

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019

# A Bill

HOUSE BILL 1760

4  
5 By: Representatives Cavanaugh, Maddox

## For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW REGARDING LOCAL OPTION  
9 ELECTIONS; TO AMEND THE REQUIREMENTS FOR CALLING A  
10 LOCAL OPTION ELECTION IN A COUNTY; TO AUTHORIZE A  
11 TERRITORIAL SUBDIVISION TO CONDUCT A LOCAL OPTION  
12 ELECTION FOR THE MANUFACTURE AND SALE OF ALCOHOLIC  
13 BEVERAGES; TO AMEND PORTIONS OF THE LAW RESULTING  
14 FROM INITIATED ACT 1 OF 1942; AND FOR OTHER PURPOSES.

## Subtitle

17  
18 TO AMEND THE LAW REGARDING CALLING OF A  
19 LOCAL OPTION ELECTION IN A COUNTY; TO  
20 AUTHORIZE A TERRITORIAL SUBDIVISION TO  
21 CONDUCT A LOCAL OPTION ELECTION; AND TO  
22 AMEND PORTIONS OF THE LAW RESULTING FROM  
23 INITIATED ACT 1 OF 1942.

24  
25  
26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

27  
28 SECTION 1. Arkansas Code § 3-8-102 is amended to read as follows:

29 3-8-102. Effect of dry vote – Retail dealers – Definition.

30 (a) ~~Retail dealers~~ A retail dealer in alcoholic beverages ~~shall be~~  
31 ~~allowed a period of sixty (60) days in which to dispose of stock after~~ shall  
32 retain the alcoholic beverage license held at the time of the local option  
33 election even if a majority of the electors voting at the final determination  
34 ~~of the results of~~ local option election held by ~~which~~ the ~~political~~  
35 territorial subdivision in which the dealer is located ~~shall have~~ voted  
36 against the manufacture and sale of alcoholic beverages.



1 (b) ~~During the sixty day period defined in subsection (a) of this~~  
 2 ~~section, the retailer may not purchase any alcoholic beverages, but must~~  
 3 ~~restrict his or her business to the sale of those items on hand as of the~~  
 4 ~~date the election results are finally determined. As used in this chapter,~~  
 5 "territorial subdivision" means a city, township, municipality, ward, or  
 6 precinct of a county of the state.

7 ~~(c) As used in this section, "final determination" means the date of~~  
 8 ~~certification of the results of an uncontested election or, if contested, the~~  
 9 ~~date of the issuance of the mandate by the court finally determining an~~  
 10 ~~election contest.~~

11  
 12 SECTION 2. Arkansas Code § 3-8-202, resulting from Initiated Act 1 of  
 13 1942, is amended to read as follows:

14 3-8-202. Sections 3-8-201 – 3-8-203, 3-8-205 – 3-8-209 cumulative –  
 15 Construction.

16 It is expressly declared that §§ 3-8-201 – 3-8-203 and 3-8-205 – 3-8-  
 17 209 shall be cumulative to the liquor laws now in force in this state. These  
 18 sections shall at all times be construed so as to permit, upon ~~petition of~~  
 19 fifteen percent (15%) of the qualified electors in any area to be affected a  
 20 majority vote of the governing body of the county or territorial subdivision,  
 21 the qualified voters therein at one (1) election to determine whether or not  
 22 all alcoholic beverages, including all kinds and types of whiskey, beer, and  
 23 wine, shall be manufactured or sold, bartered, loaned, or given away therein.  
 24

25 SECTION 3. Arkansas Code § 3-8-205, resulting from Initiated Act 1 of  
 26 1942, is amended to read as follows:

27 3-8-205. ~~Determination of sufficiency of petition~~ Certification –  
 28 Calling of election – Contest.

29 (a) If the ~~petition is determined to be sufficient under § 3-8-801 et~~  
 30 ~~seq.~~ governing body of the county or territorial subdivision adopts an  
 31 ordinance or resolution requesting a local option election, by a majority  
 32 vote of its members, and submits the ordinance or resolution requesting a  
 33 local option election to the county clerk, the county clerk shall certify  
 34 that finding to the county board of election commissioners, and the question  
 35 shall be placed on the ballot in the county, ~~township, municipality, ward, or~~  
 36 ~~precinct~~ or territorial subdivision at the next biennial general election as

1 provided in § 3-8-101.

2 ~~(b)(1) If an appeal is taken from the certification of the county~~  
 3 ~~clerk, it shall be taken within ten (10) days and shall be considered by the~~  
 4 ~~circuit court within ten (10) days, or as soon as practicable, after the~~  
 5 ~~appeal is lodged with the court.~~

6 ~~(2) The circuit court shall render its decision within thirty~~  
 7 ~~(30) days thereafter.~~

8 ~~(c) If an appeal is taken, the election shall be had no sooner than~~  
 9 ~~sixty five (65) days after the appeal is determined, if the decision is in~~  
 10 ~~favor of the petitioners.~~

11 ~~(d)(1)(A) The decision shall be certified immediately to the county~~  
 12 ~~board of election commissioners, and the day for the election shall be fixed~~  
 13 ~~by the county board of election commissioners for not earlier than sixty five~~  
 14 ~~(65) days nor later than ninety (90) days after the certification of the~~  
 15 ~~decision of the circuit court.~~

16 ~~(B) Any appeal from the final decision of the circuit~~  
 17 ~~court shall be taken within ten (10) days and shall be advanced and~~  
 18 ~~immediately determined by the Supreme Court.~~

19 ~~(2) In that event, the county board of election commissioners~~  
 20 ~~may, in its discretion, delay the election until after the final decision of~~  
 21 ~~the Supreme Court.~~

22 ~~(3) If the decision is in favor of the petitioners, then the~~  
 23 ~~county board of election commissioners shall set the day for the election,~~  
 24 ~~which shall be not earlier than sixty five (65) days nor later than ninety~~  
 25 ~~(90) days after the final decision of the Supreme Court.~~

26 ~~(e) Except as provided in this section, a petition for local option~~  
 27 ~~election shall be governed by § 7-9-101 et seq. and the Disclosure Act for~~  
 28 ~~Initiative Proceedings, § 3-8-701 et seq. An election held under subsection~~  
 29 ~~(a) of this section may be contested as provided for in § 3-8-309.~~

30  
 31 SECTION 4. Arkansas Code § 3-8-208, resulting from Initiated Act 1 of  
 32 1942, is amended to read as follows:

33 3-8-208. Election results - Effects.

