

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

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

26  
27  
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."

36

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:

33

34 INITIATIVE PETITION.

35

36 To the Honorable \_\_\_\_\_

1

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

3

4 We, the undersigned legal voters of the State of Arkansas, or

5 \_\_\_\_\_ County, Arkansas, or City of \_\_\_\_\_ or Incorporated

6 Town of \_\_\_\_\_, Arkansas (as the case may be) respectfully propose the

7 following amendment to the Constitution of the State, or law, or ordinance (as

8 the case may be), to wit:

9

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

11

12 \_\_\_\_\_

13

14 \_\_\_\_\_

15

16 and by this, our petition, order that the same be submitted to the people of

17 said state, or county, or municipality (as the case may be), to the end that

18 the same may be adopted, enacted, or rejected by the vote of legal voters of

19 said (state, county, or municipality) at the regular general election to be

20 held in said \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and

21 each of us for himself says:

22

23 I have personally signed this petition; I am a legal voter of the State of

24 Arkansas, and my printed name, date of birth, residence, ~~and~~ city or town of

25 residence, and date of signing this petition are correctly written after my

26 signature.

27 (b) The information provided by the person on the petition may be used

28 as evidence of the validity or invalidity of the signature. However, if a

29 signature of a registered voter on such petition is sufficient to verify the

30 voter's name, then it shall not be adjudged invalid for failure to sign the

31 name or write the residence and city or town of residence exactly as it

32 appears on voter registration records, nor for failure to print the name in

33 the space provided, nor for a failure to provide the correct date of birth,

34 nor for failure to provide the correct date of signing the petition all such

35 information being an aid to verification rather than a mandatory requirement

36 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."

3

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.

11

12

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."

20

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.

5

*/s/Rep. Stalnaker, Chairman*

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