

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION**

LEAGUE OF WOMEN VOTERS OF ARKANSAS,
SAVE AR DEMOCRACY, BONNIE HEATHER
MILLER, and DANIELLE QUESNELL

Plaintiffs

and

PROTECT AR RIGHTS and FOR AR KIDS

Intervenor-Plaintiffs

v.

Case No. 5:25-cv-05087-TLB

COLE JESTER, Arkansas Secretary of State,
in his official capacity

Defendant

and

TIM GRIFFIN, Arkansas Attorney General,
in his official capacity

Intervenor-Defendant

**DECLARATION OF BILL KOPSKY IN SUPPORT OF INTERVENOR-
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

I, Bill Kopsky, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am over the age of 18, am competent to testify, and have personal knowledge of the facts and information set forth in this declaration.

2. I am a resident of Conway, Arkansas. I am the Executive Director of the Arkansas Public Policy Panel (the "Panel"), a nonprofit dedicated to expanding social justice in Arkansas through community organizing and coalition building to help Arkansas families and residents improve their communities.

3. The Panel is a member organization of two Arkansas ballot question committees: For AR Kids and Protect AR Rights (the “BQCs”). I am the treasurer of each BQC.

4. Conducting a ballot-initiative campaign is a massive undertaking, even before getting to the phase of the campaign in which canvassers collect signatures. Lots of infrastructure must be constructed. For example, sponsors must form BQCs in compliance with Arkansas law; recruit membership organizations; form committees to host town halls, conduct polling and draft the proposed measure; conduct fundraising; and locate hundreds of volunteers across the state to collect signatures. The scale is daunting, and we cannot undertake these campaigns with the snap of a finger. The ballot measure process in Arkansas is very difficult as it is. Every delay is a major barrier.

5. For AR Kids sponsors a proposed amendment to the Arkansas Constitution called the Arkansas Educational Rights Amendment of 2026. For AR Kids is trying to qualify the proposed amendment for the November 2026 Arkansas general election. The Attorney General approved the popular name and ballot title of the proposed amendment on February 26, 2025.

6. For AR Kids is now in the signature-collecting phase of its campaign. To qualify for the ballot, For AR Kids must collect 90,704 valid signatures from qualified electors in Arkansas by July 3, 2026. For AR Kids expects that volunteers will collect most of the required signatures. However, it also plans to use paid

canvassers to supplement its volunteers this election cycle, and it has already received quotes from several prospective paid canvassing firms.

7. For AR Kids sponsored a similar proposed amendment in 2024. The Panel was also a member of the BQC in 2024, and I was also the treasurer. For AR Kids operated a grassroots, volunteer-driven campaign. About 750 volunteer canvassers, 200–300 of whom were regularly active, collected signatures for the proposed amendment. For AR Kids did not use any paid canvassers in 2024.

8. Despite its best efforts, For AR Kids fell short of the signature requirement to qualify for the 2024 ballot. From March 1, 2024, when the Arkansas Attorney General approved our ballot title, to July 5, 2024, our volunteers collected 70,113 raw signatures—that is, signatures that we did not submit to the Arkansas Secretary of State for verification due to the insufficient number collected.

9. Protect AR Rights sponsors a proposed amendment to the Arkansas Constitution with a proposed popular name of the Arkansas Ballot Measure Rights Amendment. Protect AR Rights submitted the proposed popular name and a ballot title to the Attorney General on May 18, 2025. However, the Attorney General rejected the popular name and ballot title on June 2, 2025. Protect AR Rights submitted another proposed popular name and ballot title on June 17, 2025. The Attorney General rejected the second proposed popular name and ballot title on July 1, 2025. The Attorney General rejected both proposals because, among other reasons, the Attorney General determined that the ballot title was not written at an

eighth-grade reading level as calculated by the Flesch-Kincaid Grade Level formula, which is now required by Act 602 of 2025.

10. Protect AR Rights submitted a third proposed popular name and ballot title on July 14, 2025, and is awaiting the Attorney General's response, which is due no later than July 29

11. If its popular name and ballot title are approved, Protect AR Rights will need to collect 90,704 valid signatures from qualified electors in Arkansas by July 3, 2026, to qualify for the November 2026 general election ballot.

12. During a typical initiative campaign, thirty percent of volunteer signatures are culled as invalid and forty-five percent of paid-canvasser signatures are culled as invalid. Signatures might be excluded because the signer listed the wrong address, their handwriting can't be read, and for a number of other reasons. Accounting for those rates, the BQCs expect that they will need to collect between 140,000 and 150,000 total signatures to meet the threshold of 90,704 valid signatures.

