

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

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015

HJR 1008

4
5 By: Representatives Gates, Brown, Copeland, Lemons, Rushing

6
7 **HOUSE JOINT RESOLUTION**

8 AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO REPEAL
9 REFERENCES TO NEWSPAPER PUBLICATION IN THE ARKANSAS
10 CONSTITUTION; AND TO ALLOW THE GENERAL ASSEMBLY TO
11 DETERMINE THE MANNER OF PUBLISHING NOTICES REQUIRED
12 BY VARIOUS SECTIONS OF THE ARKANSAS CONSTITUTION.

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15 **Subtitle**

16 AN AMENDMENT TO THE ARKANSAS CONSTITUTION
17 TO ALLOW THE GENERAL ASSEMBLY TO
18 DETERMINE THE MANNER OF PUBLISHING
19 NOTICES REQUIRED BY VARIOUS SECTIONS OF
20 THE ARKANSAS CONSTITUTION.

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23 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETIETH GENERAL
24 ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL
25 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

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

33
34 SECTION 1. The subsection of Section 1, Article 5 of the Arkansas
35 Constitution titled Initiative and concerning the right of initiative is
36 amended to read as follows:



1 Initiative. The first power reserved by the people is the initiative.
 2 Eight per cent of the legal voters may propose any law and ten per cent may
 3 propose a constitutional amendment by initiative petition and every such
 4 petition shall include the full text of the measure so proposed. Initiative
 5 petitions for state-wide measures shall be filed with the Secretary of State
 6 not less than four months before the election at which they are to be voted
 7 upon; provided, that at least thirty days before the aforementioned filing,
 8 the proposed measure shall have been published once, ~~at the expense of the~~
 9 ~~petitioners, in some paper of general circulation~~ in a manner provided by law
 10 by the General Assembly.

11
 12 SECTION 2. Article 19, Section 22 of the Arkansas Constitution is
 13 amended to read as follows:

14 § 22. Constitutional amendments.

15 Either branch of the General Assembly, at a regular session thereof,
 16 may propose amendments to this Constitution; and if the same be agreed to by
 17 a majority of all members elected to each house, such proposed amendments
 18 shall be entered on the journals with the yeas and nays, and published in ~~at~~
 19 ~~least one newspaper in each county, where a newspaper is published, for six~~
 20 ~~months immediately preceding the next general election for Senators and~~
 21 ~~Representatives~~ a manner provided by law by the General Assembly, at which
 22 time the same shall be submitted to the electors of the State, for approval
 23 or rejection; and if a majority of the electors voting at such election adopt
 24 such amendments, the same shall become a part of this Constitution. But no
 25 more than three amendments shall be proposed or submitted at the same time.
 26 They shall be so submitted as to enable the electors to vote on each
 27 amendment separately.

28
 29 SECTION 3. Section 2 of Amendment 32 to the Arkansas Constitution is
 30 amended to read as follows:

31 § 2. Result of election – Certification and proclamation – Tax levy.

32 The election commissioners shall certify to the county judge the result
 33 of the vote and if a majority of the qualified electors voting on the
 34 question at such election vote in favor of the specified tax then it shall
 35 thereafter be continually levied and collected as other general taxes of such
 36 county are levied and collected. The result of the election shall be

1 proclaimed by the county judge by publication ~~for one insertion in some~~
 2 ~~newspaper published and having a bona fide circulation in such county in a~~
 3 manner provided by law by the General Assembly. The result so proclaimed
 4 shall be conclusive unless attacked in the courts within thirty days and
 5 after the election it shall not be competent to attack the result thereof on
 6 the ground that any signers of the petition were not qualified electors. The
 7 proceeds of any tax so voted shall upon the settlement of the collecting
 8 officer be paid by the treasurer of the county to the treasurer of such
 9 hospital to be used by such treasurer in the maintenance, operation and
 10 support of such institution; provided that any county where there may be more
 11 than one hospital qualified to receive the proceeds of such tax, the quorum
 12 court at its meeting for the purpose of adopting the county's budget, shall
 13 provide for the apportionment of the proceeds of said tax between the
 14 institutions so qualified according to their respective needs.

15
 16 SECTION 4. Section 3 of Amendment 62 to the Arkansas Constitution is
 17 amended to read as follows:

18 § 3. Sale of bonds – Procedure.

