

**Hall of the House of Representatives**  
92nd General Assembly - Regular Session, 2019  
**Amendment Form**

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**Subtitle of House Bill No. 1760**

TO AMEND THE LAW REGARDING CALLING OF A LOCAL OPTION ELECTION IN A COUNTY; TO  
AUTHORIZE A TERRITORIAL SUBDIVISION TO CONDUCT A LOCAL OPTION ELECTION; AND TO  
AMEND PORTIONS OF THE LAW RESULTING FROM INITIATED ACT 1 OF 1942.

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**Amendment No. 1 to House Bill 1760**

Amend House Bill No. 1760 as originally introduced:

Add Senator Irvin as a cosponsor of the bill

AND

Page 2, delete lines 4 through 6, and substitute the following:  
"date the election results are finally determined. As used in this chapter:  
    (1) "Governing body" means a city council or quorum court; and  
    (2) "Territorial subdivision" means a city, township,  
municipality, ward, or precinct of a county of the state."

AND

Page 2, delete lines 18 through 20, and substitute the following:  
"sections shall at all times be construed so as to permit, upon petition of  
fifteen percent (15%) of the qualified electors in any area to be affected or  
by a majority vote of the governing body of the county or territorial  
subdivision,"

AND

Delete SECTION 3 in its entirety and substitute the following:

"SECTION 3. Arkansas Code § 3-8-205, resulting from Initiated Act 1 of 1942, is amended to read as follows:

3-8-205. Determination of sufficiency of petition – Certification –  
Calling of election – Contest.

(a) If the petition is determined to be sufficient under § 3-8-801 et  
seq., the county clerk shall certify that finding to the county board of  
election commissioners, and the question shall be placed on the ballot in the  
county, township, municipality, ward, or precinct at the next biennial  
general election as provided in § 3-8-101. (1) If the petition is determined



to be sufficient under § 3-8-801 et seq., or if the governing body of the county or territorial subdivision adopts, by a majority vote of its members, an ordinance or resolution requesting a local option election shall be submitted to the county clerk.

(2) The county clerk shall certify that finding to the county board of election commissioners, and the question shall be placed on the ballot in the county or territorial subdivision at the next biennial general election as provided in § 3-8-101.

(b)(1) If an appeal is taken from the certification of the petition of the county clerk, it shall be taken within ten (10) days and shall be considered by the circuit court within ten (10) days, or as soon as practicable, after the appeal is lodged with the court.

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

(c) If an appeal is taken, the election shall be had held no sooner than sixty-five (65) days after the appeal is determined, if the decision is in favor of the petitioners.

(d)(1)(A) The decision shall be certified immediately to the county board of election commissioners, and the day for the election shall be fixed by the county board of election commissioners for not earlier than sixty-five (65) days nor later than ninety (90) days after the certification of the decision of the circuit court.

(B) Any appeal from the final decision of the circuit court shall be taken within ten (10) days and shall be advanced and immediately determined by the Supreme Court.

(2) In that event, the county board of election commissioners may, in its discretion, delay the election until after the final decision of the Supreme Court.

(3) If the decision is in favor of the petitioners, then the county board of election commissioners shall set the day for the election, which shall be not earlier than sixty-five (65) days nor later than ninety (90) days after the final decision of the Supreme Court.

~~(e) Except as provided in this section, a petition for local option election shall be governed by § 7-9-101 et seq. and the Disclosure Act for Initiative Proceedings, § 3-8-701 et seq. An election held under the governing body's ordinance under subsection (a) of this section may be contested as provided for in § 3-8-309.~~

~~(f) Except as provided in this section, a petition for local option election shall be governed by § 7-9-101 et seq. and the Disclosure Act for Initiative Proceedings, § 3-8-701 et seq."~~

AND

Page 9, delete lines 31 through 36, and substitute the following:

"(a)(1)(A) If an area meets the qualifications provided in subdivision (a)(1)(B) of this section, the residents of the area may petition the county clerk of the county for or the governing body may request, by a majority vote of its members, a local option election to determine whether off-premises retail beer permits and off-premises Arkansas native wine retail permits shall be issued within the annexed area."

