

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

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021

HJR 1005

4
5 By: Representatives Ray, Gonzales
6 By: Senator Hester

HOUSE JOINT RESOLUTION

9 AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO REQUIRE
10 THAT MEASURES PRESENTED TO VOTERS FOR APPROVAL UNDER
11 ARKANSAS CONSTITUTION, ARTICLE 5, SECTION 1, ARTICLE
12 19, § 22, AND AMENDMENT 70, § 2, SHALL BE APPROVED
13 WHEN RECEIVING AT LEAST SIXTY PERCENT (60%) OF THE
14 VOTES CAST ON THE MEASURE; AND CLARIFYING THAT A
15 MEASURE UNDER ARKANSAS CONSTITUTION, ARTICLE 5, § 1,
16 INCLUDES A PROPOSAL SUBMITTED THROUGH THE INITIATIVE
17 OR REFERENDUM PROCESS UNDER THAT SECTION.

Subtitle

21 A CONSTITUTIONAL AMENDMENT TO REQUIRE
22 THAT CERTAIN MEASURES PRESENTED TO VOTERS
23 FOR APPROVAL SHALL BE APPROVED WHEN
24 RECEIVING AT LEAST SIXTY PERCENT (60%) OF
25 THE VOTES CAST ON THE MEASURE.

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

31
32 THAT the following is proposed as an amendment to the Constitution of
33 the State of Arkansas, and upon being submitted to the electors of the state
34 for approval or rejection at the next general election for Representatives
35 and Senators, if a majority of the electors voting thereon at the election
36 adopt the amendment, the amendment shall become a part of the Constitution of



1 the State of Arkansas, to wit:

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

4 Emergency. If it shall be necessary for the preservation of the public
5 peace, health and safety that a measure shall become effective without delay,
6 such necessity shall be stated in one section, and if upon a yea and nay vote
7 two-thirds of all the members elected to each house, or two-thirds of all the
8 members elected to city or town councils, shall vote upon separate roll call
9 in favor of the measure going into immediate operation, such emergency
10 measure shall become effective without delay. It shall be necessary,
11 however, to state the fact which constitutes such emergency. Provided,
12 however, that an emergency shall not be declared on any franchise or special
13 privilege or act creating any vested right or interest or alienating any
14 property of the State. If a referendum is filed against any emergency
15 measure such measure shall be a law until it is voted upon by the people, and
16 if it is then rejected by ~~a majority~~ of the electors voting thereon, it shall
17 be thereby repealed. The provision of this sub-section shall apply to city
18 or town councils.

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

22 Definition. The word "measure" as used herein includes any bill, law,
23 resolution, ordinance, charter, constitutional amendment or legislative
24 proposal or enactment of any character, including without limitation a
25 proposal submitted through the initiative or referendum process under this
26 section.

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

30 Majority Approval. Any measure submitted to the people as herein
31 provided shall take effect and become a law when approved by ~~a majority~~ at
32 least sixty percent (60%) of the votes cast upon such measure, ~~and not~~
33 ~~otherwise, and shall not be required to receive a majority of the electors~~
34 ~~voting at such election.~~ Such measures shall be operative on and after the
35 thirtieth day after the election at which it is approved, unless otherwise
36 specified in the Act.

1 This section shall not be construed to deprive any member of the
2 General Assembly of the right to introduce any measure, but no measure shall
3 be submitted to the people by the General Assembly, except a proposed
4 constitutional amendment or amendments as provided for in this Constitution.
5

6 SECTION 4. The subsection of Arkansas Constitution, Article 5, § 1,
7 titled "Conflicting Measures", is amended to read as follows:

8 Conflicting Measures. If conflicting measures initiated or referred to
9 the people shall be approved by ~~a majority~~ at least sixty percent (60%) of
10 the votes severally cast for and against the same at the same election, the
11 one receiving the highest number of affirmative votes shall become law.
12

13 SECTION 5. Arkansas Constitution, Article 19, § 22, is amended to read
14 as follows:

15 § 22. Constitutional amendments.

16 Either branch of the General Assembly, at a regular session thereof,
17 may propose amendments to this Constitution; and if the same be agreed to by
18 a majority of all members elected to each house, such proposed amendments
19 shall be entered on the journals with the yeas and nays, and published in at
20 least one newspaper in each county, where a newspaper is published, for six
21 months immediately preceding the next general election for Senators and
22 Representatives, at which time the same shall be submitted to the electors of
23 the State, for approval or rejection; and if ~~a majority~~ at least sixty
24 percent (60%) of the electors voting at such election adopt such amendments,
25 the same shall become a part of this Constitution. But no more than three
26 amendments shall be proposed or submitted at the same time. They shall be so
27 submitted as to enable the electors to vote on each amendment separately.
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29 SECTION 6. Arkansas Constitution, Amendment 70, § 2, is amended to
30 read as follows:

31 § 2. Additional Constitutional amendments authorized.

32 In addition to the three amendments to the Constitution allowed
33 pursuant to Article 19, § 22, either branch of the General Assembly at a
34 regular session thereof may propose an amendment to the Constitution to
35 change the salaries for the offices of Governor, Lieutenant Governor,
36 Attorney General, Secretary of State, Treasurer of State, Commissioner of

1 State Lands, and Auditor of State and for members of the General Assembly.
2 If the same be agreed to by a majority of all members elected to each house,
3 such proposed amendment shall be entered on the journals with the yeas and
4 nays, and published in at least one newspaper in each county, where a
5 newspaper is published, for six months immediately preceding the next general
6 election for Senators and Representatives, at which time the same shall be
7 submitted to the electors of the State for approval or rejection. If a
8 majority at least sixty percent (60%) of the electors voting at such election
9 adopt the amendment the same shall become a part of this Constitution. Only
10 one amendment to the Constitution may be referred pursuant to this section.
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12 SECTION 7. EFFECTIVE DATE. This amendment shall be effective on and
13 after January 1, 2023.
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15 SECTION 8. BALLOT TITLE AND POPULAR NAME. When this proposed
16 amendment is submitted to the electors of this state on the general election
17 ballot:

18 (1) The title of this joint resolution shall be the ballot
19 title; and

20 (2) The popular name shall be "A Constitutional Amendment to
21 Require that Measures Presented to Voters for Approval Under Arkansas
22 Constitution, Article 5, Section 1, Article 19, § 22, And Amendment 70, § 2,
23 Shall Be Approved When Receiving at least Sixty Percent (60%) of the Votes
24 Cast on the Measure and Clarifying that a Measure Under Arkansas
25 Constitution, Article 5, § 1, Includes a Proposal Submitted Through the
26 Initiative or Referendum Process Under that Section".
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