

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

# A Bill

**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

1 meet the burden, then the Secretary of State shall reject the part and shall  
2 not count as petitioners any of the names appearing thereon.

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

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

11 (A) Solicit and obtain additional signatures;

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

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

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

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

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

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

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

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

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

6                       (2) Publication of the notice for amendments proposed by the  
7 General Assembly shall commence six (6) months, and on all other measures  
8 *eight (8) weeks*, before the election."  
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10           SECTION 3. All provisions of this act of a general and permanent nature  
11 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
12 Revision Commission shall incorporate the same in the Code.  
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14           SECTION 4. If any provision of this act or the application thereof to  
15 any person or circumstance is held invalid, such invalidity shall not affect  
16 other provisions or applications of the act which can be given effect without  
17 the invalid provision or application, and to this end the provisions of this  
18 act are declared to be severable.  
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20           SECTION 5. All laws or parts of laws in conflict with this act are  
21 hereby repealed.

22   */s/P. Flanagan and B. Tullis*  
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