

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas *As Engrossed: S2/20/25 S2/26/25*

2 95th General Assembly

A Bill

3 Regular Session, 2025

SENATE BILL 212

4

5 By: Senator K. Hammer

6 By: Representative Underwood

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For An Act To Be Entitled

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

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Subtitle

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TO CREATE THE DOCUMENT VALIDITY

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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:

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Subchapter 4 – Document Validity Division

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7-4-401. Document Validity Division.

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

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

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(c) The Document Validity Division shall be a law enforcement agency of the office of the Secretary of State appointed by the Secretary of State from his or her employees to investigate the validity of documents filed with 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 to determine whether a document submitted to the
4 Secretary of State under Arkansas Code, Title 7, Chapters 5 or 9, is false or
5 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) If an individual fails to comply with a subpoena request issued by
16 the Secretary of State or a document validity investigator under subsection
17 (b) of this section, the Secretary of State may request an order from a court
18 of appropriate jurisdiction to enforce the subpoena.

19 (d) A document determined by the division to contain fraud or falsity
20 by a preponderance of the evidence shall be declared null and void for any
21 legal purpose overseen by the Secretary of State.

22 (e) The division may refer any findings of fraud or falsity under this
23 subchapter to the Attorney General's office for further investigation and
24 action.

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

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31 SECTION 3. DO NOT CODIFY. EMERGENCY CLAUSE. It is found and
32 determined by the General Assembly of the State of Arkansas that the process
33 for citizens to propose initiated acts and amendments to the Arkansas
34 Constitution is critical to a well-functioning democracy in this state; that
35 it is of the utmost importance that the integrity of the initiative process
36 be strengthened through this act so that petitioners and voters maintain a

1 high degree of confidence in the soundness of their right to legislate as
2 citizens of Arkansas; and that this act is immediately necessary because any
3 delay in the implementation of this act would disrupt the initiative process
4 for the 2026 general election, which would have a detrimental effect on the
5 public peace, health, and safety of Arkansas. Therefore, an emergency is
6 declared to exist, and this act being immediately necessary for the
7 preservation of the public peace, health, and safety shall become effective
8 on:

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

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

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

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16 */s/K. Hammer*
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