

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

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4
5 By: Senator K. Ingram

SJR 4

SENATE JOINT RESOLUTION

AN AMENDMENT TO THE ARKANSAS CONSTITUTION CONCERNING
THE REQUIREMENTS GOVERNING CIRCULATION, SUBMISSION,
AND CHALLENGES TO THE SUFFICIENCY OF INITIATED
MEASURES PROPOSED UNDER ARKANSAS CONSTITUTION,
ARTICLE 5, § 1, AND CONSTITUTIONAL AMENDMENTS
PROPOSED BY THE GENERAL ASSEMBLY.

Subtitle

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.

BE IT RESOLVED BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE
STATE OF ARKANSAS, AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL
MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

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

SECTION 1. The subsection of Arkansas Constitution, Article 5, § 1,



1 titled "Initiative", is amended to read as follows:

2 Initiative. The first power reserved by the people is the initiative.
 3 Eight ~~per cent~~ percent (8%) of the legal voters may propose any law and ten
 4 ~~per cent~~ percent (10%) may propose a constitutional amendment by initiative
 5 petition and every such petition shall include the full text of the measure
 6 so proposed. Initiative petitions for state-wide measures shall be filed
 7 with the Secretary of State ~~not less~~ no later than ~~four months~~ January 15
 8 before of the year of the election at which they are to be voted upon;
 9 provided, that at least thirty (30) days before the aforementioned filing,
 10 the proposed measure shall have been published once, at the expense of the
 11 petitioners, in some paper of general circulation.

12
 13 SECTION 2. The subsection of Arkansas Constitution, Article 5, § 1,
 14 titled "Referendum", is amended to read as follows:

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

31 Upon all initiative or referendum petitions provided for in any of the
 32 sections of this article, it shall be necessary to file ~~from at least fifteen~~
 33 ~~of the counties of the State,~~ petitions bearing the signature of not less
 34 than one-half (1/2) of the designated percentage of the electors of ~~such~~
 35 ~~county~~ at least one-fourth (1/4) of the counties in each congressional
 36 district. In calculating the number of counties representing one-fourth

1 (1/4) of the counties within a congressional district, the number shall be
 2 rounded up to the nearest whole number.

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

6 Verification. Initiative petitions shall not be circulated more than
 7 two (2) years before the election at which they are to be voted upon.

8 Only legal votes shall be counted upon petitions. Petitions may be
 9 circulated and presented in parts, but each part of any petition shall have
 10 attached thereto the affidavit of the person circulating the same, that all
 11 signatures thereon were made in the presence of the affiant, and that to the
 12 best of the affiant's knowledge and belief each signature is genuine, and
 13 that the person signing is a legal voter and no other affidavit or
 14 verification shall be required to establish the genuineness of such
 15 signatures.

16
 17 SECTION 4. The subsection of Arkansas Constitution, Article 5, § 1,
 18 titled "Court Decisions", is amended to read as follows:

19 Court Decisions. If the sufficiency of any petition is challenged such
 20 cause shall be a preference cause and shall be tried at once~~7~~. A challenge
 21 to the sufficiency of a state-wide initiative petition shall be filed no
 22 later than March 1 of the year of the general election at which it shall be
 23 voted upon and shall be resolved by the court no later than July 1 of the
 24 year of the general election at which it shall be voted upon. ~~but the~~ The
 25 failure of the courts to decide prior to the election as to the sufficiency
 26 of any ~~such~~ petition, shall not prevent the question from being placed upon
 27 the ballot at the election named in such petition, nor militate against the
 28 validity of such measure, if it shall have been approved by a vote of the
 29 people.

30
 31 SECTION 5. The subsection of Arkansas Constitution, Article 5, § 1,
 32 titled "Amendment of Petition", is amended to read as follows:

33 Amendment of Petition.

34 (a)(1) If the Secretary of State, county clerk or city clerk, as the
 35 case may be, shall decide any petition to be insufficient, he or she shall
 36 without delay notify the sponsors of such petition, and permit at least

1 thirty (30) days from the date of such notification, in the instance of a
 2 state-wide petition, or ten (10) days in the instance of a municipal or
 3 county petition, for correction or amendment.

4 (2) For a state-wide petition, correction or amendment of an
 5 insufficient petition shall be permitted only if the petition contains valid
 6 signatures of legal voters equal to:

7 (A) At least seventy-five percent (75%) of the number of
 8 state-wide signatures of legal voters required; and

9 (B) At least seventy-five percent (75%) of the required
 10 number of signatures of legal voters from each of at least ~~fifteen (15)~~
 11 ~~counties of the state~~ one-fourth (1/4) of the counties in each congressional
 12 district as required under this section.

