

THE ARKANSAS RECREATIONAL MARIJUANA AMENDMENT OF 2020

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 Recreational Marijuana Amendment of 2020 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.						

FILED
JUL 22 2019
Arkansas
Secretary of State

(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: _____

(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 RECREATIONAL MARIJUANA AMENDMENT OF 2020

AN AMENDMENT TO THE ARKANSAS CONSTITUTION DEFINING RECREATIONAL MARIJUANA AS ANY PART OF THE CANNABIS PLANT, LIVING OR NOT, THAT IS CULTIVATED AND PRODUCED TO BE USED AS AN INTOXICANT FOR THE PURPOSE OF ADULT ENJOYMENT OR PLEASURE; THIS AMENDMENT WILL MAKE THE CULTIVATION, PRODUCTION, DISTRIBUTION, POSSESSION, TRANSPORT, AND SALE OF RECREATIONAL MARIJUANA FOR PERSONS 21 YEARS OF AGE OR OLDER LEGAL UNDER STATE LAW, BUT RECOGNIZING THAT THE LISTED ACTIVITIES REGARDING MARIJUANA IS PROHIBITED UNDER FEDERAL LAW; UNDER THIS AMENDMENT THE ARKANSAS AGRICULTURE DEPARTMENT AND THE ALCOHOLIC BEVERAGE CONTROL DIVISION SHALL REGULATE THE CULTIVATION AND PRODUCTION OF RECREATIONAL MARIJUANA THAT IS SOLD IN THE STATE. THE AGRICULTURE DEPARTMENT SHALL ISSUE TWO TYPES OF RECREATIONAL MARIJUANA LICENSES TO ANY ADULT OR BUSINESS WHO ARE A RESIDENT OF THE STATE TO CULTIVATE, MANUFACTURE, AND SELL RECREATIONAL MARIJUANA PLANTS AND SEEDS; A CLASS B LICENSE WOULD PERMIT THE POSSESSION, CULTIVATION, PRODUCTION, TRANSPORT, AND SALE OF RECREATIONAL MARIJUANA PLANTS, SEEDS, AND PERMITS THE PRODUCTION AND SALE OF PRODUCTS PRODUCED FROM THE PLANT; PROVIDING THAT A CLASS A LICENSE COST SHALL NOT EXCEED \$250 A YEAR PER LICENSE HOLDER, AND A CLASS B LICENSE COST SHALL NOT EXCEED \$500 A YEAR PER LICENSE HOLDER; PROVIDING THAT THE COMMISSION AND THE DIVISION MAY ADOPT ADDITIONAL RULES, REGULATIONS, AND PENALTIES TO PREVENT THE USE OF RECREATIONAL MARIJUANA BY MINORS, TO INCREASE PRODUCT SAFETY, AND CONSUMER AWARENESS; UNDER THIS AMENDMENT ANY PERSON WHO IS 21 YEARS OF AGE OR OLDER AND A RESIDENT OF THIS STATE MAY CULTIVATE, POSSESS, PURCHASE AND TRANSPORT UP TO 12 RECREATIONAL MARIJUANA PLANTS, AND AN UNLIMITED QUANTITY OF SEEDS OUT OF PUBLIC VIEW, THEY MAY ALSO PURCHASE UP TO 4 OUNCES OF SMOKABLE OR VAPORIZABLE RECREATIONAL MARIJUANA A DAY, BUT MAY POSSESS OUT OF PUBLIC VIEW, AN UNLIMITED QUANTITY OF PRODUCTS PRODUCED FROM THE PLANT; NON RESIDENT ADULTS IN THE STATE MAY POSSESS AND PURCHASE UP TO ONE OUNCE OF SMOKABLE OR VAPORIZABLE RECREATIONAL MARIJUANA A DAY, AND UP TO 72 OUNCES OF RECREATIONAL MARIJUANA IN THE FORM OF FOOD OR DRINK A