13. Though the Arkansas Constitution protects the initiative process, the Arkansas General Assembly has imposed harmful restrictions on the initiative process in almost every legislative session since 2013. These restrictions have made it nearly impossible for citizen-initiated measures to qualify for the ballot.

14. One set of laws that negatively impact the BQCs are Acts 218, 240, and 274 of 2025 (the "Canvassing Regulations").

15. Act 218 requires canvassers to verbally warn petition signers that “petition fraud is a criminal offense” before allowing them to sign. If a verbal warning is impossible, the canvasser must provide a separate written notification. If a canvasser fails to provide this warning before allowing a person to sign a petition, the canvasser can be charged with a misdemeanor.

16. Act 240 requires canvassers to view a potential signer’s photo identification “to verify the identity” of the potential signer before collecting her signature. If the canvasser cannot verify the identity of the potential signer, she may not collect the person’s signature.

17. Act 274 requires that a person may only sign a petition “[a]fter reading the ballot title of the petition in the presence of a canvasser or having the ballot title read to him or her in the presence of a canvasser.” If a canvasser fails to read the ballot title aloud or have the signer read the ballot title in the canvasser’s presence before signing a petition, the canvasser can be charged with a misdemeanor.

18. As director of the Panel, which is a member of both BQCs and a community organizing group with deep experience in field campaigns like signature-collection efforts, I, our staff, and our volunteer leaders at the Panel are intimately involved in recruiting, training, and managing our volunteer canvassers. The Panel participated in its first ballot-initiative campaign in 1986, nearly forty years ago, and has been involved in many campaigns on many issues in the intervening years. We are in regular communication with our volunteers to get feedback from them on how their efforts are progressing. Our office was also the

central collection point for the signatures for the For AR Kids' 2024 campaign, where we performed quality-control checks to make sure all signatures submitted complied with Arkansas laws and regulations. From these experiences, I have extensive knowledge of the signature-collecting process and how signature-collection efforts are impacted by the Canvassing Regulations.

19. The Canvassing Regulations create significant hurdles to both collecting signatures and recruiting canvassers.

20. First, the Canvassing Regulations drastically increase the time in which it takes canvassers to interact with potential signers and complete the steps required to allow someone to sign a petition.

21. For AR Kids sent some of its more experienced volunteer canvassers out to collect signatures under the Canvassing Regulations to assess how they would impact canvassers' collection rates. The volunteer canvassers reported that in the past it took them around two to three minutes to engage with an individual and collect their signature. Adhering to the Canvassing Regulations, however, it took the canvassers between six and ten minutes to collect just one signature. Indeed, reading For AR Kids' ballot title alone takes almost three minutes. This slows down a canvasser's ability to collect signatures because as they spend extra time interacting with one signer they miss the opportunity to engage others.

22. The Canvassing Regulations also deter people from signing the petition. First, volunteer canvassers found that some people were interested in signing the petition but declined to do so after realizing the time it would take to

sign. Some people specifically refused to sign after seeing how long the ballot title was because they did not want to take the time to read it in the volunteer canvasser's presence or have it read aloud to them.

23. Some people were interested in signing but were unable because they did not have the required photo ID with them at the time. Others had ID with them but did not want to show it to a stranger.

24. Other people were scared to sign after the canvasser gave the required warning that "petition fraud is a criminal offense." Even though nothing illegal was occurring, people said they would not go to jail for signing a petition and thus refused to sign.

25. Collectively, these issues significantly impede voters from associating with For AR Kids by signing our petition and reduce the number of signatures canvassers are able to collect in an hour. In previous years, we could expect canvassers to collect an average of ten to twenty signatures per hour. This year, the best signature rate of any volunteer canvasser was six-and-a-half signatures per hour. Most volunteer canvassers collected only one to three signatures per hour.

26. The Canvassing Regulations also make it more difficult for the BQCs to recruit volunteer canvassers. Based on conversations my team and I have had with past volunteers, we expect that about fifty percent will not volunteer as canvassers during this election cycle due to the Canvassing Regulations. Some volunteers are reluctant to canvass because they are scared they will be charged with a crime if they accidentally forget to complete one of the steps required by the

Canvassing Regulations. Others have expressed that they are chilled from volunteering for us this year because it was already difficult to collect enough signatures to qualify for the ballot and the Canvassing Regulations will make it practically impossible.

27. Given how the new Canvassing Regulations are deterring volunteer participation, it seems that both BQCs will have fewer volunteers than For AR Kids did during the last election cycle if the new laws are enforced, making it virtually impossible to collect the requisite number of signatures. Volunteers are already quitting because they feel like their efforts will be hopeless with the new Canvassing Regulations in place.

