

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4
5 By: Representative Ray
6 By: Senator J. Payton
7

A Bill

HOUSE BILL 1320

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING INITIATIVE
10 PETITIONS AND REFERENDUM PETITIONS; TO REQUIRE THE
11 ATTORNEY GENERAL TO REVIEW AN INITIATIVE PETITION OR
12 REFERENDUM PETITION BEFORE CIRCULATION; AND FOR OTHER
13 PURPOSES.

Subtitle

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16 TO AMEND THE LAW CONCERNING INITIATIVE
17 PETITIONS AND REFERENDUM PETITIONS; AND
18 TO REQUIRE THE ATTORNEY GENERAL TO REVIEW
19 AN INITIATIVE PETITION OR REFERENDUM
20 PETITION BEFORE CIRCULATION.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 7-4-101(f)(12), concerning the authority of
27 the State Board of Election Commissioners, is repealed:

28 ~~(12) Consider the certification of the ballot title and popular name~~
29 ~~submitted on a statewide initiative petition or statewide referendum petition~~
30 ~~under § 7-9-111;~~
31

32 SECTION 2. Arkansas Code § 7-9-107 is amended to read as follows:

33 7-9-107. Filing of original draft before circulation.

34 (a) Before any initiative petition or referendum petition ordering a
35 vote upon any amendment or act shall be circulated for obtaining signatures
36 of petitioners, the sponsors shall ~~file~~ submit the original draft with the



1 ~~Secretary of State~~ Attorney General.

2 (b) The original draft shall include:

- 3 (1) The full text of the proposed measure;
- 4 (2) A ballot title for the proposed measure; and
- 5 (3) A popular name for the proposed measure.

6 (c) ~~The Secretary of State~~ Attorney General shall return to the
 7 sponsor a file-marked copy of the original draft that shall serve as evidence
 8 that the original draft was filed in compliance with this section.

9 ~~(d)(1) The sponsor may begin circulating an initiative petition or~~
 10 ~~referendum petition upon receipt of the file marked copy under subsection (e)~~
 11 ~~of this section~~ Within ten (10) business days, the Attorney General shall
 12 approve and certify or shall substitute and certify a more suitable and
 13 correct ballot title and popular name for each amendment or act.

14 (2) The ballot title so submitted or supplied by the Attorney
 15 General shall briefly and concisely state the purpose of the proposed
 16 measure.

17 (e) If, as a result of his or her review of the ballot title and
 18 popular name of a proposed initiated act or a proposed amendment to the
 19 Arkansas Constitution, the Attorney General determines that the ballot title
 20 or the nature of the issue, is presented in such manner that the ballot title
 21 would be misleading or designed in such manner that a vote "FOR" the issue
 22 would be a vote against the matter or viewpoint that the voter believes
 23 himself or herself casting a vote for, or, conversely, that a vote "AGAINST"
 24 the issue would be a vote for a viewpoint that the voter is against, the
 25 Attorney General may reject the entire ballot title, popular name, and
 26 petition and state his or her reasons therefor and instruct the petitioners
 27 to redesign the proposed measure and the ballot title and popular name in a
 28 manner that would not be misleading.

29 (f) If the Attorney General refuses to act or if the sponsors feel
 30 aggrieved at the Attorney General's acts in such premises, the sponsors may,
 31 by petition, apply to the Supreme Court for proper relief.

32
 33 SECTION 3. Arkansas Code § 7-9-111(i), concerning the determination of
 34 the sufficiency of a statewide initiative petition or statewide referendum
 35 petition is repealed.

36 ~~(i)(1) When a statewide initiative petition or statewide referendum~~

1 petition is submitted to the Secretary of State for determination of the
2 sufficiency of the signatures, the Secretary of State shall submit the ballot
3 title and popular name of the proposed measure to the board for certification
4 as required by Arkansas Constitution, Article 5, § 1.

5 (2) The board shall determine whether to certify the ballot
6 title and popular name submitted for a proposed measure within thirty (30)
7 days after the ballot title and popular name are submitted by the Secretary
8 of State under subdivision (i)(1) of this section.

