

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025

A Bill

SENATE BILL 212

4
5 By: Senator K. Hammer
6 By: Representative Underwood

For An Act To Be Entitled

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8
9 AN ACT TO CREATE THE DOCUMENT VALIDITY DIVISION; TO
10 DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

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14 TO CREATE THE DOCUMENT VALIDITY
15 DIVISION; AND TO DECLARE AN EMERGENCY.

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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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19 SECTION 1. Arkansas Code Title 7, Chapter 4, is amended to add an
20 additional subchapter to read as follows:

Subchapter 4 – Document Validity Division

7-4-401. Document Validity Division.

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25 (a) There is created within the office of the Secretary of State the
26 Document Validity Division.

27 (b) The Secretary of State may designate members of his or her staff
28 as record validity investigators, who shall investigate documents and
29 activities related to the validity and truthfulness of records submitted to
30 the office of the Secretary of State under Arkansas Code, Title 7, Chapters 5
31 or 9.

32 (c) The Document Validity Division shall be a law enforcement agency
33 of the office of the Secretary of State appointed by the Secretary of State
34 from his or her employees to investigate the validity of documents filed with
35 the Secretary of State under Arkansas Code, Title 7, Chapters 5 or 9.
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1 7-4-402. Investigations.

2 (a) The Secretary of State or a document validity investigator may
3 conduct an investigation within or outside this state to determine whether a
4 document submitted to the Secretary of State under Arkansas Code, Title 7,
5 Chapters 5 or 9, is false or fraudulent.

6 (b) An investigation under this subchapter may include without
7 limitation:

8 (1) Administering oaths;

9 (2) Issuing subpoenas;

10 (3) Compelling witness attendance;

11 (4) Collecting evidence; and

12 (5) Requiring the production of any books, papers,
13 correspondence, memorandum, agreements, or other documents or records that
14 are relevant or material to the inquiry.

15 (c)(1) If an individual refuses to comply with a subpoena request
16 under subsection (a) of this section, the Secretary of State may request an
17 order from the Pulaski County Circuit Court, or the Supreme Court of Arkansas
18 if the request is related to initiative petitions or referendum petitions,
19 and the circuit court, or the Supreme Court of Arkansas if the request is
20 related to initiative petitions or referendum petitions, shall order the
21 individual to appear before the Document Validity Division or the officer
22 designated by the division to produce evidence or testify concerning the
23 matter under investigation.

24 (2) Failure to obey the order may be punished as contempt of
25 court.

26 (d)(1) An individual is not excused from a subpoena request under
27 subsection (b) of this section on the grounds that the testimony or evidence,
28 documentary or otherwise, required of the individual may tend to incriminate
29 the individual or subject him or her to a penalty or forfeiture.

30 (2) An individual that has claimed his or her privilege against
31 self-incrimination shall not be prosecuted or subjected to a penalty or
32 forfeiture for or on account of any transaction, matter, or thing concerning
33 which he or she is compelled, to testify or produce evidence, documentary or
34 otherwise.

35 (3) An individual exempt from prosecution under subdivision
36 (d)(2) of this section except is not exempt from prosecution and punishment

1 for perjury or contempt committed in testifying.

2 (e) A document determined by the division to contain fraud or falsity
3 by a preponderance of the evidence shall be declared null and void for any
4 legal purpose overseen by the Secretary of State.

5 (f) The division may refer any findings of fraud or falsity under this
6 subchapter to the:

7 (1) Attorney General for civil action;

8 (2) Prosecuting attorney for criminal action; or

9 (3) Any other state agency with appropriate jurisdiction.

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11 SECTION 2. DO NOT CODIFY. SEVERABILITY. The provisions of this act
12 are declared to be severable and the invalidity of any provision of this act
13 shall not affect other provisions of the act which can be given effect
14 without the invalid provision.

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16 SECTION 3. DO NOT CODIFY. EMERGENCY CLAUSE. It is found and
17 determined by the General Assembly of the State of Arkansas that the process
18 for citizens to propose initiated acts and amendments to the Arkansas
19 Constitution is critical to a well-functioning democracy in this state; that
20 it is of the utmost importance that the integrity of the initiative process
21 be strengthened through this act so that petitioners and voters maintain a
22 high degree of confidence in the soundness of their right to legislate as
23 citizens of Arkansas; and that this act is immediately necessary because any
24 delay in the implementation of this act would disrupt the initiative process
25 for the 2026 general election, which would have a detrimental effect on the
26 public peace, health, and safety of Arkansas. Therefore, an emergency is
27 declared to exist, and this act being immediately necessary for the
28 preservation of the public peace, health, and safety shall become effective
29 on:

30 (1) The date of its approval by the Governor;

31 (2) If the bill is neither approved nor vetoed by the Governor,
32 the expiration of the period of time during which the Governor may veto the
33 bill; or

34 (3) If the bill is vetoed by the Governor and the veto is
35 overridden, the date the last house overrides the veto.

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