

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1659

By: Representative Mahony

For An Act To Be Entitled

"AN ACT TO AMEND VARIOUS SECTIONS OF ARKANSAS CODE, TITLE 7, CHAPTER 9, SUBCHAPTER 1, RELATING TO INITIATIVES AND REFERENDUMS; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code 7-9-104 is hereby amended to read as follows:

"7-9-104. Form of initiative petition. (a) The following shall be substantially the form of petition for any law or amendment to the Constitution of the State of Arkansas, proposed by the initiative:

INITIATIVE PETITION

To the Honorable .....

Secretary of State of the State of Arkansas

We, the undersigned legal voters of the State of Arkansas, or ..... County, Arkansas, or City of ....., or Incorporated Town of .....

(as the case may be) respectfully propose the following amendment to the Constitution of the State, or law, or ordinance (as the case may be), to wit:

(Here insert title and full text of measure proposed.)

.....

and by this, our petition, order that the same be submitted to the people of said state, or county, or municipality (as the case may be), to the end that the same may be adopted, enacted, or rejected by the vote of legal voters of said (state, county, or municipality) at the regular general election to be held in said ....., on the ..... day of ....., 19 ....., 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 residence, post office address, and voting precinct are correctly written after my name.

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(As Listed on Voter Registration Card) <sup>3</sup>

Full Name <sup>3</sup> Address <sup>3</sup> City, Town or <sup>3</sup> Precinct No. or  
Sign <sup>3</sup> Print <sup>3</sup> Post Office <sup>3</sup> Voting Place

(b) No signature of a registered voter on such a petition shall be solely adjudged invalid for failure to sign the name exactly as it appears on the voter registration records or to write the address, city, town or post office, or precinct number or voting place exactly as the information appears on the voter registration records, nor for failure to print the name in the space provided, all such information being an aid to verification rather than a mandatory requirement to perfect the validity of the signature."

SECTION 2. Arkansas Code 7-9-105 is hereby amended to read as follows:

"7-9-105. Form of referendum petition. (a) The petition and order for referendum shall be substantially in the following form:

PETITION FOR REFERENDUM

To the Honorable .....

Secretary of State of the State of Arkansas

We, the undersigned legal voters of the State of Arkansas, or .....  
County, Arkansas, or City (or Incorporated Town) of ....., Arkansas, (as  
the case may be) respectfully order, by this, our petition, that Act No. ....  
of the General Assembly of the State of Arkansas, approved on the .... day of  
..... 19 ....., entitled 'An Act .....' or Ordinance No. ...., passed by the  
city (or town) council of the City (or Incorporated Town) of .....,  
Arkansas, on the .... day of ..... 19 ....., entitled 'An Ordinance.....',  
be referred to the people of said state, county, or municipality (as the case  
may be), to the end that the same may be approved or rejected by the vote of  
the legal voters of the state, or of said county or municipality (as the case  
may be) at the biennial (or annual, as the case may be, if a city ordinance)  
regular general election to be held on the .... day of ....., 19 .. or a  
special election to be called by the proper official; and each of us for

himself says: I am a qualified elector of the State of Arkansas, and my residence, post office address, and voting precinct are correctly written after my name.

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(As Listed on Voter Registration Card) <sup>3</sup>

Full Name <sup>3</sup> Address <sup>3</sup> City, Town or <sup>3</sup>Precinct No. or  
Sign <sup>3</sup> Print <sup>3</sup> Post Office <sup>3</sup> Voting Place

(b) No signature of a registered voter on such a petition shall be solely adjudged invalid for failure to sign the name exactly as it appears on the voter registration records or to write the address, city, town or post office, or precinct number or voting place exactly as the information appears on the voter registration records, nor for failure to print the name in the space provided, all such information being an aid to verification rather than a mandatory requirement to perfect the validity of the signature."

SECTION 3. Arkansas Code 7-9-106 is hereby amended to read as follows:

"7-9-106. Required attachments to petitions.

(a) To every petition for the initiative shall be attached a full and correct copy of the title and the measure proposed. The method of attachment shall be prescribed by the Secretary of State by regulation.

(b) To every petition for the referendum shall be attached a full and correct copy of the measure on which the referendum is ordered. The method of attachment shall be prescribed by the Secretary of State by regulation."