34 (a) If the majority of the electors voting on the issue at the  
 35 election vote for the manufacture or sale of intoxicating liquors, then it  
 36 shall be is lawful for the Director of the Alcoholic Beverage Control

1 Division to continue to issue licenses or permits for such manufacture or  
2 sale within the designated territory as if no election had been held.

3 (b) If a majority of the electors voting at the election vote against  
4 the manufacture or sale of intoxicating liquors, then it ~~shall be~~ is unlawful  
5 for the director or any county or municipal official to issue ~~any a~~ a license  
6 or permit for the manufacture, sale, barter, loan, or giving away of any  
7 intoxicating liquor as defined in this subchapter ~~unless and~~ until the  
8 prohibition ~~shall be~~ is repealed by a majority vote ~~as provided for in~~ under  
9 §§ 3-8-201 – 3-8-203, and 3-8-205 – 3-8-209, and 3-8-603.

10 (c) In either case, a period of at least four (4) years shall elapse  
11 before another election on the same subject may be held in the territory  
12 affected.

13 (d) If a majority of electors voting on the issue at ~~any such an~~ an  
14 election vote against the manufacture or sale of intoxicating liquors, ~~any a~~ a  
15 license or permit ~~which that~~ that has already been issued, authorizing the  
16 manufacturing or sale or the bartering, loaning, or giving away of  
17 intoxicating liquor within the territory affected remains valid ~~shall be~~  
18 ~~immediately cancelled, and the unearned part of the license or permit fee~~  
19 ~~shall be returned. It shall then be unlawful for any person, firm, or~~  
20 ~~corporation to manufacture, sell, barter, loan, or give away any intoxicating~~  
21 ~~liquor within the territory covered by the petition.~~

22 (e)(1) If an election is held under this section for an entire county,  
23 a territorial subdivision may hold an election under § 3-8-603 for the  
24 manufacture or sale of intoxicating liquor within the territorial  
25 subdivision.

26 (2) If the majority of electors voting at the election held for  
27 the territorial subdivision vote differently from the majority of electors  
28 voting at the election held for the county, the results of the election held  
29 for the territorial subdivision override the results of the election held for  
30 the county for the manufacture or sale of intoxicating liquor in the  
31 territorial subdivision.

32  
33 SECTION 5. Arkansas Code § 3-8-209(a) and (b), concerning the penalty  
34 for selling or furnishing a place for sale in a dry territory and resulting  
35 from Initiated Act 1 of 1942, are amended to read as follows:

36 (a) It ~~shall be~~ is unlawful for ~~any a~~ a person, firm, or corporation to

1 manufacture, ~~or~~ sell, barter, loan, or give away intoxicating liquor in ~~any a~~  
 2 county, ~~township, municipality, ward, or precinct~~ or territorial subdivision  
 3 in which the manufacture or sale of intoxicating liquor is ~~or shall be~~  
 4 prohibited under ~~the provisions of Initiated Act No. 1 of 1942,~~ §§ 3-8-201 -  
 5 3-8-203, ~~and 3-8-205 - 3-8-209, and 3-8-603.~~

6 (b)(1) Upon a first conviction, ~~any a~~ person or ~~officers~~ officer of  
 7 ~~any a~~ firm or corporation that ~~shall manufacture, sell, barter, loan, or give~~  
 8 ~~away any~~ manufactures, sells, barters, loans, or gives away an intoxicating  
 9 liquor in ~~any a~~ territory ~~which that has been made is~~ dry under the  
 10 ~~provisions of~~ this subchapter ~~shall be~~ is guilty of a violation and shall be  
 11 fined not less than one hundred dollars (\$100) nor more than one thousand  
 12 dollars (\$1,000).

13 (2) For a second conviction, ~~he or she shall be~~ a person or  
 14 officer of a firm or corporation is guilty of a violation and shall be fined  
 15 not less than two hundred dollars (\$200) nor more than two thousand dollars  
 16 (\$2,000), ~~and for any subsequent conviction shall be guilty of a Class D~~  
 17 ~~felony.~~

18 (3) For each subsequent conviction, a person or officer of a  
 19 firm or corporation is guilty of a Class D felony.

20  
 21 SECTION 6. Arkansas Code § 3-8-210 is amended to read as follows:

22 3-8-210. Authority to continue to issue sale permits.

23 The Alcoholic Beverage Control Division ~~shall have~~ has the authority to  
 24 continue to issue permits for the manufacture or sale of beer and of vinous,  
 25 spirituous, and malt liquors in ~~any a~~ political subdivision of the State of  
 26 Arkansas of the same kind and type issued prior to July 4, 1996, provided  
 27 that the electorate of ~~such~~ the political subdivision has not since July 4,  
 28 1996, held an election under ~~the provisions of Initiated Act No. 1 of 1942,~~  
 29 §§ 3-8-201 - 3-8-203, ~~and 3-8-205 - 3-8-209, and 3-8-603.~~

30  
 31 SECTION 7. Arkansas Code § 3-8-305 is amended to read as follows:

32 3-8-305. Elections for entire county, ~~district,~~ or ~~city~~ territorial  
 33 subdivision - Effect.

34 (a)(1) ~~No An~~ election in ~~any town, city, district, or precinct of a~~  
 35 territorial subdivision of a county shall not be held under this subchapter  
 36 on the same day ~~on which~~ that an election for the entire county is held.

1           ~~(2)(b)~~ When an election is held in an entire county and a  
 2 majority of the legal votes cast at the election are against the manufacture,  
 3 sale, barter, or loan of spirituous, vinous, malt, or other intoxicating  
 4 liquors, then it ~~shall~~ is not be lawful to manufacture, sell, barter, or loan  
 5 any liquors in ~~any~~ a portion of the county unless the territorial subdivision  
 6 has held an election under § 3-8-603 and has voted for the sale and  
 7 manufacture of intoxicating liquors.

8           ~~(3)(c)~~ If, at an election for the entire county, the majority of  
 9 the legal votes cast are in favor of the manufacture, sale, barter, or loan  
 10 of any liquors, the election shall not ~~operate to~~ make it legal to grant  
 11 license to manufacture, sell, barter, or loan such liquors in ~~any~~ a  
 12 territorial ~~division~~ subdivision of the county from which the manufacture,  
 13 sale, barter, or loan has been excluded by an election held under this  
 14 subchapter, but the status of the territorial ~~division~~ subdivision shall  
 15 remain as if no election had been held.

