



July 10, 1990

TO: Pam Honeycutt
FR: Ouida Puryear
RE: E-911

I spoke with Mr. Frierson of the Election Commission concerning the aforementioned and provided him with a copy of the ordinance adopted by the Craighead County Quorum Court, and provided to me by the County Clerk, Jane Todd changing the date of the election and county to city. However, I wanted you to review it as I did not think it was in proper form.

I spoke with him again this morning and he agreed and said that he had spoken with you regarding same.

By this letter, I am requesting that you draft an ordinance for council action legally stating the specifics of the E-911 for the July 16, 1990 meeting. Did you retain the sample ordinance provided by Dwight Williams regarding same? If not, I can forward a copy.

Mr. Frierson also stated that once the ordinance is adopted and a number assigned, that a motion would need to be made referring the ordinance by number to referendum on September 25, 1990. I don't think the action previously taken by council will be acceptable since the ordinance was not in place. But, you are the attorney and will need to advise me regarding same. He stated also that you would need to prepare a ballot title for the Election Commission.

Thanks for your assistance in this matter.

Ouida

CRAIGHEAD COUNTY ELECTION COMMISSION

P.O. Box 8007
JONESBORO, ARKANSAS 72401

July 9, 1990

Ms. Ouida Puryear, City Clerk
City Hall
524 South Church
Jonesboro, AR 72401

RE: Referred ordinances

Dear Ouida:

You have asked me to review as Election Commission Chairman the required steps for calling a special election to submit a particular proposed ordinance to a vote of the electors of this city.

The constitution and laws of this state are not very specific when dealing with how a proposed ordinance should be referred by the City Council to a vote of this nature. Arkansas Code Annotated 14-55-301 is the only specific provision and it does say that the City Council may refer any proposed ordinance to the people for adoption or rejection. It then says the action of the City Council shall constitute a referral and from that point the procedure shall be that as required by Arkansas Constitution, Amendment 7. Unfortunately, Amendment 7 does not really deal with such questions as the time for the special election, what kinds of notices are needed and things of that nature.

I did review a Court case which pretty well outlined that as to the time of such an election, it should not be called for sooner than ten days after the action of the City Council, but thereafter the question of time is anything that is a "reasonable time". Incidentally, this referral does require a two-thirds vote of the members of the Council, which I take to mean not just two-thirds of a quorum present but two-thirds of the actual membership.

As to notice of the special election, there is simply no statutory or constitutional provision that I could find. I would suggest therefore that at least one publication of the referred ordinance itself with a heading at the top of it having language similar to the following:

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"The following ordinance has been referred by action of the City Council of the City of Jonesboro, Arkansas to a vote of the people as to adoption or rejection in a special election to be held September 25, 1990."

The proposed ordinance should actually be introduced by someone and be given an ordinance number I would think, but the only vote to be taken on it would be the vote to refer.

The Council's action in referring the ordinance should be certified to the Election Commission (my office) so that we can prepare for the election. I'm sure that you realize that the total cost of the election under the statutes is to be borne by the city.

It will be necessary for the city, through the city attorney I'm sure, to formulate a ballot title to be used in this instance for submission to the Election Commission. This is the actual statement which will appear upon the ballot explaining the nature of what the voter is called upon to do and what the ordinance contains.

Very truly,



Charles Frierson, III

CF:bg