DAY; UNDER THIS AMENDMENT ANY PERSON SERVING INCARCERATION, PROBATION, OR PAROLE FOR VIOLATING THE ARKANSAS UNIFORMED CONTROLLED SUBSTANCES ACT AS IT PERTAINS TO MARIJUANA, WHOSE CURRENT AND ONLY CONVICTION WAS FOR A MARIJUANA RELATED OFFENSE SHALL BE RELEASED AND ALL CRIMINAL RECORDS SHALL BE EXPUNGED OF SUCH CONVICTIONS THAT OCCURRED PRIOR TO THE AMENDMENTS EFFECTIVE DATE OF NOVEMBER 4TH, 2020; UNDER THIS AMENDMENT THE SALES OF RECREATIONAL MARIJUANA WILL BE SUBJECT TO EXISTING SALES TAX, AND AN ADDITIONAL 8% RECREATIONAL MARIJUANA EXCISE TAX, AND A LOCAL SALES TAX OF 5% AND THE GENERAL ASSEMBLY SHALL DETERMINE THE ALLOCATION OF THE TAX REVENUE RECEIVED BY THE STATE FROM THE SALES WITH PRIORITY GIVEN TO THE COST TO IMPLEMENT THE PROVISIONS OF THIS AMENDMENT; UNDER THIS AMENDMENT RECREATIONAL MARIJUANA PLANTS AND PRODUCTS PRODUCED THEREFROM CAN ONLY BE SOLD IN A LOCATION THAT IS 1500 FEET AWAY OR MORE FROM AN EXISTING PUBLIC OR PRIVATE SCHOOL, CHURCH, OR DAYCARE; UNDER THIS AMENDMENT THE RECREATIONAL MARIJUANA THAT IS SOLD IN THE FORM OF FOOD OR DRINK (A) SHALL NOT BE DESIGNED TO APPEAL TO CHILDREN; (B) SHALL NOT EXCEED 10 MILLIGRAMS OF THC PER SERVING, AND (C) LABELING OR PACKAGING MUST PROVIDE PRODUCT INFORMATION; PROVIDING THAT THE MANUFACTURE, POSSESSION, PURCHASE, SALE, AND DISTRIBUTION OF MARIJUANA PARAPHERNALIA IS LAWFUL UNDER STATE LAW; AND PROVIDING THAT THE AMENDMENT (A) DOES NOT AFFECT THE ABILITY OF EMPLOYERS TO HAVE POLICIES RESTRICTING THE USE OF RECREATIONAL MARIJUANA BY EMPLOYEES, NOR THE ABILITY OF LANDLORDS TO PROHIBIT THE CULTIVATION, PRODUCTION, AND USE OF RECREATIONAL MARIJUANA ON HIS OR HER OWN PROPERTY; (B) DOES NOT PERMIT DRIVING UNDER THE INFLUENCE OF MARIJUANA, (C) DOES NOT PERMIT THE TRANSFER OF RECREATIONAL MARIJUANA TO ANYONE UNDER 21 YEARS OF AGE, (D) NOR PERMIT ANYONE UNDER 21 YEARS OF AGE TO CULTIVATE, PRODUCE, SELL, DISTRIBUTE, TRANSPORT, POSSESS, OR USE RECREATIONAL MARIJUANA; THE PROVISIONS OF THIS AMENDMENT SHALL SUPERSEDE ALL CONFLICTING STATE AND LOCAL LAWS, CHARTERS, REGULATIONS, AND ANY AND ALL OTHER PROVISIONS IN CONFLICT WITH THIS AMENDMENT; THIS AMENDMENT DOES NOT SUPPRESS ANY PRIVILEGES OR RIGHTS OF A QUALIFYING PATIENT OR LICENSED ENTITY IN REGARDS TO MEDICAL MARIJUANA; MARIJUANA THAT IS CULTIVATED, DISTRIBUTED, AND SOLD FOR MEDICAL PURPOSES WILL REMAIN UNDER THE SAME REGULATORY SCHEME PURSUANT TO THE ARKANSAS MEDICAL MARIJUANA AMENDMENT OF 2016; MARIJUANA THAT IS CULTIVATED, PRODUCED, DISTRIBUTED, AND SOLD FOR ADULT RECREATIONAL PURPOSES SHALL BE REGULATED PURSUANT TO THIS AMENDMENT.

