

R. Robert BAILEY, and Ed H. Smith, Individually, and
on Behalf of the Committee to Save Arkansas Jobs, Inc.,
and all Others Similarly Situated v.
W.J. "Bill" McCUEN, Secretary of State

Committee for a Safe Workplace, *Intervenor*

94-951

886 S.W.2d 592

Supreme Court of Arkansas
Opinion delivered October 31, 1994

APPEAL & ERROR — OPINION DELIVERED ON COUNT II — ISSUES RAISED
IN COUNT I MOOT, PETITION WITH RESPECT TO COUNT I DISMISSED. —
Where the petitioners challenged the sufficiency of the proposal
under Amendment 7 to the Constitution based on the initiative peti-
tion, specifically, the validity of a number of the signatures thereon
("Count I"), and the ballot title ("Count II"), and on that basis, the
case was severed into two parts, corresponding to Count I and
Count II, to be separately submitted to this court, and, after sub-
mission of Count II an opinion was delivered on October 14, 1994
granting the petition which thereby rendered the issues presented
by Count I moot; the petition with respect to Count I of the case
was, therefore, dismissed.

Petition dismissed in part.

Robert S. Shafer, for petitioners.

Winston Bryant, Att'y Gen., by: *Melissa Rust*, Asst. Att'y
Gen., for respondent.

PER CURIAM. Petitioners, R. Robert Bailey and Ed H. Smith,
acting individually and on behalf of The Committee to Save
Arkansas Jobs, Inc., and all others similarly situated, filed this
original action petition against W.J. "Bill" McCuen, Secretary
of State. With respect to the proposed amendment to our state Con-
stitution ("Constitution") known by the popular name "An Amend-
ment to the Arkansas Constitution to Restructure the Workers'
Compensation Commission and Revise Workers' Compensation
in Law," petitioners sought an order invalidating the proposal,
removing it from the November 8, 1994 general election ballot,
and directing that any votes cast on the proposal not be counted.
Intervenor, Committee For A Safe Workplace, sponsored the ini-
tiative petition.

[1] Petitioners challenged the sufficiency of the proposal under Amendment 7 to the Constitution based on the initiative petition, specifically, the validity of a number of the signatures thereon ("Count I"), and the ballot title ("Count II"). On that basis, this case was severed into two parts, corresponding to Count I and Count II, to be separately submitted to this court. *Bailey v. McCuen*, 318 Ark. 49, 884 S.W.2d 937 (1994). After submission of Count II of this case, we delivered our opinion on October 14, 1994 granting the petition. *Bailey v. McCuen*, 318 Ark. 277, 884 S.W.2d 938 (1994). In consequence, the issues presented by Count I of this case are rendered moot, and the petition with respect to Count I of the case is, therefore, dismissed.
