

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: H2/25/97

A Bill

ACT 646 OF 1997
HOUSE BILL 1770

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

For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED § 7-9-101 TO
10 DEFINE THE TERM LEGAL VOTER ; TO AMEND ARKANSAS CODE
11 ANNOTATED § 7-9-104 AND § 7-9-105 TO REQUIRE A PERSON
12 SIGNING AN INITIATIVE OR REFERENDUM PETITION TO WRITE ON
13 THE PETITION THE DATE THE PERSON SIGNED THE PETITION AND
14 TO PROVIDE THAT INCORRECTLY NOTING THE DATE OF SIGNING THE
15 PETITION SHALL NOT INVALIDATE AN OTHERWISE SUFFICIENT
16 SIGNATURE; TO AMEND ARKANSAS CODE ANNOTATED § 7-9-109 TO
17 RAISE THE PENALTY FOR PROVIDING FALSE INFORMATION ON A
18 PETITION VERIFICATION FORM TO A CLASS D FELONY; TO AMEND
19 ARKANSAS CODE ANNOTATED § 7-9-113 TO REDUCE THE NUMBER OF
20 TIMES THAT NOTICE OF A PROPOSED OR REFERRED MEASURE SHALL
21 BE PUBLISHED FROM FOUR (4) TO TWO (2) AND TO ENLARGE THE
22 SIZE OF THE TYPE FONT REQUIRED IN A PUBLISHED NOTICE; TO
23 AMEND VARIOUS SECTIONS OF ARKANSAS CODE ANNOTATED § 7-9-
24 101, ET SEQ. TO MAKE TECHNICAL CORRECTIONS; AND FOR OTHER
25 PURPOSES."

Subtitle

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28 "TO AMEND VARIOUS SECTIONS OF A.C.A. § 7-
29 9-101, ET SEQ., PERTAINING TO
30 INITIATIVE, REFERENDA, AND
31 CONSTITUTIONAL AMENDMENTS."
32

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

34
35 SECTION 1. Arkansas Code Annotated § 7-9-101 is amended to read as
36 follows:

37 "7-9-101. Definitions.

1 As used in this ~~act~~ subchapter, unless the context otherwise requires:

2 (1) Amendment means any proposed amendment to the Constitution of the
3 State of Arkansas, whether proposed by the General Assembly or by the people;

4 (2) Act means any act having general application throughout the state,
5 whether originating in the General Assembly or proposed by the people, and
6 referred acts;

7 (3) Measure means either an amendment or act;

8 (4) Election means a regular general election at which state and
9 county officers are elected for regular terms;

10 (5) Canvasser means a person who circulates an initiative or
11 referendum petition, or a part or parts of an initiative or referendum
12 petition, to obtain the signatures of petitioners thereto;

13 (6) Petitioner means a person who signs an initiative or referendum
14 petition ordering a vote upon an amendment or an act having general
15 application throughout the state;

16 (7) Sponsor means a person, or persons, who files an initiative or
17 referendum petition with the Secretary of State;

18 (8) Legal voter means a person who is registered at the time of
19 signing the petition pursuant to Amendment 51 of the Arkansas Constitution."

20

21 SECTION 2. Arkansas Code Annotated § 7-9-102 is amended to read as
22 follow:

23 "7-9-102. Duties of election officers - Penalty for failure to perform.

24 (a) The duties imposed by this act upon members of the State Board of
25 Election Commissioners and county boards of election commissioners, election
26 ~~judges and clerks~~ officials, and all other officers expressly named in this
27 act, are declared to be mandatory. Such duties shall be performed in good
28 faith within the time and in the manner provided.

29 (b) If any member of any such board, any election ~~judge or~~
30 ~~clerk~~ official, or other officer so charged with the duty shall knowingly and
31 willfully fail or refuse to perform his duty or shall knowingly and willfully
32 commit a fraud in evading the performance of his duty, then he shall be deemed
33 guilty of a misdemeanor. Upon conviction, he shall be fined any sum not less
34 than one hundred dollars (\$100) nor more than one thousand dollars (\$1000) and
35 also shall be removed from office."

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1 SECTION 3. Arkansas Code Annotated § 7-9-103 is amended to read as
2 follows:

3 "7-9-103. Signing of petition - Penalty for falsification.

4 (a)(1) Any person who is a qualified elector of the State of Arkansas
5 may sign an initiative or referendum petition in his own proper handwriting
6 and not otherwise, to order an initiative or referendum vote upon a proposed
7 measure, or referred act.

8 (2) Any person who is an elector of any municipality of this
9 state may sign any petition for the referendum of any ordinance passed by the
10 council of the municipality.

11 (b) A person shall be deemed guilty of a Class A misdemeanor if the
12 person:

13 (1) Signs any name other than his or her own to any petition;

14 (2) Knowingly signs his or her name more than once to any
15 petition;

16 (3) Knowingly signs a petition when he or she is not legally
17 entitled to sign it; or

18 (4) Knowingly and falsely misrepresents the purpose and effect of
19 the petition or the measure affected, for the purpose of causing anyone to
20 sign a petition.

21 (5) Acting in the capacity of canvasser knowingly makes a false
22 statement on a petition verification form; or

23 (6) Acting in the capacity of a notary knowingly fails to witness
24 a canvasser's affidavit either by witnessing the signing of the instrument
25 and personally knowing the signer or being presented with proof of identify of
26 the signer."

27

28 SECTION 4. Arkansas Code Annotated is amended to read as follows:

29 "7-9-104. Form of initiative petition - Sufficiency of signatures.

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

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34 INITIATIVE PETITION.

