

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

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017

HJR 1013

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5 By: Representative Ballinger
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7 **HOUSE JOINT RESOLUTION**

8 AN AMENDMENT TO THE ARKANSAS CONSTITUTION REVISING
9 THE PROCESS FOR SUBMITTING PROPOSED MEASURES AND
10 CONSTITUTIONAL AMENDMENTS TO VOTERS FOR APPROVAL OR
11 REJECTION.
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14 **Subtitle**

15 AN AMENDMENT TO THE ARKANSAS CONSTITUTION
16 REVISING THE PROCESS FOR SUBMITTING
17 PROPOSED MEASURES AND CONSTITUTIONAL
18 AMENDMENTS TO VOTERS FOR APPROVAL OR
19 REJECTION.
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22 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIRST GENERAL
23 ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL
24 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:
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26 That the following is proposed as an amendment to the Constitution of
27 the State of Arkansas, and upon being submitted to the electors of the state
28 for approval or rejection at the next general election for Representatives
29 and Senators, if a majority of the electors voting thereon at the election
30 adopt the amendment, the amendment shall become a part of the Constitution of
31 the State of Arkansas, to wit:
32

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

35 Initiative. The first power reserved by the people is the initiative.
36 Eight per cent of the legal voters may propose any law and ten per cent may



1 propose a constitutional amendment by initiative petition and every such
2 petition shall include the full text of the measure so proposed. Initiative
3 petitions for state-wide measures shall be filed with the Secretary of State
4 not less than ~~four months~~ one hundred eighty days before the election at
5 which they are to be voted upon; provided, that at least thirty days before
6 the aforementioned filing, the proposed measure shall have been published
7 once, at the expense of the petitioners, in some paper of general
8 circulation.

9
10 SECTION 2. The subdivision of Arkansas Constitution, Article 5, § 1,
11 titled "Local for Municipalities and Counties" is amended to read as follows:

12 Local for Municipalities and Counties. The initiative and referendum
13 powers of the people are hereby further reserved to the legal voters of each
14 municipality and county as to all local, special and municipal legislation of
15 every character in and for their respective municipalities and counties, but
16 no local legislation shall be enacted contrary to the Constitution or any
17 general law of the State, and any general law shall have the effect of
18 repealing any local legislation which is in conflict therewith.

19 Municipalities may provide for the exercise of the initiative and
20 referendum as to their local legislation. General laws shall be enacted
21 providing for the exercise of the initiative and referendum as to counties
22 and municipalities. Fifteen per cent of the legal voters of any municipality
23 or county may order the referendum, or invoke the initiative upon any local
24 measure. In municipalities the number of signatures required upon any
25 petition shall be computed upon the total vote cast for the office of mayor
26 at the last preceding general election; in counties upon the office of
27 circuit clerk. In municipalities and counties the time for filing an
28 initiative petition shall not be fixed by the General Assembly at less than
29 sixty days nor more than ninety days before the election at which it is to be
30 voted upon; ~~for the time for filing~~ a referendum petition shall not be fixed
31 by the General Assembly at ~~not~~ less than thirty days nor more than ninety
32 days after the passage of such measure by a municipal council, ~~nor, or less~~
33 than ninety days when filed against a local or special measure passed by the
34 General Assembly.

35 Every extension, enlargement, grant, or conveyance of a franchise or
36 any rights, property, easement, lease, or occupation of or in any road,

1 street, alley or any part thereof in real property or interest in real
2 property owned by municipalities, exceeding in value three hundred dollars,
3 whether the same be by statute, ordinance, resolution, or otherwise, shall be
4 subject to referendum and shall not be subject to emergency legislation.

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6 SECTION 3. The subdivision of Arkansas Constitution, Article 5, § 1,
7 titled "Title" is amended to read as follows:

8 Title. At the time of filing petitions the exact title to be used on
9 the ballot shall by the petitioners be submitted with the petition, and on
10 state-wide measures, shall be submitted to the State Board of Election
11 Commissioners, who shall certify such title to the Secretary of State, to be
12 placed upon the ballot; on county and municipal measures such title shall be
13 submitted to the county election board and shall by said board be placed upon
14 the ballot in such county or municipal election. A challenge to the
15 sufficiency of the title to be used on the ballot shall be made not later
16 than sixty days after the filing of the petition under this section.

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18 SECTION 4. The subdivision of Arkansas Constitution, Article 5, § 1,
19 titled "Verification" is amended to read as follows:

20 Verification. Only legal votes shall be counted upon petitions.
21 Petitions may be circulated and presented in parts, but each part of any
22 petition shall have attached thereto the affidavit of the person circulating
23 the same, that all signatures thereon were made in the presence of the
24 affiant, and that to the best of the affiant's knowledge and belief each
25 signature is genuine, and that the person signing is a legal voter and no
26 other affidavit or verification shall be required to establish the
27 genuineness of such signatures. A challenge to the sufficiency of the
28 signatures submitted in support of a petition shall be made not later than
29 sixty days after the filing of the petition under this section.

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31 SECTION 5. BALLOT TITLE AND POPULAR NAME. When this proposed
32 amendment is submitted to the electors of this state on the general election
33 ballot:

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

36 (2) The popular name shall be "An Amendment to the Arkansas

1 Constitution Revising the Process for Submitting Proposed Measures and
2 Constitutional Amendments to Voters for Approval or Rejection".

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