

**ARKANSANS FOR A UNIFIED
NATURAL STATE
2513 McCain Blvd #2-221, NLR, AR 72118**

**REFERENDUM PETITION
(An Act Restricting Absentee and Early Voting Rights)**

SOS USE ONLY	_____ VALID OF _____
	BY _____ DATE _____

VOTERS REGISTERED IN _____ COUNTY

To the Honorable John Thurston, Secretary of State of the State of Arkansas, We, the undersigned registered voters of the State of Arkansas respectfully order by this, our petition, that Act No. 736 of the General Assembly of the State of Arkansas, approved on the 15th day of April, 2021, entitled 'AN ACT TO AMEND ARKANSAS LAW CONCERNING ABSENTEE BALLOTS; TO AMEND ELECTION LAW; TO AMEND THE LAW CONCERNING VOTING BY ABSENTEE BALLOT; TO AMEND THE LAW CONCERNING SPOILED BALLOTS; AND FOR OTHER PURPOSES', be referred to the people of said state, to the end that the same may be approved or rejected by the vote of the registered voters of the state at the biennial regular general election to be held on the 8th day of November, 2022, and each of us for himself or herself says:

I have personally signed this petition; I am a 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.

	SIGNATURE	PRINTED NAME	DATE OF BIRTH	STREET ADDRESS	CITY OR TOWN	DATE SIGNED
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						

