

Bond Case Briefs

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BALLOT INITIATIVES - ARKANSAS

Keep Our Dollars in Independence County v. Mitchell

Supreme Court of Arkansas - April 27, 2017 - S.W.3d - 2017 Ark. 154 - 2017 WL 1536480

Local-option ballot question committee sought judicial review of county clerk's determination that local-option petition to allow voters to decide whether to permit manufacture and sale of alcoholic beverages in county was insufficient to be placed on ballot.

The Circuit Court affirmed. Committee appealed and intervenor cross-appealed.

The Supreme Court of Arkansas held that:

- Ten-day appeal period applicable to clerk's certification that local-option petition was sufficient did not apply to clerk's certification that petition was insufficient;
- Fifteen-day appeal period applicable to clerk's certification of any initiative or referendum petition as sufficient or insufficient applied to insufficiency certification of local-option petition; and
- Constitutional challenge to provision of statute governing local-option petitions prohibiting signatures of residents from more than one county was rendered moot by occurrence of election.

Ten-day appeal period applicable to county clerk's certification that local-option petition was sufficient did not apply to clerk's certification that petition was insufficient to deprive circuit court of subject matter jurisdiction to consider appeal from insufficiency certification filed outside of ten-day period. Provision expressly applied only when county clerk had certified that the local-option petition was sufficient and indicated that it would be placed on the ballot, and there was no language in the statute referring to the procedures applicable to a county clerk's determination of insufficiency.

Fifteen-day appeal period applicable to county clerk's certification of any initiative or referendum petition as sufficient or insufficient applied to insufficiency certification of local-option petition. There were no specific statutory provisions providing for an appeal of a finding of insufficiency within the current statutory scheme for local-option petitions or the statutes referenced therein.