

ARKANSAS SENATE
92nd General Assembly - Regular Session, 2019
Amendment Form

Subtitle of Senate Joint Resolution No. 4

TO AMEND THE ARKANSAS CONSTITUTION CONCERNING THE REQUIREMENTS GOVERNING
CIRCULATION, SUBMISSION, AND CHALLENGES TO THE SUFFICIENCY OF INITIATIVES AND
CONSTITUTIONAL AMENDMENTS PROPOSED BY THE GENERAL ASSEMBLY.

Amendment No. 5 to Senate Joint Resolution 4

Amend Senate Joint Resolution No. 4 as engrossed, S3/18/19 (version: 03/18/2019 09:50:09 AM)

Delete SECTION 2 in its entirety and substitute the following:

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

Initiative. The first power reserved by the people is the initiative. Eight ~~per cent~~ percent (8%) of the legal voters may propose any law and ten ~~per cent~~ percent (10%) may propose a constitutional amendment by initiative petition and every such petition shall include the full text of the measure so proposed. Initiative petitions for ~~state-wide~~ statewide measures shall be filed with the Secretary of State ~~not less~~ no later than ~~four months before~~ March 1 of the year of the election at which they are to be voted upon; provided, that at least thirty (30) days before the aforementioned filing, the proposed statewide measure shall have been published once, at the expense of the petitioners, in some paper of general circulation."

AND

Delete SECTION 3 in its entirety and substitute the following:

"SECTION 3. The subsection of Arkansas Constitution, Article 5, § 1, titled "Referendum", is amended to read as follows:

Referendum. (a) The second power reserved by the people is the



referendum, and any number not less than six ~~per cent~~ percent (6%) of the legal voters may, by petition, order the referendum against any general Act, or any item of an appropriation bill, or measure passed by the General Assembly, but the filing of a referendum petition against one (1) or more items, sections or parts of any such act or measure shall not delay the remainder from becoming operative. Such petition shall be filed with the Secretary of State not later than ninety (90) days after the final adjournment of the session at which such Act was passed, except when a recess or adjournment shall be taken temporarily for a longer period than ninety (90) days, in which case such petition shall be filed not later than ninety (90) days after such recess or temporary adjournment. Any measure referred to the people by referendum petition shall remain in abeyance until such vote is taken. The total number of votes cast for the office of Governor in the last preceding general election shall be the basis upon which the number of signatures of legal voters upon ~~state-wide~~ statewide initiative and referendum petitions shall be computed.

(b)(1) Upon ~~Upon~~ Except as provided in subdivision (b)(2) of this subsection, upon all statewide initiative or referendum petitions provided for in any of the ~~sections~~ subsections of this ~~article~~ section, it shall be necessary to file from at least fifteen (15) of the counties of the State, petitions bearing the signature of not less than one-half (1/2) of the designated percentage of the electors of such county.

(2)(A) For a constitutional amendment proposed under this section, it shall be necessary to file petitions bearing the signature of not less than one-half (1/2) of the designated percentage of the electors of at least one-fourth (1/4) of the counties in each congressional district.

(B) In calculating the number of counties representing one-fourth (1/4) of the counties within a congressional district, the number shall be rounded up to the nearest whole number."

AND

Delete SECTION 9 in its entirety and substitute the following:

"SECTION 9. The subsection of Arkansas Constitution, Article 5, § 1, titled "Court Decisions", is amended to read as follows:

Court Decisions. If the sufficiency of any petition is challenged such

cause shall be a preference cause and shall be tried at once⁷. A challenge to the sufficiency of a statewide initiative petition shall be filed no later than thirty (30) days after the determination of the sufficiency of the petition. ~~but the~~ The failure of the courts to decide prior to the election as to the sufficiency of any ~~such~~ petition, shall not prevent the question from being placed upon the ballot at the election named in such petition, nor militate against the validity of such measure, if it shall have been approved by a vote of the people."

AND

Delete SECTION 11 of the amendment in its entirety and substitute the following:

"SECTION 11. The subsection of Arkansas Constitution, Article 5, § 1, titled "Unwarranted Restrictions Prohibited", is amended to read as follows:

Unwarranted Restrictions Prohibited. (a) No law shall be passed to prohibit any person or persons from giving or receiving compensation for circulating petitions, nor to prohibit the circulation of petitions, nor in any manner interfering or to interfere in any manner with the freedom of the people in procuring petitions⁷.

(b) but laws Laws shall be enacted prohibiting and penalizing perjury, forgery, and all other felonies or other fraudulent practices, in the securing of signatures or filing of petitions.

(c) The General Assembly may enact laws necessary for the implementation of this section, including without limitation laws concerning the:

(1) Submission of measures to the electors of this state;

(2) Regulation of individuals involved in the process of the submission and circulation of petitions under this section, including without limitation individuals who:

(A) Sponsor a measure for approval and compensate individuals to canvas for petition signatures;

(B) Canvass for petition signatures; or

(C) Receive any type of compensation to canvass for petition signatures, including without limitation laws prohibiting compensating canvassers for petition signatures; and

(3) Regulation of organizations that compensate canvassers for petition signatures or otherwise provide services to the sponsor of a petition."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator K. Ingram

MBM/KFW - 04-03-2019 13:24:32

MBM239

Secretary