16           ~~(b)(1)~~ ~~No election shall be held in any election precinct under this~~  
 17 ~~act on the same day on which an election is held for the district or city of~~  
 18 ~~which the precinct is a part.~~

19           ~~(2)~~ ~~If, at an election held for the entire district or city, the~~  
 20 ~~majority of legal votes cast shall be in favor of the sale, barter, or loan~~  
 21 ~~of spirituous, vinous, malt, or other liquors, then the status in the several~~  
 22 ~~precincts thereof shall remain as it was before the election.~~

23           ~~(3)~~ ~~If the majority should be against the sale, then the sale,~~  
 24 ~~barter, or loan of such liquors shall be unlawful in every portion of the~~  
 25 ~~district or city.~~

26  
 27           SECTION 8. Arkansas Code § 3-8-307 is amended to read as follows:

28           3-8-307. Effect of vote against sale.

29           If, at ~~any~~ an election provided for in this act, a majority of the  
 30 legal votes cast are against the manufacture, sale, barter, or loan of  
 31 spirituous, vinous, or malt liquors, then the manufacture, sale, barter, or  
 32 loan of any such liquors ~~shall be~~ is unlawful in ~~such the~~ county, ~~city, town,~~  
 33 ~~district, or precinct,~~ or territorial subdivision ~~as the case may be,~~ except  
 34 as provided, unless a majority of voters vote for the manufacture or sale of  
 35 intoxicating liquors at a subsequent election ~~held under this act, a majority~~  
 36 ~~of the legal votes cast shall be in favor of the sale of the liquors.~~

1  
2 SECTION 9. Arkansas Code § 3-8-309 is amended to read as follows:

3 3-8-309. Contests of elections.

4 (a) ~~Any~~ An election held under this act may be contested as provided  
5 for in this section.

6 (b)(1) Any number of the citizens and legal voters, but not less than  
7 ten (10), of the county, ~~city, town, district, or precinct~~ or territorial  
8 subdivision in which the elections have been held, shall have the right to  
9 contest ~~any~~ an election held under this act and shall be designated the  
10 contestants.

11 (2)(A) The contestants shall file, within ten (10) days after  
12 the final action of the examining board, in the office of the clerk of the  
13 county court a written statement of the grounds of the contest.

14 (B) ~~They~~ The contestants shall ~~cause~~ serve a copy of the  
15 statement ~~to be served~~ on the county judge and shall ~~give notice thereof by~~  
16 post written or printed notice ~~to be posted~~ at the courthouse door of the  
17 county, and in three (3) or more public places in the county, ~~city, town,~~  
18 ~~district, or precinct~~ or territorial subdivision in which the election ~~has~~  
19 ~~been~~ was held.

20 (C) ~~They shall cause the~~ The contestants shall publish  
21 notice ~~to be published in some~~ in a newspaper of the county, when possible,  
22 for two (2) consecutive issues, commencing not later than the first issue of  
23 the paper after filing the statement.

24 (3) When a notice of the contest ~~shall be~~ is executed on the  
25 county judge, the certificate under § 3-8-306 shall not be recorded.

26 (c) Any number of the citizens and legal voters, not less than ten  
27 (10), of the county, ~~city, town, district, or precinct~~ or territorial  
28 subdivision in which the election has been held, may resist the contest by  
29 filing in the office of the clerk of the county court a statement  
30 controverting the grounds of the contestants and may state any additional  
31 grounds to sustain the election, and they shall be designated as the  
32 contestees.

33 (d)(1) The contest shall be heard and determined by the same board  
34 ~~which, by law, that~~ is authorized ~~and empowered by law~~ to hear and determine  
35 a contest of an election for county officers.

36 (2) The same ~~provisions of the statutes shall~~ apply to the

1 contest of any election held under this act as are provided for the contest  
 2 of ~~any~~ an election for county officers, except as provided in this section.

3 (e) Notice ~~for the taking~~ of depositions or other proceedings in the  
 4 contest may be executed on the person whose name appears first as contestant  
 5 or contestee, which shall be deemed notice to all his or her associates.

6 (f) In case the required number shall fail to appear as contestees, ex  
 7 parte testimony ~~shall be~~ is competent before the contesting board.

8 (g)(1) The trial of the case shall be on the fourth Monday after the  
 9 filing in the county clerk's office of the grounds of the contest, ~~however,~~  
 10 ~~the board, for good cause, may allow further time.~~

11 (2) A continuance of the trial date may be granted one (1) time  
 12 at the request of either party for good cause shown.

13 (h) The decision of the board shall be:

14 (1) given ~~Given~~ in writing and signed in triplicate, with One  
 15 one (1) copy ~~shall be~~ delivered to the contestants, ~~and~~ one (1) copy  
 16 delivered to the contestees, and one (1) copy delivered ~~the other shall be~~  
 17 ~~delivered~~ to the county clerk of the county in which the contest is pending,  
 18 which; and shall be entered

19 (2) Entered on the record of the county court.

20 (i) If the decision of the board is that a majority of the legal votes  
 21 cast at the election were against the manufacture or sale of such liquors,  
 22 the entry of the decision shall have the same effect as the recording of the  
 23 certificates of the examining board ~~as provided~~ in § 3-8-306.

24 (j) The contestants or contestees ~~shall~~ have the right to appeal ~~from~~  
 25 the decision of the board to the circuit court of the county where in which  
 26 the contest is pending, in the same way as appeals are taken from the lower  
 27 courts to the circuit court, and the right to appeal the circuit court's  
 28 decision as provided by law. ~~An appeal from the circuit court may be taken as~~  
 29 ~~provided by law.~~

30 (k) The cost of the contest shall be adjudged against the unsuccessful  
 31 parties.

32  
 33 SECTION 10. Arkansas Code § 3-8-310(a), concerning the effect of  
 34 voting against the sale of liquor at a local option election, is amended to  
 35 read as follows:

36 (a)(1) Whenever a local option election ~~shall be~~ is held in ~~any a~~



1 county, city, town, district, or precinct or territorial subdivision of the  
 2 ~~in this~~ state and a majority of the votes cast at the election ~~shall be~~ are  
 3 ~~in favor of prohibiting~~ against the manufacture or sale of liquor in the  
 4 territory in which the election ~~shall have been~~ is held, the law prohibiting  
 5 the sale ~~shall be in full force and effect~~ is effective at the expiration of  
 6 sixty (60) days from the date of the entry of the certificate of the  
 7 canvassing board in the record of the county court.

