

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001

As Engrossed: H3/22/01 H3/27/01

HJR 1008

4
5 By: Representative Ormond
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8 HOUSE JOINT RESOLUTION

9 PROPOSING A CONSTITUTIONAL AMENDMENT TO CHANGE
10 THE NUMBER OF SIGNATURES REQUIRED ON INITIATIVE
11 AND REFERENDUM PETITIONS; TO CHANGE THE PROCESS
12 FOR REVIEW OF INITIATIVE AND REFERENDUM PETITIONS
13 BY THE ATTORNEY GENERAL, THE SUPREME COURT AND
14 THE SECRETARY OF STATE; AND FOR OTHER PURPOSES.

15 16 Subtitle

17 PROPOSING A CONSTITUTIONAL AMENDMENT TO
18 CHANGE VARIOUS PROVISIONS OF AMENDMENT
19 7.
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22 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-THIRD GENERAL
23 ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL MEMBERS
24 ELECTED TO EACH HOUSE AGREEING THERETO:
25

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

32
33 Amend. 7. Initiative and Referendum

34 SECTION 1. The legislative power of the people of this State shall be
35 vested in a General Assembly, which shall consist of the Senate and House of
36 Representatives, but the people reserve to themselves the power to propose

1 legislative measures, laws and amendments to the Constitution, and to enact or
 2 eject the same at the polls independent of the General Assembly; and also
 3 reserve the power, at their own option, to approve or reject at the polls any
 4 entire act or any item of an appropriation bill.

6 State Wide Petitions

7 SECTION 2. Initiative - The first power reserved by the people is the
 8 initiative. ~~Eight per cent of the~~ Twenty thousand (20,000) legal voters may
 9 propose any law and ~~ten per cent~~ twenty thousand (20,000) may propose a
 10 Constitutional Amendment by initiative petition, and every such petition shall
 11 include the full text of the measure so proposed. Initiative petitions for
 12 State-wide measures shall be filed with the Secretary of State not less than
 13 four months before the election at which they are to be voted upon; provided,
 14 that at least thirty days before the aforementioned filing, the proposed
 15 measure shall have been published once, at the expense of the petitioners, in
 16 some paper of general circulation. Initiative petitions for State-wide
 17 measures shall be filed with the Attorney General no more than two (2) years
 18 and no less than one (1) year before the election at which they are to be
 19 voted upon. Upon filing a state-wide petition, the petitioner shall pay to
 20 the Attorney General a fee to be established by the General Assembly.

21
 22 SECTION 3. Referendum - The second power reserved by the people is the
 23 referendum, ~~and any number not less than six per cent of the~~ Twenty thousand
 24 (20,000) legal voters may, by petition, order the referendum against any
 25 general act, or any item of an appropriation bill, or measure passed by the
 26 General Assembly, but the filing of a referendum petition against one or more
 27 items, sections or parts of any such act or measure shall not delay the
 28 remainder from becoming operative. Such petition shall be filed with the
 29 Secretary of State not later than ninety days after the final adjournment of
 30 the session at which such act was passed, except when a recess or adjournment
 31 shall be taken temporarily for a longer period than ninety days, in which case
 32 such petition shall be filed not later than ninety days after such recess or
 33 temporary adjournment. Any measure referred to the people by referendum
 34 petition shall remain in abeyance until such vote is taken. ~~The total number~~
 35 ~~of votes cast for the office of Governor in the last preceding general~~
 36 ~~election shall be the basis upon which the number of signatures of legal~~

1 petitioner be submitted with the petition, ~~and on State-wide measures, shall~~
2 ~~be submitted to the State Board of Election Commissioners~~ Attorney General,
3 who shall certify such title to the Secretary of State, to be placed upon the
4 ballot.

5 (b) At the time of filing petitions with the County Clerk on county and
6 municipal measures such title shall be submitted to the County Election Board
7 and shall by said board be placed upon the ballot in such county or municipal
8 election.

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10 SECTION 19. Limitation - No limitation shall be placed upon the number
11 of constitutional amendments, laws, or other measures which may be proposed
12 and submitted to the people by either initiative or referendum petition as
13 provided in this section. No petition shall be held invalid if it shall
14 contain a greater number of signatures than required herein.

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16 SECTION 20. Verification - Only legal votes shall be counted upon
17 petitions. Petitions may be circulated and presented in parts, but each part
18 of any petition shall have attached thereto, the affidavit of the persons
19 circulating the same, that all signatures thereon were made in the presence of
20 the affiant, and that to the best of the affiant's knowledge and belief each
21 signature is genuine, and that the person signing is a legal voter, and no
22 other affidavit or verification shall be required to establish the genuineness
23 of such signatures.

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25 SECTION 21. Sufficiency of Petitions - (a)(1) Within thirty (30)
26 calendar days of receiving a petition on a State-wide measure, the Attorney
27 General shall approve or disapprove the ballot title, popular name and text.

