

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999  
4

# A Bill

Act 877 of 1999  
SENATE BILL 702

5 By: Senator Gordon  
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7

## For An Act To Be Entitled

9 "AN ACT TO PROVIDE FOR THE TIMELY AND EXPEDITIOUS  
10 REVIEW OF SUFFICIENCY OF INITIATIVE PETITIONS; AND FOR  
11 OTHER PURPOSES. "

### Subtitle

14 "AN ACT TO PROVIDE FOR THE TIMELY AND  
15 EXPEDITIOUS REVIEW OF SUFFICIENCY OF  
16 INITIATIVE PETITIONS. "

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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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#### 21 SECTION 1. Purpose of Act.

22 The purpose of this act is to provide for the timely and expeditious  
23 review of the legal sufficiency of initiative petitions by the Arkansas  
24 Supreme Court.

#### 25 SECTION 2. Declaration of sufficiency.

26 (a) Any Arkansas taxpayer and voter may submit a written petition to  
27 the Secretary of State requesting the determination of legal sufficiency of  
28 state-wide initiative petitions. The petitioner shall notify the sponsor of  
29 the measure of the petition for determination, by certified mail, on the date  
30 it is submitted to the Secretary of State. Within thirty (30) days after  
31 receipt of the petition for determination, the Secretary of State shall decide  
32 and declare, after consultation with the Attorney General, questions on one or  
33 both of the following issues:  
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35 (1) Whether the popular name or ballot title of the measure are  
36 fair and complete; and

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

5           (b) The declaration shall be in writing, and shall be mailed to the  
6 petitioner and the sponsor of the measure by certified mail on the date it is  
7 issued.

8           (c) The scope of review authorized by this act shall be strictly  
9 limited to the questions referred to in Subsection (a) and shall not include  
10 questions regarding the sufficiency or validity of signatures on the  
11 initiative petitions.

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13           SECTION 3. Cure by correction or amendment.

14           If the Secretary of State declares the initiative petition legally  
15 insufficient, the sponsors of such measure may attempt to cure the  
16 insufficiency by correction or amendment, as provided in Amendment 7 to the  
17 Arkansas Constitution. Within fifteen (15) days after a correction or  
18 amendment if filed with the Secretary of State, the Secretary of State shall  
19 notify the petitioner and sponsor of the measure of this declaration, by  
20 certified mail on the date it is issued.

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22           SECTION 4. Right of review.

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

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28           SECTION 5. Effect on existing petition.

29           This act shall be applicable to any initiative petition which has  
30 received the approval of the Attorney General and has been filed with the  
31 Secretary of State, pursuant to Arkansas Code 7-9-107, as of the effective  
32 date of this act. The Secretary of State shall review all initiative  
33 petitions approved by the Attorney General within two (2) months after the  
34 effective date of this act. If this review is not completed within the stated  
35 period, the initiative petition will be presumed sufficient and subject to  
36 immediate review by the Arkansas Supreme Court. In addition, this act shall

1 be applicable to all initiative petitions submitted to the Attorney General,  
2 after the effective date of this act.

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4 SECTION 6. Construction of this act.

5 The General Assembly declares that this act be construed as a measure to  
6 facilitate the provisions of Amendment 7 to the Arkansas Constitution. The  
7 General Assembly declares that this act is not intended to expand the  
8 jurisdiction of the Arkansas Supreme Court under Amendment 7 to the Arkansas  
9 Constitution, but is intended to provide a process to timely review the legal  
10 sufficiency of a measure in a manner which avoids voter confusion and  
11 frustration which occurs when measures are stricken from the ballot on the eve  
12 of an election on the measure.

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

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

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

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27 SECTION 10. EMERGENCY CLAUSE. It is hereby found and determined by the  
28 Eighty-second General Assembly that the current procedures for review of the  
29 sufficiency of initiative petitions is insufficient; that in matters affecting  
30 amendments to the Constitution and measures to be voted on by the people,  
31 there should be a certainty with reference to the amendment or measure  
32 affected; and that this act is immediately necessary to provide for a timely  
33 and expeditious review of the sufficiency of initiative petitions. Therefore,  
34 an emergency is declared to exist and this act being immediately necessary for  
35 the preservation of the public peace, health and safety shall become effective  
36 on the date of its approval by the Governor. If the bill is neither approved

1 nor vetoed by the Governor, it shall become effective on the expiration of the  
2 period of time during which the Governor may veto the bill. If the bill is  
3 vetoed by the Governor and the veto is overridden, it shall become effective  
4 on the date the last house overrides the veto.

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7 APPROVED: 3/25/1999  
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