8 (2)(A) ~~After the expiration of sixty (60) days, no liquor~~  
 9 ~~license theretofore issued in the territory under the laws of this state~~  
 10 ~~shall be of any force or effect whatever, but the owner of the license shall~~  
 11 ~~be entitled to recover from the county, city, town, district, or precinct to~~  
 12 ~~which the license money was paid, the proportional part thereof as the~~  
 13 ~~unexpired period of license bears to the whole of the year. A person that~~  
 14 ~~held a valid license at the time of the local option election shall not be~~  
 15 ~~required to relinquish the license as a result of the local option election.~~

16 (B) A person retaining a license under subdivision  
 17 (a)(2)(A) of this section may not transfer ownership of the license or  
 18 transfer the license to another premises.

19  
 20 SECTION 11. Arkansas Code § 3-8-310(b)(1), concerning the penalty for  
 21 manufacturing, selling, bartering, or loaning liquors following a local  
 22 option election, is amended to read as follows:

23 (b)(1) Upon conviction, ~~any a person who that shall sell, barter, or~~  
 24 ~~loan directly or indirectly any manufactures, sells, barter, or loans~~ such  
 25 liquors in the ~~city, county, town, district, or precinct~~ or territorial  
 26 subdivision after sixty (60) days ~~shall be~~ is guilty of a Class C  
 27 misdemeanor.  
 28

29 SECTION 12. Arkansas Code § 3-8-502 is amended to read as follows:

30 3-8-502. Local option elections in certain annexed areas.

31 (a)(1)(A) If an area meets the qualifications provided in subdivision  
 32 (a)(1)(B) of this section, the ~~residents~~ governing body of the area may  
 33 ~~petition the county clerk of the county for~~ request, by a majority vote of  
 34 its members, a local option election to determine whether off-premises retail  
 35 beer permits and off-premises Arkansas native wine retail permits shall be  
 36 issued within the annexed area.

1 (B) An area qualifies to hold a local option election  
2 under this subchapter if:

3 (i) The area has been annexed from a dry township  
4 into a wet contiguous and adjoining city or incorporated town;

5 (ii) The annexed area is separated from the  
6 remainder of the dry township by a four-lane divided highway; and

7 (iii) A nonbinding election was held between  
8 November 1, 2004, and January 1, 2005, in the annexed area on the issue of  
9 whether intoxicating liquors may be manufactured, sold, bartered, loaned, or  
10 given away within the annexed area.

11 (2) ~~The petition governing body of the annexed area~~ requesting a  
12 local option election by a majority vote shall ~~be prepared in the manner~~  
13 ~~provided by § 3-8-205~~ prepare an ordinance or resolution approving the  
14 request for a local option election.

15 (3)(A) ~~When thirty-eight percent (38%) of the qualified electors~~  
16 ~~of the annexed area, as shown on county voter registration records, sign a~~  
17 ~~petition requesting~~ the governing body of the annexed area approves, by  
18 majority vote, an ordinance or resolution requesting a local option election,  
19 the county clerk shall ~~determine the sufficiency of~~ certify the ~~petition~~  
20 governing body's ordinance or resolution requesting the local option election  
21 within ten (10) days of the filing of the ~~petition request~~.

22 (B) ~~If the county clerk verifies that thirty-eight percent~~  
23 ~~(38%) of the qualified electors of the annexed area have signed the petition,~~  
24 ~~the~~ The county clerk shall certify that finding to the county board of  
25 election commissioners.

26 (C) The question shall be placed upon the ballot in the  
27 annexed area at the next biennial November general election, as provided in §  
28 3-8-101.

29 (D) Any appeal of the order of the county court shall be  
30 taken in the manner provided by § ~~3-8-205(e)-(e)~~3-8-309.

31 (4)(A) The election shall be conducted in the manner provided by  
32 § 3-8-206(a) and (b).

33 (B) Upon petition of fifteen percent (15%) of the  
34 interested legal voters in the annexed area, within ten (10) days after the  
35 date of the election, the county board of election commissioners shall  
36 immediately recount the votes and declare the result of the election as

1 determined by the recount.

2 (C) Within twenty (20) days after the election, the county  
3 court shall make and enter of record its order declaring the result of the  
4 election.

5 (D) The costs of any elections held under this subchapter  
6 shall be paid by the county in the same manner as other costs of general  
7 elections.

8 (5) Upon petition of fifteen percent (15%) of the interested  
9 legal voters in the annexed area filed with the circuit clerk of the county  
10 in which proceedings are pending, the circuit court shall immediately by  
11 mandamus compel the county court or other officials to perform the duties  
12 imposed upon them under this section.

13 (b)(1) If, at the local option election, a majority of the electors of  
14 the annexed area vote for the issuance of off-premises retail beer permits  
15 and off-premises Arkansas native wine retail permits within the annexed area,  
16 the Director of the Alcoholic Beverage Control Division may issue off-  
17 premises retail beer permits and off-premises Arkansas native wine retail  
18 permits within the annexed area.

19 (2) If a majority of the electors of the annexed area vote  
20 against the issuance of off-premises retail beer permits and off-premises  
21 Arkansas native wine retail permits, it shall be unlawful for the director or  
22 any county or municipal officer to issue any off-premises retail beer permit  
23 or off-premises Arkansas native wine retail permit until the prohibition  
24 shall be repealed by a majority vote as provided in this section.

25 (3) At least four (4) years shall elapse before another local  
26 option election may be held in the annexed area.

27 ~~(c) Except as provided in this section, a petition for local option~~  
28 ~~election shall be governed by § 7-9-101 et seq. and § 3-8-801 et seq.~~

29  
30 SECTION 13. Arkansas Code § 3-8-602(a) and (b), concerning a request  
31 for a local option election in a defunct voting district, are amended to read  
32 as follows:

33 (a)(1) Under subsection (b) of this section, an area within the  
34 boundaries of a defunct voting district may conduct an election to permit the  
35 sale of alcoholic beverages identified in subdivision (a)(2) of this section.

36 (2) The sale of alcoholic beverages under this section shall be

1 limited to beer, malt beverages, vinous beverages, and spirituous liquor for  
2 on-premises consumption within the corporate limits of a city of the first  
3 class or a city of the second class.

4 (b) An election for an area within the boundaries of a defunct voting  
5 district to permit the sale of the alcoholic beverages identified in  
6 subdivision (a)(2) of this section shall be held as follows:

7 (1)(A) ~~A registered voter who resides in a county that contains~~  
8 ~~a defunct voting district may request in writing or a~~ city council of a city  
9 of the first class that includes a defunct voting district may request by  
10 ordinance that the county board of election commissioners issue a resolution  
11 to identify the boundaries of a territorial subdivision located in a defunct  
12 voting district in which qualified voters may reside.

