

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

SENATE BILL

140

By: Senator Allen

For An Act To Be Entitled

"AN ACT TO AMEND ARK. CODE ANN. §§7-9-104, 7-9-105, 7-9-107, 7-9-109 and 7-9-111 PERTAINING TO INITIATIVE AND REFERENDUM; AND FOR OTHER PURPOSES."

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

SECTION 1. Ark. Code Ann. §7-9-104 is hereby amended to read as follows:

"7-9-104. Form of initiative petition. The following shall be substantially the form of petition for any law or amendment to the Constitution of the State of Arkansas proposed by the initiative:

INITIATIVE PETITION.

To the Honorable _____

Secretary of State of the State of Arkansas

We, the undersigned legal voters of the State of Arkansas, or _____ County, Arkansas, or City of _____, or Incorporated Town of _____ (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, street address and city or town of residence are correctly written after my name.

No signature of a registered voter on such petitions shall be adjudged invalid for failure to sign the name, or write the street address and city or town, exactly as it appears on voter registration records, nor for failure to print the name in the space provided, all such information being an aid to verification rather than a mandatory requirement to perfect the validity of the signature."

SECTION 2. Ark. Code Ann. §7-9-105 is hereby amended to read as follows:

"7-9-105. Form of referendum petition. The petition and order of referendum shall be substantially in the following form:

PETITION FOR REFERENDUM.

To the Honorable _____

Secretary of State of the State of Arkansas

We, the undersigned legal voters of the State of Arkansas, or _____ County, Arkansas, or City (or incorporated Town) of _____, Arkansas (as the case may be) respectfully order by this, or petition, that Act No. ____ of the General Assembly of the State of Arkansas, approved on the _____ day of _____, 19____, entitled "An Act _____" or Ordinance No. _____, passed by the city (or town) council of the City (or Incorporated Town) of _____, Arkansas, on the _____ day of _____ 19__, entitled "An Ordinance _____," be referred to the people of said state, county or municipality (as the case may be), to the end that the same may be approved or rejected by the vote of the legal voters of the state, or of said county or municipality (as the case may be) at the biennial (or annual, as the case may be, if a city ordinance) regular general election to be held 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, street address and city or town of residence are correctly written after my name.

No signature of a registered voter on such petitions shall be adjudged invalid for failure to sign the name, or write the street address 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, all of such information being an aid to verification rather than a mandatory requirement to perfect the validity of the signature."

SECTION 3. Ark. Code Ann. §7-9-107 is hereby amended to add the following subsection:

"(e). If a sponsor of any proposed statewide initiative elects to submit the popular name and ballot title to the Attorney General for certification prior to October 31 of the year preceding the year in which the initiative would be voted on, then within seven (7) days of certification the Attorney General shall cause to be published in a newspaper with statewide circulation the entire proposal with its certified popular name and ballot title and a notice informing the public of such certification and the procedure herein identified to govern any party who may contest such certification before the Supreme Court. The procedure shall be as follows: any legal action against such certification shall be filed with the Supreme Court within thirty (30) days of the Attorney General's publication. No such action filed later than thirty (30) days following publication shall be heard by the Supreme Court. An action timely filed shall be advanced by the Supreme Court as a matter of public interest over all other civil cases except contested election cases and shall be heard and decided expeditiously. If the Supreme Court finds either the popular name or ballot title to be invalid, then it shall substitute and certify a correct popular name or ballot title, which certification shall not be subject to any challenge other than a request for rehearing. Nothing herein shall be taken to require any sponsor of a statewide initiative to submit its popular name and ballot title to the Attorney General prior to October 31 of the year preceding the year in which the proposal would be voted on."

SECTION 4. Ark. Code Ann. §7-9-109 is hereby amended to read as follows:

"7-9-109. Form of verification. (a) Each and every sheet of every petition containing the signatures shall be verified in substantially the following form, by the person who circulated the sheet of the petition by his or her affidavit thereon as a part thereof:

State of Arkansas)

County of _____)

I, _____ being first duly sworn, state that (here shall be legibly written or printed the names of the signers of the sheet) signed this sheet of the foregoing petition, and each of them signed his name thereunto in my presence. I believe that each has stated his name, street address and city or

town of residence correctly, and that each signer is a legal voter of the State of Arkansas, _____ County, or City or Incorporated Town of _____.

Signature _____

P.O. _____

Subscribed and sworn to before me this the _____ day of _____ 19____.

Signature _____

Clerk, Notary, Judge or J.P.

P.O. _____

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

SECTION 5. Ark. Code Ann. §7-9-111 is hereby amended to add the following subsection:

"(e). To assist the Secretary of State in ascertaining the sufficiency or insufficiency of each initiative and referendum petition, all County Clerks when requested by the Secretary of State shall furnish free of charge a single list of registered voters in alphabetical order in their respective counties."

SECTION 6. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code signed Revision Commission shall incorporate the same in the Code.

SECTION 7. All laws and parts of laws in conflict with this act are hereby repealed.