

Paul SCHLAF and Scott Harford v. Frank GILBERT and Sharon
Priest, Secretary of State of the State of Arkansas

96-1037

930 S.W.2d 384

Supreme Court of Arkansas
Opinion delivered October 28, 1996

ELECTIONS — ORIGINAL ACTION — SECOND ACTION DISMISSED AS MOOT.

— Where the supreme court had ordered, in the first of two original actions challenging proposed Amendment 9, that the proposed amendment not be placed on the ballot, or, alternatively, that the results of the vote on the proposal not be certified, the second original action became moot and, accordingly, was dismissed.

Original Action; dismissed.

Oscar Stilley, for petitioners.

Kelly Law Firm, PLC, by: *A.J. Kelly*, for respondents.

[1] PER CURIAM. This is the second of two original actions challenging proposed Amendment 9. On October 21, 1996, this court handed down its opinion in the first case. In that opinion, we held that proposed Amendment 9 was violative of the amendment process provided by Article V of the United States Constitution and, consequently, exceeded the scope of the powers reserved to the people in Amendment 7 of the Arkansas Constitution. We ordered that proposed Amendment 9 not be placed on the ballot, or, alternatively, that the results of the vote on the proposal not be certified. *Donovan v. Priest*, No. 96-1120 (Ark. Oct. 21, 1996). As a result, this second case has become moot, and, accordingly, we dismiss it.
