

**TIM GRIFFIN**  
ATTORNEY GENERAL

Opinion No. 2025-037

June 2, 2025

Jennifer Waymack Standerfer  
Protect AR Rights  
*Via email only:* jwaystand@gmail.com

Dear Ms. Standerfer:

I am writing in response to your request, made under A.C.A. § 7-9-107, that I certify the popular name and ballot title for a proposed constitutional amendment.

My decision to certify or reject a popular name and ballot title is unrelated to my view of the proposed measure's merits. I am not authorized to consider the measure's merits when considering certification.

**1. Request.** Under A.C.A. § 7-9-107, you have asked me to certify the following popular name and ballot title for a proposed initiated amendment to the Arkansas Constitution:

Popular Name

THE ARKANSAS BALLOT MEASURE RIGHTS AMENDMENT

Ballot Title

This measure amends the Arkansas Constitution. It gives the people the fundamental right to make and repeal laws by petition. It gives Arkansas registered voters the fundamental right to sign a petition. It gives U.S. citizens the fundamental right to collect signatures on a petition unless the citizen has been convicted of certain crimes or is on a sex offender registry. It makes "petition fraud" a crime. It allows the legislature to decide the penalty range for criminals who intentionally defraud the petition process. It prohibits the government from unduly burdening these fundamental rights. It requires the government to notify a registered voter before it disqualifies his or her signature on a petition. It requires the government to count the signature of a registered voter who timely corrects a problem with the signature. It prohibits the government from making the people collect signatures on petitions from more than fifteen counties. It clarifies that the legislature cannot amend or repeal constitutional amendments that were voted for by the people. It requires a two-thirds vote of the legislature, county quorum court, or city council

Jennifer Waymack Standerfer  
Protect AR Rights  
Opinion No. 2025-037  
Page 2

to amend or repeal an initiated act. It requires the ballot title of a referendum to be “This referendum repeals...” followed by the exact title of the Act to be repealed by the referendum. It requires that if provisions of two or more measures conflict but both pass in the same election, the provision from the measure that received the most votes will be law. It requires lawsuits challenging the government’s decision to approve or disqualify a petition or a ballot title to be filed no later than ten days after the government’s decision. It requires the courts to expedite review of lawsuits challenging a petition or ballot title decision. It requires court challenges of petitions to be proven by clear and convincing evidence. It prohibits the government from disqualifying a measure, title, or petition for a filing error or scrivener’s error that is timely corrected. It requires the government to accept a measure, title, or petition that substantially complies with the Constitution. It declares that current laws that conflict with this measure are null and void. It provides that the provisions of the measure are severable.

**2. Rules governing my review.** Arkansas law requires sponsors of statewide initiated measures to “submit the original draft” of the measure to the Attorney General.<sup>1</sup> An “original draft” includes the full text of the proposed measure along with its ballot title and popular name.<sup>2</sup> Within ten business days of receiving the sponsor’s original draft, the Attorney General must respond in one of three ways:

- First, the Attorney General may approve and certify the ballot title and popular name in the form they were submitted.<sup>3</sup>
- Second, the Attorney General may “substitute and certify a more suitable and correct ballot title and popular name.”<sup>4</sup>
- Third, the Attorney General may reject both the popular name and ballot title “and state his or her reasons therefor and instruct” the sponsors to “redesign the proposed measure and the ballot title and popular name.”<sup>5</sup> This response is permitted when, after reviewing the proposed measure, the Attorney General determines that “the ballot title or the nature of the issue” is (1) “presented in such manner” that the ballot title would be misleading or (2) “designed in such manner” that a vote for or against the issue would actually be a vote

---

<sup>1</sup> A.C.A. § 7-9-107(a).

<sup>2</sup> A.C.A. § 7-9-107(b).

<sup>3</sup> A.C.A. § 7-9-107(d)(1).

<sup>4</sup> *Id.*

<sup>5</sup> A.C.A. § 7-9-107(e).

