

1 same is circulated or signed by electors, file a true and exact copy
2 of same in the office of the Secretary of State.

3 B. It shall be the duty of the Secretary of State to cause to
4 be published, in at least one newspaper of general circulation in
5 the state, a notice of such filing and the apparent sufficiency or
6 insufficiency of the petition. Such publication shall include the
7 text of the ballot title as reviewed or, if applicable, as
8 rewritten, by the Attorney General pursuant to the provisions of
9 subsection D of Section 9 of this title, and shall include notice
10 that any citizen or citizens of the state may file a protest as to
11 the constitutionality of the petition, by a written notice to the
12 Supreme Court and to the proponent or proponents filing the
13 petition, or as to the ballot title as provided in Section 10 of
14 this title. Any such protest must be filed within ten (10) days
15 after publication. A copy of the protest shall be filed with the
16 Secretary of State.

17 C. Upon the filing of a protest to the petition, the Supreme
18 Court shall then fix a day, not less than ten (10) days thereafter,
19 at which time it will hear testimony and arguments for and against
20 the sufficiency of such petition.

21 D. A protest filed by anyone hereunder may, if abandoned by the
22 party filing same, be revived within five (5) days by any other
23 citizen. After such hearing the Supreme Court shall decide whether
24 such petition is in the form required by the statutes. If the Court

1 is at the time adjourned, the Chief Justice shall immediately
2 convene the same for such hearing. No objection to the sufficiency
3 shall be considered unless it has been made and filed as herein
4 provided.

5 E. ~~Within ninety (90) days after such filing of~~ When an
6 ~~initiative petition or determination of the sufficiency of the~~
7 ~~petition by the Supreme Court as provided in this section, whichever~~
8 ~~is later, the signed copies thereof shall be~~ has been filed with in
9 the office of the Secretary of State, but the signed copies of a
10 referendum petition shall be filed with and all appeals, protests
11 and rehearings have been resolved or the period for such has
12 expired, and the ballot title process is complete, the Secretary of
13 State shall set the date for circulation of signatures for the
14 petition to begin, but in no event shall the date be less than three
15 (3) days or more than ten (10) days from the date when all appeals,
16 protests and rehearings have been resolved or have expired.
17 Notification shall be sent to the proponents specifying the date on
18 which circulation of the petition shall begin and that the
19 signatures are due within ninety (90) days ~~after the adjournment of~~
20 ~~the Legislature enacting the measure on which the referendum is~~
21 ~~invoked or determination of the sufficiency of the petition by the~~
22 ~~Supreme Court as provided in this section, whichever is later~~ of the
23 date set. Each elector shall sign his or her legally registered
24 name, address or post office box, and the name of the county of

1 residence. Any petition not filed in accordance with this provision
2 shall not be considered. The proponents of a referendum or an
3 initiative petition, any time before the final submission of
4 signatures, may withdraw the referendum or initiative petition upon
5 written notification to the Secretary of State.

6 F. The proponents of a referendum or an initiative petition may
7 terminate the circulation period any time during the ninety-day
8 circulation period by certifying to the Secretary of State that:

- 9 1. All signed petitions have already been filed with the
10 Secretary of State;
- 11 2. No more petitions are in circulation; and
- 12 3. The proponents will not circulate any more petitions.

13 If the Secretary of State receives such a certification from the
14 proponents, the Secretary of State shall begin the counting process.

15 G. When the signed copies of a petition are timely filed, the
16 Secretary of State shall certify to the Supreme Court of the state:

- 17 1. The total number of signatures counted pursuant to
18 procedures set forth in this title; and
- 19 2. The total number of votes cast for the state office
20 receiving the highest number of votes cast at the last general
21 election.

22 The Supreme Court shall make the determination of the numerical
23 sufficiency or insufficiency of the signatures counted by the
24 Secretary of State.

1 H. Upon order of the Supreme Court it shall be the duty of the
2 Secretary of State to forthwith cause to be published, in at least
3 one newspaper of general circulation in the state, a notice of the
4 filing of the signed petitions and the apparent sufficiency or
5 insufficiency thereof and notice that any citizen or citizens of the
6 state may file an objection to the count made by the Secretary of
7 State, by a written notice to the Supreme Court and to the proponent
8 or proponents filing the petition. Any such objection must be filed
9 within ten (10) days after publication and must relate only to the
10 validity or number of the signatures. A copy of the objection to
11 the count shall be filed with the Secretary of State, and notice
12 shall also be given to the Secretary of State.

13 I. The Secretary of State shall deliver the bound volumes of
14 signatures to the Supreme Court.

15 J. Upon the filing of an objection to the count, the Supreme
16 Court shall resolve the objection with dispatch. The Supreme Court
17 shall adopt rules to govern proceedings to apply to the challenge of
18 a measure on the grounds that the proponents failed to gather
19 sufficient signatures.

20 K. If in the opinion of the Supreme Court, any objection to the
21 count or protest to the petition is frivolous, the Court may impose
22 appropriate sanctions, including an award of costs and attorneys
23 fees to either party as the Court deems equitable.

24

1 L. Whenever reference is made in this act to the Supreme Court,
2 such reference shall include the members of the Supreme Court or any
3 officer constitutionally designated to perform the duties herein
4 prescribed.

5 SECTION 2. It being immediately necessary for the preservation
6 of the public peace, health and safety, an emergency is hereby
7 declared to exist, by reason whereof this act shall take effect and
8 be in full force from and after its passage and approval.

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10 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated
11 03/19/2014 - DO PASS, As Amended.

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