19 The bonds described in Section 2 hereof shall be sold only at public
 20 sale after twenty (20) days advertisement in a ~~newspaper having a bona fide~~
 21 ~~circulation in the municipality or county issuing such bonds~~ manner provided
 22 by law by the General Assembly; provided, however, that the municipality or
 23 county may exchange such bonds for bonds of like amount, rate or interest,
 24 and length of issue.

25
 26 SECTION 5. Section 6 of Amendment 62 to the Arkansas Constitution is
 27 amended to read as follows:

28 § 6. Conduct of elections.

29 The General Assembly may enact laws governing the conduct of elections
 30 authorized by this Amendment. Absent the enactment of such laws, such
 31 elections shall be held, called and conducted in accordance with the laws
 32 governing elections generally. The results of such election shall be
 33 published in a ~~newspaper of general circulation in the county or municipality~~
 34 ~~(as the case may be)~~ manner provided by law by the General Assembly and any
 35 contest of such election or the tabulation of the votes therein shall be
 36 brought within thirty (30) days after such publication or shall be forever

1 barred.

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3 SECTION 6. Section 2 of Amendment 70 to the Arkansas Constitution is
4 amended to read as follows:

5 § 2. Additional Constitutional amendments authorized.

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

22

23 SECTION 7. Subdivisions (4), (5), and (6) of Section 1, Subsection
24 (n), to Amendment 76 of the Arkansas Constitution are amended to read as
25 follows:

26 (4) The Secretary of State, in accordance with subsections (1), (2),
27 and (3) of this subsection shall determine and declare what information, if
28 any, shall appear adjacent to the names of each incumbent state and federal
29 legislator if the incumbent were to be a candidate in the next general
30 election and shall certify such information to the appropriate county clerks
31 and other appropriate voting officials.

32 In the case of United States Representatives and United States
33 Senators, this determination, declaration, and certification shall be made in
34 a fashion necessary to ensure orderly printing of primary and general
35 election ballots with allowance made for all legal action provided in
36 subsections (5), (6) and (7), below, and shall be based upon each

1 Congressional member's actions during their current term of office and any
2 actions taken in any concluded term, if such action was taken after the
3 determination and declaration was made by the Secretary of State previously.

4 In the case of incumbent state legislators, this determination and
5 declaration shall be made not later than thirty (30) days after the end of
6 the regular session following each general election, and shall be based upon
7 legislative action in the previous regular session or any action taken in any
8 special session in the previous four (4) years, but in no event upon any
9 actions taken before the adoption of this amendment.

10 The Secretary of State shall provide official notification to the
11 incumbents by certified mail and to the public by official media statement
12 and legal publication in a ~~newspaper of statewide circulation~~ manner provided
13 by law by the General Assembly at least two separate times prior to the
14 election, in accordance with the time frames set forth herein.

15 (5) The Secretary of State shall determine, declare, and certify what
16 information, if any, shall appear adjacent to the names of non-incumbent
17 candidates for state and federal legislator, not later than five (5) business
18 days after the deadline for filing for the office. The Secretary of State
19 shall provide official notification to the candidate by certified mail and to
20 the public by official media statement and legal publication in a ~~newspaper~~
21 ~~of statewide circulation~~ manner provided by law by the General Assembly at
22 least two separate times prior to the election, in accordance with the time
23 frames set forth herein.

24 (6) If the Secretary of State makes the determination that the
25 information "DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS" or "DECLINED TO
26 PLEDGE TO SUPPORT TERM LIMITS" shall not be certified for placement on the
27 ballot adjacent to the name of a candidate for senator or representative for
28 state or federal office, any candidate or elector may appeal such decision to
29 the Arkansas Supreme Court as an original action within five (5) business
30 days after the second official ~~newspaper~~ publication of the determination by
31 the Secretary of State or shall waive any right to appeal such decision. The
32 burden of proof shall be upon the Secretary of State to demonstrate by clear
33 and convincing evidence that the candidate has met the requirements set forth
34 in this act and therefore should not have the information "DISREGARDED
35 VOTERS' INSTRUCTION ON TERM LIMITS" or "DECLINED TO PLEDGE TO SUPPORT TERM
36 LIMITS" printed on the ballot adjacent to the candidate's name.

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

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

(2) The popular name shall be "A Constitutional Amendment Repealing References to Newspaper Publication in the Arkansas Constitution and Allowing the General Assembly to Determine the Manner of Publishing Notices Required by Various Sections of the Arkansas Constitution."