

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

1 State of Arkansas *As Engrossed: S2/20/17*

2 91st General Assembly

3 Regular Session, 2017

SJR 10

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5 By: Senator Collins-Smith

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SENATE JOINT RESOLUTION

8

AMENDING THE ARKANSAS CONSTITUTION CONCERNING LAWS

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AND CONSTITUTIONAL AMENDMENTS SUBMITTED TO THE

10

CITIZENS OF THE STATE OF ARKANSAS AT AN ELECTION;

11

REVISING THE PROCESS FOR THE GENERAL ASSEMBLY TO

12

SUBMIT PROPOSED AMENDMENTS TO THE ARKANSAS

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CONSTITUTION TO THE CITIZENS OF THE STATE AT A

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GENERAL ELECTION; AMENDING ARKANSAS CONSTITUTION,

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ARTICLE 5, § 1, CONCERNING CHALLENGES TO THE

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SUFFICIENCY OF INITIATIVE AND REFERENDUM PETITIONS;

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PROVIDING THAT A CONSTITUTIONAL AMENDMENT INITIATED

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BY CITIZENS OF THE STATE OF ARKANSAS OR PROPOSED BY

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THE GENERAL ASSEMBLY SHALL BE ADDED TO THE

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CONSTITUTION WHEN APPROVED BY THREE-FIFTHS (3/5) OF

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THE VOTES CAST UPON THE AMENDMENT; AND PROHIBITING AN

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AMENDMENT TO THE ARKANSAS CONSTITUTION FROM BESTOWING

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POWERS, PRIVILEGES, OR AUTHORITY TO A SPECIFIC

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INDIVIDUAL OR BUSINESS ENTITY IDENTIFIED BY NAME.

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Subtitle

28

AMENDING THE ARKANSAS CONSTITUTION

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CONCERNING LAWS AND CONSTITUTIONAL

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AMENDMENTS SUBMITTED TO THE CITIZENS OF

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THE STATE OF ARKANSAS AT AN ELECTION.

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BE IT RESOLVED BY THE SENATE OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE

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STATE OF ARKANSAS AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL

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MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:



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

8
9 *SECTION 1. The subdivision of Arkansas Constitution, Article 5, § 1,*
10 *titled "Majority", is amended to read as follows:*

11 *Majority. (a)(1) ~~Any~~ Except as provided in subdivision (a)(2) of this*
12 *section, any measure submitted to the people as herein provided shall take*
13 *effect and become a law when approved by a majority of the votes cast upon*
14 *such measure, and not otherwise, and shall not be required to receive a*
15 *majority of the electors voting at such election.*

16 *(2) An amendment to the Arkansas Constitution submitted to the*
17 *people as herein provided shall take effect and become part of the Arkansas*
18 *Constitution when approved by three-fifths (3/5) of the votes cast upon such*
19 *measure, and not otherwise, and shall not be required to receive a majority*
20 *of the electors voting at such election.*

21 *(b) Such measures shall be operative on and after the thirtieth day*
22 *after the election at which it is approved, unless otherwise specified in the*
23 *Act.*

24 *(c) This section shall not be construed to deprive any member of the*
25 *General Assembly of the right to introduce any measure, but no measure shall*
26 *be submitted to the people by the General Assembly, except a proposed*
27 *constitutional amendment or amendments as provided for in this Constitution.*

28
29 *SECTION 2. The section of Arkansas Constitution, Article 5, § 1,*
30 *titled "Conflicting Measures" is amended to read as follows:*

31 *Conflicting Measures. If conflicting measures initiated or*
32 *referred to the people shall be approved by ~~a majority~~ the necessary number*
33 *of the votes severally cast for and against the same at the same election,*
34 *the one receiving the highest number of affirmative votes shall become law.*

35
36 *SECTION 3. The subdivision of Arkansas Constitution, Article 5, § 1,*

1 titled "Title" is amended to read as follows:

2 Title. At the time of filing petitions the exact title to be used on
3 the ballot shall by the petitioners be submitted with the petition, and on
4 state-wide measures, shall be submitted to the State Board of Election
5 Commissioners, who shall certify such title to the Secretary of State, to be
6 placed upon the ballot; on county and municipal measures such title shall be
7 submitted to the county election board and shall by said board be placed upon
8 the ballot in such county or municipal election. A challenge to the
9 sufficiency of the title to be used on the ballot shall be made not later
10 than sixty (60) days after the filing of the petition under this amendment.

11
12 SECTION 4. The subdivision of Arkansas Constitution, Article 5, § 1,
13 titled "Verification" is amended to read as follows:

14 Verification. Only legal votes shall be counted upon petitions.
15 Petitions may be circulated and presented in parts, but each part of any
16 petition shall have attached thereto the affidavit of the person circulating
17 the same, that all signatures thereon were made in the presence of the
18 affiant, and that to the best of the affiant's knowledge and belief each
19 signature is genuine, and that the person signing is a legal voter and no
20 other affidavit or verification shall be required to establish the
21 genuineness of such signatures. A challenge to the sufficiency of the
22 signatures submitted in support of a petition shall be made not later than
23 sixty (60) days after the filing of the petition under this amendment.

24
25 SECTION 5. Arkansas Constitution, Article 19, § 22, is amended to read
26 as follows:

27 § 22. Constitutional amendments.

