

INSTRUCTIONS TO CANVASSERS AND SIGNERS

1. Amendment No. 7 to the Arkansas Constitution gives to the people of the State of Arkansas the power to propose legislation or constitutional amendments by initiative petition, and to order the referendum against any general act or any item of an appropriation bill, or measure passed by the General Assembly. The petition must be signed by eight percent (8%) of the legal voters in the case of proposed legislation, ten percent (10%) in the case of proposed constitutional amendments, and six percent (6%) in the case of a referendum. The proposed legislation or constitutional amendment must be submitted to the legal voters of the State at a regular election; referendum petitions may be referred to the people at special elections when fifteen percent (15%) of the legal voters petition for such special election. Any measure submitted to the people shall take effect and become a law when approved by a majority of the votes cast upon such measure.
2. Only legal voters may sign. Printed names, dates of birth, residences, cities or towns of residence, and date of signing must be given as an aid to verification. The petition should contain only the signatures of voters residing in a single county.
3. All signatures must be affixed in ink or indelible pencil by the signers in their own handwriting in the presence of the persons circulating the petition.
4. Do not attach additional sheets to this petition unless such sheets contain the full language of the petition. Place as many names as possible on each petition.
5. TO SIGN ANY NAME OTHER THAN YOUR OWN, TO KNOWINGLY SIGN YOUR NAME MORE THAN ONCE TO ANY PETITION, TO KNOWINGLY SIGN YOUR NAME WHEN YOU ARE NOT LEGALLY ENTITLED TO SIGN IT, TO KNOWINGLY AND FALSELY MISREPRESENT THE PURPOSE AND EFFECT OF THIS PETITION FOR THE PURPOSE OF CAUSING ANYONE TO SIGN IT, OR TO KNOWINGLY MAKE A FALSE STATEMENT ON A PETITION VERIFICATION FORM SHALL CONSTITUTE A CLASS "A" MISDEMEANOR AND SUBJECT THE OFFENDER TO A FINE OF UP TO \$1,000.00 AND IMPRISONMENT FOR UP TO ONE (1) YEAR. The Attorney General is by law required to certify the sufficiency of the popular name and ballot title of all initiative or referendum petitions. This certification does not necessarily indicate the approval or disapproval of the contents thereof.



DUSTIN McDANIEL, Attorney General of the State of Arkansas

INITIATIVE PETITION

TO THE HONORABLE CHARLIE DANIELS, SECRETARY OF STATE OF THE STATE OF ARKANSAS: We, the undersigned legal voters of the State of Arkansas, respectfully propose the following amendment to the Constitution of the State of Arkansas, to wit:

(Popular Name)

AN AMENDMENT TO PREVENT PERSONS UNLAWFULLY PRESENT IN THE UNITED STATES FROM RECEIVING CERTAIN PUBLIC BENEFITS

(Ballot Title)

AN AMENDMENT REQUIRING STATE AGENCIES, COUNTIES, CITIES, AND OTHER LOCAL UNITS OF GOVERNMENT TO VERIFY THE LAWFUL PRESENCE IN THE UNITED STATES OF ANY PERSON FOURTEEN (14) YEARS OF AGE OR OLDER WHO HAS APPLIED FOR CERTAIN FEDERAL, STATE OR LOCAL PUBLIC BENEFITS; PROVIDING THAT PERSONS NOT LAWFULLY PRESENT IN THE UNITED STATES SHALL NOT BE ELIGIBLE ON THE BASIS OF RESIDENCE WITHIN ARKANSAS FOR ANY POSTSECONDARY EDUCATION BENEFIT, INCLUDING SCHOLARSHIPS, FINANCIAL AID, AND RESIDENT TUITION; PROHIBITING THE INITIAL REGISTRATION OR TITLING OF A VEHICLE UNLESS THE APPLICANT PRESENTS A VALID ARKANSAS DRIVERS LICENSE OR AN ARKANSAS IDENTIFICATION CARD; REQUIRING AN APPLICANT FOR A STATE OR LOCAL PUBLIC BENEFIT OR A FEDERAL PUBLIC BENEFIT ADMINISTERED BY A STATE AGENCY OR POLITICAL SUBDIVISION TO AFFIRM UNDER PENALTY OF PERJURY THAT HE OR SHE IS A UNITED STATES CITIZEN OR A QUALIFIED ALIEN; DEFINING QUALIFIED ALIEN CONSISTENT WITH FEDERAL LAW TO MEAN AN ALIEN WHO IS LAWFULLY ADMITTED FOR PERMANENT RESIDENCE UNDER THE FEDERAL IMMIGRATION AND NATIONALITY ACT OR WHO OTHERWISE MEETS ONE OF THE CRITERIA IN 8 U.S.C. 1641(b) AS IT EXISTED ON JANUARY 1, 2009; DEFINING FEDERAL PUBLIC BENEFIT AND STATE OR LOCAL PUBLIC BENEFIT TO MEAN THE SAME AS DEFINED IN FEDERAL LAW AS IT EXISTED ON JANUARY 1, 2009, WHICH INCLUDES GRANTS, CONTRACTS, LOANS, PROFESSIONAL AND COMMERCIAL LICENSES, AND PAYMENTS OR ASSISTANCE FOR CERTAIN BENEFITS INCLUDING RETIREMENT, WELFARE, HEALTH, DISABILITY, HOUSING, POSTSECONDARY EDUCATION, FOOD ASSISTANCE, OR UNEMPLOYMENT; BUT EXCLUDING PROFESSIONAL LICENSES AND THE RENEWAL OF BUSINESS LICENSES FROM THE DEFINITION OF STATE OR LOCAL PUBLIC BENEFIT; PROVIDING THAT VERIFICATION OF LAWFUL PRESENCE SHALL NOT BE REQUIRED FOR ANY PURPOSE FOR WHICH LAWFUL PRESENCE IN THE UNITED STATES IS NOT RESTRICTED BY LAW, ORDINANCE, OR REGULATION TO OBTAIN A STATE OR LOCAL PUBLIC BENEFIT OR A FEDERAL PUBLIC BENEFIT THAT IS ADMINISTERED BY A STATE AGENCY

