



STEVE CLARK
ATTORNEY GENERAL

STATE OF ARKANSAS
OFFICE OF THE ATTORNEY GENERAL
JUSTICE BUILDING, LITTLE ROCK 72201

November 22, 1985

(501) 371-2007

OPINION 85-215

Mr. Cliff Jackson
Attorney at Law
10101 Rodney Parham Road
Little Rock, AR 72207

Dear Mr. Jackson:

Pursuant to Ark. Stat. Ann. §2-208 (Supp. 1985), the Attorney General is required to approve and certify the popular name and ballot title of all proposed initiative or referendum acts or amendments before the petitions are circulated for signature. The law provides that I may substitute and certify a more suitable and correct ballot title and popular name, or, if the proposed ballot title and popular name are sufficiently misleading, I may reject the entire petition.

The purpose of my review and certification is to ensure that the ballot title and popular name honestly, intelligibly and fairly set forth the purpose of a proposed act or amendment. Arkansas Women's Political Caucus v. Riviere, 283 Ark. 463, 466, 677 S.W.2d 846 (1984); Becker v. Riviere, 277 Ark. 252, 254, 641 S.W.2d 2 (1982). Section 2-208 neither requires nor authorizes this office to make any legal determinations concerning the merits of the act or amendment or the likelihood that the act or amendment will accomplish its stated objectives. Consequently, this review has been limited to determining whether your proposed ballot title and popular name accurately and impartially summarize the provisions of your proposed initiated act.

The proposed popular name is believed to be insufficient and the following is hereby substituted:

POPULAR NAME

Act to revoke Arkansas Power and Light's franchise and exclusive territory and to establish procedures and guidelines for their award to other franchisee(s).

The proposed ballot title is believed to be insufficient and the following is hereby substituted:

BALLOT TITLE

An act to affirm the people's right to award, revoke, and modify the franchises and exclusive territories of electric public utilities and electric cooperatives for just cause and to award the same to new franchisee(s) upon approval by a majority of voters in a regular election; to make a finding that Arkansas Power & Light Company has violated its franchise by misuse and to revoke and rescind the franchise and exclusive territory of Arkansas Power and Light Company; to provide for interim service by Arkansas Power and Light Company until such time as a new franchise is awarded; to provide for a residual franchise to allow Arkansas Power and Light Company to make full use of its property which is not acquired or condemned; to authorize and direct the Arkansas Public Service Commission to award said revoked franchise and exclusive territory to new franchisee(s) after obtaining competitive bids and conducting public hearings; to establish guidelines and proceedings for submission of bids by prospective franchisee(s) and for the award of new franchises by the Arkansas Public Service Commission; to prohibit the new franchisee(s) from affiliating with a multi-state conglomerate or engaging in out-of-state construction of power plants without a three-fourths vote of the General Assembly; to establish additional specific considerations for Commission evaluation in awarding new franchise(s); to confer upon the new franchisee(s) the power of eminent domain regarding property of Arkansas Power and Light and others and to prescribe the use of such power; and for other purposes.

The foregoing substituted popular name and ballot title are hereby approved and certified as sufficient.

Cliff Jackson
Page 3

Pursuant to Ark. Stat. Ann. §2-206 (Repl. 1976), instructions to canvassers and signers are enclosed herewith.

Sincerely,



STEVE CLARK
ATTORNEY GENERAL

SC:MBS:jr
Encl.

INSTRUCTIONS TO CANVASSERS AND SIGNERS

1. Amendment No. 7 gives to the people of the State of Arkansas the power to initiate legislation. The petition must be signed by eight percent (8%) of the legal voters. The proposed law must be submitted to the legal voters of the State at a regular election, and if a majority of the votes are cast in its favor, it is adopted.
2. Only legal voters may sign. Names, residences, post offices, and voting precincts must be given. This petition should contain only the signature of voters residing in a single county.
3. All signatures must be affixed by the signers in their own handwriting in the presence of the persons circulating the Petition.
4. The signatures should be made with ink or indelible pencil.
5. Do not paste additional sheets to this petition but place as many names as possible on the Petition.
6. To sign any name other than your own or knowingly to sign your name when you are not legally entitled to sign it, or knowingly and falsely to misrepresent the purpose and effect of this Petition for the purpose of causing anyone to sign it shall constitute a misdemeanor and subject the offender to a fine of not less than \$50 nor more than \$1,000 for each violation.

The Attorney General is by law required to certify the sufficiency of the popular name and ballot title of all initiative or referendum petitions. This certification does not necessarily indicate the approval or disapproval of the contents thereof.



ATTORNEY GENERAL OF THE
STATE OF ARKANSAS