

For Immediate Release

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SECRETARY OF STATE DECLARES PETITION INVALID

ARKANSAS HOTELS AND ENTERTAINMENT, INC., Proposed "Casino Gambling" Amendment to Arkansas Constitution Short of Necessary Signatures

(July 12, 2012) LITTLE ROCK — Secretary of State Mark Martin's Elections Division today notified Arkansas Hotels and Entertainment, Inc., that its petition for a proposed Amendment to the Arkansas Constitution was invalid. The Amendment sought to allow Arkansas Hotels and Entertainment, Inc., to own and operate seven casino gambling establishments, one each in Sebastian, Pulaski, Garland, Miller, Crittenden, Boone, and Jefferson Counties. The Sponsor is Arkansas Hotels and Entertainment, Inc., led by Michael Wasserman. The sponsor submitted an insufficient number of signatures, from fifteen separate counties, prior to the deadline.

The Arkansas Constitution requires at least ten percent of legal voters to initiate a petition to amend the Arkansas Constitution (Article 5, Section 1, commonly referred to as "Amendment 7 to the Arkansas Constitution"). In addition, the Constitution provides that "it shall be necessary to file from at least fifteen of the counties of the State, petitions bearing the signatures of not less than one-half of the designated percentage of the electors of such county." Amend. 7. In other words, if 1000 people voted for Governor in a particular county, a petition for a proposed constitutional amendment would require five percent (5%), one half of the designated percentage, or the signatures of at least 50 qualified electors. It is this provision of the Constitution which the sponsor failed to meet.

An Arkansas Supreme Court case is directly on point: In Dixon v. Hall, Secretary of State, the Arkansas Supreme Court stated that a petition "must, prima facie, contain at the time of filing the required number of signatures." 210 Ark. 891, 198 S.W.2d 1002 (Ark. 1946). In Dixon, the Supreme Court enjoined the Secretary of State from accepting any additional signatures to correct or amend the petition, because the initial submission failed to meet the constitutional threshold number of signatures by the deadline.

The Elections Division has notified the sponsor of the facial invalidity of its submission because the sponsor did not have at least fifteen separate counties where at least five percent (5%) of the qualified electors of each separate county signed the petition, as submitted to the Elections Division at the deadline. In an excess of caution, the Elections Division granted the sponsor seven (7) days to review the petitions for accuracy of the count by the Elections Division. If the count is accurate, the Secretary of State would be prohibited from accepting any additional signatures, under applicable Arkansas Supreme Court case law. Facially invalid petitions, including proposed constitutional amendments, would not appear on the ballot in November.

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