

THE ARKANSAS DIGITAL PETITION SIGNING OPTION ACT

INITIATIVE PETITION: To the Honorable John Thurston, Secretary of State, of the State of Arkansas: We, the undersigned legal registered voters of the State of Arkansas, respectfully propose the following amendment to the State Constitution, to wit: The Arkansas Digital Petition Signing Option Act and our petition, order that the same be submitted to the people of said state, to the end that the same may be adopted, enacted, or rejected by a vote of the people, at the regular general election to be held on the 3rd day of November 2020, and each of us for him/herself says: I have signed this petition, I am a legal registered voter of the State of Arkansas, 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.

S. O. S. OFFICE USE ONLY
 _____ VALID OF _____
 BY _____ DATE _____

VOTERS REGISTERED IN _____ COUNTY

#	SIGNATURE	PRINTED NAME	DATE OF BIRTH	ADDRESS	CITY OR TOWN	DATE SIGNED
01.						
02.						
03.						
04.						
05.						
06.						
07.						
08.						
09.						
10.						

(FOR CANVASSER ONLY)

Indicate one: Paid Canvasser or Volunteer/Unpaid Canvasser

I, _____ being first duly sworn, state that the foregoing persons signed this petition, and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name, date of birth, residence or town of residence correctly. I believe that each signer is a registered voter of the State of Arkansas. A complete copy of the Popular Name, Ballot Title, and Text of the Measure was attached to this signature sheet at all times during its circulation.

Signature: _____

Residence: _____

FILED
DEC 17 2019
Arkansas
Secretary of State

(FOR NOTARY ONLY)

State of Arkansas, County of: _____

On this ____ day of _____, 20 __, came _____ 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 the capacity of a Canvasser for the purpose 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

THE ARKANSAS DIGITAL PETITION SIGNING OPTION ACT

POPULAR NAME

Ballot Title:

AN ACT TO AMEND THE ARKANSAS CONSTITUTION TO PERMIT REGISTERED VOTERS THE OPTION TO SIGN AN INITIATIVE PETITION DIGITALLY FOR PROPOSED STATEWIDE MEASURES. THIS ACT ALLOWS VOTERS TO CHOOSE BETWEEN SIGNING A PETITION MANUALLY OR BY WAY OF A SECURE INTERNET PORTAL ADMINISTERED AND MAINTAINED BY THE ARKANSAS SECRETARY OF STATE.

Be it enacted by the people of the State of Arkansas

Arkansas Code § 7-9-107, concerning the filing of original draft before circulation, Section 6 is amended to add the following subsections:

(e) As used in this section, the following terms mean:

- (1) "Electronic signature", the submission of data by an eligible voter pursuant to subsection (f)(4)(B) of this Section;
- (2) "Eligible voter", any person registered to vote in the state of Arkansas.
- (3) "Website", an electronic reporting system that is connected to the internet and maintained by the Arkansas Secretary of State.

(f) The Arkansas Secretary of State shall administer and be responsible for the establishment, implementation, and maintenance of a website allowing for the submission of electronic signatures for every initiative and referendum petition filed by sponsors:

- (1) any eligible voter may choose whether to submit his or her electronic signature for a petition or sign the petition manually.
- (2) This section shall not be construed to require an eligible voter to use electronic signature but shall be used as an alternative to manually signing a petition.
- (3) An eligible voter may sign a petition by use of an electronic signature.
- (4) The Arkansas Secretary of State shall accept an electronic signature meeting the requirements of this section and include the signature in the count of signatures necessary to validate the petition. No circulator signature or notarization shall be required for electronic signatures. The use of an electronic signature shall have the same force and effect as the use of a manual signature on a petition if and only if the electronic signature complies with the following requirements:
 - (A) The electronic signature is submitted by an eligible voter to a website established under subsection (f) of this section;
 - (B) A voter, at the time of submitting the electronic signature, also submits:
 - (i) His or her name, address, county of residence, and date of birth as shown on his or her voter registration record;
 - (ii) His or her assent to the petition document; and
 - (iii) A unique identifier which shall be provided to each registered voter by the Arkansas Secretary of State;
 - (C) The electronic signature is correlated with the voter as evidenced by a reasonable match with voter registration records and voting records which correspond to at least one item of state-qualified data;
 - (i) The electronic signature has not been repudiated as a result of the postcard mailed under subsection (g) of this section;
 - (ii) The electronic signature has not been previously submitted and verified as a signature on the same petition; and
 - (iii) The electronic signature conforms to reasonable rules and regulations adopted and promulgated by the secretary of state.

(g) Upon receipt of an electronic signature, the Arkansas Secretary of State shall mail a postcard by United States mail to the voter at the address on his or her voter registration record notifying the voter that his or her signature has been received, identifying the petition to which the signature is attached, and notifying the voter that he or she has ten days to contact the office of the secretary of state to indicate that he or she did not submit his or her digital signature.

(h) The Arkansas Secretary of State shall adopt and promulgate rules and regulations to carry out this section. The Arkansas Secretary of State shall seek the advice of public and private entities in developing the rules and regulations. The rules and regulations shall provide for a degree of security for the process of submitting electronic signatures and electronic signature verification reasonably related to the risks and consequences of fraud or misuse. The rules and regulations shall, at a minimum, require the maintenance of an audit trail of public internet protocol addresses identified with the session in which the electronic signature was submitted, the data submitted by the voter, the time and date of the submission, the state-qualified data used for verification, and the date the postcard required under subsection (g) of this section was mailed.

Instructions to Canvassers and Signers

1. The Arkansas Constitution gives Arkansas citizens the power to (a) initiate legislation by petition of 8% of the legal voters or constitutional amendments by petition of 10% of legal voters, or (b) order the referendum against any general act or any item of an appropriation bill or measure passed by the General Assembly by petition of 6% of legal voters. A proposed measure must be submitted at a regular election. Referendum petitions may be referred at special elections on petition of 15% of the registered voters. Any measure submitted to the people becomes law when approved by a majority of the votes cast upon such measure.
 2. Only registered voters may sign. All signatures must be in the signer's own handwriting and in the presence of the person circulating the petition. Each petition part should contain only the signatures of voters residing in a single county.
 3. Printed name, date of birth, residence, city or town of residence, and date of signing must be given. If a petition signer needs assistance with this information due to disability, another person may print the signer's information and that person shall sign and print their name in the margin of the petition.
 4. Pursuant to Ark. Code Ann. § 7-9-103, a person commits a Class A misdemeanor, punishable by a fine of up to \$2,500 and confinement of up to one year in jail, if the person knowingly prints a name, address, or birth date other than his or her own to a petition or prints the date of signing for another person unless the signer requires assistance due to disability and the person complies with § 7-9-103.
 5. Pursuant to Ark. Code Ann. § 5-55-601(c), each of the following activities constitutes "petition fraud," which is a Class D felony and is punishable by a fine of up to \$10,000 and imprisonment for up to six years. Subsection (b) states: "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 § 79-101, 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; [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."

Arkansas Attorney General

Revised 06/13/19



Leslie Rutledge