Jennifer Waymack Standerfer  
Protect AR Rights  
Opinion No. 2025-037  
Page 3

for the outcome opposite of what the voter intends.<sup>6</sup> This response is also permitted when a proposed ballot title fails to comply with Act 602 of 2025, which prohibits the Attorney General from certifying “a proposed ballot title with a reading level above eighth grade as determined by the Flesch-Kincaid Grade Level Formula as it existed on January 1, 2025.”<sup>7</sup> If a proposed ballot title is written above an eighth-grade reading level, I am authorized to substitute a “more suitable”<sup>8</sup> ballot title or to reject the proposed ballot title, state the reasons for the rejection, and “instruct the petitioners to redesign the proposed ballot title or proposed measure in a manner that does not violate [Act 602].”<sup>9</sup>

**3. Rules governing the popular name.** The popular name is primarily a useful legislative device,<sup>10</sup> and its purpose is to identify the proposal for discussion.<sup>11</sup> While it need not contain detailed information or include exceptions that might be required of a ballot title, the popular name must not be misleading or partisan.<sup>12</sup> And it must be considered together with the ballot title in determining the ballot title’s sufficiency.<sup>13</sup> Thus, a popular name can be misleading if it references only a subset of the topics covered in the measure’s text.<sup>14</sup>

**4. Rules governing the ballot title.** The ballot title must summarize the proposed amendment. The Court has developed general rules for what must be included in the summary and how that information must be presented. Sponsors must ensure their ballot titles impartially summarize the amendment’s text and give voters a fair understanding of the issues presented.<sup>15</sup> The Court has

---

<sup>6</sup> *Id.* Act 154 of 2025 amended A.C.A. § 7-9-107(e) to allow the Attorney General to reject a proposed measure if it conflicts with the United States Constitution or with a federal statute. It also prohibits a sponsor from submitting multiple initiative petitions or referendum petitions that are “conflicting measures,” and it requires the Attorney General to reject all such petitions. The Act, however, does not contain an emergency clause, so it has not yet taken effect.

<sup>7</sup> Act 602 of 2025, § 2 (amending A.C.A. § 7-9-107).

<sup>8</sup> A.C.A. § 7-9-107(c).

<sup>9</sup> Act 602 of 2025, § 2.

<sup>10</sup> *Pafford v. Hall*, 217 Ark. 734, 739, 233 S.W.2d 72, 75 (1950).

<sup>11</sup> *Paschall v. Thurston*, 2024 Ark. 155, at 10, 699 S.W.3d 352, 359 (citing *Kurrus v. Priest*, 342 Ark. 434, 29 S.W.3d 699 (2000)).

<sup>12</sup> *E.g.*, *Chaney v. Bryant*, 259 Ark. 294, 297, 532 S.W.2d 741, 743 (1976); *Moore v. Hall*, 229 Ark. 411, 414–15, 316 S.W.2d 207, 208–09 (1958).

<sup>13</sup> *May v. Daniels*, 359 Ark. 100, 105, 194 S.W.3d 771, 776 (2004).

<sup>14</sup> *Paschall*, 2024 Ark. 155, at 13–16, 699 S.W.3d at 361–63.

<sup>15</sup> *Becker v. Riviere*, 270 Ark. 219, 226, 604 S.W.2d 555, 558 (1980).

Jennifer Waymack Standerfer  
Protect AR Rights  
Opinion No. 2025-037  
Page 4

also disapproved the use of terms that are “technical and not readily understood by voters.”<sup>16</sup> Ballot titles that do not define such terms may be deemed insufficient.<sup>17</sup> And, as mentioned above, the General Assembly has prohibited ballot titles “with a reading level above eighth grade.”<sup>18</sup>

Additionally, sponsors cannot omit material from the ballot title that qualifies as an “essential fact which would give the voter serious ground for reflection.”<sup>19</sup> Yet the ballot title must also be brief and concise lest voters exceed the statutory time allowed to mark a ballot.<sup>20</sup> The ballot title is not required to be perfect, nor is it reasonable to expect the title to address every possible legal argument the proposed measure might evoke.<sup>21</sup> The title, however, must be free from any misleading tendency—whether by amplification, omission, or fallacy—and it must not be tinged with partisan coloring.<sup>22</sup> The ballot title must be honest and impartial,<sup>23</sup> and it must convey an intelligible idea of the scope and significance of a proposed change in the law.<sup>24</sup> The ballot title need not summarize existing law though.<sup>25</sup> The court has held that a statement that a measure “will repeal inconsistent laws” is sufficient to inform the voters “that all laws which are in conflict will be repealed.”<sup>26</sup> But if a ballot title describes some of a measure’s changes with specificity while describing other changes more generally, this can render the ballot title misleading.<sup>27</sup>

Finally, the Court has held that a ballot title cannot be approved if the text of the proposed amendment itself contributes to confusion and disconnect between the language in the popular

---

<sup>16</sup> *Wilson v. Martin*, 2016 Ark. 334, \*9, 500 S.W.3d 160, 167 (citing *Cox v. Daniels*, 374 Ark. 437, 288 S.W.3d 591 (2008)).

