

**Stricken language would be deleted from and underlined language would be added to the Arkansas
Constitution.**

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019

HJR 1024

4
5 By: Representative Eubanks
6 By: Senator K. Ingram

HOUSE JOINT RESOLUTION

7
8
9 AN AMENDMENT TO THE ARKANSAS CONSTITUTION CONCERNING
10 THE PROCESS FOR CIRCULATING, SUBMITTING, AND
11 CHALLENGING THE SUFFICIENCY OF INITIATED MEASURES
12 UNDER ARKANSAS CONSTITUTION, ARTICLE 5, § 1, AND
13 CONSTITUTIONAL AMENDMENTS PROPOSED BY THE GENERAL
14 ASSEMBLY.

Subtitle

15
16
17
18 CONCERNING THE PROCESS FOR CIRCULATING,
19 SUBMITTING, AND CHALLENGING THE
20 SUFFICIENCY OF INITIATED MEASURES UNDER
21 ARKANSAS CONSTITUTION, ARTICLE 5, § 1,
22 AND CONSTITUTIONAL AMENDMENTS PROPOSED BY
23 THE GENERAL ASSEMBLY.

24
25
26 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SECOND GENERAL
27 ASSEMBLY OF THE STATE OF ARKANSAS, AND BY THE SENATE, A MAJORITY OF ALL
28 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

29
30 THAT the following is proposed as an amendment to the Constitution of
31 the State of Arkansas, and upon being submitted to the electors of the state
32 for approval or rejection at the next general election for Representatives
33 and Senators, if a majority of the electors voting thereon at the election
34 adopt the amendment, the amendment shall become a part of the Constitution of
35 the State of Arkansas, to wit:



1 SECTION 1. The subsection of Arkansas Constitution, Article 5, § 1,
2 titled "Initiative", is amended to read as follows:

3 Initiative. The first power reserved by the people is the initiative.
4 ~~Eight per-cent~~ percent (8%) of the legal voters may propose any law and ten
5 ~~per-cent~~ percent (10%) may propose a constitutional amendment by initiative
6 petition and every such petition shall include the full text of the measure
7 so proposed. Initiative petitions for state-wide measures shall be filed
8 with the Secretary of State ~~not less~~ no later than ~~four months~~ January 15
9 ~~before~~ of the year of the election at which they are to be voted upon;
10 provided, that at least thirty (30) days before the aforementioned filing,
11 the proposed measure shall have been published once, at the expense of the
12 petitioners, in some paper of general circulation.

13
14 SECTION 2. The subsection of Arkansas Constitution, Article 5, § 1,
15 titled "Verification", is amended to read as follows:

16 Verification. Initiative petitions shall not be circulated more than
17 two (2) years before the election at which they are to be voted upon.
18 Only legal votes shall be counted upon petitions. Petitions may be
19 circulated and presented in parts, but each part of any petition shall have
20 attached thereto the affidavit of the person circulating the same, that all
21 signatures thereon were made in the presence of the affiant, and that to the
22 best of the affiant's knowledge and belief each signature is genuine, and
23 that the person signing is a legal voter and no other affidavit or
24 verification shall be required to establish the genuineness of such
25 signatures.

26
27 SECTION 3. The subsection of Arkansas Constitution, Article 5, § 1,
28 titled "Court Decisions", is amended to read as follows:

29 Court Decisions. If the sufficiency of any petition is challenged such
30 cause shall be a preference cause and shall be tried at once~~r~~. A challenge
31 to the sufficiency of a state-wide initiative petition shall be filed no
32 later than March 1 of the year of the general election at which it shall be
33 voted upon and shall be resolved by the court no later than July 1 of the
34 year of the general election at which it shall be voted upon. ~~but the~~ The
35 failure of the courts to decide prior to the election as to the sufficiency
36 of any ~~such~~ petition, shall not prevent the question from being placed upon

1 the ballot at the election named in such petition, nor militate against the
2 validity of such measure, if it shall have been approved by a vote of the
3 people.

