

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

# A Bill

SENATE BILL 398

5 By: Senator C. Tucker  
6 By: Representative Wooldridge  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS LAW CONCERNING INITIATIVE  
10 PETITIONS AND REFERENDUM PETITIONS; TO ALLOW A CURE  
11 PERIOD FOR INSUFFICIENT SUBMISSIONS; AND FOR OTHER  
12 PURPOSES.  
13

## Subtitle

16 TO AMEND ARKANSAS LAW CONCERNING  
17 INITIATIVE PETITIONS AND REFERENDUM  
18 PETITIONS; AND TO ALLOW A CURE PERIOD  
19 FOR INSUFFICIENT SUBMISSIONS.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. DO NOT CODIFY. Legislative findings.

24 The General Assembly finds that:

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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