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OR POLITICAL SUBDIVISION; PROVIDING THAT VERIFICATION OF LAWFUL PRESENCE SHALL NOT BE REQUIRED FOR EMERGENCY MEDICAID, FOR SHORT TERM, IN-KIND EMERGENCY DISASTER RELIEF, FOR PUBLIC HEALTH ASSISTANCE FOR IMMUNIZATIONS AND TESTING AND TREATMENT OF COMMUNICABLE DISEASE SYMPTOMS, OR FOR PROGRAMS THAT DELIVER IN-KIND SERVICES AT THE COMMUNITY LEVEL WITHOUT REGARD TO THE RECIPIENT'S INCOME AND THAT ARE NECESSARY FOR THE PROTECTION OF LIFE OR SAFETY; SUBJECTING ANY PERSON WHO KNOWINGLY FALSIFIES AN AFFIDAVIT TO CRIMINAL PENALTIES FOR FRAUDULENTLY OBTAINING PUBLIC BENEFITS; REQUIRING THE STATE AGENCY OR POLITICAL SUBDIVISION ADMINISTERING PUBLIC BENEFITS TO FILE A COMPLAINT WITH UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT IF AN AFFIDAVIT CONSTITUTES A FALSE CLAIM OF UNITED STATES CITIZENSHIP OR QUALIFIED ALIEN STATUS; REQUIRING EACH SUCH STATE AGENCY AND POLITICAL SUBDIVISION TO DOCUMENT THE TYPES AND DOLLAR AMOUNT OF BENEFITS PROVIDED TO PERSONS WHO ARE FOUND TO BE PRESENT IN THE UNITED STATES UNLAWFULLY AND TO FILE ANNUAL REPORTS WITH THE GENERAL ASSEMBLY.

(Text)

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARKANSAS:

SECTION 1. Verification of citizenship when providing certain public benefits.

(a) As used in this section:

- (1) "Federal public benefit" means the same as defined in 8 U.S.C. § 1611(c) as it existed on January 1, 2009;
- (2) "Political subdivision" means any county, municipality, township, or other specific local unit of government;
- (3) "Qualified alien" means an alien who, at the time the alien applies for, receives, or attempts to receive a state or local public benefit or a federal public benefit administered by a state agency or political subdivision, meets one (1) or more of the criteria established in 8 U.S.C. § 1641(b) as it existed on January 1, 2009;
- (4) "State agency" means any office, department, board, commission, bureau, division, public corporation, agency, or instrumentality of this state, including without limitation a public institution of higher education; and
- (5) (A) Except as provided in subdivision (a)(5)(B) of this section, "state or local public benefit" means the same as defined in 8 U.S.C. § 1621(c) as it existed on January 1, 2009.

(B) (i) "State or local public benefit" shall include the initial application for any business license granted under the laws of the State of Arkansas, excluding professional licenses.

(ii) A state agency or political subdivision shall not be required to comply with the provisions of Section 1 of this amendment for a renewal of any business or professional license granted under the laws of the State of Arkansas.