AND

Page 10, delete lines 11 through 30, and substitute the following:

"(2) ~~The petition requesting A request for a local option election shall be prepared in the manner provided by § 3-8-205.~~

(3)(A) ~~When thirty-eight percent (38%) fifteen percent (15%) of the qualified electors of the annexed area, as shown on county voter registration records, sign a petition requesting a local option election or the governing body of the annexed area approves, by majority vote, an ordinance or resolution requesting a local option election, the county clerk shall determine the sufficiency of the petition or certify the governing body's ordinance or resolution requesting the local option election within ten (10) days of the filing of the petition or request by ordinance or resolution.~~

(B) ~~If the county clerk verifies that thirty-eight percent (38%) fifteen percent (15%) of the qualified electors of the annexed area have signed the petition or has certified the governing body's ordinance or resolution, the county clerk shall certify that finding to the county board of election commissioners.~~

(C) ~~The question shall be placed upon the ballot in the annexed area at the next biennial November general election, as provided in § 3-8-101.~~

(D) ~~Any appeal of the order of the county court shall be taken in the manner provided by § 3-8-205(c)-(e) (c)-(f)."~~

AND

Page 11, delete lines 27 and 28 and substitute the following:

"(c) Except as provided in this section, a petition for local option election shall be governed by § 7-9-101 et seq. and § 3-8-801 et seq."

AND

Page 12, delete lines 7 and 8 and substitute the following:

"(1)(A) A registered voter who resides in a county that contains a defunct voting district may request in writing or a city council of a city"

AND

Page 13, delete lines 7 through 36, and substitute the following:

"(2)(A)(i) A petition procedure for a local option election for a defunct voting district shall be conducted under § 3-8-201 et seq.

(ii) The city council of a city of the first class that includes a defunct voting district may adopt an ordinance to hold a local option election to be conducted under § 3-8-201 et seq.

(B) Signatures shall be obtained from fifteen percent (15%) of the qualified electors residing within the boundaries of a defunct voting district, as identified by the resolution and corresponding map.

(C) ~~When fifteen percent (15%) of the qualified voters have filed petitions or when the governing body of the defunct voting district requesting a local option election files an ordinance or resolution requesting a local option election with the county clerk under this subdivision (b)(2), the county clerk shall determine within ten (10) days the sufficiency of the petitions or certify the ordinance or resolution under § 3-8-205;~~

(3)(A)(i) The election process for a special local option election for a defunct voting district shall be conducted pursuant to § 3-8-

201 et seq.

(ii) The county clerk shall issue a resolution calling for a special local option election for a defunct voting district for which the requisite number of signatures or the ordinance or resolution of the governing body when the petition, ordinance, or resolution has been certified under subdivision (b)(2) of this section when:

(a) ~~The requisite number of qualified electors sign petitions filed with the county clerk; and~~

(b) ~~The county clerk certifies those signatures to the county board of election commissioners by the county clerk pursuant to § 3-8-201 et seq.~~"

AND

Page 15, delete lines 7 through 21, and substitute the following:

"(a)(1) Upon receipt of an ordinance or resolution of the governing body of a territorial subdivision or upon a petition signed by fifteen percent (15%) of the qualified voters of the territorial subdivision, the territorial subdivision shall hold a local option election to determine whether the territorial subdivision is for or against the manufacture or sale of intoxicating liquors within the territorial subdivision.

(2) The ordinance or resolution of the governing body of the territorial subdivision requesting a local option election or the petition signed by fifteen (15%) of the qualified voters shall be submitted to the county clerk for certification.

(3)(A) The county clerk shall certify the ordinance or resolution or petition under this section within ten (10) days of the filing of the ordinance, resolution, or other action.

(B) If the county clerk certifies the ordinance or resolution of the governing body of the territorial subdivision or the petition, the county clerk shall certify the finding to the county board of election commissioners."

AND

Delete Section 15 in its entirety and substitute the following:

"SECTION 15. Arkansas Code § 3-8-803(a), concerning the calling of a local option election by voter petition, is amended to read as follows:

(a) ~~An If an~~ election to determine whether licenses will be granted for the manufacture or sale or the bartering, loaning, or giving away of intoxicating liquor ~~shall be~~ is called by a petition, ~~the petition shall be~~ signed by at least fifteen percent (15%) of the registered voters in the designated county, township, municipality, ward, or precinct or territorial subdivision in a number equal to thirty-eight percent (38%) of the registered voters."

AND

Delete SECTION 16 in its entirety

AND

Delete SECTION 17 in its entirety

The Amendment was read \_\_\_\_\_  
By: Representative Cavanaugh  
CRH/CRH - 03-15-2019 07:53:57  
CRH144

\_\_\_\_\_  
Chief Clerk