28 ~~Either branch of the General Assembly, at a regular session thereof,~~
29 ~~may propose amendments to this Constitution; and if the same be agreed to by~~
30 ~~a majority of all members elected to each house, such proposed amendments~~
31 ~~shall be entered on the journals with the yeas and nays, and published in at~~
32 ~~least one newspaper in each county, where a newspaper is published, for six~~
33 ~~months immediately preceding the next general election for Senators and~~
34 ~~Representatives, at which time the same shall be submitted to the electors of~~
35 ~~the State, for approval or rejection; and if a majority of the electors~~
36 ~~voting at such election adopt such amendments, the same shall become a part~~

1 ~~of this Constitution. But no more than three amendments shall be proposed or~~
2 ~~submitted at the same time. They shall be so submitted as to enable the~~
3 ~~electors to vote on each amendment separately.~~

4 (a)(1) Either house of the General Assembly may propose amendments to
5 this Constitution at a regular session in the form of a joint resolution.

6 (2) A joint resolution proposing an amendment to this
7 Constitution shall be read in full on three (3) days in each house of the
8 General Assembly unless the rules are suspended by a two-thirds vote of each
9 house, in which case the joint resolution may be read a second or third time
10 on the same day.

11 (3) On the final passage of the proposed amendment through each
12 house, the vote shall be taken by yeas and nays and the names of the persons
13 voting for and against the joint resolution shall be entered on the journal.

14 (4) A proposed amendment shall not be submitted to the electors
15 of the state for approval or rejection unless it receives a two-thirds vote
16 of each house of the General Assembly.

17 (5)(A) Except as provided in Amendment 70, § 2, of this
18 Constitution, the General Assembly shall not submit more than three (3)
19 proposed amendments at a general election.

20 (B) Proposed amendments under this section shall be
21 submitted as to enable the electors to vote on each amendment separately.

22 (b) A joint resolution proposing an amendment to this Constitution
23 that receives an affirmative vote of each house of the General Assembly shall
24 be submitted to the electors of the state for approval or rejection at the
25 next general election.

26 (c)(1) The General Assembly shall designate in the joint resolution
27 proposing an amendment to this Constitution the ballot title and popular name
28 that shall appear on the general election ballot.

29 (2) The ballot title and popular name designated in the joint
30 resolution shall be an impartial summary of the proposed amendment that
31 briefly and concisely gives voters a fair understanding of the:

32 (A) Purpose of the proposed amendment to this
33 Constitution;

34 (B) Issues presented by the proposed amendment to this
35 Constitution; and

36 (C) Scope and significance of the proposed amendment to

1 this Constitution.

2 (3)(A) Within thirty (30) days of the adoption of a joint
3 resolution proposing an amendment to this Constitution by the General
4 Assembly, the Attorney General shall:

5 (i) Review the ballot title and popular name
6 designated in the joint resolution; and

7 (ii) Certify the ballot title and popular name for
8 inclusion on the ballot at the next general election if the Attorney General
9 determines that the ballot title and popular name satisfy subdivision (c)(2)
10 of this section.

11 (B) If the Attorney General believes after his or her
12 review that the ballot title or popular name, or both, do not satisfy
13 subdivision (c)(2) of this section, the Attorney General shall substitute and
14 certify a ballot title or popular name, or both, that satisfy subdivision
15 (c)(2) of this section.

16 (d)(1) An elector of the state who believes that the ballot title or
17 popular name, or both, of a proposed amendment submitted under this section
18 does not satisfy subdivision (c)(2) of this section may by petition apply to
19 the Supreme Court for proper relief.

20 (2) A petition for proper relief under subdivision (d)(1) of
21 this section shall be made not later than sixty (60) days after the:

22 (A) Certification by the Attorney General of the ballot
23 title and popular name designated in the joint resolution under subdivision
24 (c)(3) of this section; or

25 (B) Substitution and certification of a ballot title or
26 popular name, or both, by the Attorney General under subdivision (c)(3) of
27 this section.

28 (e) If an amendment to this Constitution proposed by the General
29 Assembly meets the requirements of this section, the proposed amendment and
30 its ballot title and popular name shall be published as provided by law.

31 (f) If at least three-fifths (3/5) of the electors voting on the
32 amendment at the general election approve the amendment, the amendment shall
33 become part of this Constitution.

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

1 § 2. Additional Constitutional amendments authorized.

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

16 (b) Only one amendment to ~~the~~ this Constitution may be referred
 17 pursuant to this section.

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

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 21 SECTION 7. The Arkansas Constitution is amended to add a new amendment
 22 to read as follows:

23 (a) An amendment to this Constitution shall not specifically bestow
 24 powers, privileges, or authority to:

25 (1) A specific individual identified by his or her name; or

26 (2) A private business entity identified by name, including
 27 without limitation a private corporation identified by name.

28 (b) Subsection (a) of this amendment shall supersede a subsequent
 29 amendment to this Constitution that specifically bestows powers, privileges,
 30 or authority to:

31 (1) A specific individual identified by his or her name; or

32 (2) A private business entity identified by name, including
 33 without limitation a private corporation identified by name.

34
 35 SECTION 8. BALLOT TITLE AND POPULAR NAME. When this proposed
 36 amendment is submitted to the electors of this state on the general election

1 ballot:

2 (1) The title of this joint resolution shall be the ballot
3 title; and

4 (2) The popular name shall be "An Amendment to the Arkansas
5 Constitution Concerning Laws and Constitutional Amendments Submitted to the
6 Citizens of the State of Arkansas at an Election".

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/s/Collins-Smith

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