

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4

As Engrossed: H2/26/97

A Bill

ACT 449 OF 1997
HOUSE BILL 1775

5 By: House Committee on State Agencies and Governmental Affairs
6
7

For An Act To Be Entitled

9 "AN ACT TO AMEND A.C.A. ~~§~~ 3-8-204 TO RAISE THE PENALTY FOR
10 PROVIDING FALSE INFORMATION ON A PETITION VERIFICATION
11 FORM TO A CLASS D FELONY; TO AMEND ARKANSAS CODE ANNOTATED
12 ~~§~~ 3-8-205 TO REQUIRE THE VOTER REGISTRATION RECORDS AS
13 CERTIFIED TO THE SECRETARY OF STATE ON JUNE 1 TO DETERMINE
14 THE NUMBER OF QUALIFIED ELECTORS NECESSARY FOR LOCAL
15 OPTION PETITIONS; TO AMEND ARKANSAS CODE ANNOTATED ~~§~~ 3-8-
16 205, AND ~~§~~ 3-8-206 TO MAKE TECHNICAL CORRECTIONS; AND FOR
17 OTHER PURPOSES."
18

Subtitle

19 "TO REQUIRE THE VOTER REGISTRATION
20 RECORDS AS CERTIFIED TO THE SECRETARY OF
21 STATE ON JUNE 1 TO DETERMINE THE NUMBER
22 OF QUALIFIED ELECTORS NECESSARY FOR
23 LOCAL OPTION PETITIONS."
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25
26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
27

28 SECTION 1. Arkansas Code Annotated ~~§~~ 3-8-204 is amended to read as
29 follows:

30 "3-8-204. Petition procedure.

31 (a) Every petition for a local option election shall be prepared in
32 accordance with Initiated Act No. 1 of 1942, ~~§§~~ 3-8-201 - 3-8-203 and 3-8-205
33 - 3-8-209, and it shall be filed and the subsequent proceedings thereupon
34 shall be had and conducted in the manner provided for county initiated
35 measures by Arkansas Constitution, Amendment 7, and enabling acts pertaining
36 thereto.

37 (b) Every petition for a local option election under Initiated Act No.

1 1 of 1942 shall be prepared substantially in the form provided for initiative
2 petitions in § 7-9-104, except that the petitions shall be directed to the
3 county clerk instead of to the Secretary of State.

4 (c) All petitions shall have attached thereto the form of verification,
5 and shall be signed by the person circulating the petitions in the same form
6 and manner as provided in § 7-9-109.

7 (d) In all other respects, the petitions shall be circulated and
8 sufficiency thereof shall be determined, and may be reviewed in the same
9 manner and procedure, insofar as are applicable thereto, as provided in Acts
10 1935, No. 4 [repealed], for initiated county measures.

11 (e) Any person who is a qualified elector of the State of Arkansas and
12 who is a resident and registered voter of the county, municipality, ward,
13 precinct, or other defined area in which a local option election is being
14 requested by petitions under Initiated Act No. 1 of 1942, §§ 3-8-201 - 3-8-203
15 and 3-8-205 - 3-8-209, may sign the local option petition in his own proper
16 handwriting and not otherwise.

17 (f)(1) ~~Any A person shall be guilty of a Class A misdemeanor and upon~~
18 ~~conviction shall be punished in the manner provided by law if that person~~
19 ~~shall:~~

20 ~~_____ (1)(A) Sign Signs~~ any name other than his own to any ~~such~~
21 petition;

22 ~~_____ (2)(B) Knowingly sign signs~~ his name more than once to any
23 ~~such~~ petition;

24 ~~_____ (3)(C) Knowingly sign signs such a~~ petition when he is not
25 legally entitled to sign ~~it a~~ petition; or

26 ~~_____ (4)(D) Knowingly and falsely misrepresent misrepresents~~ the
27 purpose and effect of the petition, ~~thereby affected~~ for the purpose of
28 causing anyone to sign the petition.

29 (E) Acting in the capacity of canvasser knowingly makes a
30 false statement on a petition verification form; or

31 (F) Acting in the capacity of a notary knowingly fails to
32 witness a canvasser's affidavit either by witnessing the signing of the
33 instrument and personally knowing the signer or being presented with proof of
34 identity of the signer.