<sup>17</sup> *Id.*; 500 S.W.3d at 167.

<sup>18</sup> Act 602 of 2025, § 2. Because Act 602 included an emergency clause, it became effective on April 14, 2025, when the Governor approved it. *See* Ark. Att’y Gen. Op. 2025-026.

<sup>19</sup> *Bailey v. McCuen*, 318 Ark. 277, 285, 884 S.W.2d 938, 942 (1994).

<sup>20</sup> A.C.A. §§ 7-9-107(d)(2) (requiring the ballot title “submitted” to the Attorney General or “supplied by the Attorney General” to “briefly and concisely state the purpose the proposed measure”); 7-5-309(b)(1)(B) (allowing no more than ten minutes); *see Bailey*, 318 Ark. at 288, 884 S.W.2d at 944 (noting the connection between the measure’s length and the time limit in the voting booth).

<sup>21</sup> *Plugge v. McCuen*, 310 Ark. 654, 658, 841 S.W.2d 139, 141 (1992).

<sup>22</sup> *Bailey*, 318 Ark. at 284, 884 S.W.2d at 942 (internal citations omitted); *see also Shepard v. McDonald*, 189 Ark. 29, 70 S.W.2d 566 (1934)

<sup>23</sup> *Becker v. McCuen*, 303 Ark. 482, 489, 798 S.W.2d 71, 74 (1990).

<sup>24</sup> *Christian Civic Action Committee v. McCuen*, 318 Ark. 241, 250, 884 S.W.2d 605, 610 (1994).

<sup>25</sup> *Armstrong v. Thurston*, 2022 Ark. 167, \*10, 652 S.W.3d 167, 175.

<sup>26</sup> *Richardson v. Martin*, 2014 Ark. 429, \*9, 444 S.W.3d 855, 861.

<sup>27</sup> *See Paschall*, 2024 Ark. 155, at \*16, 699 S.W.3d at 363.

Jennifer Waymack Standerfer  
Protect AR Rights  
Opinion No. 2025-037  
Page 5

name and the ballot title and the language in the proposed amendment.<sup>28</sup> Yet a ballot title need not account for all possible legal effects and consequences of a proposed amendment.<sup>29</sup>

**5. Application.** Having reviewed the text of your proposed constitutional amendment, as well as your proposed popular name and ballot title, I must reject your popular name and ballot title because the ballot title does not comply with Act 602 of 2025. As explained above, Act 602 prohibits me from certifying ballot titles that are above an eighth-grade reading level under the Flesch-Kincaid Grade Level formula. The ballot title you have submitted ranks at grade 11.5. Thus, your ballot title requires significant revisions before it complies with the Act. Any ballot title I could substitute would amount to a wholesale rewrite, but it is the sponsor's duty to craft a ballot title that complies with statutory requirements. The law neither contemplates nor requires that I compose an entirely new ballot title.<sup>30</sup> If "[t]he proposed ballot title evidences little or no effort ... to comply with the rules governing the initiative process"<sup>31</sup> or would require the Attorney General to craft "an independent product" before the ballot title complied with the law,<sup>32</sup> this Office has regularly declined to substitute and, instead, rejected the proposal. As a result, my statutory duty is to reject your popular name and ballot title and instruct you to redesign the proposed ballot title in a manner that does not violate the requirements of the Act.<sup>33</sup>

**6. Additional Issues.** While the foregoing defect provides sufficient grounds for me to reject your submission, I have identified other issues in your proposal that you may wish to address if you resubmit:

- ***Change of "legal voter" to "qualified electors."*** Your ballot title does not summarize this substitution in your proposed constitutional amendment, even though this information could be an "essential fact which would give the voter serious ground for reflection."
- ***Ambiguity regarding the limitations on the General Assembly's authority.*** Your proposed amendment adds a provision to Article 5, § 1 that prohibits the General Assembly from amending or repealing "a constitutional amendment approved by a vote of the people." It does not amend the General Assembly's Article 19, § 22 powers to refer amendments to the people.<sup>34</sup> Yet your ballot title fails to name which sections of the constitution your measure amends, so the extent of its changes to the General Assembly's authority is not

---

<sup>28</sup> *Roberts v. Priest*, 341 Ark. 813, 825, 20 S.W.3d 376, 382 (2000).

