electors at a special election called for the expressed purpose proposed by petition. However, no referendum petition certified within the time limitations established for initiative measures shall be referred to a special election, but shall be voted upon at the next regular election. No referendum election shall be held less than sixty (60) days after the certification of adequacy of the petition by the county clerk.

(3) Calling Special Elections. The jurisdiction to establish the necessity for a special election on referendum measures is vested in the electors through the provisions of petition. Where such jurisdiction is not exercised by the electors, the county court of each of the several counties may determine such necessity. However, a quorum court may compel the calling of a special election by a county court through resolution adopted during a regularly scheduled meeting of the quorum court. The resolution may specify a reasonable time limitation in which a county court order calling the special election shall be entered.

(4) Time of Special Election. The county court shall fix the date for the conduct of any special elections on referendum measures. The date shall be not less than established under § 7-11-201 et seq. When the electors exercise their powers to establish the necessity for a special election, the county court shall order an election according to the

dates stated in § 7-11-201 et seq.

(b) Certification Requirements. (1) Numeric Designation of Initiative and Referendum Measures. The county clerk shall, upon finding an initiative or referendum petition sufficient and prior to delivery of such certification to a board of election commissioners and quorum court, cause the measure to be entered into the legislative agenda register of the quorum court. This entry shall be in the order of the original filing of petition, and the register entry number shall be the official numeric designation of the proposed measure for election ballot purposes.

(2) Certification of Sufficiency. The certification of sufficiency for initiative and referendum petitions transmitted by the county clerk to the county board of election commissioners and quorum court shall include the ballot title of the proposed measure, the legislative agenda registration number, and a copy of the proposed measure, omitting signatures. The ballot title certified to the board shall be the comprehensive title of the measure proposed by petition, and the delivery of the certification to the chairman or secretary of the board shall be deemed sufficient notice to the members of the board and their successors.

(c) Notice of Election. (1) Initiative Petitions. The county clerk shall, upon certification of any initiative or referendum petition measure submitted during the time limitations for a regular election, give notice, through publication by a two-time insertion, at not less than a seven-day interval, in a newspaper of general circulation in the county or as provided by law. Publication notice shall state that the measure will be submitted to the electors for adoption or rejection at the next regular election and shall include the full text, the ballot title, and the official numeric designation of the measure.

(2) Referendum Petition. The county clerk shall, upon certifying any referendum petition prior to the time limitations of filing measures established for a regular election, give notice through publication by a one-time insertion in a newspaper of general circulation in the county or as provided by law. Publication notice shall state that the measure will be submitted to the electors for adoption or rejection at the next regular election or a special election when ordered by the county court and shall include the full text, the ballot title, and the official numeric designation of the measure.

(3) Publication of Special Referendum Election Notice. Upon filing of a special election order by the county court, the county clerk shall give notice of the election through publication by a two-time insertion, at not less than a seven-day interval, in a newspaper of general circulation in the county or as provided by law. Publication shall state that the measure will be submitted to the electors for adoption or rejection at a special election and shall include the full text, the date of the election, the ballot title, and official numeric designation of the measure.

(4) Costs. The cost of all publication notices required in this section shall be paid out of the county general fund.

(d) Ballot Specifications for Initiative and Referendum Measures.

(1)(A) Upon receipt of any initiative or referendum measure certified as sufficient by a county clerk, it shall be the duty of the members of the county board of election commissioners to take due cognizance and to certify the results of the vote cast thereon.

(B)(1) Except as provided in subdivision (d)(1)(B)(ii) of this section, the board shall cause the ballot title to be placed on the ballot to be used in the election, stating plainly and separately the title of the ordinance or measure so initiated or referred by the quorum court to the electors with these words:

"FOR PROPOSED INITIATIVE (OR REFERRED) ORDINANCE (OR AMENDMENT OR MEASURE)

NO. _____

AGAINST PROPOSED INITIATIVE (OR REFERRED) ORDINANCE (OR AMENDMENT OR MEASURE)

NO. _____".

(ii) If the election concerns repeal of an ordinance or measure by referendum petition, the ballot shall state plainly the title of the initiated ordinance or referred measure with these words:

FOR REPEAL OF THE INITIATIVE (OR REFERRED) ORDINANCE (OR AMENDMENT OR MEASURE)

NO._____

AGAINST REPEAL OF THE INITIATIVE (OR REFERRED) ORDINANCE (OR AMENDMENT OR MEASURE)
NO. _____

(2) In arranging the ballot title on the ballot, the commissioners shall place it separate and apart from the ballot titles of the state acts, constitutional amendments, and the like. If the board of election commissioners fails or refuses to submit a proposed initiative or referendum ordinance when it is properly petitioned and certified as sufficient, the qualified electors of the county may vote for or against the ordinance or measure by writing or stamping on their ballots the proposed ballot title, followed by the word "FOR" or "AGAINST", and a majority of the votes so cast shall be sufficient to adopt or reject the proposed ordinance.