13 (b) In the event of legal proceedings to prevent giving legal effect
 14 to any petition upon any grounds, the burden of proof shall be upon the
 15 person or persons attacking the validity of the petition.

16
 17 SECTION 6. Arkansas Constitution, Article 5, § 1, is amended to add an
 18 additional subsections to read as follows:

19 EXTENSION OF TIME. If a deadline under this section occurs on a
 20 Saturday, Sunday, or legal holiday, the deadline shall be the next day which
 21 is not a Saturday, Sunday, or legal holiday.

22 AMENDMENTS TO THIS SECTION BY THE GENERAL ASSEMBLY. The General
 23 Assembly, in the same manner as required for amendment or repeal of measures
 24 approved by a vote of the people, may amend this section so long as such
 25 amendments are germane to this section and consistent with its policy and
 26 purposes.

27
 28 SECTION 7. Arkansas Constitution, Article 19, § 22, is amended to read
 29 as follows:

30 § 22. Constitutional amendments.

31 Either branch of the General Assembly, at a regular session thereof,
 32 may propose amendments to this Constitution; and if the same be agreed to by
 33 a majority of all members elected to each house, such proposed amendments
 34 shall be entered on the journals with the yeas and nays, and published in at
 35 least one (1) newspaper in each county, where a newspaper is published, for
 36 six (6) months immediately preceding the next general election for Senators

1 and Representatives, at which time the same shall be submitted to the
 2 electors of the State, for approval or rejection; and if a majority of the
 3 electors voting at such election adopt such amendments, the same shall become
 4 a part of this Constitution. But no more than three (3) amendments shall be
 5 proposed or submitted at the same time. They shall be so submitted as to
 6 enable the electors to vote on each amendment separately. The sufficiency of
 7 a proposed amendment under this section shall be decided by the Supreme
 8 Court, which shall have original and exclusive jurisdiction over all such
 9 causes. If the sufficiency of a proposed amendment is challenged, the
 10 challenge shall be a preference cause and shall be tried at once. The
 11 failure of the Supreme Court to decide prior to the election as to the
 12 sufficiency of any such petition, shall not prevent the question from being
 13 placed upon the ballot at the election named in such petition, nor militate
 14 against the validity of such measure, if it shall have been approved by a
 15 vote of the people.

16
 17 SECTION 8. Arkansas Constitution, Amendment 70, § 2, is amended to
 18 read as follows:

19 § 2. Additional Constitutional amendments authorized.

20 (a) In addition to the three (3) amendments to ~~the~~ this Constitution
 21 allowed pursuant to Article 19, § 22, either branch of the General Assembly
 22 at a regular session thereof may propose an amendment to ~~the~~ this
 23 Constitution to change the salaries for the offices of Governor, Lieutenant
 24 Governor, Attorney General, Secretary of State, Treasurer of State,
 25 Commissioner of State Lands, and Auditor of State and for members of the
 26 General Assembly. ~~If the same be agreed to by a majority of all members~~
 27 ~~elected to each house, such proposed amendment shall be entered on the~~
 28 ~~journals with the yeas and nays, and published in at least one newspaper in~~
 29 ~~each county, where a newspaper is published, for six months immediately~~
 30 ~~preceding the next general election for Senators and Representatives, at~~
 31 ~~which time the same shall be submitted to the electors of the State for~~
 32 ~~approval or rejection. If a majority of the electors voting at such election~~
 33 ~~adopt the amendment the same shall become a part of this Constitution.~~

34 (b) Only one (1) amendment to ~~the~~ this Constitution may be referred
 35 pursuant to this section.

36 (c) An amendment proposed under the authority of this section shall

1 comply with the requirements of Article 19, § 22, of this Constitution.

2
3 SECTION 9. EFFECTIVE DATE. This amendment shall be effective on and
4 after January 1, 2021.

5
6 SECTION 10. BALLOT TITLE AND POPULAR NAME. When this proposed
7 amendment is submitted to the electors of this state on the general election
8 ballot:

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

11 (2) The popular name shall be "An Amendment to the Arkansas
12 Constitution Concerning the Requirements Governing Circulation, Submission,
13 and Challenges to the Sufficiency of Initiated Measures Proposed Under
14 Arkansas Constitution, Article 5, § 1, and Constitutional Amendments Proposed
15 by the General Assembly".