28. It seems unlikely, at this juncture at least, that we could hire enough paid canvassers to make up for the loss of volunteers. Of the paid canvassing firms from which we've obtained quotes, two have told us the cost of a paid canvassing campaign under the new laws would be about twice as much as a campaign without the laws in place. A third firm told us that the cost of hiring paid canvassers to do significant signature collection under the new laws would be prohibitively high and declined to give a specific quote.

29. Moreover, even were we to seek to replace volunteers with paid canvassers at these higher rates, the Canvassing Regulations are making it much more difficult to raise funds for our campaigns.

30. Additionally, it is unclear how to abide by some of the Canvassing Regulations. For AR Kids trains its volunteer canvassers on how to comply with all

canvassing laws; however, it is uncertain how to instruct volunteer canvassers on several points.

31. Specifically, volunteer canvassers who have collected signatures under the Canvassing Regulations have reported being unsure what to do when someone claims to have read the ballot title in the volunteer canvasser's presence but the canvasser is not certain that the person actually read the entire ballot title. What do we tell a volunteer canvasser to do when a signer wants to read for themselves but only spends two minutes with the ballot title in the volunteer canvasser's presence?

32. Similarly, For AR Kids does not know how to instruct volunteer canvassers about what to do when the information on a signer's ID does not match the information they put on the petition. What if the person appears to be the person on the ID but signs a name that does not match the name on the ID? Can the canvasser "verify" that person's identity and accept the signature?

33. Another law detrimental to citizen-initiated measures is Ark. Code Ann. § 7-9-126(e), which requires sponsors of initiated measures to obtain a specified number of signatures in fifty of the state's seventy-five counties (the "Fifty-County Requirement"). For initiated constitutional amendments, this law requires sponsors to obtain signatures from five percent of the number of voters in each county who participated in the last gubernatorial election.

34. The Fifty-County Requirement was detrimental to For AR Kids' 2024 campaign. For AR Kids spent so much time, money, and volunteer hours trying to

satisfy the Fifty-County requirement that it fell short of gathering the total number of signatures needed to qualify for the ballot. Volunteers spent time trying to collect signatures in smaller, remote counties when they could have collected far more signatures by canvassing in higher-density areas. Instead of building larger volunteer networks in some of Arkansas' key population centers, For AR Kids had to build a much broader network of volunteers and the infrastructure to train and resource them. This diluted our efforts at meeting the total signature requirement. If For AR Kids had not been required to expend so much of its canvassers' time trying to satisfy the Fifty-County Requirement, it would have collected far more signatures and may have collected enough to qualify for the ballot. The Fifty-County Requirement will be a major barrier for the BQCs in this election cycle as well, especially when coupled with the Canvassing Regulations.

35. The Arkansas Constitution requires that a specific number of signatures be collected from fifteen of the state's fifty counties (the "Fifteen-County Requirement"). That requirement strikes a fair balance between making sure that one or two cities could not force an issue the rest of the state does not want. In all my years working on ballot measure campaigns, I have never seen a campaign that met the minimum total number of signatures required without far surpassing the Fifteen-County Requirement. However, the Fifty-County Requirement is burdensome on the BQCs' ability to collect the total number of signatures required to qualify for the ballot.

36. Finally, an existing law, Ark. Code Ann. § 7-9-601(a)(2)(C), requires all paid canvassers to submit their residential address to the Secretary of State before collecting signatures (the “Pre-Collection Disclosure Requirement”). If a paid canvasser fails to do so, any signatures that canvasser collects do not count. During the last election cycle, opponents of some measures obtained canvassers’ residential addresses and posted their names and hometowns publicly. Given the way that this experience frightened and deterred some of our volunteer canvassers from continuing to support our campaign, I am afraid that this disclosure requirement will chill paid canvassers from participating when our BQCs engage paid canvassing firms.

37. Collectively, the laws discussed above make it extremely difficult for the BQCs to share their message with Arkansas voters and make it nearly impossible for For AR Kids and Protect AR Rights to get their measures on the ballot.

38. With a little under a year left to collect signatures, I feel strongly that we need relief from these laws as soon as possible. Protect AR Rights cannot even begin its campaign unless Act 602 is enjoined, because we cannot fairly and adequately summarize our measure at an eighth-grade reading level. As I have already mentioned, volunteers are dropping, and potential donors are taking a wait-and-see approach. If the laws are not enjoined, we will have difficulty raising money and recruiting sufficient volunteers. This was precisely the intent of these laws: to chill citizen participation in the ballot-measure process. To conduct the campaign

we plan, we need to have as much time as possible before the deadline on July 3, 2026.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: July 23, 2025

A handwritten signature in blue ink, appearing to read "B. Kopsky", is written over a light gray rectangular background.

Bill Kopsky