<sup>29</sup> *McGill v. Thurston*, 2024 Ark. 149, at \*14–15, 699 S.W.3d 45, 55.

<sup>30</sup> See, e.g., Ark. Att'y Gen. Op. 2025-026 (collecting citations).

<sup>31</sup> Ark. Att'y Gen. Op. 2012-033.

<sup>32</sup> Ark. Att'y Gen. Op. 2016-051.

<sup>33</sup> Act 602 of 2025, § 2.

<sup>34</sup> "Either branch of the General Assembly, at a regular session thereof, may propose amendments to this Constitution[.]"

Jennifer Waymack Standerfer  
Protect AR Rights  
Opinion No. 2025-037  
Page 6

clear. Your ballot title must provide “voters a fair understanding of the issues presented and the scope and significance of the proposed changes in the law.”<sup>35</sup> Without naming in your ballot title the specific constitutional provisions you propose changing, you cannot fully explain the “scope and significance of the proposed changes in the law.”

- ***Conflicting Measures.*** Your ballot title and proposed constitutional amendment contain similar statements regarding how conflicting measures become law. But both are ambiguous and, therefore, misleading. Your proposal states as follows:

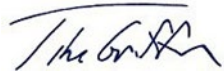
If two or more measures initiated or referred to the people shall be approved by a majority of the votes severally cast for and against the same at the same election, and provisions of the measures are in irreconcilable conflict, the provision of the measure that received the highest number of affirmative votes shall become law.

One reading of this statement is that only the conflicting provision of the measure with the highest number of affirmative votes becomes law: “the provision ... shall become law.” Under this reading, it is unclear what happens to the non-conflicting provisions of the two or more measures (if they received enough votes). But a second interpretation is that all the provisions not in conflict (if they received enough votes) become law, along with the conflicting provision that received the most votes.

Finally, this statement is also confusing because a provision is a smaller part of a measure.<sup>36</sup> And only measures (“any bill, law, resolution, ordinance, charter, constitutional amendment or legislative proposal or enactment of any character”)<sup>37</sup> become law.

Assistant Attorney General Jodie Keener prepared this opinion, which I hereby approve.

Sincerely,



TIM GRIFFIN  
Attorney General

---

<sup>35</sup> *Paschall*, 2024 Ark. at \*10, 699 S.W.3d at 359.

<sup>36</sup> See *Provision*, *Black’s Law Dictionary* 1482 (12th ed. 2024) (defining “provision” as “[a] clause in a statute, contract, or other legal instrument”).

<sup>37</sup> Ark. Const. art. 5, § 1.



MAY 19 2025

BY: KS/cac

MAY 19 REC'D

POPULAR NAME: The Arkansas Ballot Measure Rights Amendment

ATTORNEY GENERAL  
OF  
ARKANSAS

BALLOT TITLE:

This measure amends the Arkansas Constitution. It gives the people the fundamental right to make and repeal laws by petition. It gives Arkansas registered voters the fundamental right to sign a petition. It gives U.S. citizens the fundamental right to collect signatures on a petition unless the citizen has been convicted of certain crimes or is on a sex offender registry. It makes "petition fraud" a crime. It allows the legislature to decide the penalty range for criminals who intentionally defraud the petition process. It prohibits the government from unduly burdening these fundamental rights. It requires the government to notify a registered voter before it disqualifies his or her signature on a petition. It requires the government to count the signature of a registered voter who timely corrects a problem with the signature. It prohibits the government from making the people collect signatures on petitions from more than fifteen counties. It clarifies that the legislature cannot amend or repeal constitutional amendments that were voted for by the people. It requires a two-thirds vote of the legislature, county quorum court, or city council to amend or repeal an initiated act. It requires the ballot title of a referendum to be "This referendum repeals..." followed by the exact title of the Act to be repealed by the referendum. It requires that if provisions of two or more measures conflict but both pass in the same election, the provision from the measure that received the most votes will be law. It requires lawsuits challenging the government's decision to approve or disqualify a petition or a ballot title to be filed no later than ten days after the government's decision. It requires the courts to expedite review of lawsuits challenging a petition or ballot title decision. It requires court challenges of petitions to be proven by clear and convincing evidence. It prohibits the government from disqualifying a measure, title, or petition for a filing error or scrivener's error that is timely corrected. It requires the government to accept a measure, title, or petition that substantially complies with the Constitution. It declares that current laws that conflict with this measure are null and void. It provides that the provisions of the measure are severable.

