

ARKANSAS SENATE
89th General Assembly - Regular Session, 2013
Amendment Form

Subtitle of Senate Bill No. 821

TO AMEND THE LAWS PERTAINING TO INITIATIVE AND REFERENDUM PETITIONS; AND TO
DECLARE AN EMERGENCY.

Amendment No. 2 to Senate Bill No. 821

Amend Senate Bill No. 821 as engrossed, S3/12/13 (version: 03/12/2013 09:25:28 AM):

Delete Representatives Slinkard, Ferguson as cosponsors of the bill

AND

Add Representatives Vines, Slinkard, Ferguson as cosponsors of the bill

AND

Add Senators B. Sample, Rapert as cosponsors of the bill

AND

Page 1, line 19, delete "PETITIONS; TO" and substitute "PETITIONS; TO REPEAL PROVISIONS OF ARKANSAS LAW PROVIDING FOR REVIEW OF THE LEGAL SUFFICIENCY OF STATEWIDE INITIATIVE PETITIONS AND BALLOT TITLES BEFORE COMPLETED PETITIONS ARE FILED; TO"

AND

Page 4, line 6, delete "name, address" and substitute "name and print his or her own name, address"

AND

Page 4, line 14, delete "the address" and substitute "the name, address"

AND

Page 4, line 21, delete "name, address" and substitute "name and print his or her own name, address"

AND



Page 4, line 28, delete "the address" and substitute "the name, address"

AND

Page 4, line 34, delete "canvasser if" and substitute "canvasser on a statewide initiative or referendum petition if"

AND

Page 5, line 9, delete "Class D felony" and substitute "Class A misdemeanor"

AND

Page 5, line 19, delete "Accepts money" and substitute "Accepts or pays money"

AND

Page 5, line 20, delete "notary,"

AND

Page 5, line 21, delete "he or she" and substitute "the person acting as a canvasser"

AND

Page 6, line 3, delete "grounds" and substitute "basis"

AND

Page 6, line 4, delete "the suspected" and substitute "suspecting"

AND

Immediately following SECTION 8, add an additional section to read as follows:

"SECTION 9. Arkansas Code § 7-9-107(e) and (f), concerning the approval and publication of ballot titles and popular names of petitions before circulation, are repealed.

~~(e)(1)(A) If a sponsor of any proposed statewide initiative elects to submit its popular name and ballot title to the Attorney General for certification prior to September 30 of the year preceding the year in which the initiative would be voted on, then, within ten (10) days of certification by the Attorney General, who shall deliver such certification to the Secretary of State on the day of certification, the Secretary of State shall approve and certify the sufficiency of such popular name and ballot title as certified by the Attorney General and shall cause to be published in a newspaper with statewide circulation the entire proposal with its certified popular name and ballot title and a notice informing the public of such certification and the procedure identified in this section to govern any~~

~~party who may contest such certification before the Supreme Court.~~

~~(B) The procedure shall be as follows:~~

~~(i) Any legal action against such certification shall be filed with the Supreme Court within forty five (45) days of the Secretary of State's publication;~~

~~(ii) No such action filed later than forty five (45) days following publication shall be heard by the Supreme Court; and~~

~~(iii) An action timely filed shall be advanced by the Supreme Court as a matter of public interest over all other civil cases except contested election cases and shall be heard and decided expeditiously.~~

~~(2) Nothing in this section shall be taken to require any sponsor of a statewide initiative to submit its popular name and ballot title to the Attorney General prior to September 30 of the year preceding the year in which the proposal would be voted on. If the Secretary of State refuses to act as required in this section or if the sponsors feel aggrieved at his or her acts in such premises, they may, by petition, apply to the Supreme Court for proper relief.~~

~~(3) Whenever the sponsor of any initiative or referendum petition has obtained final approval of its ballot title and popular name, the sponsor shall file such petition with the Secretary of State prior to obtaining signatures on the petition.~~

~~(f) The cost of the initial publication in a newspaper of the text of a statewide initiative and related information as required in subsection (e) of this section shall be paid by the sponsor of the statewide initiative."~~

AND

Page 12, delete lines 32 and 33, and substitute the following:

"more than one (1) notary, or lacks a notary signature or a notary seal;"

AND

Page 13, line 1, delete "title, a" and substitute "title approved by the Attorney General for a statewide initiative, a"

AND

Immediately following SECTION 18, add an additional section to read as follows:

"SECTION 20. Arkansas Code Title 7, Chapter 9, Subchapter 5 is repealed.

