

# Hall of the House of Representatives

## 91st General Assembly - Regular Session, 2017

### Amendment Form

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#### Subtitle of House Joint Resolution No. 1003

AN AMENDMENT TO THE ARKANSAS CONSTITUTION CONCERNING PROPOSED MEASURES AND CONSTITUTIONAL AMENDMENTS CONSIDERED BY VOTERS AT AN ELECTION.

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#### Amendment No. 2 to House Joint Resolution No. 1003

Amend House Joint Resolution No. 1003 as engrossed, H2/21/17 (version: 02/21/2017 2:15:04 PM):

Delete the title in its entirety and substitute the following:

"AN AMENDMENT TO THE ARKANSAS CONSTITUTION CONCERNING PROPOSED MEASURES AND CONSTITUTIONAL AMENDMENTS CONSIDERED BY VOTERS AT AN ELECTION; PROVIDING THAT INITIATIVE PETITIONS FOR STATE-WIDE MEASURES SHALL BE FILED WITH THE SECRETARY OF STATE NOT LESS THAN ONE HUNDRED EIGHTY (180) DAYS BEFORE THE ELECTION AT WHICH THEY ARE TO BE VOTED UPON; PROVIDING THAT A PETITION CONCERNING A PROPOSED AMENDMENT TO THE ARKANSAS CONSTITUTION SHALL BEAR THE SIGNATURES OF NOT LESS THAN ONE-HALF (1/2) OF THE DESIGNATED PERCENTAGE OF THE ELECTORS FROM AT LEAST TWENTY-FIVE (25) OF THE COUNTIES OF THE STATE; PROVIDING THAT GENERAL LAWS SHALL BE ENACTED PROVIDING FOR THE EXERCISE OF THE INITIATIVE AND REFERENDUM AS TO MUNICIPALITIES; PROVIDING THAT THE GENERAL ASSEMBLY SHALL NOT FIX THE TIME FOR FILING AN INITIATIVE PETITION IN MUNICIPALITIES AND COUNTIES AT LESS THAN SIXTY (60) DAYS NOR MORE THAN NINETY (90) DAYS BEFORE THE ELECTION AT WHICH THE INITIATIVE IS TO BE VOTED UPON; PROVIDING THAT THE GENERAL ASSEMBLY MAY FIX THE TIME FOR FILING A REFERENDUM PETITION AT NOT LESS THAN THIRTY (30) DAYS NOR MORE THAN NINETY (90) DAYS AFTER THE PASSAGE OF THE MEASURE AT ISSUE BY A QUORUM COURT OR MUNICIPAL COUNCIL; PROVIDING THAT THE GENERAL ASSEMBLY SHALL NOT FIX THE TIME FOR FILING A REFERENDUM PETITION AT LESS THAN NINETY (90) DAYS WHEN FILED AGAINST A LOCAL OR SPECIAL MEASURE PASSED BY THE GENERAL ASSEMBLY; PROVIDING THAT A CHALLENGE TO THE SUFFICIENCY OF THE TITLE SUBMITTED WITH A PETITION TO BE USED ON THE BALLOT SHALL BE MADE NOT LATER THAN SIXTY (60) DAYS AFTER THE FILING OF THE PETITION; PROVIDING THAT AN AMENDMENT TO THE ARKANSAS CONSTITUTION SUBMITTED TO THE PEOPLE THROUGH THE INITIATIVE PROCESS SHALL TAKE EFFECT AND BECOME PART OF THE ARKANSAS CONSTITUTION WHEN APPROVED BY THREE-FIFTHS (3/5) OF THE VOTES CAST UPON THE AMENDMENT AND SHALL NOT BE REQUIRED TO RECEIVE A MAJORITY OF THE ELECTORS VOTING AT SUCH ELECTION; PROVIDING THAT, BY A MAJORITY VOTE AT A REGULAR SESSION, THE GENERAL ASSEMBLY MAY SUBMIT A PROPOSED LAW TO THE PEOPLE FOR APPROVAL OR REJECTION BY A MAJORITY OF THE VOTES CAST AT AN ELECTION; PROVIDING THAT THE GENERAL