<p>(FOR CANVASSER ONLY) State of Arkansas, County of _____ (County where notary signs)</p> <p>I, _____, being sworn, state that each of the foregoing persons signed his or her own name to this sheet of the petition in my presence. To the best of my knowledge and belief, each signature is genuine and each signer is a registered voter of the State of Arkansas, in the County listed. At all times during the circulation of this signature sheet, an exact copy of the Popular Name, Ballot Title, and text was attached to this signature sheet. My current residence address is correctly stated below.</p> <p>Signature _____</p> <p>Current Residence _____</p> <p>Indicate one: (<input type="checkbox"/>) Paid Canvasser (<input type="checkbox"/>) Volunteer/Unpaid Canvasser</p>	<p>(FOR NOTARY ONLY) State of Arkansas, County of _____ (County where Notary signs)</p> <p>On this ____ day of _____, 20____, before me, the undersigned Notary Public, personally appeared _____, 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 capacity of a Canvasser for the purposes of fulfilling legal requirements of a Canvasser in the State of Arkansas; and that I personally witnessed the signature of the Canvasser.</p> <p>Signature of Notary _____</p> <p>My Commission Expires _____</p> <p>Residence County of Notary _____</p> <p align="right">[Notary Seal Above]</p>
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(POPULAR NAME) AN ACT RESTRICTING ABSENTEE AND EARLY VOTING RIGHTS (REFERRED TO THE PEOPLE OF THE STATE OF ARKANSAS)	(BALLOT TITLE) AN ACT LIMITING ACCESS AND OPPORTUNITY FOR ARKANSANS TO PARTICIPATE IN ABSENTEE AND EARLY VOTING WITHOUT JUST CAUSE; BEING ACT 736 OF 2021 (HB1715). A "FOR" VOTE IS A VOTE IN FAVOR OF ACT 736 AND WILL ADD UNDUE RESTRICTIONS TO ARKANSANS' ACCESS AND OPPORTUNITY TO PARTICIPATE IN ABSENTEE AND EARLY VOTING. AN "AGAINST" VOTE IS A VOTE TO REJECT ACT 736 AND PROTECT ARKANSANS' ACCESS AND OPPORTUNITY TO PARTICIPATE IN ABSENTEE AND EARLY VOTING.
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<p>(TEXT OF REFERRED ACT – ACT 736 OF 2021 / HB1715) (Stricken language would be deleted from and underlined language would be added to present law.)</p> <p>BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:</p> <p>SECTION 1. Arkansas Code § 7-1-104(a)(8)(B), concerning penalties for miscellaneous felonies related to the voting process, is amended to read as follows:</p> <p>(B) The possession by a person of more than ten (10) <u>four (4)</u> absentee ballots creates a rebuttable presumption of intent to defraud.</p> <p>SECTION 2. Arkansas Code § 7-5-404(a)(1)(A), concerning applications for absentee ballots, is amended to read as follows:</p> <p>(a)(1)(A) Applications for absentee ballots must be signed by the applicant and verified by the county clerk by checking the voter's name, address, date of birth, and signature from the <u>voter registration application records</u> unless the application is sent by electronic means.</p> <p>SECTION 3. Arkansas Code § 7-5-404(a)(2)(A), concerning applications for absentee ballots, is amended to read as follows:</p> <p>(2)(A) If the signatures on the absentee ballot application and the voter registration <u>application</u> record are not similar, the county clerk shall not provide an absentee ballot to the voter.</p> <p>SECTION 7. Arkansas Code § 7-5-409, concerning materials furnished to qualified voters, is amended to add additional subsections to read as follows:</p> <p><u>(h) The county clerk or other designated election official providing materials to qualified voters shall not distribute:</u></p> <p><u>(1) Unsolicited absentee ballot applications to electors; or</u> <u>(2) Unsolicited absentee ballots to electors.</u></p> <p><u>(i) The county clerk and other designated election officials providing materials to qualified voters may:</u></p> <p><u>(1) Display a printable or downloadable absentee ballot application form on the internet;</u> <u>(2) Post links to the absentee ballot application form on social media of any type; and</u> <u>(3) Make paper copies of absentee ballot application forms available for distribution or to be available upon request by a qualified voter in:</u></p> <p><u>(A) The county clerk's office; or</u> <u>(B) Other governmental offices.</u></p> <p>SECTION 8. Arkansas Code § 7-5-416(a)(1), concerning counting absentee ballots, is amended to read as follows:</p>	<p>(a)(1) The election officials for absentee ballots may meet in a place designated by the county board of election commissioners no earlier than the Tuesday before the election for the purpose of opening the outer envelope, processing, and canvassing of absentee ballot paper work <u>of the outer envelope</u> and no earlier than 8:30 a.m. on election day for the purpose of opening the inner absentee ballot envelope and counting the absentee ballots.</p> <p>SECTION 9. Arkansas Code § 7-5-416(a)(3)-(5), concerning counting absentee ballots, are amended to read as follows:</p> <p>(3) <u>The county clerk shall provide the county board of election commissioners with a daily count of absentee applications received, to be reported weekly or upon request of the county board of election commissioners.</u></p> <p>(4) <u>The county clerk shall provide the county board of election commissioners with a daily count of absentee ballots received, to be reported weekly or upon request of the county board of election commissioners.</u></p> <p>(5) The county clerk shall forward the following items to the election officials designated by the county board of election commissioners to open, process, canvass, and count absentee ballots:</p> <p>(A) The absentee ballot applications sorted alphabetically or <u>and</u> by precinct;</p> <p>(B) The absentee ballots; and</p> <p>(C) A written report containing the following information:</p> <p>(i) The number of absentee ballot applications received by the county clerk;</p> <p>(ii) The number of absentee ballots sent by the county clerk;</p> <p>(iii) The number of absentee ballots returned to the county clerk;</p> <p>(iv) The number of absentee ballots rejected by the county clerk and the reason for the rejection;</p> <p>(v) The number of absentee ballots marked as received on the paper absentee ballot applications list; and</p> <p>(vi) If the number of absentee ballots returned to the county clerk and the number of absentee ballots marked as received on the paper absentee ballot lists are different and the reason for the difference is known, the reason for the difference.</p> <p>(4)<u>(6)</u> The processing and counting of absentee ballots shall be open to the public, and candidates and authorized poll watchers may be present in person or by a representative designated in writing under § 7-5-312 during the opening, processing, canvassing, and counting of the absentee ballots as provided in this subchapter.</p>	<p>(5)(A)<u>(7)(A)</u> Absentee and early votes shall be counted prior to the closing of the polls on election day as provided under this section.</p> <p>(B)(i) The county board of election commissioners shall report by precinct the initial count of early votes and absentee ballot votes to the Secretary of State as provided under § 7-5-701 as soon as practical after the polls close on election day.</p> <p>(ii) No election results of the precinct shall be printed, posted, or released until after the polls close on election day.</p> <p>(8)(A) <u>(8)(A) After the outer envelope of an absentee ballot is opened, a county clerk and deputies of the county clerk shall not have access to:</u></p> <p><u>(i) The absentee ballots;</u> <u>(ii) Absentee ballot paperwork; or</u> <u>(iii) The inner envelope of an absentee ballot.</u></p> <p><u>(B) The county board of election commissioners may grant a county clerk or deputies of the county clerk access to the absentee ballot materials in subdivision (a)(8)(A) of this section if the access is granted by an affirmative vote of the county board of election commissioners for a specific purpose and for a designated election.</u></p> <p>SECTION 10. Arkansas Code § 7-5-416(b)(1)(C), concerning counting absentee ballots, is amended to read as follows:</p> <p>(C) If the required materials are not properly placed in the outer absentee ballot envelope, a second election official shall open the inner absentee ballot envelope to verify the contents <u>no earlier than 8:30 a.m. on election day;</u></p> <p>SECTION 11. Arkansas Code § 7-5-416(b)(1)(F)(ii), concerning counting absentee ballots, is amended to read as follows:</p> <p>(ii) If the county board of election commissioners determines that the <u>absentee</u> application and the voter's statement do not compare as to name, <u>residential voting</u> address, date of birth, and signature, the absentee ballot shall not be counted.</p> <p>SECTION 12. Arkansas Code § 7-5-416(b)(1)(G), concerning counting absentee ballots, is amended to read as follows:</p> <p>(G)<u>(i)</u> The election officials shall compare the name and address of the bearer, agent, or administrator written on the absentee ballot return envelope with the information on the voter statement. If the information does not match, then the outer envelope, absentee application, secrecy envelope containing the ballot, and the voter's statement shall be placed in an envelope marked "provisional" and the absentee ballot shall be considered a provisional ballot.</p>
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(ii) The election officials shall compare the name of the bearer written on the absentee ballot application with the information on the voter statement, and if the information does not compare, the ballot shall be a provisional ballot.