~~7-9-501. Purpose.~~

~~The purpose of this subchapter is to provide for the timely and expeditious review of the legal sufficiency of initiative petitions by the Supreme Court.~~

~~7-9-502. Construction.~~

~~(a) The General Assembly declares that this subchapter be construed as a measure to facilitate the provisions of Arkansas Constitution, Amendment 7.~~

~~(b) The General Assembly declares that this subchapter is not intended to expand the jurisdiction of the Supreme Court under Arkansas Constitution, Amendment 7, but is intended to provide a process to timely review the legal~~

~~sufficiency of a measure in a manner which avoids voter confusion and frustration which occur when measures are stricken from the ballot on the eve of an election on the measure.~~

~~7-9-503. Declaration of sufficiency.~~

~~(a)(1) Any Arkansas taxpayer and voter may submit a written petition to the Secretary of State requesting the determination of legal sufficiency of statewide initiative petitions.~~

~~(2) The petitioner shall notify the sponsor of the measure of the petition for determination by certified mail on the date that it is submitted to the Secretary of State.~~

~~(b) Within thirty (30) days after receipt of the petition for determination, the Secretary of State shall decide and declare, after consultation with the Attorney General, questions on one (1) or both of the following issues:~~

~~(1) Whether the popular name and ballot title of the measure are fair and complete; and~~

~~(2) Whether the measure, if subsequently approved by the electorate, would violate any state constitutional provision or any federal constitutional, statutory, or regulatory provision or would be invalid for any other reason.~~

~~(c) The declaration shall be in writing and shall be mailed to the petitioner and the sponsor of the measure by certified mail on the date that it is issued.~~

~~(d) The scope of review authorized by this subchapter shall be strictly limited to the questions referred to in subsection (b) of this section and shall not include questions regarding the sufficiency or validity of signatures on the initiative petitions.~~

~~7-9-504. Cure by correction or amendment.~~

~~(a) If the Secretary of State declares the initiative petition legally insufficient, the sponsors of such measure may attempt to cure the insufficiency by correction or amendment, as provided in Arkansas Constitution, Amendment 7.~~

~~(b) Within fifteen (15) days after a correction or amendment is filed with the Secretary of State, the Secretary of State shall notify the petitioner and sponsor of the measure of this declaration by certified mail on the date that it is issued.~~

~~7-9-505. Right of review.~~

~~The petitioner, the sponsor of the measure, and any Arkansas taxpayer and voter shall have the immediate right to petition the Supreme Court to review the determination of the Secretary of State regarding the sufficiency of the initiative petition.~~

~~7-9-506. Effect on existing petition.~~

~~(a)(1) This subchapter shall be applicable to any initiative petition which has received the approval of the Attorney General and has been filed with the Secretary of State, pursuant to § 7-9-107, as of March 25, 1999.~~

~~(2) The Secretary of State shall review all initiative petitions approved by the Attorney General within two (2) months after March 25, 1999.~~

~~(3) If this review is not completed within the stated period,~~

~~the initiative petition will be presumed sufficient and subject to immediate review by the Supreme Court.~~

~~(b) In addition, this subchapter shall be applicable to all initiative petitions submitted to the Attorney General after March 25, 1999."~~

AND

Page 14, line 9, delete "an initiative" and substitute "a statewide initiative"

AND

Page 14, line 20, delete "Secretary of State for canvassers" and substitute "State Board of Election Commissioners for paid canvassers"

AND

Page 14, line 22, delete "canvasser" and substitute "paid canvasser"

AND

Page 14, line 22, delete "submit to" and substitute "submit in person or by mail to"

AND

Page 15, line 3, delete "Secretary of State" and substitute "State Board of Election Commissioners"

AND

Page 15, line 9, delete "days" and substitute "business days"

AND

Page 15, line 10, delete "canvasser" and substitute "paid canvasser"

AND

Page 15, line 12, delete "petition." and substitute "petition for a period of two (2) years following the date of registration."

AND

Page 15, line 14, delete "canvasser" and substitute "paid canvasser"

AND

Page 15, line 15, delete "signatures before" and substitute "signatures as a paid canvasser before"

AND

Page 15, line 16, delete "any petition" and substitute "a petition for which the canvasser is paid"

AND

Page 15, line 25, delete "canvasser" and substitute "paid canvasser"

AND

Page 15, line 30, delete "(b)(1) A person" and substitute "(b) A paid canvasser"

AND

Page 15, line 31, delete "the person is registered as a canvasser for each petition" and substitute "the paid canvasser is registered as a paid canvasser for each petition for which the canvasser is paid"

AND

Page 15, delete lines 32 through 36

AND

Page 16, delete lines 1 through 6

AND

Page 16, line 8, delete "7-9-604" and substitute "7-9-603"

AND

Page 16, line 9, delete "canvasser" and substitute "paid canvasser"

AND

Page 16, line 15, delete ";or" and substitute ";"

AND

Page 16, delete line 17, and substitute the following:

"termination to the Secretary of State; or

(4) The sponsors using a paid canvasser notify the Secretary of State in writing that the person is no longer authorized to act as a paid canvasser with respect to the petition."

AND

Page 16, line 19, delete "canvasser" and substitute "paid canvasser"

AND

Page 16, line 23, delete ";" and substitute "; or"

AND

Page 16, line 26, delete "; or" and substitute "."

AND

Page 16, delete lines 27 through 31

AND

Appropriately renumber the sections of the bill

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator K. Ingram

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Secretary