

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

As Engrossed: S2/19/25

A Bill

SENATE BILL 188

5 By: Senator C. Tucker
6 *By: Representative Ray*
7

For An Act To Be Entitled

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

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15 TO AMEND ARKANSAS LAW CONCERNING
16 INITIATIVE PETITIONS AND REFERENDUM
17 PETITIONS; AND TO REQUIRE PUBLIC POSTING
18 OF STATEWIDE INITIATIVE PETITIONS AND
19 REFERENDUM PETITIONS.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

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

25 7-9-107. Filing of original draft before circulation.

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

30 (b) The original draft shall include:

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

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



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

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

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

11 (A) The full text of the proposed measure;

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

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

14 and

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

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

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

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

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

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

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

36 (a) The Arkansas Supreme Court; or

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

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

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

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

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

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

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35 /s/C. Tucker
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