Section 1. Short Title.

This is an amendment to the Arkansas Constitution that may be cited as "The Arkansas Recreational Marijuana Amendment of 2020".

Section 2. Effective Date.

This Amendment shall be Effective on and after November 04, 2020.

Section 3. Definitions.

The following terms are defined for the purposes of this amendment:

- (a) "Adult" means a person who is twenty-one (21) years of age or older.
- (b) "Business" or "business entity" means a person or group of persons, who are twenty-one (21) years of age or older, performing or engaging in any activity, enterprise, profession, or occupation for gain, benefit, advantage, or livelihood, whether for profit or not for profit.
- (c) "Driving under the influence of marijuana" means operating a motorized vehicle on any public road, highway, or street when the Delta-9-tetrahydrocannabinol (Δ 9THC) content of the operator's blood exceeds fourteen nanograms per milliliter (14ng/mL).
- (d) "Marijuana" means any part of the cannabis plant (genus Cannabis), living or not, and when harvested in its mature plant stage contains greater than three tenths of one percent (0.3%), by dry weight, delta-9-tetrahydrocannabinol (Δ 9THC).
- (e) "Marijuana paraphernalia" means any equipment, utensils, products, and materials which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, containing, or concealing recreational marijuana, or for ingesting, inhaling or otherwise introducing recreational marijuana into the human body.
- (f) "Marijuana related offense(s)" means a violation of the Uniformed Controlled Substances Act that occurred prior to the effective date of this amendment for one or more of the following:
 - 1) Possession of marijuana;
 - 2) Possession with the intent to manufacture and deliver marijuana;
 - 3) Manufacturing, distributing, and delivering marijuana;
 - 4) Distributing or delivering marijuana in proximity of certain facilities;
 - 5) The unlawful use of a communication device as it pertains to the distribution of marijuana;
 - 6) Possession of marijuana paraphernalia.
- (g) "Minor" means a person who is under the age of twenty-one (21) years of age.
- (h) "Non Resident Adult" means a person who is twenty-one (21) years of age or older who presents an out of state identification.
- (i) "Products produced from recreational marijuana", "products produced therefrom", or "products therefrom" means items and substances manufactured from recreational marijuana, containing more than three tenths of one percent (0.3%) delta-9-tetrahydrocannabinol (Δ 9THC) and is used as an intoxicant for recreational purposes, that is consumed into the human body in the form of food, drink, vapor, or smoke.
- (j) "Recreational Marijuana" means any part of the cannabis plant, living or not, that is cultivated or produced to be used as an intoxicant for the purpose of adult enjoyment or pleasure.
- (k) "Recreational marijuana excise tax" means a tax that is imposed upon the purchase of recreational marijuana plants, seeds, and products produced therefrom. .
- (l) "Recreational marijuana license" means a registration card issued by the Arkansas Agricultural Department to an adult or business entity, such cards shall be available in two class types A or B. Each card will supply the name, date of birth, address, and a license account number of the holder.
- (m) "Recreational marijuana plant" means a cannabis plant that is being cultivated to be used as an intoxicant for recreational purposes.
- (n) "Recreational marijuana plant tag" or "plant tag" means a label issued by the Arkansas Agricultural Department that the cultivator attaches to the base or branch of a recreational marijuana plant, and is used for tracking the plants origin from cultivation to sale. Such a label may be bar-coded or be embedded with a radio frequency identification (RFID) smart chip. Each tag shall display the marijuana license account number and an expiration date that corresponds with the cultivators marijuana license.
- (o) "Remuneration" means an act in which money is being paid to purchase recreational marijuana and or products produced therefrom for recreational purposes.
- (p) "Resident Adult" or "Adult Resident" means a person who is twenty-one (21) years of age or older who lives in Arkansas and presents an official valid Arkansas Identification or Arkansas Drivers license.

(g) "Use recreational marijuana and products produced therefrom", "use of recreational marijuana", or "consume recreational marijuana" means to ingest, inhale, or otherwise introduce recreational marijuana into the human body.

Section 4. The regulation of recreational marijuana.

The cultivation, production, distribution, sale, transport, possession, and use of marijuana and products produced from marijuana for adult recreational purposes are lawful under state law, and shall be regulated, and such regulations shall include the following provisions, but do not preclude the imposition of additional rules and regulations that the Arkansas Agriculture Department and the Alcoholic Beverage Control Division may adopt and impose to prevent the use of recreational marijuana by minors, increase product safety, and consumer awareness.

(a) Recreational Marijuana Licenses:

The Arkansas Agriculture Department shall issue two types of recreational marijuana licenses to regulate the cultivation and production of recreational marijuana sold in the state.

1. Class A Recreational Marijuana License:

I. A Class A license cost shall not exceed two hundred and fifty dollars (\$250) per year per adult or business.

II. Any Adult or Business who are a resident of the state shall qualify to obtain such a license.

III. Permits the cultivation, possession, and transport of recreational marijuana plants and seeds out of public view.

IV. Permits the sale of the following in a location that is 1500 feet away or more of a public or private school, church, or daycare:

A. Up to 12 recreational marijuana plants to any adult who is a resident of the state.

B. An unlimited quantity of recreational marijuana plants to a class A or B license holder.

C. An unlimited quantity of recreational marijuana seeds to any adult who is a resident of the state.

2. Class B Recreational Marijuana License:

I. A Class B License cost shall not exceed five-hundred dollars (\$500) per year per adult or business.

II. Any Adult or Business who are a resident of the state shall qualify to obtain such a license.

III. Permits the cultivation, possession, and transport of recreational marijuana plants out of public view.

IV. Permits the manufacturing, labeling, and packaging of products produced from recreational marijuana plants that can be sold in the state.