13 (B) The county board of election commissioners shall issue  
14 a resolution within thirty (30) days.

15 (C) The resolution shall identify the:

16 (i) Territorial subdivisions that are located wholly  
17 or partially within borders of any defunct voting districts in the county;

18 (ii) Formal and informal name or designation of any  
19 defunct voting districts in the county as of the last date the defunct voting  
20 district held the election resulting in its dry status;

21 (iii) Date on which any defunct voting district held  
22 the last local option election that resulted in the defunct voting district's  
23 becoming dry; and

24 (iv)(a) Boundaries of any defunct voting district at  
25 the time of the last local option election that resulted in the defunct  
26 voting district's becoming dry.

27 (b) The boundaries of the defunct voting  
28 district shall be based on state, county, or municipal records or other  
29 records publicly identified in the resolution.

30 (D) The resolution shall include a map of the boundaries  
31 of the defunct voting district from which qualified electors residing within  
32 the defunct voting district can be identified and verified for purposes of  
33 obtaining signatures and conducting the local option election.

34 (E) In preparing the resolution and the map, the county  
35 board of election commissioners may consult with the county clerk, the State  
36 Board of Election Commissioners, the Secretary of State, or any other entity

1 able to provide assistance in confirming the data and preparing the map  
 2 required by subdivision (b)(1)(D) of this section and the precise boundaries  
 3 of the defunct voting district.

4 (F) The resolution shall be filed with the county clerk  
 5 and published one (1) time a week for two (2) weeks as soon as practicable in  
 6 a newspaper of general circulation in the county;

7 (2)(A)~~(i)~~ ~~A petition procedure for a local option election for a~~  
 8 ~~defunct voting district shall be conducted under § 3-8-201 et seq.~~

9 ~~(ii)~~ ~~The city council of a city of the first class~~  
 10 ~~that includes a defunct voting district may adopt an ordinance to hold a~~  
 11 ~~local option election to be conducted under § 3-8-201 et seq. The governing~~  
 12 ~~body of the defunct voting district requesting a local option election shall~~  
 13 ~~prepare an ordinance or resolution approving the request for a local option~~  
 14 ~~election.~~

15 (B) ~~Signatures shall be obtained from fifteen percent~~  
 16 ~~(15%) of the qualified electors residing within the boundaries of a defunct~~  
 17 ~~voting district, as identified by the resolution and corresponding map.~~

18 (C) ~~When fifteen percent (15%) of the qualified voters~~  
 19 ~~have filed petitions When the governing body of the defunct voting district~~  
 20 ~~requesting a local option election files an ordinance or resolution~~  
 21 ~~requesting a local option election with the county clerk under this~~  
 22 ~~subdivision (b)(2), the county clerk shall ~~determine~~ certify the ordinance or~~  
 23 ~~resolution within ten (10) days ~~the sufficiency of the petitions~~ under § 3-8-~~  
 24 ~~205;~~

25 (3)(A)(i) The election process for a special local option  
 26 election for a defunct voting district shall be conducted pursuant to § 3-8-  
 27 201 et seq.

28 (ii) The county clerk shall issue a resolution  
 29 calling for a special local option election for a defunct voting district for  
 30 which the ~~requisite number of signatures~~ ordinance or resolution of the  
 31 governing body has been certified under subdivision (b)(2) of this section  
 32 ~~when:~~

33 (a) ~~The requisite number of qualified electors~~  
 34 ~~sign petitions filed with the county clerk; and~~

35 (b) ~~The county clerk certifies those~~  
 36 ~~signatures to the county board of election commissioners.~~

1 (iii) The resolution prepared by the county clerk  
 2 calling the special local option election shall be filed with the county  
 3 clerk, and the county clerk shall immediately transmit the document to the  
 4 county board of election commissioners.

5 (iv) The resolution calling the special local option  
 6 election shall state:

7 (a) The date of the special election;

8 (b) The full text of the measure for which the  
 9 election is called; and

10 (c) The ballot title for the measure for which  
 11 the special local option election is called.

12 (v) The county board of election commissioners shall  
 13 publish the resolution calling the special local option election one (1) time  
 14 a week for two (2) weeks as soon as practicable in a newspaper of general  
 15 circulation in the county.

16 (B) The ballot title shall be in substantially the  
 17 following form: "TO DETERMINE WHETHER OR NOT ALCOHOLIC BEVERAGES MAY BE SOLD  
 18 AS AUTHORIZED BY ARKANSAS CODE § 3-8-602 WITHIN (popular name of the defunct  
 19 voting district)".

20 (C) The ballot shall be in substantially the following  
 21 form:

22 "[ ] FOR the Sale of Alcoholic Beverages, As Authorized by Arkansas Code § 3-  
 23 8-602.

24 [ ] AGAINST the Sale of Alcoholic Beverages, As Authorized by Arkansas Code §  
 25 3-8-602."

26 (D) The special local option election shall be called on a  
 27 Tuesday and shall not be held less than sixty (60) days following the date  
 28 the resolution calling the special election is filed with the county clerk.

29 (E) The map of the defunct voting district created by the  
 30 county board of election commissioners shall be placed at each polling site.

31 (F) A majority vote of the qualified electors residing  
 32 within the boundaries of the defunct voting district shall determine whether  
 33 or not alcoholic beverages may be sold or manufactured under subdivision  
 34 (a)(2) of this section within the boundaries of the defunct voting district;  
 35 and

36 (4) The precincts and polling sites to be utilized for

1 conducting elections under this section shall be established by the county  
2 board of election commissioners.

3  
4 SECTION 14. Arkansas Code Title 3, Chapter 8, Subchapter 6, is amended  
5 to add an additional section to read as follows:

6 3-8-603. Local option election – Territorial subdivision.

7 (a)(1) Upon receipt of an ordinance or resolution of the governing  
8 body of a territorial subdivision, the territorial subdivision shall hold a  
9 local option election to determine whether the territorial subdivision is for  
10 or against the manufacture or sale of intoxicating liquors within the  
11 territorial subdivision.

12 (2) The governing body of the territorial subdivision requesting  
13 a local option election by a majority vote shall prepare an ordinance or  
14 resolution and submit the ordinance or resolution to the county clerk.

15 (3)(A) The county clerk shall certify the ordinance or  
16 resolution under this section within ten (10) days of the filing of the  
17 ordinance, resolution, or other action.