THE CONSTITUTIONAL AMENDMENT:

SECTION 1. Underlined language in SECTION 2 is new language to be added to the Arkansas Constitution, and the language that is stricken through in SECTION 2 should be removed from the Arkansas Constitution.

SECTION 2. Arkansas Constitution, Article 5, § 1 is amended to read as follows:

§ 1. Initiative and Referendum.

(a) 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 and the fundamental right 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 and the fundamental right, at their own option to approve or reject at the polls any entire act or any item of an appropriation bill.

(b)(1) Every qualified elector of this State has the fundamental rights to:

(A) Sign a petition under this section; and  
(B) Have the qualified elector's signature counted once for each  
petition signed.

(2) A United States citizen has the fundamental right to solicit and obtain  
signatures on a petition under this section unless the citizen:

(i) Has been convicted of a criminal offense under this section;  
(ii) Has been convicted of a criminal offense involving dishonesty or  
false statement;

(iii) Has been convicted of a felony criminal offense, and the citizen  
has not had his or her voting rights restored; or

(iv) Is required by law to register on the sex offender registry for any  
state.

(c) 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.

(d)(1) 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.

(2) If the referendum is to repeal a general Act or a measure passed by  
the General Assembly in its entirety, the ballot title shall be the words "This referendum  
repeals..." followed by the exact title of the Act or measure to be repealed by the  
referendum.

(e)(1) 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.

(2) Upon all initiative or referendum petitions provided for in any of the  
sections of this article Article 5, Section 1, 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.

(3) Initiative or referendum petitions provided for under this Article 5,  
Section 1 shall not be required to be filed from more than fifteen (15) counties.

(f) 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.

(g)(1) **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.

(2) 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 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 days nor more than ninety days before the election at which it is to be voted upon; for a referendum petition at not less than thirty days nor more than ninety days after the passage of such measure by a municipal council; nor less than ninety days when filed against a local or special measure passed by the General Assembly.

(3) 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.

(h) **General Provisions.**

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

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

(3)(A) **Amendment and Repeal.** ~~No measure~~ The General Assembly, county quorum court, or city council shall only amend or repeal an initiated act 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~~ by a vote of at least two-

thirds of all the members elected to each house of the General Assembly, county quorum court, or of the city council, as the case may be.

(B) The General Assembly shall not amend or repeal a constitutional amendment approved by a vote of the people.

(4) 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.

(5)(A) 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.

(B) 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.

(6) 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).

(7) Conflicting Measures. If conflicting two or more 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, and provisions of the measures are in irreconcilable conflict, the one receiving provision of the measure that received the highest number of affirmative votes shall become law.

(i) The Petition and Review of Measures or Titles.

(1) 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.

(2) 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.

(3)(A) Verification. Only ~~legal votes~~ the signatures of qualified electors 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 qualified elector and no other affidavit or verification shall be required to establish the genuineness of such signatures.

**(B) Voter Cure.**

(i) The Secretary of State, the county clerk, and city clerk shall not disqualify the signature of a qualified elector before providing to the qualified elector whose name is signed on the petition:

(a) Notice that the qualified elector's signature will be disqualified and will not be counted; and

(b) An opportunity for the qualified elector whose name is signed to correct any identified insufficiency.

(ii) Notice under this subdivision (i)(3)(B) shall be sent to the qualified elector by mailing to the qualified elector's last known residential address, by telephone call, if available, and by email or other electronic notification system, if available.

