

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

A Bill

SENATE BILL 208

4
5 By: Senator DeLay
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For An Act To Be Entitled

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9 "AN ACT TO AMEND ARKANSAS CODE 7-9-101 AND 7-9-111 (d)
10 CONCERNING INITIATIVES AND REFERENDUM; TO AMEND
11 ARKANSAS CODE 7-5-309 (b) CONCERNING VOTING PROCEDURE;
12 AND FOR OTHER PURPOSES. "
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Subtitle

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15 "AN ACT CONCERNING INITIATIVES AND
16 REFERENDUM AND CONCERNING VOTING
17 PROCEDURE. "
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code 7-9-101 is amended to read as follows:
23 "7-9-101. Definitions.

24 As used in this subchapter, unless the context otherwise requires:

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

27 (2) 'Act' means any act having general application throughout the
28 state, whether originating in the General Assembly or proposed by the people,
29 and referred acts;

30 (3) 'Measure' means either an amendment or act;

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

33 (5) 'Canvasser' means a person who circulates an initiative or
34 referendum petition, or a part or parts of an initiative or referendum
35 petition, to obtain the signatures of petitioners thereto;

36 (6) 'Petitioner' means a person who signs an initiative or referendum

petition ordering a vote upon an amendment or an act having general application throughout the state;

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

(8) 'Legal voter' means a person who is registered at the time of signing the petition pursuant to Amendment 51 of the Arkansas Constitution or who is at the time of the counting of the signatures a registered voter, or who is entitled to vote without registration pursuant to Arkansas Constitution Amendment 51 or implementing legislation."

SECTION 2. Arkansas Code 7-9-111 (d) is amended to read as follows:

"(d)(1) If the petition is found to be insufficient, whether by the Secretary of State initially, or by order of the Arkansas Supreme Court, the Secretary of State shall forthwith notify the sponsors in writing, through their designated agent, and shall set forth ~~his reasons for so finding the~~ reasons for insufficiency. When the notice is delivered, the sponsors shall have thirty (30) days in which to do any or all of the following:

(A) Solicit and obtain additional signatures;

(B) Submit proof to show that the rejected signatures or some of them are good and should be counted;

(C) Make the petition more definite and certain.

(2) Any amendments and corrections shall not materially change the purpose and effect of the petition. No change shall be made in the measure, except to correct apparent typographical errors or omissions.

(3) The costs incurred in the employment of any special master, or support personnel, or other items of costs expended in the determination of the sufficiency of signatures shall be paid from the Treasury of the State of Arkansas. No signature of a registered voter shall be discounted except by clean and convincing evidence that the signature was forged."

SECTION 3. Arkansas Code 7-5-309 (b) is amended to read as follows:

"(b) Upon receiving his ballot, the voter shall proceed to mark it by placing an appropriate mark. No voter shall be allowed more than ~~five (5)~~ ten (10) minutes to mark his ballot. The voter shall then separate his ballot on the perforated line and personally deposit the larger portion in the ballot box provided and the smaller portion or ballot stub in the stub box provided."

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

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

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