18 (B) If the county clerk certifies the ordinance or  
19 resolution of the governing body of the territorial subdivision, the county  
20 clerk shall certify the finding to the county board of election  
21 commissioners.

22 (C) The question shall be placed upon the ballot in the  
23 territorial subdivision at the next biennial November general election as  
24 required under § 3-8-101.

25 (4)(A) A local option election under this section shall be  
26 conducted in the manner stated in § 3-8-206(a) and (b).

27 (B) Upon petition of at least fifteen percent (15%) of the  
28 qualified electors in the territorial subdivision within ten (10) days after  
29 the date of the local option election, the county board of election  
30 commissioners shall immediately recount the votes and declare the result of  
31 the local option election as determined by the recount.

32 (C) Within twenty (20) days after the local option  
33 election, the county court shall enter its order declaring the result of the  
34 local option election.

35 (D) The costs of a local option election held under this  
36 subchapter shall be paid by the county in the same manner as other costs of

1 general elections.

2 (5) Upon petition of at least fifteen percent (15%) of the  
3 qualified electors in the territorial subdivision filed with the circuit  
4 clerk of the county in which proceedings are pending, the circuit court may  
5 immediately by mandamus compel the county court or other officials to perform  
6 the duties imposed upon them under this section.

7 (b)(1) If a majority of the qualified electors of the territorial  
8 subdivision vote to change from a wet to a dry territory, a business with a  
9 license to wholesale, manufacture, distribute, retail, or otherwise sell  
10 intoxicating liquors located in the territorial subdivision as of the date of  
11 the local option election shall retain the license.

12 (2) A business retaining a license under subdivision (b)(1) of  
13 this section may not transfer ownership of the license or transfer the  
14 license to another premises.

15 (c) If a majority of the qualified electors of the territorial  
16 subdivision vote to change from a dry to a wet territory, the Director of the  
17 Alcoholic Beverage Control Division may issue a license to a qualified  
18 applicant to manufacture or sell intoxicating liquors within the territorial  
19 subdivision.

20 (d) If a territorial subdivision conducts a local option election  
21 under this section, the results of a local option election held for the  
22 county in which the territorial subdivision is located do not override the  
23 results of the local option election for the territorial subdivision if a  
24 discrepancy exists between the results of the local option election for the  
25 county and the results of the local option election for the territorial  
26 subdivision.

27 (e) A local option election under this section may be held in the  
28 territorial subdivision only one (1) time every four (4) years.

29 (f) Except as provided in this section, a petition for a local option  
30 election is governed by § 7-9-101 et seq. and § 3-8-801 et seq.

31 (g) To the extent this section conflicts with § 3-8-201 et seq., this  
32 section controls.

33  
34 SECTION 15. Arkansas Code Title 3, Chapter 8, Subchapter 8, is  
35 repealed.

36 ~~Subchapter 8 — Circulation of Petition for Local Election~~



1  
2 ~~3-8-801. Definitions.~~

3 ~~As used in this subchapter:~~

4 ~~(1) "Canvasser" means a person who circulates a local option~~  
5 ~~election petition or a part or parts of a local option election petition to~~  
6 ~~obtain the signatures of petitioners thereto;~~

7 ~~(2) "Intoxicating liquor" means any beverage containing more~~  
8 ~~than one-half of one percent (0.5%) of alcohol by weight;~~

9 ~~(3) "Paid canvasser" means a person who is paid or with whom~~  
10 ~~there is an agreement to pay money or anything of value before or after a~~  
11 ~~signature on a local option election petition is solicited in exchange for~~  
12 ~~soliciting or obtaining a signature on a petition;~~

13 ~~(4) "Petition part" means a petition signature sheet containing~~  
14 ~~the information required under this subchapter;~~

15 ~~(5) "Petitioner" means a person who signs a petition requesting~~  
16 ~~a local option election;~~

17 ~~(6) "Registered voter" means a person who is registered at the~~  
18 ~~time of signing the petition pursuant to Arkansas Constitution, Amendment 51;~~  
19 ~~and~~

20 ~~(7) "Sponsor" means a person who arranges for the circulation of~~  
21 ~~a local option election petition or who files a local option election~~  
22 ~~petition with the official charged with verifying the signatures.~~

23  
24 ~~3-8-802. Hiring and training of paid canvassers.~~

25 ~~(a)(1) A person shall not provide money or anything of value to~~  
26 ~~another person for obtaining signatures on a local option election petition~~  
27 ~~unless the person receiving the money or item of value meets the requirements~~  
28 ~~of this section.~~

29 ~~(2) Before a signature is solicited by a paid canvasser, the~~  
30 ~~sponsor shall:~~

31 ~~(A) Explain the Arkansas law applicable to obtaining~~  
32 ~~signatures on a local option election petition to the canvasser; and~~

33 ~~(B)(i) Provide a complete list of all paid canvassers'~~  
34 ~~names and current residential addresses to the county clerk.~~

35 ~~(ii) If additional paid canvassers agree to solicit~~  
36 ~~signatures on behalf of a sponsor after the complete list is provided, the~~

1 ~~sponsor shall provide an updated list of all paid canvassers' names and~~  
 2 ~~current residential addresses to the county clerk.~~

3 ~~(b) Before obtaining a signature on a local option election petition~~  
 4 ~~as a paid canvasser, a person shall submit in person or by mail to the~~  
 5 ~~sponsor:~~

6 ~~(1) The full name and any assumed name of the person;~~

7 ~~(2) The current residence address of the person and the person's~~  
 8 ~~permanent domicile address if the person's permanent domicile address is~~  
 9 ~~different from the person's current residence address;~~

10 ~~(3) A signed statement taken under oath or solemn affirmation~~  
 11 ~~that states that the person has not pleaded guilty or nolo contendere to or~~  
 12 ~~been found guilty of a criminal offense involving a violation of the election~~  
 13 ~~laws, fraud, forgery, or identification theft in any state;~~

14 ~~(4) A signed statement that the person has read and understands~~  
 15 ~~the Arkansas law applicable to obtaining signatures on a local option~~  
 16 ~~election petition; and~~

17 ~~(5) A photograph of the person taken within ninety (90) days of~~  
 18 ~~the submission of the information required under this section.~~

19 ~~(c) A sponsor shall maintain the information required under this~~  
 20 ~~section for each paid canvasser for three (3) years after the general~~  
 21 ~~election.~~

22  
 23 ~~3-8-803. Petition to determine granting of licenses for manufacture or~~  
 24 ~~sale or bartering, loaning, or giving away of intoxicating liquor.~~