(iii) Notice under this subdivision (i)(3)(B) shall be provided immediately after the insufficiency is discovered by the Secretary of State, county clerk, or city clerk and shall advise the qualified elector:

(a) Of how to correct any identified insufficiency; and

(b) That failure to correct any identified insufficiency will result in the qualified elector's signature not being counted.

(iv) The Secretary of State, county clerk, or city clerk shall give the voter no less than ten (10) business days to correct any identified insufficiency in person or electronically before disqualification.

(v) The qualified elector shall have no less than ten (10) business days after the Secretary of State, county clerk, or city clerk delivers notice under this section to correct any identified insufficiency.

(vi) If a qualified elector timely corrects an identified insufficiency, the signature shall be counted once.

**(4)(A) 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.

**(B)** 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.

**(C)** A government actor reviewing a measure, ballot title, or petition for sufficiency shall determine it to be sufficient if the measure, ballot title, or petition substantially complies with the requirements of this Article 5, Section 1.

**(5) Court Decisions.**

**(A)** If the sufficiency of any petition is challenged such cause shall be a:

(i) Filed with the court of jurisdiction no later than ten (10) business days after approval or denial of the sufficiency of the petition; and

(ii) 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.

(B) If the sufficiency of a ballot title is challenged such cause shall be:

(i) Filed with the court of jurisdiction no later than ten (10) business days after the designated governmental entity gives notice to the sponsor that the ballot title is approved;

(ii) A preference cause; and

(iii) Tried at once with expedited review if appealed.

(6)(A)(i) Amendment of Petition, Measure, or Title. ~~(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)(ii)~~ 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 qualified electors equal to:

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

~~(B)(b)~~ At least seventy-five percent (75%) of the required number of signatures of legal-voters qualified electors from each of at least fifteen (15) counties of the state, but shall require signatures of qualified electors from no more than fifteen (15) counties.

~~(b)(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~~ clear and convincing evidence presented by the person or persons attacking the validity of the petition.

(C) If a government actor discovers a scrivener's or filing error concerning the measure, ballot title, or petition, the government actor:

(i) Shall immediately notify the sponsor of the scrivener's or filing error;

(ii) Shall allow the sponsor ten (10) business days after delivery of notice to the sponsor to correct the scrivener's or filing error; and

(iii) Shall not disqualify a measure, ballot title, or petition that has been timely corrected.

**(7) Unwarranted Restrictions and Petition Fraud Prohibited.**

(A) 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 designating the classification of and penalty range for the criminal offenses of petition fraud under this subdivision (i)(7).

(B) Petition fraud is a criminal offense.



(C) It is petition fraud if a person:

(i) With the purpose to have an invalid signature counted, knowingly signs another person's name to a petition;

(ii) Knowingly pays a person anything of value in exchange for his or her signature on a petition;

(iii) Purposely and materially misrepresents the content of a measure with the intent to deceive another person, and the other person signed the petition or declined to sign the petition in reliance on that misrepresentation; or

(iv) Who is the sponsor of the measure or the designated representative of the sponsor submits invalid signatures to the Secretary of State, county clerk, or city clerk for verification with actual knowledge that the signatures were obtained in violation of this Article 5, Section 1, and without advising the Secretary of State, county clerk, or city clerk that those signatures may be invalid.

(E) The Secretary of State, county clerk, or city clerk shall not invalidate a signature for a criminal violation under this subdivision (i)(7) unless the Secretary of State, county clerk, or city clerk provided notice to the qualified elector under subdivision (i)(3)(B) of this section, and the qualified elector did not correct an identified insufficiency.

(F) If a procedural practice, rule, or law is adopted or enacted by a government actor concerning the administration of the provisions of this section, the practice, rule, or law shall be ministerial in nature, and shall not unduly burden the rights guaranteed under this Article 5, Section 1.

**(8) 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.

**(9) 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.

**(10) 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.

SECTION 3. Inconsistent provisions inapplicable. All provisions of the Constitution, statutes, and common law of this State to the extent inconsistent or in conflict with any provision of this Amendment are expressly declared null and void.

SECTION 4. Severability. If any provision or section of this amendment or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of the amendment that can be given effect without the invalid provision or application, and to this end the provisions of this amendment are declared to be severable.