9 (3) If the board determines that the ballot title and popular
10 name, and the nature of the issue, is presented in a manner that is not
11 misleading and not designed in such manner that a vote "FOR" the issue would
12 be a vote against the matter or viewpoint that the voter believes himself or
13 herself to be casting a vote for, or, conversely, that a vote "AGAINST" an
14 issue would be a vote for a viewpoint that the voter is against, the ballot
15 title and popular name of the statewide initiative petition or statewide
16 referendum petition shall be certified to the Secretary of State to be placed
17 upon the ballot if the signatures on the statewide initiative petition or
18 statewide referendum petition are determined to be sufficient.

19 (4)(A) If the board determines that the ballot title or popular
20 name, or the nature of the issue, is presented in such a manner that the
21 ballot title or popular name would be misleading or designed in such manner
22 that a vote "FOR" the issue would be a vote against the matter or viewpoint
23 that the voter believes himself or herself to be casting a vote for, or,
24 conversely, that a vote "AGAINST" an issue would be a vote for a viewpoint
25 that the voter is against, the board shall:

26 (i) Not certify the ballot title and popular name;

27 (ii)(a) Notify the sponsors in writing, through
28 their designated agent, that the ballot title and popular name were not
29 certified and set forth its reasons for so finding.

30 (b) If the ballot title and popular name are
31 not certified, the sponsor shall not submit a redesigned ballot title or
32 popular name to the board; and

33 (iii) Notify the Secretary of State that the ballot
34 title and popular name were not certified.

35 (B) If the ballot title and popular name are not certified
36 under subdivision (i)(4)(A) of this section, the Secretary of State shall

1 ~~declare the proposed measure insufficient for inclusion on the ballot for the~~
 2 ~~election at which the statewide initiative petition or statewide referendum~~
 3 ~~petition would be considered.~~

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 5 SECTION 4. Arkansas Code § 7-9-112(a), concerning the right of review
 6 of a statewide initiative petition or statewide referendum petition, is
 7 amended to read as follows:

8 (a) If the Secretary of State determines that the signatures submitted
 9 on a statewide initiative petition or statewide referendum petition are
 10 insufficient or the ~~State Board of Election Commissioners~~ Attorney General
 11 does not certify the ballot title or popular name of a proposed measure
 12 resulting in the Secretary of State’s finding the proposed measure
 13 insufficient, the following persons may petition the Supreme Court to
 14 determine if the signatures submitted on the statewide initiative petition or
 15 statewide referendum petition are sufficient or if the ballot title or
 16 popular name of the proposed measure should be certified:

- 17 (1) The sponsor of the statewide initiative petition or
- 18 statewide referendum petition; or
- 19 (2) A registered voter.

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 21 SECTION 5. Arkansas Code § 7-9-112(c)(1)(B), concerning the right of
 22 review of a statewide initiative petition or statewide referendum petition,
 23 is amended to read as follows:

24 (B) If the Supreme Court decides that the ballot title and
 25 popular name should be certified, the Supreme Court shall order the ~~board~~
 26 Attorney General to certify the ballot title and popular name to the
 27 Secretary of State, who shall declare the proposed measure sufficient to be
 28 placed upon the ballot if the signatures on the statewide initiative petition
 29 or statewide referendum petition are sufficient.

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 31 SECTION 6. Arkansas Code § 7-9-126(b)(2), concerning the count of
 32 signatures for an initiative petition or referendum petition, is amended to
 33 read as follows:

- 34 (2) The petition does not conform to the original draft ~~filed~~
 35 submitted under § 7-9-107;

1 SECTION 7. Arkansas Code § 7-9-126(c)(6), concerning the count of
2 signatures for an initiative petition or referendum petition, is amended to
3 read as follows:

4 (6) A signature obtained before the ~~filing of the original draft~~
5 ~~for circulation~~ submission and approval of the ballot title under § 7-9-107;
6 and

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