(iii) An absentee ballot designated as a provisional ballot for the lack of a designation of, or name of, a designated bearer shall be counted only if the county board of election commissioners does not determine that the provisional ballot is invalid and should not be counted based on other grounds;

SECTION 13. Arkansas Code § 7-5-416(b)(1)(L)(ii), concerning counting absentee ballots, is amended to read as follows:

(ii) The voter statements shall be made available for public inspection and copying during regular business hours no earlier than 8:30 a.m. on the day following the actual delivery of the statement of the number of outstanding ballots and provisional ballots to the Secretary of State, and declaration of preliminary and unofficial results of the election under § 7-5-701(a)(3)(C).

SECTION 14. Arkansas Code § 7-5-416(c), concerning counting absentee ballots, is amended to read as follows:

(c) If any person casting an absentee ballot dies before the polls open on election day, his or her ~~vote~~ ballot shall be accepted by the county clerk if the absentee ballot is:

(1) Signed, dated, postmarked, and mailed before the date of death;

(2) Signed, dated, and delivered to the county clerk by a designated bearer, authorized agent, or administrator before the date of death; or

(3) The ballot of a member of the armed services or Arkansas National Guard in active duty or state active duty executed before the date of death.

SECTION 15. Arkansas Code § 7-5-602(d)(2), concerning ballots, the number of ballots, the marking device used on ballots, and spoiled ballots, is amended to read as follows:

(2)(A) Spoiled ballots shall be cancelled by a poll ~~worker's writing~~ worker by using a stamp marked "CANCELLED" on ~~its~~ the face and initialing of the ballot.

(B) The poll worker shall write the date and time, and print and sign his or her name next to the stamp marked "CANCELLED".

/s/Lowery

APPROVED: 4/15/21

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 to at special elections on a 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


Leslie Rutledge

Revised 06/13/19