(e) Conflicting Measures. Where two (2) or more ordinances or measures shall be submitted by separate petition at any one (1) election, covering the same subject matter and being for the same general purpose, but different in terms, words, and figures, the ordinance or measure receiving the greatest number of affirmative votes shall be declared the law, and all others shall be declared rejected.

(f) Contest of Election. The right to contest the returns and certification of the vote cast upon any proposed initiative or referendum measure is expressly conferred upon any ten

(10) qualified electors of the county. The contest shall be brought in the circuit court and shall be conducted under the procedure for contesting the election of county officers, except that the complaint shall be filed within sixty (60) days after the certification of the vote and no bond shall be required of the contestants.

(g) Vote Requirement for Enactment of Ordinance. Any measure submitted to the electors as provided in this section shall take effect and become law when approved by a majority of the votes cast upon the measure, and not otherwise, and shall not be required to receive a majority of the electors voting at the election. The measure so enacted shall be operative on and after the thirtieth day after the election at which it is approved, unless otherwise specified in the ordinance or amendment.

14-14-918. Passage of initiative and referendum measures.

(a) Recording of Enactment. Upon passage of any initiative or referendum measure by the electors, the county clerk shall record the enactment in the county ordinance and resolution register in the manner provided by law for all county ordinances and resolutions. The register entry number designation shall thereby become the official reference number designating the enactment.

(b) Quorum Court Authority. No measure approved by a vote of the electors shall be amended or repealed by a quorum court except by affirmative vote of two-thirds (2/3) of the whole number of justices comprising a court. On the passage of an amendment or repealing measure, the yeas and nays shall be called and recorded in the minutes of the meeting.

(c) Preservation of Records. All petitions, certificates, notices, and other evidences of procedural steps taken in submitting any ordinance shall be filed and preserved for a period of three (3) years by the county clerk.

14-14-919. Referendum petitions on county bond issue.

All referendum petitions under Arkansas Constitution, Amendment 7, against any measure, as the term is used and defined in Arkansas Constitution, Amendment 7, pertaining to a county bond issue or a short-term financing obligation of a county under Arkansas Constitution, Amendment 78, must be filed with the county clerk within thirty (30) days after the adoption of any such measure.

BALLOT QUESTION COMMITTEE (BQC)*
STATEMENT OF ORGANIZATION

To be filed with:
Arkansas Ethics Commission
Post Office Box 1917
Little Rock, AR 72203
Phone (501) 324-9600
Fax (501) 324-9606

(Arkansas Ethics Commission File Stamp)

☐ Check if this is an amendment to a previously filed statement of organization

Section One: BQC Name

Name of BQC (in full):_____

Section Two: BQC Address & Phone Number
If BQC has no office address, use the address of the BQC officer authorized to receive notices on behalf of the BQC.

Address:_____

City:_____State_____Zip_____Telephone Number_____

Section Three: BQC Officers and Directors
Provide the name, title, address, and telephone number of the treasurer and other principal officers and directors of the BQC.

Name:_____Title:_____

Address:_____City:_____State:_____Zip:____

Telephone Number:_____

Name:_____Title:_____

Address:_____City:_____State:_____Zip:___

Telephone Number:_____

Name:_____Title:_____

Address:_____City:_____State:_____Zip:____

Telephone Number:_____

Name:_____Title:_____

Address:_____City:_____State:_____Zip:____

Telephone Number:_____

* The term "ballot question committee" is defined in Ark. Code Ann. § 7-9-402(2)(A) and (B) and § 600(c)(1) and (2) of the Ethics Commission's Rules on Ballot and Legislative Question Committees.

Section Four: Financial Information

Provide the name and address of each financial institution in which the BQC deposits money or anything else of monetary value.

Name of Financial Institution:_____

Address:_____City:_____State:_____Zip:____

Name of Financial Institution:_____

Address:_____City:_____State:_____Zip:____

Section Five: Members

Provide the name of each person who is a member of the committee. A person that is not an individual may be listed by its name without also listing its own members, if any.

_____

_____

_____

_____

Section Six: Brief Statement

Provide a brief statement identifying the substance of each ballot question as to which the BQC will expressly advocate the qualification, disqualification, passage, or defeat, and, if known, the date each ballot question shall be presented to a popular vote at an election.

