

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H3/10/17

A Bill

HOUSE BILL 1861

5 By: Representative Ballinger
6

For An Act To Be Entitled

8 AN ACT CONCERNING THE APPROVAL OF BALLOT TITLES AND
9 POPULAR NAMES OF PETITIONS PRIOR TO CIRCULATION; AND
10 FOR OTHER PURPOSES.
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Subtitle

12
13 CONCERNING THE APPROVAL OF BALLOT TITLES
14 AND POPULAR NAMES OF PETITIONS PRIOR TO
15 CIRCULATION.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 *SECTION 1. Arkansas Code § 7-9-107 is repealed.*

22 ~~*7-9-107. Approval of ballot titles and popular names of petitions prior*~~
23 ~~*to circulation—Publication.*~~

24 ~~*(a) Before any initiative or referendum petition ordering a vote upon*~~
25 ~~*any amendment or act shall be circulated for obtaining signatures of*~~
26 ~~*petitioners, the sponsors shall submit the original draft to the Attorney*~~
27 ~~*General, with a proposed legislative or ballot title and popular name.*~~

28 ~~*(b) Within ten (10) days, the Attorney General shall approve and*~~
29 ~~*certify or shall substitute and certify a more suitable and correct ballot*~~
30 ~~*title and popular name for each amendment or act. The ballot title so*~~
31 ~~*submitted or supplied by the Attorney General shall briefly and concisely*~~
32 ~~*state the purpose of the proposed measure.*~~

33 ~~*(c) If, as a result of his or her review of the ballot title and*~~
34 ~~*popular name of a proposed initiated act or a proposed amendment to the*~~
35 ~~*Arkansas Constitution, the Attorney General determines that the ballot title,*~~
36 ~~*or the nature of the issue, is presented in such manner that the ballot title*~~



1 ~~would be misleading or designed in such manner that a vote "FOR" the issue~~
 2 ~~would be a vote against the matter or viewpoint that the voter believes~~
 3 ~~himself or herself casting a vote for, or, conversely, that a vote "AGAINST"~~
 4 ~~an issue would be a vote for a viewpoint that the voter is against, the~~
 5 ~~Attorney General may reject the entire ballot title, popular name, and~~
 6 ~~petition and state his or her reasons therefor and instruct the petitioners~~
 7 ~~to redesign the proposed measure and the ballot title and popular name in a~~
 8 ~~manner that would not be misleading.~~

9 ~~(d) If the Attorney General refuses to act or if the sponsors feel~~
 10 ~~aggrieved at the Attorney General's acts in such premises, the sponsors may,~~
 11 ~~by petition, apply to the Supreme Court for proper relief.~~

12 ~~(e) [Repealed.]~~

13 ~~(f) [Repealed.]~~

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 15 SECTION 2. Arkansas Code § 7-9-126(b)(6), concerning count of
 16 signatures, is amended to read as follows:

17 (6) The petition fails to comply with § 7-9-104 or § 7-9-105,
 18 including the lack of the exact popular name or ballot title ~~approved by the~~
 19 ~~Attorney General~~ for a statewide initiative, a discrepancy in the text of the
 20 initiated or referred measure, or the lack of an enacting clause in a
 21 statewide petition for an initiated act; or

22 /s/Ballinger

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