ASSEMBLY SHALL NOT SUBMIT MORE THAN THREE (3) PROPOSED LAWS TO THE PEOPLE FOR APPROVAL OR REJECTION AT A REGULAR SESSION AND SHALL NOT SUBMIT AN APPROPRIATION BILL TO THE PEOPLE FOR APPROVAL OR REJECTION AT AN ELECTION; PROVIDING THAT THE PROVISIONS CONCERNING THE SUBMISSION OF PROPOSED LAWS TO THE PEOPLE BY THE GENERAL ASSEMBLY ARE INAPPLICABLE TO THE SUBMISSION OF A QUESTION CONCERNING THE ISSUANCE OF BONDS TO THE ELECTORS THAT IS OTHERWISE AUTHORIZED BY THE ARKANSAS CONSTITUTION OR BY LAW; PROVIDING THAT THE GENERAL ASSEMBLY MAY ENACT LAWS CONCERNING THE PROCESS FOR SUBMITTING A PROPOSED LAW TO THE PEOPLE FOR APPROVAL OR REJECTION AT AN ELECTION; PROVIDING THAT IF CONFLICTING MEASURES INITIATED OR REFERRED TO THE PEOPLE ARE APPROVED BY THE REQUIRED NUMBER OF VOTES, THE MEASURE RECEIVING THE HIGHEST NUMBER OF AFFIRMATIVE VOTES SHALL BECOME LAW; PROVIDING THAT A CHALLENGE TO THE SUFFICIENCY OF THE SIGNATURES SUBMITTED IN SUPPORT OF A PETITION SHALL BE MADE NOT LATER THAN THIRTY (30) DAYS AFTER CERTIFICATION OF THE SUFFICIENCY OF THE SIGNATURES BY THE SECRETARY OF STATE, COUNTY CLERK, OR CITY CLERK, AS THE CASE MAY BE; PROVIDING THAT CORRECTION OR AMENDMENT OF AN INSUFFICIENT STATE-WIDE PETITION CONCERNING A PROPOSED AMENDMENT TO THE ARKANSAS CONSTITUTION SHALL BE PERMITTED ONLY IF THE PETITION CONTAINS VALID SIGNATURES OF LEGAL VOTERS EQUAL TO AT LEAST SEVENTY-FIVE PERCENT (75%) OF THE REQUIRED NUMBER OF SIGNATURES OF LEGAL VOTERS FROM EACH OF AT LEAST TWENTY-FIVE (25) COUNTIES OF THE STATE; REVISING THE PROCESS FOR THE GENERAL ASSEMBLY TO PROPOSE AMENDMENTS TO THE ARKANSAS CONSTITUTION AT A REGULAR SESSION OF THE GENERAL ASSEMBLY; PROVIDING THAT A PROPOSED AMENDMENT TO THE ARKANSAS CONSTITUTION SHALL NOT BE SUBMITTED BY THE GENERAL ASSEMBLY TO THE ELECTORS OF THE STATE FOR APPROVAL OR REJECTION UNLESS THE PROPOSED AMENDMENT RECEIVES A TWO-THIRDS VOTE OF EACH HOUSE OF THE GENERAL ASSEMBLY; PROVIDING THAT THE GENERAL ASSEMBLY SHALL NOT SUBMIT MORE THAN THREE (3) PROPOSED CONSTITUTIONAL AMENDMENTS AT A GENERAL ELECTION UNLESS A FOURTH AMENDMENT CONCERNING SALARIES OF CERTAIN CONSTITUTIONAL OFFICERS IS SUBMITTED UNDER ARKANSAS CONSTITUTION, AMENDMENT 70, § 2; PROVIDING THAT THE GENERAL ASSEMBLY SHALL DESIGNATE IN THE JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE ARKANSAS CONSTITUTION THE BALLOT TITLE AND POPULAR NAME THAT SHALL APPEAR ON THE GENERAL ELECTION BALLOT; PROVIDING THAT THE BALLOT TITLE FOR AN AMENDMENT TO THE ARKANSAS CONSTITUTION PROPOSED BY THE GENERAL ASSEMBLY SHALL BE INTELLIGIBLE, HONEST, AND IMPARTIAL; PROVIDING THAT THE POPULAR NAME FOR AN AMENDMENT TO THE ARKANSAS CONSTITUTION PROPOSED BY THE GENERAL ASSEMBLY SHALL IDENTIFY THE PROPOSED AMENDMENT IN A MANNER THAT ENABLES THE ELECTORS TO VOTE ON EACH AMENDMENT SEPARATELY; PROVIDING THAT WITHIN THIRTY (30) DAYS OF THE ADOPTION BY THE GENERAL ASSEMBLY OF A JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE ARKANSAS CONSTITUTION, THE ATTORNEY GENERAL SHALL REVIEW THE BALLOT TITLE AND POPULAR NAME AND CERTIFY THE BALLOT TITLE AND POPULAR NAME FOR INCLUSION ON THE BALLOT AT THE NEXT GENERAL ELECTION IF HE OR SHE DETERMINES THE BALLOT TITLE AND POPULAR NAME SATISFY THE REQUIRED STANDARDS; PROVIDING THAT THE ATTORNEY GENERAL SHALL REFER THE BALLOT TITLE OR POPULAR NAME, OR BOTH, TO THE GENERAL ASSEMBLY FOR SUBSTITUTION OF THE BALLOT TITLE OR POPULAR NAME, OR BOTH, IF THE ATTORNEY GENERAL DETERMINES AFTER REVIEW THAT THE BALLOT TITLE OR POPULAR NAME, OR BOTH, DO NOT SATISFY THE REQUIRED STANDARDS; PROVIDING THAT THE GENERAL ASSEMBLY SHALL DESIGNATE BY LAW A COMMITTEE TO SUBSTITUTE BALLOT TITLES AND POPULAR NAMES; PROVIDING THAT THE ATTORNEY GENERAL SHALL REVIEW A SUBSTITUTED BALLOT TITLE OR POPULAR NAME, OR BOTH, FOR CERTIFICATION AND SHALL CONTINUE TO REFER THE SUBSTITUTED BALLOT TITLE OR POPULAR NAME, OR BOTH, TO THE GENERAL ASSEMBLY UNTIL HE OR SHE MAY CERTIFY

