

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007

# A Bill

HOUSE BILL 2242

4  
5 By: Representative Kidd  
6  
7

## For An Act To Be Entitled

8  
9 AN ACT CONCERNING LOCAL OPTION ELECTIONS;  
10 AMENDING A PORTION OF ARKANSAS LAW RESULTING FROM  
11 INITIATED ACT 1 OF 1942; AND FOR OTHER PURPOSES.  
12

## Subtitle

13  
14 AN ACT CONCERNING LOCAL OPTION  
15 ELECTIONS.  
16  
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
19

20 SECTION 1. Arkansas Code § 3-8-205, resulting from Initiated Act 1 of  
21 1942, is amended to read as follows:

22 3-8-205. Determination of sufficiency of petition - Calling of  
23 election.

24 (a)(1) When ~~thirty-eight percent (38%)~~ fifteen percent (15%) of the  
25 qualified electors shall file petitions with the county clerk of any county  
26 within this state praying that an election be held in a designated county,  
27 township, municipality, ward, or precinct to determine whether or not  
28 licenses shall be granted for the manufacture or sale or the bartering,  
29 loaning, or giving away of intoxicating liquor within the designated  
30 territory, the county clerk within ten (10) days thereafter shall determine  
31 the sufficiency of the petition.

32 (2) The total number of voters registered as certified by the  
33 county clerk to the Secretary of State by the first of June of each year  
34 pursuant to Arkansas Constitution, Amendment 51 shall be the basis upon which  
35 the number of signatures of qualified electors on petitions shall be  
36 computed.



1 (3) A person shall be a registered voter at the time of signing  
 2 the petition.

3 (b) If it is found that ~~thirty-eight percent (38%)~~ fifteen percent  
 4 (15%) of the qualified electors have signed the petition, the county clerk  
 5 shall certify that finding to the county board of election commissioners, and  
 6 the question shall be placed on the ballot in the county, township,  
 7 municipality, ward, or precinct at the next biennial general election as  
 8 provided in § 3-8-101.

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

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

15 (d) If an appeal is taken, the election shall be had within thirty  
 16 (30) days after the appeal is determined, if the decision is in favor of the  
 17 petitioners.

18 (e)(1)(A) The decision shall be certified immediately to the county  
 19 board of election commissioners, and the day for the election shall be fixed  
 20 by the county board of election commissioners for not earlier than twenty  
 21 (20) days nor later than thirty (30) days after the certification of the  
 22 decision of the circuit court.

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

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

29 (3) If the decision is in favor of the petitioners, then the  
 30 county board of election commissioners shall set the day for the election,  
 31 which shall be not earlier than twenty (20) days nor later than thirty (30)  
 32 days after the final decision of the Supreme Court.

33  
 34 SECTION 2. Arkansas Code Title 3, Chapter 8, Subchapter 2, resulting  
 35 from Initiated Act 1 of 1942, is amended to add an additional section to read  
 36 as follows:

1           3-8-211. Calling of election by quorum court.

2           (a)(1) The quorum court of a county may, by resolution, request that  
 3 an election be held in a designated county, township, municipality, ward, or  
 4 precinct to determine whether or not licenses shall be granted for the  
 5 manufacture or sale or the bartering, loaning, or giving away of intoxicating  
 6 liquor within the designated county, township, municipality, ward, or  
 7 precinct.

8           (2) The resolution shall be filed with the county clerk.

9           (b) Upon the receipt of a resolution from the quorum court requesting  
 10 an election, the county clerk shall notify the county board of election  
 11 commissioners, and the question shall be placed on the ballot in the  
 12 designated county, township, municipality, ward, or precinct at the next  
 13 biennial general election as provided in § 3-8-101.

14           (c) The election shall be conducted consistent with §§ 3-8-206 – 3-8-  
 15 208.

16  
 17           SECTION ~~2~~ 3. Arkansas Code § 3-8-302 is amended to read as follows:

18           3-8-302. Petition and order for election.

19           (a) Upon application by written petition, signed by a number of legal  
 20 voters in any county, city, town, district, or precinct to be affected equal  
 21 to ~~thirty five percent (35%)~~ fifteen percent (15%) of the qualified voters,  
 22 it shall be the duty of the judge of the county court in the county at the  
 23 next regular term thereof, after receiving the petitions, to make an order on  
 24 ~~his~~ the judge's order book directing an election to be held in the county,  
 25 city, town, district, or precinct to be affected thereby, on some day named  
 26 in the petition no earlier than sixty (60) days after the application is  
 27 lodged with the judge of the court. However, in counties having two (2)  
 28 judicial districts, the legal voters in either district may petition for an  
 29 election and the election can only affect the judicial district where the  
 30 election may be held.

31           (b) The order shall direct the sheriff or other officer of the county,  
 32 who may be appointed to hold the election, to open a poll at each and all of  
 33 the voting places in the county, city, town, district, or precinct on the  
 34 appointed date, for the purpose of taking the sense of the legal voters of  
 35 the county, city, town, district, or precinct, who are qualified to vote at  
 36 elections for county officers, upon the proposition whether or not

1 spirituous, vinous, or malt liquors shall be sold, bartered, or loaned  
2 therein.

3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36