SECTION 4. Arkansas Code 7-9-107 is hereby amended to read as follows:

"7-9-107. Approval of petitions prior to circulation.

(a) (1) Before any initiative or referendum petition ordering a vote upon any amendment or act shall be circulated for obtaining signatures of petitioners, the sponsors shall submit the original draft to the Attorney General, with a proposed legislative or ballot title and popular name.

(2) The Attorney General shall, within ten (10) days, approve and certify or shall substitute and certify a more suitable and correct ballot title and popular name for each amendment or act. The ballot title so submitted or supplied by the Attorney General shall state the purpose of the

proposed measure in clear and concise wording with the intent of the measure being related as clearly as possible to provide easy interpretation by the average voter.

(3) If, as a result of his review of the ballot title and popular name of a proposed initiated act or a proposed amendment to the Constitution of the State of Arkansas, the Attorney General determines that the ballot title, or the nature of the issue, is presented in such manner that the ballot title would be misleading or designed in such manner that a vote "FOR" the issue would be a vote against the matter or viewpoint that the voter believes himself casting a vote for, or, conversely, a vote "AGAINST" an issue would be a vote for a viewpoint that the voter is against, the Attorney General may reject the entire ballot title, popular name, and petition and state his reasons therefor and instruct the petitioners to redesign the proposed measure and the ballot title and popular name in a manner that would not be misleading.

(4) If the Attorney General refuses to act or if the sponsors feel aggrieved at his acts in such premises, they may, by petition, apply to the Supreme Court for proper relief.

(b)(1) Before any initiative or referendum petition ordering a vote upon any amendment or act shall be circulated for obtaining signatures of petitioners, the sponsor shall submit the petition to the Secretary of State for approval of the petition's form. The petition shall be submitted to the Secretary of State after the ballot title and popular name have been approved by the Attorney General.

(2) The Secretary of State shall, within ten (10) days, approve and certify or shall substitute and certify a more suitable and correct petition form for each amendment or act.

(3) If the Secretary of State refuses to act or if the sponsors feel aggrieved at his acts, they may, by petition, apply to the Supreme Court for proper relief."

SECTION 5. Arkansas Code 7-9-111 is hereby amended by adding additional subsections to read as follows:

"(e) Beginning July 1, 1990, all county clerks shall maintain an alphabetical list of registered voters in their respective counties. To assist the Secretary of State in ascertaining the sufficiency or insufficiency

of each initiative or referendum petition, all county clerks when requested by the Secretary of State shall furnish free of charge a single list of registered voters in alphabetical order in their respective counties.

(f) The Secretary of State may enter into contracts with any county clerk for the county clerk's services in determining whether the persons listed on an initiative or referendum petition are registered voters."

SECTION 6. Arkansas Code 7-9-113 is hereby amended to read as follows:

"7-9-113. Publication of notice.

(a) The Secretary of State shall be charged with the duty of letting contracts for publishing display advertisements and notices as authorized in this section. All contracts shall be let within a reasonable time before the election.

(b) (1) Before the election at which any proposed or referred measure is to be voted upon by the people, two (2) display advertisements and two (2) notices shall be published in some newspaper in each county as is provided in this section.

(2) The publication shall commence six (6) months, and on all other measures eight (8) weeks, before the election.

(c) (1) In the first and third weeks of the notification period a display advertisement shall be placed on the front page of the newspaper. The display advertisement shall contain the number and popular name of each measure to be submitted, the date of the election, and the dates on which the full text of the measure will appear in the newspaper.

(2) In the second and fourth weeks of the notification period, a notice shall be published containing the number, the popular name, the ballot title, and a complete text of the measure to be submitted and shall be set in a type no smaller than the size of type in which the body of the newspaper or its regular news columns are set.

(d) The fees to be charged and paid by the state for publishing the notices and display advertisements shall be no more than is regularly charged for classified advertisements.

(e) It shall be the duty of the Secretary of State, in connection with a copy of the proposed amendment, to give notice in the same newspapers that each elector on depositing his ballot at the election shall vote for or against the amendment."

SECTION 7. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 8. All laws and parts of laws in conflict with this Act are hereby repealed.

