

1 INTERIM STUDY PROPOSAL 2013-075

2 State of Arkansas
3 89th General Assembly
4 Regular Session, 2013

HJR 1007

5
6 By: Representative Hammer

7 Filed with: Interim House Committee on State Agencies and Governmental Affairs
8 pursuant to A.C.A. §10-3-217.

9 **HOUSE JOINT RESOLUTION**

10 AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO ALLOW
11 THE GENERAL ASSEMBLY TO DETERMINE THE MANNER OF
12 PUBLISHING NOTICES REQUIRED BY VARIOUS SECTIONS OF
13 THE ARKANSAS CONSTITUTION.

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16 **Subtitle**

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

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

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

1 SECTION 1. The subsection of Section 1, Article 5 of the Arkansas
2 Constitution titled "Initiative" and concerning the right of initiative is
3 amended to read as follows:

4 Initiative. The first power reserved by the people is the
5 initiative. Eight per cent of the legal voters may propose any law and ten
6 per cent may propose a constitutional amendment by initiative petition and
7 every such petition shall include the full text of the measure so proposed.
8 Initiative petitions for state-wide measures shall be filed with the
9 Secretary of State not less than four months before the election at which
10 they are to be voted upon; provided, that at least thirty days before the
11 aforementioned filing, the proposed measure shall have been published once,
12 ~~at the expense of the petitioners, in some paper of general circulation in a~~
13 manner provided by the General Assembly.
14

15 SECTION 2. Article 19, Section 22 of the Arkansas Constitution is
16 amended to read as follows:

17 § 22. Constitutional amendments.

18 Either branch of the General Assembly, at a regular session thereof,
19 may propose amendments to this Constitution; and if the same be agreed to by
20 a majority of all members elected to each house, such proposed amendments
21 shall be entered on the journals with the yeas and nays, and published in ~~at~~
22 ~~least one newspaper in each county, where a newspaper is published, for six~~
23 ~~months immediately preceding the next general election for Senators and~~
24 Representatives a manner provided by the General Assembly, at which time the
25 same shall be submitted to the electors of the State, for approval or
26 rejection; and if a majority of the electors voting at such election adopt
27 such amendments, the same shall become a part of this Constitution. But no
28 more than three amendments shall be proposed or submitted at the same time.
29 They shall be so submitted as to enable the electors to vote on each
30 amendment separately.
31

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

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

35 The election commissioners shall certify to the county judge the result
36 of the vote and if a majority of the qualified electors voting on the

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

18

19 SECTION 4. Section 3 of Amendment 62 to the Arkansas Constitution is
 20 amended to read as follows:

21 § 3. Sale of bonds – Procedure.

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

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29 SECTION 5. Section 6 of Amendment 62 to the Arkansas Constitution is
 30 amended to read as follows:

31 § 6. Conduct of elections.

32 The General Assembly may enact laws governing the conduct of elections
 33 authorized by this Amendment. Absent the enactment of such laws, such
 34 elections shall be held, called and conducted in accordance with the laws
 35 governing elections generally. The results of such election shall be
 36 published in a ~~newspaper of general circulation in the county or municipality~~

1 ~~(as the case may be)~~ manner provided by the General Assembly and any contest
 2 of such election or the tabulation of the votes therein shall be brought
 3 within thirty (30) days after such publication or shall be forever barred.
 4

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

7 § 2. Additional Constitutional amendments authorized.

8 In addition to the three amendments to the Constitution allowed
 9 pursuant to Article 19, § 22, either branch of the General Assembly at a
 10 regular session thereof may propose an amendment to the Constitution to
 11 change the salaries for the offices of Governor, Lieutenant Governor,
 12 Attorney General, Secretary of State, Treasurer of State, Commissioner of
 13 State Lands, and Auditor of State and for members of the General Assembly. If
 14 the same be agreed to by a majority of all members elected to each house,
 15 such proposed amendment shall be entered on the journals with the yeas and
 16 nays, and published in ~~at least one newspaper in each county, where a~~
 17 ~~newspaper is published, for six months immediately preceding the next general~~
 18 ~~election for Senators and Representatives~~ a manner provided by the General
 19 Assembly, at which time the same shall be submitted to the electors of the
 20 State for approval or rejection. If a majority of the electors voting at such
 21 election adopt the amendment the same shall become a part of this
 22 Constitution. Only one amendment to the Constitution may be referred pursuant
 23 to this section.
 24

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

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

34 In the case of United States Representatives and United States Senators, this
 35 determination, declaration, and certification shall be made in a fashion
 36 necessary to ensure orderly printing of primary and general election ballots

1 with allowance made for all legal action provided in subsections (5), (6) and
2 (7), below, and shall be based upon each Congressional member's actions
3 during their current term of office and any actions taken in any concluded
4 term, if such action was taken after the determination and declaration was
5 made by the Secretary of State previously.

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

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

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

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

1 VOTERS' INSTRUCTION ON TERM LIMITS" or "DECLINED TO PLEDGE TO SUPPORT TERM
2 LIMITS" printed on the ballot adjacent to the candidate's name.

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5 Referred by the Arkansas House of Representatives

6 Prepared by: MBM/VJF

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