28 (2) If the Attorney General fails to act within thirty (30)
29 calendar days, the ballot title, popular name and text shall be deemed
30 approved.

31 (3) If the Attorney General disapproves of the ballot title,
32 popular name or text, the Attorney General shall correct the ballot title,
33 popular name or text.

34 (b) Within fourteen (14) calendar days after the Attorney General
35 approves a petition, the petitioners shall cause the full text of the petition
36 to be published at least once, at the expense of the petitioners, in some

1 paper of general circulation in this state.

2 (c)(1) Any court challenge to the petition shall be filed directly with
3 the Supreme Court within forty-five (45) calendar days after the first
4 publication of the full text of the petition.

5 (2) The Attorney General shall defend all petitions filed with
6 the Attorney General.

7 (d)(1) The Supreme Court shall issue its decision within sixty (60)
8 calendar days after the court challenge is filed.

9 (2) If the court does not strike the petition within sixty (60)
10 calendar days, the petition is deemed valid and not subject to attack.

11 (3) If within sixty (60) calendar days, the Supreme Court either
12 approves or fails to strike the petition, the petitioner shall file the
13 petition with the Secretary of State and begin soliciting signatures, but in
14 no event may the petition be filed with the Secretary of State less than four
15 (4) months before the election at which they are to be voted upon.

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17 SECTION 22. Sufficiency of Signatures. The sufficiency of signatures
18 on all State-wide initiative petitions shall be decided in the first instance
19 by the Secretary of State. Within thirty (30) calendar days after receiving
20 signed State-wide initiative petitions, the Secretary of State shall determine
21 the sufficiency of the signatures. If the Secretary of State determines the
22 signatures to be insufficient, the petitioner shall be afforded an additional
23 thirty (30) calendar days in which to collect signatures. Determinations
24 concerning the sufficiency of signatures shall be subject to review by the
25 Supreme Court of the State, which shall have original and exclusive
26 jurisdiction over all such causes. The sufficiency of all local petitions
27 shall be decided in the first instance by the county clerk or the city clerk,
28 as the case may be, subject to review by the Chancery Court.

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30 SECTION 23. Court Decisions - If the sufficiency of any petition is
31 challenged such cause shall be a preference cause and shall be tried at once,
32 but the failure of the courts to decide prior to the election as to the
33 sufficiency of any ~~such~~ municipal or county petition shall not prevent the
34 question from being placed upon the ballot at the election named in such
35 petition, nor militate against the validity of such measure, if it shall have
36 been approved by a vote of the people.

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2 SECTION 24. Amendment of Petition - If the Secretary of State, county
3 clerk or city clerk, as the case may be, shall decide any petition to be
4 insufficient, he shall without delay notify the sponsors of such petition, and
5 permit at least thirty days from the date of such notification, in the
6 instance of a State-wide petition, or ten days in the instance of a municipal
7 or county petition, for correction or amendment. In the event of legal
8 proceedings to prevent giving legal effect to any petition upon any grounds,
9 the burden of proof shall be upon the person or persons attacking the validity
10 of the petition.

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12 SECTION 25. Unwarranted Restrictions Prohibited - No law shall be
13 passed to prohibit any person or persons from giving or receiving compensation
14 for circulating petitions, nor to prohibit the circulation of petitions, nor
15 in any manner interfering with the freedom of the people in procuring
16 petitions; but laws shall be enacted prohibiting and penalizing perjury,
17 forgery and all other felonies or other fraudulent practices in the securing
18 of signatures or filing of petitions.

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20 SECTION 26. Publication - All measures submitted to a vote of the
21 people by petition under the provisions of this section shall be published as
22 is now, or hereafter may be provided by law.

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24 SECTION 27. Enacting Clause - The style of all the bills initiated and
25 submitted under the provisions of this section shall be, "Be It Enacted by the
26 People of the State of Arkansas" (municipality, or county as the case may be).
27 In submitting measures to the people, the Secretary of State and all other
28 officials shall be guided by the general election laws or municipal laws, as
29 the case may be, until additional legislation is provided therefor.

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31 SECTION 28. Self-Executing - This section shall be self-executing, and
32 all its provisions shall be treated as mandatory, but laws may be enacted to
33 facilitate its operation. No legislation shall be enacted to restrict, hamper
34 or impair the exercise of the rights herein reserved to the people.

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36 SECTION 29. That this amendment to the Constitution of the State be,

1 and the same shall be in substitution of the Initiative and Referendum
2 Amendment, approved February 19, 1909, as the same appears in the Acts of
3 Arkansas for 1909, on pages 1239 and 1240 of the volume containing the same;
4 and that the said amendment (and the Act of the General Assembly to carry out
5 the same, approved June 30, 1911, so far as the same is in conflict
6 therewith), be and the same are hereby repealed.

7 */s/ Ormond*

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