

Bond Case Briefs

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REFERENDA - ARKANSAS

Reynolds v. Thurston

Supreme Court of Arkansas - May 30, 2024 - S.W.3d - 2024 Ark. 97 - 2024 WL 2755297

Petitioners, who had submitted two proposed measures to amend state constitution which were both rejected by state Attorney General, brought original-action complaint against Secretary of State and Board of Election Commissioners, seeking to have Supreme Court independently certify the legal sufficiency of the measures' ballot titles and popular names and order them placed on upcoming ballot and to declare unconstitutional certain statutes governing proposed measures.

Secretary and Board moved to dismiss for lack of original jurisdiction and for failure to state claim.

The Supreme Court held that:

- Supreme Court can exercise original jurisdiction over the sufficiency of petitions for referendum or initiative only after the Secretary of State has made a sufficiency determination in the first instance, and
- In a concurring opinion for a majority of the court, Kemp, C.J., further held Court lacked original jurisdiction over claims for declaratory judgment challenging constitutionality of statutes.