35 (g)(1) The provisions of this section are intended to be supplemental
36 to Initiated Act No. 1 of 1942, §§ 3-8-201 - 3-8-203 and 3-8-205 - 3-8-209,

1 and to establish reasonable and necessary provisions for providing safeguards
2 in the form of petitions, the circulation thereof, and to prohibit
3 unauthorized persons from signing said petitions.

4 (2) Therefore, the provisions of this section shall be deemed to
5 repeal only such parts of the Initiated Act No. 1 of 1942 as may be
6 specifically inconsistent herewith."

7

8 SECTION 2. Arkansas Code Annotated §3-8-205 is amended to read as
9 follows:

10 "3-8-205. Determination of sufficiency of petition - Calling of
11 election.

12 (a) When thirty-eight percent (38%) of the qualified electors, as shown
13 on the voter registration records of the county as certified to the Secretary
14 of the State by the first day of June each year pursuant to Amendment 51,
15 Section 14, shall file petitions with the county clerk of any county within
16 this state, praying that an election be held in a designated county, township,
17 municipality, ward, or precinct, to determine whether or not licenses shall be
18 granted for the manufacture or sale, or the bartering, loaning, or giving away
19 of intoxicating liquor within the designated territory, the county clerk,
20 within ten (10) days thereafter, shall determine the sufficiency of the
21 petition.

22 (b) If it is found that thirty-eight percent (38%) of the qualified
23 electors have signed the petition, the county clerk shall certify that finding
24 to the county board of election commissioners, and the question shall be
25 placed on the ballot in such county, township, municipality, ward, or precinct
26 at the next biennial general election as provided in § 3-8-101.

27 (c)(1) If an appeal is taken from the ~~order of the county court~~
28 certification of the county clerk, it shall be taken within ten (10) days and
29 shall be considered by the circuit court within ten (10) days, or as soon as
30 practicable, after the appeal is lodged with the court.

31 (2) The circuit court shall render its decision within thirty
32 (30) days thereafter.

33 (d) If an appeal is taken, the election shall be had within thirty (30)
34 days after the appeal is determined, if the decision is in favor of the
35 petitioners.

36 (e)(1) The decision shall be certified immediately to the ~~county court~~

1 county board of election commissioners, and the day for the election shall be
2 fixed by the ~~county judge~~ county board of election commissioners for not
3 earlier than twenty (20) days nor later than thirty (30) days after the
4 certification of the decision of the circuit court. Any appeal from the final
5 decision of the circuit court shall be taken within ten (10) days and shall be
6 advanced and immediately determined by the Supreme Court.

7 (2) In that event, the ~~county judge~~ county board of election
8 commissioners may, in ~~his~~ their discretion, delay the election until after the
9 final decision of the Supreme Court.

10 (3) If the decision is in favor of the petitioners, then the
11 ~~county judge~~ county board of election commissioners shall set the day for the
12 election, which shall be not earlier than twenty (20) days nor later than
13 thirty (30) days after the final decision of the Supreme Court."

14

15 SECTION 3. Arkansas Code Annotated § 3-8-206(a) is amended to read as
16 follows:

17 "(a) The county board of election commissioners of the particular
18 county shall cause the question to be placed on the ballot at the general
19 election in the following form:

20

21 [] FOR the Manufacture or Sale of Intoxicating Liquors

22

23 [] AGAINST the Manufacture or Sale of Intoxicating Liquors,

24

25 and each elector shall be instructed on the ballot to vote FOR or AGAINST the
26 question by placing an ~~"X" in the appropriate box~~ appropriate mark."

27

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

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32 SECTION 5. If any provision of this act or the application thereof to
33 any person or circumstance is held invalid, such invalidity shall not affect
34 other provisions or applications of the act which can be given effect without
35 the invalid provision or application, and to this end the provisions of this
36 act are declared to be severable.

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SECTION 6. All laws and parts of laws in conflict with this act are hereby repealed.

/s/Rep. Stalnaker, Chairman

APPROVED:3-12-97