

As Engrossed: 1/21/91 3/18/91 3/27/91

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A BILL ACT 1094 OF 1991
HOUSE BILL 1047

4 **By: Representatives Lipton, Newman and Flanagin**

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 7-9-111 TO PROVIDE THAT *THE*
9 *SECRETARY OF STATE MAY CONTRACT WITH COUNTY CLERKS TO*
10 *OBTAIN THEIR SERVICES IN VERIFYING SIGNATURES ON*
11 *STATEWIDE INITIATIVE AND REFERENDUM PETITIONS AND TO GIVE*
12 *THE SECRETARY OF STATE ADDITIONAL TIME TO DETERMINE THE*
13 *SUFFICIENCY OF PETITIONS; TO AMEND ARKANSAS CODE 7-9-113*
14 *(a) AND (b) TO DELAY THE FIRST PUBLICATION OF ANY PROPOSED*
15 *OR REFERRED MEASURE; AND FOR OTHER PURPOSES."*

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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 7-9-111 is amended to read as follows:

20 "7-9-111. Determination of sufficiency of petition - Corrections.

21 (a) (1) *The Secretary of State shall ascertain and declare the*
22 *sufficiency or insufficiency of each initiative and referendum petition within*
23 *thirty (30) days after it is filed.*

24 (2) *The Secretary of State may contract with the various county clerks*
25 *for their assistance in verifying the signatures on petitions. The county*
26 *clerks shall return the petitions to the Secretary of State within ten (10)*
27 *days.*

28 (b) In considering the sufficiency of initiative and referendum
29 petitions, if it is made to appear beyond a reasonable doubt that twenty
30 percent (20%) or more signatures on any one (1) part thereof are fictitious,
31 forged, or otherwise clouded or that the challenged petitioners were
32 ineligible to sign the petition, which fact was known or could have been
33 ascertained by the exercise of reasonable diligence on the part of the
34 canvasser, then the Secretary of State shall require the sponsors to assume
35 the burden of proving all other signatures appearing on the part are genuine
36 and that the signers are qualified electors and are in all other respects

1 entitled to sign the petition. If the sponsors refuse or fail to assume and
2 meet the burden, then the Secretary of State shall reject the part and shall
3 not count as petitioners any of the names appearing thereon.

4 (c) If the petition is found to be sufficient, the Secretary of State
5 shall certify and record the finding and do and perform such other duties
6 relating thereto as are required by law.

7 (d) (1) If the petition is found to be insufficient, the Secretary of
8 State shall forthwith notify the sponsors in writing, through their designated
9 agent, and shall set forth his reasons for so finding. When the notice is
10 delivered, the sponsors shall have thirty (30) days in which to do any or all
11 of the following:

12 (A) Solicit and obtain additional signatures;

13 (B) Submit proof to show that the rejected signatures or
14 some of them are good and should be counted;

15 (C) Make the petition more definite and certain.

16 (2) Any amendments and corrections shall not materially change
17 the purpose and effect of the petition. No change shall be made in the
18 measure, except to correct apparent typographical errors or omissions.

19 (e) To assist the Secretary of State in ascertaining the sufficiency or
20 insufficiency of each initiative and referendum petition, all county clerks
21 when requested by the Secretary of State shall furnish a single alphabetical
22 list of all registered voters in their respective counties.

23 (f) *A person filing initiative or referendum petitions with the*
24 *Secretary of State shall bundle the petitions by county and shall file an*
25 *affidavit stating the number of petitions and the total number of signatures*
26 *being filed."*

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28 SECTION 2. Arkansas Code 7-9-113 (a) and (b) is amended to read as
29 follows:

30 "(a) The Secretary of State shall be charged with the duty of letting
31 contracts for publishing notices as authorized in this section.

32 (b) (1) Before the election at which any proposed or referred measure is
33 to be voted upon by the people, notice shall be published in four (4) weekly
34 issues of some newspaper in each county as is provided by law.

35 (2) Publication of the notice for amendments proposed by the General

1 *Assembly shall commence six (6) months, and on all other measures eight (8)*
2 *weeks, before the election."*

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4 SECTION 3. All provisions of this act of a general and permanent nature
5 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
6 Revision Commission shall incorporate the same in the Code.

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8 SECTION 4. If any provision of this act or the application thereof to
9 any person or circumstance is held invalid, such invalidity shall not affect
10 other provisions or applications of the act which can be given effect without
11 the invalid provision or application, and to this end the provisions of this
12 act are declared to be severable.

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14 SECTION 5. All laws or parts of laws in conflict with this act are
15 hereby repealed.

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/s/ John Lipton et al

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APPROVED: 4/9/91

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