4
5 SECTION 4. Arkansas Constitution, Article 5, § 1, is amended to add an
6 additional subsections to read as follows:

7 EXTENSION OF TIME. If a deadline under this section occurs on a
8 Saturday, Sunday, or legal holiday, the deadline shall be the next day which
9 is not a Saturday, Sunday, or legal holiday.

10 AMENDMENTS TO THIS SECTION BY THE GENERAL ASSEMBLY. The General
11 Assembly, in the same manner as required for amendment or repeal of measures
12 approved by a vote of the people, may amend this section so long as such
13 amendments are germane to this section and consistent with its policy and
14 purposes.

15
16 SECTION 5. Arkansas Constitution, Article 19, § 22, is amended to read
17 as follows:

18 § 22. Constitutional amendments.

19 Either branch of the General Assembly, at a regular session thereof,
20 may propose amendments to this Constitution; and if the same be agreed to by
21 a majority of all members elected to each house, such proposed amendments
22 shall be entered on the journals with the yeas and nays, and published in at
23 least one (1) newspaper in each county, where a newspaper is published, for
24 six (6) months immediately preceding the next general election for Senators
25 and Representatives, at which time the same shall be submitted to the
26 electors of the State, for approval or rejection; and if a majority of the
27 electors voting at such election adopt such amendments, the same shall become
28 a part of this Constitution. But no more than three (3) amendments shall be
29 proposed or submitted at the same time. They shall be so submitted as to
30 enable the electors to vote on each amendment separately. The sufficiency of
31 a proposed amendment under this section shall be decided by the Supreme
32 Court, which shall have original and exclusive jurisdiction over all such
33 causes. If the sufficiency of a proposed amendment is challenged, the
34 challenge shall be a preference cause and shall be tried at once. The
35 failure of the Supreme Court to decide prior to the election as to the
36 sufficiency of any such petition, shall not prevent the question from being

1 placed upon the ballot at the election named in such petition, nor militate
2 against the validity of such measure, if it shall have been approved by a
3 vote of the people.
4

5 SECTION 6. Arkansas Constitution, Amendment 70, § 2, is amended to
6 read as follows:

7 § 2. Additional Constitutional amendments authorized.

8 (a) In addition to the three (3) amendments to ~~the~~ this Constitution
9 allowed pursuant to Article 19, § 22, either branch of the General Assembly
10 at a regular session thereof may propose an amendment to ~~the~~ this
11 Constitution to change the salaries for the offices of Governor, Lieutenant
12 Governor, Attorney General, Secretary of State, Treasurer of State,
13 Commissioner of State Lands, and Auditor of State and for members of the
14 General Assembly. ~~If the same be agreed to by a majority of all members~~
15 ~~elected to each house, such proposed amendment shall be entered on the~~
16 ~~journals with the yeas and nays, and published in at least one newspaper in~~
17 ~~each county, where a newspaper is published, for six months immediately~~
18 ~~preceding the next general election for Senators and Representatives, at~~
19 ~~which time the same shall be submitted to the electors of the State for~~
20 ~~approval or rejection. If a majority of the electors voting at such election~~
21 ~~adopt the amendment the same shall become a part of this Constitution.~~

22 (b) Only one (1) amendment to ~~the~~ this Constitution may be referred
23 pursuant to this section.

24 (c) An amendment proposed under the authority of this section shall
25 comply with the requirements of Article 19, § 22, of this Constitution.
26

27 SECTION 7. EFFECTIVE DATE. This amendment shall be effective on and
28 after January 1, 2021.
29

30 SECTION 8. BALLOT TITLE AND POPULAR NAME. When this proposed
31 amendment is submitted to the electors of this state on the general election
32 ballot:

33 (1) The title of this Joint Resolution shall be the ballot
34 title; and

35 (2) The popular name shall be "An Amendment to the Arkansas
36 Constitution Concerning the Process for Circulating, Submitting, and

1 Challenging the Sufficiency of Initiated Measures under Arkansas
2 Constitution, Article 5, § 1, and Constitutional Amendments Proposed by the
3 General Assembly".

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36