V. Permits the sale of the following in a location that is 1500 feet away or more of a public or private school, church, or daycare:

A. Up to 12 recreational marijuana plants to any adult who is a resident of the state.

B. An unlimited quantity of recreational marijuana plants and seeds to a Class A or B license holder.

C. An unlimited quantity of recreational marijuana seed to any adult resident of the state.

D. Up to 4 ounces of smokable or vaporizable recreational marijuana per resident adult per day.

E. Up to 1 ounce of smokable or vaporizable recreational marijuana per non resident adult per day.

F. An unlimited quantity of smokable and vaporizable recreational marijuana to any Class B recreational marijuana license holder.

G. Up to 72 ounces of recreational marijuana in the form of food or drink per non resident adult per day.

H. An unlimited quantity of recreational marijuana in the form of food or drink to any adult resident.

(b) Adult Rights to Cultivate, Possess, Purchase, and Transport Recreational Marijuana

1. The following acts by any adult who is a resident of the state shall not be an offense under Arkansas law:

I. He or she may cultivate, possess, purchase, and transport up to twelve (12) recreational marijuana plants out of public view.

II. He or she may purchase from a class B license holder up to four ounces (4oz) of smokable or vaporizable recreational marijuana a day.

- III. He or she may possess and transport any quantity of products produced from recreational marijuana out of public view.
- IV. He or she may purchase and possess any quantity of recreational marijuana plant seeds.
- V. He or she may purchase from a class B license holder any quantity of food or drink products produced from recreational marijuana.
- VI. He or she may manufacture products produced from recreational marijuana plants.
- VII. He or she may distribute without remuneration recreational marijuana plants and products produced therefrom to any resident adult.

2. The following acts by any non resident adult shall not be an offense under Arkansas law:

- I He or she may purchase and possess not more than one ounce (1 oz.) of smokable or vaporizable recreational marijuana a day from a Class B recreational marijuana license holder.
- II He or she may purchase and possess not more than Seventy-two ounces (72 oz.) of food or drink products produced from recreational marijuana a day from a Class B recreational marijuana license holder.

(c) Recreational marijuana product design, packaging and labeling.

- 1. All food and drink products produced from recreational marijuana that is sold in this state by a Class B recreational marijuana license holder;
 - I. Shall not be designed to be appealing to children or easily confused with commercially sold candy or foods that do not contain marijuana.
 - II. Shall be produced and sold with a standardized dosage not to exceed ten (10) milligrams of delta-9-tetrahydrocannabinol (Δ^9 THC) per serving.
 - III. Shall be delineated or scored into standardized serving sizes if the product contains more than one serving and is in solid form.
 - IV. Shall be homogenized to ensure uniform disbursement of delta-9-tetrahydrocannabinol (Δ^9 THC) throughout the product.
 - V. Shall provide information on the packaging or labeling to enable the informed consumption of such products, including the potential effects of the product, and directions as to how to consume the product.
- 2. All smokable and vaporizable products produced from recreational marijuana that is sold by a Class B recreational marijuana license holder;
 - I. Shall provide information on the packaging or labeling to enable the informed consumption of such products, including the delta-9-tetrahydrocannabinol (Δ^9 THC) content, potential effects of the product, and directions as to how to consume the product.
- 3. All products produced from recreational marijuana that is distributed by any adult or business entity without remuneration to any adult or business entity shall be exempt from the design, packaging, and labeling requirements of this section.

Section 5. Administration, Rules, and Recreational Marijuana Licensing

(a)1. Adults and Businesses shall be licensed by the Arkansas Agriculture Department (referenced hereafter as the Department).

2. The Department shall administer and regulate the licensing of Adults and Businesses.

3. The Alcoholic Beverage Control Division (referenced hereafter as the Division) shall administer and enforce the provisions of this amendment concerning the production and sale of recreational marijuana plants and products produced therefrom

(b)1. The Department and Division shall each adopt rules necessary to:

- I. Carry out the purposes of this amendment; and
- II. Perform its duties under this amendment.