25 ~~(a) An election to determine whether licenses will be granted for the~~  
 26 ~~manufacture or sale or the bartering, loaning, or giving away of intoxicating~~  
 27 ~~liquor shall be called by a petition signed by registered voters in the~~  
 28 ~~designated county, township, municipality, ward, or precinct in a number~~  
 29 ~~equal to thirty-eight percent (38%) of the registered voters.~~

30 ~~(b) The petition shall be filed with the county clerk.~~

31 ~~(c) The county clerk shall verify the signatures on the petition and~~  
 32 ~~determine the sufficiency of the petition no later than ten (10) days after~~  
 33 ~~the petition is submitted.~~

34 ~~(d) The total number of voters registered as certified by the county~~  
 35 ~~clerk to the Secretary of State by June 1 of each year pursuant to Arkansas~~  
 36 ~~Constitution, Amendment 51, shall be the basis upon which the number of~~

1 ~~signatures of qualified electors on petitions shall be computed.~~

2  
3 ~~3-8-804. Duties of election officers—Penalty for failure to perform.~~

4 ~~(a) The duties imposed by this subchapter upon members of the State~~  
5 ~~Board of Election Commissioners, members of the county boards of election~~  
6 ~~commissioners, election officials, and other officers expressly named in this~~  
7 ~~subchapter shall be performed:~~

8 ~~(1) In good faith;~~

9 ~~(2) Within the time provided by this subchapter; and~~

10 ~~(3) In the manner provided by this subchapter.~~

11 ~~(b) If a member of a board, an election official, or another officer~~  
12 ~~charged with a duty under this subchapter knowingly fails to perform that~~  
13 ~~duty, he or she shall be upon conviction:~~

14 ~~(1) Fined not less than one hundred dollars (\$100) nor more than~~  
15 ~~one thousand dollars (\$1,000); and~~

16 ~~(2) Removed from his or her office.~~

17  
18 ~~3-8-805. Signing of petition—Penalty for falsification—Notice of~~  
19 ~~suspected forgery.~~

20 ~~(a)(1) A person signing a petition under this subchapter shall:~~

21 ~~(A) Be a registered voter; and~~

22 ~~(B) Sign his or her own name and print his or her own~~  
23 ~~name, address, birthdate, and the date of signing on a petition in his or her~~  
24 ~~own handwriting.~~

25 ~~(2) If a person signing a petition under subdivision (a)(1) of~~  
26 ~~this section requires assistance due to disability, another person:~~

27 ~~(A) May print the name, address, birthdate, and the date~~  
28 ~~of signing; and~~

29 ~~(B) Shall sign and print his or her name in the margin of~~  
30 ~~the petition.~~

31 ~~(3) A person who is under eighteen (18) years of age shall not~~  
32 ~~act as a canvasser.~~

33 ~~(b) A person commits a Class A misdemeanor if the person, acting as a~~  
34 ~~canvasser, notary, sponsor, or agent of a sponsor knowingly:~~

35 ~~(1) Signs a name other than his or her own to a petition;~~

36 ~~(2) Prints a name, address, or birthdate other than his or her~~

1 own on a petition unless the signer requires assistance due to disability and  
2 the person complies with this section;

3 (3) ~~Solicits or obtains a signature to a petition knowing that  
4 the person signing is not qualified to sign the petition;~~

5 (4) ~~Pays a person any form of compensation in exchange for  
6 signing a petition as a petitioner;~~

7 (5) ~~Accepts or pays money or anything of value for obtaining  
8 signatures on a petition when the person acting as a canvasser, sponsor, or  
9 agent of a sponsor knows that the person acting as canvasser's name or  
10 address is not included on the sponsor's list filed with the county clerk; or~~

11 (6) ~~As a sponsor, files a petition part with the official  
12 charged with verifying the signatures knowing that the petition part contains  
13 one (1) or more false or fraudulent signatures unless each false or  
14 fraudulent signature is clearly stricken by the sponsor before filing.~~

15 (c) ~~When the official charged with verifying the signatures has  
16 reasonable grounds to believe that one (1) or more signatures on a petition  
17 is forged, excluding signatures apparently signed by one spouse for another,  
18 the official shall report the suspected forgery and basis for suspecting  
19 forgery to:~~

20 (1) ~~The Department of Arkansas State Police, in the case of a  
21 statewide petition; or~~

22 (2) ~~The prosecuting attorney of the county, in the case of a  
23 local petition.~~

24  
25 3-8-806. ~~Form of initiative petition — Sufficiency of signatures.~~

26 (a) ~~The petition for an ordinance, act, or amendment proposed by  
27 initiative shall be on substantially the following form:~~

28 "PETITION FOR LOCAL OPTION ELECTION

29 To the Honorable \_\_\_\_\_,

30 County Clerk or City Clerk

31 We, the undersigned registered voters of the State of Arkansas, or

32 County, Arkansas, or City or Incorporated Town of \_\_\_\_\_, Arkansas,

33 respectfully request that an election be held to determine whether licenses  
34 will be granted for the manufacture or sale or the bartering, loaning, or  
35 giving away of intoxicating liquor in the district described below, to the  
36 end that the same may be adopted, enacted, or rejected by the vote of the

1 ~~registered voters of said district. Each of us for himself or herself says:~~  
 2 ~~I have personally signed this petition; I am a registered voter of~~  
 3 ~~County, Arkansas, or City or Incorporated Town of \_\_\_\_\_, Arkansas, and~~  
 4 ~~my printed name, date of birth, residence, city or town of residence, and~~  
 5 ~~date of signing this petition are correctly written after my signature.~~

6 ~~(Here insert a description of the district in which the~~  
 7 ~~election shall be held.)”~~

8 ~~(b) The information on the petition provided by the person may be used~~  
 9 ~~as evidence of the validity or invalidity of the signature. However, if a~~  
 10 ~~signature of a registered voter on the petition is sufficient to verify the~~  
 11 ~~voter's name, then it shall not be adjudged invalid for failure to sign the~~  
 12 ~~name or write the residence and city or town of residence exactly as it~~  
 13 ~~appears on voter registration records, for failure to print the name in the~~  
 14 ~~space provided, for failure to provide the correct date of birth, nor for~~  
 15 ~~failure to provide the correct date of signing the petition, all the~~  
 16 ~~information being an aid to verification rather than a mandatory requirement~~  
 17 ~~to perfect the validity of the signature.~~

18 ~~(c) No additional sheets of voter signatures shall be attached to any~~  
 19 ~~petition unless the sheets contain the full language of the petition.~~

