

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

# A Bill

**HOUSE BILL**

4 **By: Representatives Jones and Flanagin**

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## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 7-9-104, 7-9-105 AND 7-9-  
9 109 TO REQUIRE A PERSON'S BIRTH DATE TO BE INCLUDED ON AN  
10 INITIATIVE OR REFERENDUM PETITION; TO PROVIDE THAT THE  
11 INFORMATION PROVIDED MAY BE USED AS EVIDENCE OF THE  
12 VALIDITY OR INVALIDITY OF THE SIGNATURE; AND FOR OTHER  
13 PURPOSES."

14

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

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

18 "7-9-104. Form of initiative petition.

19 (a) The following shall be substantially the form of petition for any  
20 ordinance, law, or amendment to the Constitution of the State of Arkansas  
21 proposed by the initiative:

22

INITIATIVE PETITION.

23 To the Honorable \_\_\_\_\_

24 Secretary of State of the State of Arkansas, or County Clerk, or City  
25 Clerk

26 We, the undersigned legal voters of the State of Arkansas, or  
27 \_\_\_\_\_ County, Arkansas, or City of \_\_\_\_\_ or  
28 Incorporated Town of \_\_\_\_\_ Arkansas (as the case may be)  
29 respectfully propose the following amendment to the Constitution of the State,  
30 or law, or ordinance (as the case may be), to wit:

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

32

33 \_\_\_\_\_ and by this,  
34 our petition, order that the same be submitted to the people of said state, or  
35 county, or municipality (as the case may be), to the end that the same may be

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1 adopted, enacted, or rejected by the vote of legal voters of said (state,  
2 county, or municipality) at the regular general election to be held in said  
3 \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_, and each of us for  
4 himself says:

5 I have personally signed this petition; I am a legal voter of the State  
6 of Arkansas, and my printed name, date of birth, residence, and city or town  
7 of residence are correctly written after my signature.

8 (b) The information provided by the person on the petition may be used  
9 as evidence of the validity or invalidity of the signature. However, if a  
10 signature of a registered voter on such petition is sufficient to verify the  
11 voter's name, then it shall not be adjudged invalid for failure to sign the  
12 name or write the residence and city or town of residence exactly as it  
13 appears on voter registration records, nor for failure to print the name in  
14 the space provided, nor for a failure to provide the correct date of birth,  
15 all such information being an aid to verification rather than a mandatory  
16 requirement to perfect the validity of the signature.

17 (c) No additional sheets of voter signatures shall be attached to any  
18 such petition unless such sheets contain the full language of the petition."  
19

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

21 "7-9-105. Form of referendum petition.

22 (a) The petition and order of referendum shall be substantially in the  
23 following form:

24 PETITION FOR REFERENDUM.

25 To the Honorable \_\_\_\_\_  
26 Secretary of State of the State of Arkansas, or County Clerk, or City  
27 Clerk

28 We, the undersigned legal voters of the State of Arkansas, or  
29 \_\_\_\_\_ County, Arkansas, or City (or Incorporated Town) of  
30 \_\_\_\_\_ Arkansas (as the case may be) respectfully order by this, our  
31 petition, that Act No. \_\_\_\_\_ of the General Assembly of the State of  
32 Arkansas, approved on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_, entitled "An Act  
33 \_\_\_\_\_" or Ordinance No. \_\_\_\_\_ passed by the county quorum court,  
34 the city (or town) council of the City (or Incorporated Town), or county of  
35 \_\_\_\_\_, Arkansas, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_, entitled

1 "An Ordinance \_\_\_\_\_" be referred to the people of said state, county or  
2 municipality (as the case may be), to the end that the same may be approved or  
3 rejected by the vote of the legal voters of the state, or of said county or  
4 municipality (as the case may be) at the biennial (or annual, as the case may  
5 be, if a city ordinance) regular general election (or at a special election,  
6 as the case may be) to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_; and  
7 each of us for himself says:

8 I have personally signed this petition; I am a legal voter of the State  
9 of Arkansas, and my printed name, date of birth, residence, and city or town  
10 of residence are correctly written after my signature.

11 (b) The information provided by the person on the petition may be used  
12 as evidence of the validity or invalidity of the signature. However, if a  
13 signature of a registered voter on such petition is sufficient to verify the  
14 voter's name, then it shall not be adjudged invalid for failure to sign the  
15 name or write the residence and city or town of residence, exactly as it  
16 appears on voter registration records, nor for failure to print the name in  
17 the space provided, nor for a failure to provide the correct date of birth,  
18 all of such information being an aid to verification rather than a mandatory  
19 requirement to perfect the validity of the signature.

20 (c) No additional sheets of voter signatures shall be attached to any  
21 such petition unless such sheets contain the full language of the petition."  
22

23 SECTION 3. Arkansas Code 7-9-109 is amended to read as follows:

24 "7-9-109. Form of verification.

25 (a) Each petition containing the signatures shall be verified in  
26 substantially the following form, by the person who circulated the sheet of  
27 the petition by his or her affidavit thereon as a part thereof:

28 State of Arkansas)

29 County of \_\_\_\_\_)

30 I, \_\_\_\_\_, being first duly sworn, state that the foregoing  
31 persons signed this sheet of the foregoing petition, and each of them signed  
32 his name thereunto in my presence. I believe that each has stated his name,  
33 date of birth, residence or town of residence correctly, and that each signer  
34 is a legal voter of the State of Arkansas, \_\_\_\_\_ County, or City or  
35 Incorporated Town of \_\_\_\_\_.

1 Signature \_\_\_\_\_

2 Residence \_\_\_\_\_

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

4 19\_\_.

5 Signature \_\_\_\_\_

6 Clerk, Notary, Judge or J.P.

7 Residence \_\_\_\_\_

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

11

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

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16 SECTION 5. If any provision of this Act or the application thereof to  
17 any person or circumstance is held invalid, such invalidity shall not affect  
18 other provisions or applications of the Act which can be given effect without  
19 the invalid provision or application, and to this end the provisions of this  
20 Act are declared to be severable.

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22 SECTION 6. All laws or parts of laws in conflict with this act are  
23 hereby repealed.

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