_____

_____

_____ _____

Date Signature of BQC Officer

LEGISLATIVE QUESTION COMMITTEE (LQC)*
STATEMENT OF ORGANIZATION

To be filed with:
Arkansas Ethics Commission
Post Office Box 1917
Little Rock, AR 72203
Phone (501) 324-9600
Fax (501) 324-9606

(Arkansas Ethics Commission File Stamp)

☐ Check if this is an amendment to a previously filed statement of organization

Section One: LQC Name

Name of LQC (in full):_____

Section Two: LQC Address & Phone Number
If LQC has no office address, use the address of the LQC officer authorized to receive notices on behalf of the LQC.

Address:_____

City:_____State_____Zip_____Telephone Number_____

Section Three: LQC Officers and Directors
Provide the name, title, address, and telephone number of the treasurer and other principal officers and directors of the LQC.

Name:_____Title:_____

Address:_____City:_____State:_____Zip:____

Telephone Number:_____

Name:_____Title:_____

Address:_____City:_____State:_____Zip:____

Telephone Number:_____

Name:_____Title:_____

Address:_____City:_____State:_____Zip:____

Telephone Number:_____

Name:_____Title:_____

Address:_____City:_____State:_____Zip:____

Telephone Number:_____

* The term "legislative question committee is defined in Ark. Code Ann. § 7-9-402(10(A) and (B) and § 600(i)(1) and (2) of the Ethics Commission's Rules on Ballot and Legislative Question Committees.

Section Four: Financial Information

Provide the name and address of each financial institution in which the LQC deposits money or anything else of monetary value.

Name of Financial Institution:_____

Address:_____City:_____State:_____Zip:____

Name of Financial Institution:_____

Address:_____City:_____State:_____Zip:____

Section Five: Members

Provide the name of each person who is a member of the committee. A person that is not an individual may be listed by its name without also listing its own members, if any.

_____

_____

_____

_____

Section Six: Brief Statement

Provide a brief statement identifying the substance of each legislative question as to which the LQC will expressly advocate the passage or defeat, and, if known, the date each legislative question will be presented to a popular vote at an election.

_____

_____

_____

_____

_____ _____

Date Signature of LQC Officer

SIGNATURE NUMBERS

County	TOTAL VOTES CAST for 2018 GOVERNOR'S RACE	Constitutional Amendment		Initiated Act		Referendum	
	VOTE	10%	5%	8%	4%	6%	3%
STATE	**891,509**	**89,151**	**44,576**	**71,321**	**35,661**	**53,491**	**26,746**
Arkansas	4962	497	249	397	199	298	149
Ashley	6155	616	308	493	247	370	185
Baxter	14351	1436	718	1149	575	862	431
Benton	77534	7754	3877	6203	3102	4653	2327
Boone	11623	1163	582	930	465	698	349
Bradley	2854	286	143	229	115	172	86
Calhoun	1791	180	90	144	72	108	54
Carroll	8968	897	449	718	359	539	270
Chicot	3551	356	178	285	143	214	107
Clark	6731	674	337	539	270	404	202
Clay	4132	414	207	331	166	248	124
Cleburne	9624	963	482	770	385	578	289
Cleveland	2589	259	130	208	104	156	78
Columbia	6342	635	318	508	254	381	191
Conway	6465	647	324	518	259	388	194
Craighead	26078	2608	1304	2087	1044	1565	783
Crawford	16860	1686	843	1349	675	1012	506
Crittenden	11918	1192	596	954	477	716	358
Cross	5794	580	290	464	232	348	174
Dallas	2115	212	106	170	85	127	64
Desha	3469	347	174	278	139	209	105
Drew	5397	540	270	432	216	324	162
Faulkner	38559	3856	1928	3085	1543	2314	1157
Franklin	5295	530	265	424	212	318	159
Fulton	3832	384	192	307	154	230	115
Garland	31767	3177	1589	2542	1271	1907	954
Grant	5549	555	278	444	222	333	167
Greene	10953	1096	548	877	439	658	329
Hempstead	4971	498	249	398	199	299	150
Hot Spring	8739	874	437	700	350	525	263
Howard	3519	352	176	282	141	212	106
Independence	10145	1015	508	812	406	609	305
Izard	4471	448	224	358	179	269	135
Jackson	4171	418	209	334	167	251	126
Jefferson	19820	1982	991	1586	793	1190	595

