

As Engrossed: 1/21/91 3/11/91 3/26/91

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

A BILL ACT 1153 OF 1991
HOUSE BILL 1179

4 **By: Representative Flanagan and Tullis**

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 7-9-111 TO ALLOW THE
9 SECRETARY OF STATE A LONGER PERIOD OF TIME TO ASCERTAIN
10 THE SUFFICIENCY OF INITIATIVE AND REFERENDUM PETITIONS AND
11 TO PROVIDE THE SECRETARY OF STATE A CURRENT ALPHABETICAL
12 LIST OF REGISTERED VOTERS FROM EACH COUNTY AND TO REQUIRE
13 A PERSON FILING AN INITIATIVE OR REFERENDUM PETITION TO
14 STATE THE NUMBER OF PETITIONS AND THE TOTAL NUMBER OF
15 SIGNATURES; TO AMEND ARKANSAS CODE 7-9-113 CONCERNING
16 PUBLISHING NOTICE OF REFERRED AND PROPOSED MEASURES; AND
17 FOR OTHER PURPOSES."

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

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21 SECTION 1. Arkansas Code 7-9-111 is amended to read as follows:

22 "7-9-111. Determination of sufficiency of petition - Corrections.

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

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

1 not count as petitioners any of the names appearing thereon.

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

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

10 (A) Solicit and obtain additional signatures;

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

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

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

17 (e) (1) To assist the Secretary of State in ascertaining the sufficiency
18 or insufficiency of each initiative and referendum petition, all county clerks
19 shall furnish at cost the Secretary of State a single alphabetical list of all
20 registered voters in their respective counties. The list shall be provided at
21 least four (4) months before the election and an updated list shall be
22 provided at cost by September 1 in the year of the election. The lists shall
23 include the date of birth of each registered voter.

24 (2) The State Board of Election Commissioners, upon the request
25 of the county clerk, may grant a waiver from this provision if the Commission
26 determines the county clerk is unable to provide the list within the time
27 required.

28 (f) A person filing initiative or referendum petitions with the
29 Secretary of State shall bundle the petitions by county and shall file an
30 affidavit stating the number of petitions and the total number of signatures
31 being filed."

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

35 "(a) The Secretary of State shall be charged with the duty of letting

1 contracts for publishing notices as authorized in this section.

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

5 (2) Publication of the notice for amendments proposed by the
6 General Assembly shall commence six (6) months, and on all other measures
7 *eight (8) weeks, before the election.*"

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

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13 SECTION 4. If any provision of this act or the application thereof to
14 any person or circumstance is held invalid, such invalidity shall not affect
15 other provisions or applications of the act which can be given effect without
16 the invalid provision or application, and to this end the provisions of this
17 act are declared to be severable.

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

21 /s/P. Flanagan and B. Tullis

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23 APPROVED: 4/9/91

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