2. Rules adopted under this section are rules as defined in the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(c) Not later than ninety (90) days after the effective date of this amendment, the Department shall adopt rules governing:

1. The manner in which the Department considers applications and renewals for recreational marijuana licenses, and plant tags ;

2. The form and content of registration and renewal applications for recreational marijuana licenses and plant tags; and

3. Any other matters necessary for the Department's fair, impartial, stringent, and comprehensive administration of its duties under this amendment.

(d) Not later than ninety (90) days after the effective date of this amendment, the Division shall adopt rules governing:

1. Oversight requirements for those licensed to cultivate, produce, and sell recreational marijuana;
2. Recordkeeping requirements for those licensed to cultivate, produce, and sell recreational marijuana;
3. Security requirements for those places where recreational marijuana products are produced and sold;
4. Personnel requirements for those licensed to sell, produce, and distribute recreational marijuana;
5. The manufacture, processing, packaging, and dispensing of recreational marijuana in addition to Section 4(c) requirements;
6. Procedures for suspending the licenses of Adults or Businesses that violate the provisions of this amendment or the rules adopted under this amendment, procedures for appealing penalties, and a schedule of penalties;
7. Procedures for inspections and investigations of Adults or Businesses that are licensed to produce and sell recreational marijuana;
8. Advertising restrictions;
9. Any other matters necessary for the Division's fair, impartial, stringent, and comprehensive administration of its duties under this amendment.

Section 6. Marijuana paraphernalia

Any adult or business entity may manufacture, possess, and purchase marijuana paraphernalia, or may sell marijuana paraphernalia to another adult or business entity, providing that such paraphernalia sold that contains products produced from recreational marijuana is designed, packaged, and labeled pursuant to section 4 (c) of this amendment, and sold only by a Class B recreational marijuana license holder.

Section 7. Employers, driving, and minors:

- (a) Nothing in this Amendment shall affect the ability of employers to have policies restricting the use of recreational marijuana by employees.
- (b) Nothing in this Amendment shall affect the ability of landlords to prohibit the cultivation, production, and use of recreational marijuana on his or her own property.
- (c) Nothing in this Amendment permits driving under the influence of recreational marijuana.
- (d) Nothing in this Amendment permits the transfer of recreational marijuana, with or without remuneration, to a minor.
- (e) Nothing in this Amendment permits a minor to cultivate, produce, sell, possess, or use recreational marijuana.
- (f) Nothing in this Amendment permits the cultivation, production, distribution, or sale, of any other substance that is controlled or prohibited by the state pursuant to the Arkansas Uniform Controlled Substances Act.

Section 8. Expungement of Prior Convictions for Marijuana Related Offenses

- (a) All convictions for a marijuana related offense, as defined in Section 3(f) of this amendment, shall be expunged from all criminal records in this state.
- (b) The State shall release from incarceration, probation, and parole all persons whose current and only conviction(s) in which they are serving was for a marijuana related offense as defined in Section 3(f) of this amendment.

Section 9. Taxation and Distribution of Proceeds from the Sale of Recreational Marijuana

(a) The following taxes shall be imposed upon the purchase of recreational marijuana in Arkansas:

1. The Arkansas State Sales and Use Tax,
2. an eight percent (8%) recreational marijuana excise tax, and
3. a five percent (5%) local sales tax.

(b) The distribution of tax revenues received by the Department of Finance and Administration from the sale of recreational marijuana under this amendment may be determined by the general assembly with priority given to any cost to the state for the implementation of the provisions provided in this Amendment.

Section 10. Conflicting Laws.

(a) The provisions of this Amendment are hereby declared to be severable, and except where otherwise indicated in this Amendment, shall supersede all conflicting state and local laws, charters, regulations, and any and all other provisions in conflict with this Amendment. If any provision of this Amendment, or the application of such provision to any person or circumstance, is declared invalid by any court for any reason, such declaration shall not affect the validity of the remaining portions of this Amendment.

(b) This amendment does not suppress any privileges or rights of a qualifying patient or licensed entity in regards to medical marijuana; Marijuana that is cultivated, distributed, and sold for medical purposes will remain under the same regulatory scheme pursuant to the Arkansas Medical Marijuana Amendment of 2016. Marijuana that is cultivated, distributed, and sold for adult recreational purposes will be regulated pursuant to this amendment.

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;

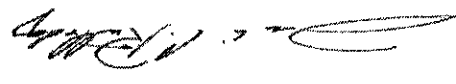
(E) Accepts or pays money or anything of value for obtaining signatures on a petition when the person acting as a canvasser, sponsor, or agent of a sponsor knows that the person acting as a canvasser's name or address is not included on the sponsor's list filed with the Secretary of State under § 7-9-601; 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



Leslie Rutledge