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36 To the Honorable _____

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

We, the undersigned legal voters of the State of Arkansas, or _____ County, Arkansas, or City of _____ or Incorporated Town of _____, Arkansas (as the case may be) respectfully propose the following amendment to the Constitution of the State, or law, or ordinance (as the case may be), to wit:

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

and by this, our petition, order that the same be submitted to the people of said state, or county, or municipality (as the case may be), to the end that the same may be adopted, enacted, or rejected by the vote of legal voters of said (state, county, or municipality) at the regular general election to be held in said _____ on the _____ day of _____, 19____, and each of us for himself says:

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

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

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

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4 SECTION 5. Arkansas Code Annotated § 7-9-105 is amended to read as
5 follows:

6 "7-9-105. Form of referendum petition - Sufficiency of signatures.

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

9

10 PETITION FOR REFERENDUM.

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13 To the Honorable _____
14 Secretary of State of the State of Arkansas, or County Clerk, or City Clerk
15 We, the undersigned legal voters of the State of Arkansas, or
16 _____ County, Arkansas, or City (or Incorporated Town) of
17 _____, Arkansas (as the case may be) respectfully order by this, our
18 petition, that Act No. _____ of the General Assembly of the State of
19 Arkansas, approved on the _____ day of _____, 19____, entitled An
20 Act _____ or Ordinance No. _____, passed by the county quorum
21 court, the city (or town) council of the City (or Incorporated Town), or
22 County of _____, Arkansas, on the _____ day of _____,
23 19____, entitled, An Ordinance _____, be referred to the people of
24 said state, county, or municipality (as the case may be), to the end that the
25 same may be approved or rejected by the vote of the legal voters of the state,
26 or of said county or municipality (as the case may be) at the biennial (or
27 annual, as the case may be, if a city ordinance) regular general election (or
28 at a special election, as the case may be) to be held on the _____ day of
29 _____, 19____; and each of us for himself says:

30

31 I have personally signed this petition; I am a legal voter of the State of
32 Arkansas, and my printed name, date of birth, residence, ~~and~~ city or town of
33 residence, and date of signing this petition are correctly written after my
34 signature.

35 (b) The information provided by the person on the petition may be used
36 as evidence of the validity or invalidity of the signature. However, if a

1 signature of a registered voter on such petition is sufficient to verify the
 2 voter's name, then it shall not be adjudged invalid for failure to sign the
 3 name or write the residence and city or town of residence, exactly as it
 4 appears on voter registration records, nor for failure to print the name in
 5 the space provided, nor for a failure to provide the correct date of birth,
 6 nor for failure to provide the correct date of signing the petition, all of
 7 such information being an aid to verification rather than a mandatory
 8 requirement to perfect the validity of the signature.

9 (c) No additional sheets of voter signatures shall be attached to any
 10 such petition unless such sheets contain the full language of the petition."
 11

12 SECTION 6. Arkansas Code Annotated § 7-9-109(c) is amended to read as
 13 follows:

14 "(c) A canvasser who knowingly makes a false statement on a petition
 15 verification form required by this section shall be deemed guilty of a Class A
 16 ~~misdemeanor~~ felony."

17

18 SECTION 7. Arkansas Code Annotated § 7-9-111 is amended by adding the
 19 following new subsection:

20 "(g) All county initiative and referendum elections shall be held in
 21 accordance with the provisions of A.C.A. § 14-14-917."

22

23 SECTION 8. Arkansas Code Annotated § 7-9-113 is amended to read as
 24 follows:

25 "7-9-113. Publication of notice.

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

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

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

34 (c) At least one (1) notice shall contain the number, the popular name,
 35 the ballot title, and a complete text of the measure to be submitted and shall
 36 be published in a camera-ready format in a type no smaller than ~~eight~~ ten

1 point ~~(8 pt.)~~ (10 pt.) type.

2 (d) It shall be the duty of the Secretary of State, in connection with
3 a copy of the proposed amendment, to give notice in the same newspapers that
4 each elector on depositing his ballot at the election shall vote for or
5 against the amendment."

6

7 SECTION 9. Arkansas Code Annotated § 7-9-115 is amended to read as
8 follows:

9 "7-9-115. Furnishing ballot title and popular name to election
10 commissioners.

11 ~~—— (a) Not less than eighteen (18) days before the election, the Secretary~~
12 ~~of State shall furnish the State Board of Election Commissioners and county~~
13 ~~boards of election commissioners a certified copy of the ballot title and~~
14 ~~popular name for each proposed measure and each referred act to be voted upon~~
15 ~~at the ensuing election.~~

16 ~~—— (b) When any amendment or act is proposed or referred, it shall be the~~
17 ~~duty of the members of the State Board of Election Commissioners and county~~
18 ~~boards of election commissioners and of precinct election judges and clerks~~
19 ~~and other election officers to take cognizance thereof."~~

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21 SECTION 10. Arkansas Code Annotated § 7-9-119(a) is amended to read as
22 follows:

23 "(a) The vote on each measure shall be counted, tabulated, and returned
24 by the proper precinct ~~judges and clerks~~ election officials and the county
25 board of election commissioners in each county, at the time and in the manner
26 the vote for candidates for state and county officers is tabulated, canvassed,
27 and returned."

28

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

32

33 SECTION 12. If any provision of this act or the application thereof to
34 any person or circumstance is held invalid, such invalidity shall not affect
35 other provisions or applications of the act which can be given effect without
36 the invalid provision or application, and to this end the provisions of this

1 act are declared to be severable.

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3 SECTION 13. All laws and parts of laws in conflict with this act are
4 hereby repealed.

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/s/Rep. Stalnaker, Chairman

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APPROVED:3-18-97

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