IN THE COUNTY COURT OF GARLAND COUNTY, ARKANSAS

IN THE MATTER OF THE PETITION TO REDUCE THE AMOUNT OF COUNTY MILLAGE ON REAL AND PERSONAL PROPERTY SUPPORTING THE MAINTENANCE AND OPERATION OF THE GARLAND COUNTY LIBRARY, PURSUANT TO AMENDMENT 38

CC-24-121

SEP 6 2024 PM 1:30
GARLAND COUNTY CLERK

ORDER

NOW, on this day, comes on for consideration by the Court the matter of the Petition to Reduce the Amount of County Millage on Real and Personal Property Supporting the Maintenance and Operation of the Garland County Library, Pursuant to Amendment 38, and the Court having been well advised as to all matters of fact and of law makes the following findings and issues the following Orders:

I.

Petitioner, George Pritchett, submitted his Petition, containing 131 signatures purporting to be those of registered voters of Garland County on August 2, 2024. Additional Petitions containing nine signatures purporting to be those of registered voters of Garland County were submitted on September 3, 2024.

II.

A public hearing was held on September 4, 2024, at the Garland County Armory Building. Notice of the hearing was published in *The Sentinel-Record* of Hot Springs on August 18, 2024, and August 25, 2024.

III.

The Court takes judicial notice of the entire contents of the file of the Garland County Clerk, CC-24-121; Ark. Const. Amendment 38; Ark. Code Ann. 14-14-915; 7-9-109; and 7-9-126.

IV.

The Court accepts and adopts all findings of the Garland County Clerk's Office and Garland County Collector's Office, regarding the number of signatories who are registered voters and taxpayers, as summarized in the affidavit of the Chief Deputy Clerk, filed herein.

V.

The Court finds the Petition to be deficient in that it does not accurately state the qualifying language required by Amendment 38, Section 3:

> Whenever 100 or more taxpaying electors of any county having library tax in force shall file a petition in the County Court asking that such tax be raised, reduced or abolished, the question shall be submitted to the qualified electors at a general or special election. Such petition must be filed at least thirty days prior to the election at which it will be submitted to the voters. The ballot shall follow, as far as practicable, the form set forth in Section 1 hereof. The result shall be certified and entered of record as provided in Section 2 hereof, and the result as entered of record shall be conclusive unless attacked in the courts within thirty days. Subject to the limitations of Section 5(e) hereof, the tax shall be lowered, raised or abolished, as the case may be, according to the majority of qualified electors voting on the question at such election. If lowered or raised, the revised tax shall thereafter be continually levied and collected and proceeds used in the manner and for the purposes as provided in Section 2 hereof.

Section 3 requires the Petition to be signed by "... 100 or more **taxpaying** electors ...", (emphasis added). The Petition submitted reads as follows:

> We, the undersigned registered voters of Garland County, Arkansas, respectfully order by this, our petition, pursuant to Amendment 38 of the Constitution of the State of Arkansas, there is submitted to the qualifying electors of the County of Garland, Arkansas, the question of the decrease of 0.6 mills of the current 1.6 mills county tax on real and personal property supporting maintenance and operation of the Garland County Library, to be voted on by the people of said County, to the end that the same may be approved or rejected by the vote of legal voters of said county in the ordinary course at the regular general election to be held on the 5th day of November, 2024; and each of us, for himself or herself, says: " I have personally signed this Petition; I am a registered voter of Garland County, Arkansas, and my printed name, date of birth, residence address, city or town, and date of signing this petition are correctly written after my signature.

The Petition does not set forth the material, qualifying condition that the signatories must be taxpaying electors, rather than merely registered voters. The Court finds the Petition language to be misleading and deficient to the purposes of Amendment 38.

VI.

The Court finds the supplemental Petitions submitted on September 3, 2024, to be deficient in that they do not include or have attached the ballot language or form required by Amendment 38 Section 3 and Section 1; and Ark. Code Ann. 7-9-109. The supplemental Petitions are invalid in their entirety.

VII.

The Court finds the Petitions to be deficient in that they do not contain the attorney's certification required by Ark. Code Ann. 14-14-915. The lack of said certification invalidates all Petitions in their entirety.

VIII.

The Court finds that Page 4 of the Petition is deficient in that it does not include the printed name of the canvasser as required by Ark. Code Ann. 7-9-126. The improper certification invalidates Page 4 in its entirety.

IX.

For the reasons set forth herein, the Court finds and Orders that the Petition shall be hereby denied, and the issue shall not be submitted to the ballot for the general election on November 5, 2024.

IT IS SO ORDERED.

DARRYL MAHONEY
GARLAND COUNTY JUDGE

09/06/24
DATE