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

State of Arkansas
87th General Assembly
Regular Session, 2009
By: Representative Carroll

HOUSE JOINT RESOLUTION
AMENDING THE ARKANSAS CONSTITUTION TO REPEAL THE PROHIBITION AGAINST AN ATHEIST HOLDING ANY OFFICE IN THE CIVIL DEPARTMENTS OF THE STATE OF ARKANSAS OR TESTIFYING AS A WITNESS IN ANY COURT.

Subtitle
AMENDING THE ARKANSAS CONSTITUTION TO REPEAL THE PROHIBITION AGAINST AN ATHEIST HOLDING ANY OFFICE IN THE CIVIL DEPARTMENTS OF THE STATE OF ARKANSAS OR TESTIFYING AS A WITNESS IN ANY COURT.

WHEREAS, the First Amendment of the United States Constitution declares that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; and

WHEREAS, Article 19 Section 1 of the Arkansas Constitution denies a state office or the ability to testify in court to a person who denies the being of a God; and

WHEREAS, in Flora v. White, 692 F.2d 53 (8th Cir. 1982), the United States Eighth Circuit Court of Appeals suggested in a footnote that Article 19, Section 1 was unconstitutional under the principles of law enumerated in Torcaso v. Watkins, 367 U.S. 488 (1961); and

WHEREAS, Arkansas Attorney General Opinion 1992-164 likewise theorized that Article 19, Section 1 would most likely be declared unconstitutional.
upon an appropriate challenge,

NOW THEREFORE,
BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-SEVENTH GENERAL
ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL
MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

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

SECTION 1. Article 19, Section 1 of the Arkansas Constitution is
repealed.

§ 1. Atheists disqualified from holding office or testifying as
witness.

No person who denies the being of a God shall hold any office in the
civil departments of this State, nor be competent to testify as a witness in
any Court.