

Act 280 of the 1989 Regular Session.

Act 280

SB140

By: Senator Allen

"AN ACT TO AMEND ARK. CODE ANN. 7-9-104, 7-9-105, 7-9-107, 7-9-109 and 7-9-111 PERTAINING TO INITIATIVE AND REFERENDUM; AND FOR OTHER PURPOSES."

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

SECTION 1. Ark. Code Ann. 7-9-104 is hereby amended to read as follows: "7-9-104. Form of initiative petition. The following shall be substantially the form of petition for any ordinance 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, or County Clerk, or City Clerk We, the undersigned legal voters of the State of Arkansas, or \_\_\_\_\_ County, Arkansas, or City of \_\_\_\_\_, or Incorporated Town of \_\_\_\_\_ Arkansas (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 printed name, residence and city or town of residence are correctly written after my signature.

If a signature of a registered voter on such petition is sufficient to verify the voter's name, then it shall not be adjudged invalid for failure to sign the name, or write the residence and city or town of residence exactly as it appears on 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.

No additional sheets of voter signatures shall be attached to any such petition unless such sheets contain the full language of the petition."

SECTION 2. Ark. Code Ann. 7-9-105 is hereby amended to read as follows: "7-9-105. Form of referendum petition. The petition and order of referendum shall be substantially in the following form: PETITION FOR REFERENDUM.

To the Honorable \_\_\_\_\_ Secretary of State of the State of Arkansas, or County Clerk, or City Clerk 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 county quorum court the city (or town) council of the City (or Incorporated Town) or county 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 (or at a special election, as the case may be) to be held 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 printed name, residence and city or town of residence are correctly written after my signature.

If a signature of a registered voter on such petition is sufficient to verify the voter's name, then it shall not be adjudged invalid for failure to sign the name, or write the residence and city or town of residence, exactly as it appears on voter registration records, nor for failure to print the name in the space provided, all of such information being an aid to verification rather than a mandatory requirement to perfect the validity of the signature.

No additional sheets of voter signatures shall be attached to any such petition unless such sheets contain the full language of the petition."

SECTION 3. Ark. Code Ann. 7-9-107 is hereby amended to add the following subsection:

"(e). 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 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 herein identified to govern any party who may contest such certification before the Supreme Court. The procedure shall be as follows: 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. No such action filed later than forty-five (45) days following publication shall be heard by the Supreme Court. 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.

Nothing herein 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 herein required or if the sponsors feel aggrieved at his acts in such premises, they may, by petition, apply to the Supreme Court for proper relief.

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."

SECTION 4. Ark. Code Ann. 7-9-109 is hereby amended to read as follows:

"7-9-109. Form of verification. (a) Each petition containing the signatures shall be verified in substantially the following form, by the person who circulated the sheet of the petition by his or her affidavit thereon as a part thereof:

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 name thereunto in my presence. I believe that each has stated his name, residence or town of residence correctly, and that each signer is a legal voter of the State of Arkansas, \_\_\_\_\_ County, or City or Incorporated Town of \_\_\_\_\_.

Signature \_\_\_\_\_

Residence \_\_\_\_\_

Subscribed and sworn to before me this the \_\_\_\_\_ day of \_\_\_\_\_

19\_\_\_\_.

Signature \_\_\_\_\_

Clerk, Notary, Judge or J.P.

Residence \_\_\_\_\_

(b) Forms herein given are not mandatory, and if substantially followed in any petition it shall be sufficient, disregarding clerical and merely technical errors."

SECTION 5. Ark. Code Ann. 7-9-111 is hereby amended to add the following subsection:

"(e). To assist the Secretary of State in ascertaining the sufficiency or insufficiency of each initiative and referendum petition, all County Clerks when requested by the Secretary of State shall furnish when available a single alphabetical list of all registered voters in their respective counties."

SECTION 6. The provisions of this Act shall not apply to any statewide public initiative or referendum, the ballot title and popular name of which were submitted to and approved by the Attorney General prior to the effective date of this Act. Such public initiative or referendum shall be governed by the law existing at the time of such submission and approval.

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 signed Revision Commission shall incorporate the same in the Code.

SECTION 8. If any provision or section of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of the Act are declared to be severable.

SECTION 9. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 10. It is hereby found and determined by the General Assembly of this State that in order to facilitate the operation of Amendment 7 to the Constitution of Arkansas it is immediately necessary to simplify the process of obtaining signatures on public initiative petitions, allow for the option of binding review by the Arkansas Supreme Court of the popular name and ballot title of public initiatives substantially prior to the date when signatures on such petitions must be filed with the Secretary of State, and provide assistance to the Secretary of State with respect to verification of signatures on such petitions. Therefore, an emergency is declared to exist and this Act, being necessary for the preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

APPROVED: March 1, 1989

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