Johnson	7477	748	374	599	300	449	225
Lafayette	2131	214	107	171	86	128	64
Lawrence	4669	467	234	374	187	281	141
Lee	2119	212	106	170	85	128	64
Lincoln	3039	304	152	244	122	183	92
Little River	3925	393	197	314	157	236	118
Logan	5528	553	277	443	222	332	166
Lonoke	20613	2062	1031	1650	825	1237	619
Madison	5576	558	279	447	224	335	168
Marion	5163	517	259	414	207	310	155
Miller	11431	1144	572	915	458	686	343
Mississippi	10455	1046	523	837	419	628	314
Monroe	2640	264	132	212	106	159	80
Montgomery	2831	284	142	227	114	170	85
Nevada	2516	252	126	202	101	151	76
Newton	3091	310	155	248	124	186	93
Ouachita	7386	739	370	591	296	444	222
Perry	3701	371	186	297	149	223	112
Phillips	5444	545	273	436	218	327	164
Pike	3358	336	168	269	135	202	101
Poinsett	6109	611	306	489	245	367	184
Polk	6056	606	303	485	243	364	182
Pope	17956	1796	898	1437	719	1078	539
Prairie	2860	286	143	229	115	172	86
Pulaski	134667	13467	6734	10774	5387	8081	4041
Randolph	5662	567	284	453	227	340	170
Saline	41578	4158	2079	3327	1664	2495	1248
Scott	2879	288	144	231	116	173	87
Searcy	3194	320	160	256	128	192	96
Sebastian	33165	3317	1659	2654	1327	1990	995
Sevier	3202	321	161	257	129	193	97
Sharp	5670	567	284	454	227	341	171
St. Francis	5811	582	291	465	233	349	175
Stone	4442	445	223	356	178	267	134
Union	12502	1251	626	1001	501	751	376
Van Buren	6296	630	315	504	252	378	189
Washington	65863	6587	3294	5270	2635	3952	1976
White	21993	2200	1100	1760	880	1320	660
Woodruff	2086	209	105	167	84	126	63
Yell	5331	534	267	427	214	320	160

SAMPLE SIGNATURE LINES

The Secretary of State will accept petitions filed on forms substantially similar to the forms described in Ark. Code Ann. § 7-9-104 and 7-9-105, but does not guarantee the acceptance of any form by the courts if litigated. To provide sufficient space for the Petitioner's signature and information, **PLEASE USE LEGAL SIZE PAPER FOR THE SIGNATURE FORM**. Although not required, it is virtually essential for the Petitioner to identify the county in which he or she is registered to vote since petition parts must be sorted by County.

	Signature	Printed Name	Date of Birth	Residence	City or Town of Residence	County	Date of Signing
1.							
2.							
3.							
4.							
5.							
6.							
7.							
8.							
9.							
10.							

LEGAL SIZE ONLY

State of Arkansas, County of _____ **[County where Notary signs]**

I, _____, being sworn, state that each of the foregoing persons signed his or her own name to this sheet of the petition in my presence. To the best of my knowledge and belief, each signature is genuine and each signer is a registered voter of the State of Arkansas, in the County listed. At all times during the circulation of this signature sheet, an exact copy of the Popular Name, Ballot Title, and text was attached to this signature sheet. My current residence address is correctly stated below.

Signature _____

Current Residence_____

Indicate one: (___) Paid Canvasser (___) Volunteer/Unpaid Canvasser

On this ____day of _____, 20___, before me, the undersigned Notary Public, personally appeared _____, well known to me (or satisfactorily proven by identification documents provided) to be the person described in the foregoing Canvasser Affidavit and acknowledged that s/he executed the same in capacity of a Canvasser for the purposes of fulfilling legal requirements of a Canvasser in the State of Arkansas; and that I personally witnessed the signature of the Canvasser.

Signature of Notary_____

My Commission Expires_____

Residence County of Notary_____ [Notary Seal Above]

PAID CANVASSER SIGNATURE CARD

Pursuant to Ark. Code Ann. § 7-9-601(a)(3)(B)

Name of Petition:_____
Petition Sponsor: _____

Paid Canvasser Full Name: _____
Residence: _____
City: _____ State: _____ Zip: _____

_____

SIGNATURE OF PAID CANVASSER

Date You Began to Collect Signatures (on this petition): _____

Reminder – Arkansas Law Has Specific Requirements For Paid Canvassers Including The Following:

- *Be at least eighteen (18) years of age or older;*
- *Be present for every signature on each of your petition pages;*
- *Provide a sworn statement, oath, or affirmation that you have not pleaded guilty or nolo contendere or been found guilty of a criminal felony offense or a violation of election laws, fraud, forgery, or identification theft in any state, the District of Columbia, Puerto Rico, Guam or any other US protectorate; Agree to have a criminal background check/search for each petition within 30 days before gathering signatures on that petition;*
- *Have sponsor explain, and provide a signed statement to sponsor that canvasser has reviewed and understands applicable Arkansas law regarding obtaining signatures on an initiative or referendum petitions;*
- *Have received a copy of the most recent edition of the Secretary of State's handbook on initiatives and referenda.*