(b) Except as provided in subsection (d) of this section or when exempted by federal law, every state agency or political subdivision shall verify the lawful presence in the United States of any person fourteen (14) years of age or older who has applied for a state or local public benefit or for a federal public benefit that is administered by a state agency or a political subdivision.

(c) This section shall be enforced without regard to race, religion, gender, ethnicity, or national origin.

(d) Verification of lawful presence under this section shall not be required for:

- (1) Any purpose for which lawful presence in the United States is not restricted by law, ordinance, or regulation to obtain a state or local public benefit or a federal public benefit that is administered by a state agency or a political subdivision;
- (2) Assistance for health care items and services that are necessary for the treatment of an emergency medical condition, as defined in 42 U.S.C. § 1396b(v)(3) as it existed on January 1, 2009, of the person involved and are not related to an organ transplant procedure;
- (3) Short-term, noncash, in-kind emergency disaster relief;
- (4) Public health assistance for immunizations with respect to diseases and for testing and treatment of symptoms of a communicable disease whether or not the symptoms are caused by a communicable disease; or

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- (5) Programs, services, or assistance such as, but not limited to, soup kitchens, crisis counseling and intervention, and short-term shelters specified by the United States Attorney General, in the sole and unreviewable discretion of the United States Attorney General after consultation with appropriate federal agencies and departments, that:
 - (A) Deliver in-kind services at the community level, including through public or private nonprofit agencies;
 - (B) Do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the income or resources of the individual recipient; and
 - (C) Are necessary for the protection of life or safety.
- (e) (1) Verification of lawful presence in the United States by the state agency or political subdivision required to make the verification shall require that the applicant execute an affidavit under penalty of perjury that he or she is a:
 - (A) United States citizen; or
 - (B) Qualified alien.
- (2) The state agency or political subdivision providing the state or local public benefit or federal public benefit that is administered by a state agency or a political subdivision shall provide notary public services at no cost to the applicant.
- (f) Each state agency or political subdivision shall document and maintain the types of benefits and dollar amount of benefits provided to persons who are found to be present in the United States unlawfully.
- (g) (1) Any person who knowingly makes a false, fictitious, or fraudulent statement or representation in an affidavit executed under subsection (e) of this section is subject to criminal penalties applicable in this state for fraudulently obtaining public benefits.
- (2) If the affidavit constitutes a false claim of United States citizenship under 18 U.S.C. § 911 as it existed on January 1, 2009 or a false claim of qualified alien status, a complaint shall be filed by the state agency or political subdivision requiring the affidavit with United States Immigration and Customs Enforcement.
- (h) Each state agency or political subdivision that administers any program of state or local public benefits or federal public benefits shall provide an annual report to the General Assembly concerning compliance with this section, including without limitation the types and dollar amount of benefits provided to persons who are found to be present in the United States unlawfully as documented under subsection (f) of this section.

SECTION 2. An individual who is not lawfully present in the United States shall not be eligible on the basis of residence within the state for:

- (1) Any postsecondary education benefit, including without limitation scholarships or financial aid; and
- (2) Resident tuition.

SECTION 3. (a) The initial issuance of any vehicle registration or certificate of title shall not be made unless the applicant presents at the time of application a valid Arkansas driver's license or an Arkansas identification card.

(b) Section 3 of this amendment shall be supplemental to other provisions of Arkansas law concerning vehicle registration and certificates of title.

and by this, our petition, order that the same be submitted to the people of said state, to the end that the same may be adopted or rejected by the vote of legal voters of said state at the regular general election to be held on the 2nd day of November, 2010, and each of us for himself says:

I have personally signed this petition; I am a legal 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.

**AN AMENDMENT TO PREVENT PERSONS UNLAWFULLY PRESENT IN THE UNITED STATES
 FROM RECEIVING CERTAIN PUBLIC BENEFITS**

SIGNATURE	PRINTED NAME	DATE OF BIRTH	RESIDENCE	CITY OR TOWN	DATE OF SIGNING
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					

AFFIDAVIT TO PETITION

STATE OF ARKANSAS)
)
 COUNTY OF _____)

I, _____ being first duly sworn, state that the foregoing persons signed this sheet of the foregoing petition, and each of them signed his/her name thereunto in my presence. I believe that each has stated his/her name, date of birth, residence or town of residence correctly, and that each signer is a legal voter of the State of Arkansas.

Residence of Canvasser: _____
 (Address) (City) (State) (ZIP Code)

Signature of Canvasser: _____

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20____

Signature: _____
 Clerk, Notary, Judge or J.P. (Circle one)

Residence: _____

My commission expires: _____



Stamp or Seal Here