20 ~~(d)(1) The signature section of the petition shall be formatted and~~  
 21 ~~shall contain the number of signature lines prescribed by the county clerk.~~

22 ~~(2) Before the circulation of a petition for signatures, the~~  
 23 ~~sponsor shall file a printed petition part with the county clerk in the exact~~  
 24 ~~form that will be used for obtaining signatures.~~

25  
 26 ~~3-8-807. Procedure for circulation of petition.~~

27 ~~(a)(1) Each petition under this subchapter for an election to be held~~  
 28 ~~in a district that includes more than one (1) county shall be prepared and~~  
 29 ~~circulated in a petition part, and each petition part shall be an exact copy~~  
 30 ~~of all other such petition parts upon which signatures of petitioners are to~~  
 31 ~~be solicited.~~

32 ~~(2) When a sufficient number of petition parts are signed by a~~  
 33 ~~requisite number of qualified electors and are filed and duly certified by~~  
 34 ~~the county clerk, they shall be treated and considered as one (1) petition.~~

35 ~~(b) Each petition part shall have attached to it the affidavit of the~~  
 36 ~~canvasser stating that:~~



1           ~~(2) Petitions shall not be disqualified for failure of a clerk,~~  
2 ~~notary, judge, or justice of the peace to sign exactly as his or her name~~  
3 ~~appears on his or her seal if the signature of a clerk, notary, judge, or~~  
4 ~~justice of the peace is sufficient to verify his or her name.~~

5           ~~(d) A canvasser or paid canvasser who knowingly makes a false~~  
6 ~~statement on a petition verification form required by this section shall be~~  
7 ~~deemed guilty of a Class D felony.~~

8  
9           ~~3-8-809. Failure to act on petition—Mandamus—Injunction.~~

10          ~~(a) If the county clerk does not examine and certify a petition under~~  
11 ~~this chapter within the time prescribed in § 3-8-803, the sponsors may apply~~  
12 ~~to the circuit court with jurisdiction for appropriate relief.~~

13          ~~(b) If the court decides that the petition is legally sufficient, it~~  
14 ~~shall order the county clerk to certify the sufficiency of the petition and~~  
15 ~~set an election date.~~

16          ~~(c) On a proper showing that any petition is not sufficient, the court~~  
17 ~~may enjoin the county clerk from:~~

18                 ~~(1) Certifying its sufficiency; or~~

19                 ~~(2) Setting an election date.~~

20  
21          ~~3-8-810. Preservation of records.~~

22          ~~(a) All petitions, notices, certificates, or other documentary~~  
23 ~~evidence of procedural steps taken under this subchapter shall be filed and~~  
24 ~~preserved.~~

25          ~~(b) Petitions with signatures shall be retained for two (2) years~~  
26 ~~after submission to the county clerk.~~

27  
28          ~~3-8-811. Count of signatures.~~

29          ~~(a) Upon the initial filing of a petition under this subchapter, the~~  
30 ~~official charged with verifying the signatures shall:~~

31                 ~~(1) Perform an initial count of the signatures; and~~

32                 ~~(2) Determine whether the petition contains, on its face and~~  
33 ~~before verification of the signatures of registered voters, the designated~~  
34 ~~number of signatures required by the Arkansas Constitution and statutory law~~  
35 ~~in order to call an election.~~

36          ~~(b) A petition part and all signatures appearing on the petition part~~

1 shall not be counted for any purpose by the official charged with verifying  
 2 the signatures, including the initial count of signatures, if one (1) or more  
 3 of the following is true:

4           (1) ~~The petition is not an original petition, including without~~  
 5 ~~limitation a petition that is photocopied or is a facsimile transmission;~~

6           (2) ~~The petition lacks the signature, printed name, and~~  
 7 ~~residence address of the canvasser or is signed by more than one (1)~~  
 8 ~~canvasser;~~

9           (3)(A) ~~The canvasser is a paid canvasser whose name and the~~  
 10 ~~information required under § 3-8-802 were not submitted by the sponsor to the~~  
 11 ~~county clerk before the petitioner signed the petition.~~

12           (B) ~~A canvasser is a paid canvasser if he or she is paid~~  
 13 ~~money or anything of value for soliciting signatures before or after the~~  
 14 ~~signatures are obtained;~~

15           (4) ~~The canvasser verification is not notarized, is notarized by~~  
 16 ~~more than one (1) notary, or lacks a notary signature or a notary seal;~~

17           (5) ~~The canvasser verification is dated earlier than the date on~~  
 18 ~~which a petitioner signed the petition;~~

19           (6) ~~The petition part clearly and unmistakably contains~~  
 20 ~~signatures of petitioners from more than one (1) county unless each signature~~  
 21 ~~of a petitioner from another county is clearly stricken before the filing of~~  
 22 ~~the petition with the county clerk; or~~

23           (7) ~~The petition part has a material defect that, on its face,~~  
 24 ~~renders the petition part invalid.~~

25           (c) ~~The following signatures shall not be counted for any purpose by~~  
 26 ~~the official charged with verifying the signatures, including the initial~~  
 27 ~~count of signatures:~~

28           (1) ~~A signature that is not an original signature;~~

29           (2) ~~A signature that is obviously not that of the purported~~  
 30 ~~petitioner;~~

31           (3) ~~A signature that is illegible and is accompanied by no~~  
 32 ~~personally identifying information;~~

33           (4) ~~A signature for which the corresponding printed name,~~  
 34 ~~address, or birthdate is written by someone other than the signer except~~  
 35 ~~under circumstances of disability of the signer; and~~

36           (5) ~~A signature that has any other material defect that, on its~~



1 ~~face, renders the signature invalid.~~

2  
3 SECTION 16. Arkansas Code § 5-55-601(a), concerning the definition of  
4 "petition" as it relates to petition fraud, is amended to read as follows:

5 (a) As used in this section, "petition" means a petition under § 3-8-  
6 201 et seq., ~~§ 3-8-801 et seq.,~~ or § 7-9-101 et seq.

7  
8 SECTION 17. Arkansas Code § 19-6-201(22)(C), concerning alcoholic  
9 beverages taxes, permits, licenses, and fees within the general revenues of  
10 the state, is amended to read as follows:

11 (C) Nonintoxicating beer and wine taxes, as enacted by  
12 Acts 1933 (1st Ex. Sess.), No. 7, and all laws amendatory thereto, §§ 3-5-201  
13 - 3-5-207, 3-5-209 - 3-5-221, and 3-5-223 - 3-5-225, ~~and 3-8-401;~~