THE BALLOT TITLE AND POPULAR NAME AS SATISFYING THE REQUIRED STANDARDS; PROVIDING THAT AN AMENDMENT TO THE ARKANSAS CONSTITUTION PROPOSED BY THE GENERAL ASSEMBLY AND ITS BALLOT TITLE AND POPULAR NAME SHALL BE PUBLISHED AS PROVIDED BY LAW; PROVIDING THAT AN AMENDMENT TO THE ARKANSAS CONSTITUTION PROPOSED BY THE GENERAL ASSEMBLY SHALL BECOME PART OF THE ARKANSAS CONSTITUTION WHEN APPROVED BY THREE-FIFTHS (3/5) OF THE ELECTORS VOTING ON THE PROPOSED AMENDMENT AT THE GENERAL ELECTION; AND PROVIDING THAT AN AMENDMENT TO THE ARKANSAS CONSTITUTION SHALL NOT SPECIFICALLY BESTOW POWERS, PRIVILEGES, OR AUTHORITY TO A SPECIFIC INDIVIDUAL IDENTIFIED BY NAME OR A PRIVATE BUSINESS ENTITY IDENTIFIED BY NAME."

AND

Page 6, delete lines 17 and 18 and substitute the following:

~~"Municipalities may provide for the exercise of the initiative and referendum as to their local legislation.~~ General laws shall be enacted"

AND

Page 8, line 4, delete "law" and substitute "proposed law"

AND

Page 8, line 6, delete "law" and substitute "proposed law"

AND

Page 8, line 10, delete "law" and substitute "proposed law"

AND

Page 8, line 15, delete "law" and substitute "proposed law"

AND

Page 8, line 18, delete "law" and substitute "proposed law"

AND

Page 8, line 20, delete "laws" and substitute "proposed laws"

AND

Page 8, line 28, delete "law" and substitute "proposed law"

AND

Page 9, delete lines 11 through 13 and substitute the following:

"genuineness of such signatures. A challenge to the sufficiency of the signatures submitted in support of a petition shall be made not later than thirty (30) days after certification of the sufficiency of the signatures by the Secretary of State, county clerk, or city clerk, as the case may be."

AND

Page 9, line 33, delete "constitutional amendment" and substitute "amendment to the Arkansas Constitution"

AND

Page 11, delete lines 25 through 29 and substitute the following:

"(B) If the Attorney General believes after his or her review that the ballot title or popular name, or both, do not satisfy subdivision (c)(2) of this section, the Attorney General shall refer the ballot title or popular name, or both, to the General Assembly for substitution of a ballot title or popular name, or both, that satisfies subdivision (c)(2) of this section.

(C)(i) If the Attorney General refers a ballot title or popular name, or both, to the General Assembly under subdivision (c)(3)(B) of this section, a committee designated by the General Assembly shall substitute a ballot title or popular name, or both, that satisfies subdivision (c)(2) of this section.

(ii) The General Assembly shall enact laws designating a committee to substitute a ballot title or popular name, or both, under subdivision (c)(3)(C)(i) of this section. The committee designated by law may be a combination of a committee of the House of Representatives and a committee of the Senate meeting jointly for the purpose of providing a substitute ballot title or popular name, or both.

(iii) The committee designated by law under subdivision (c)(3)(C)(ii) of this section may substitute a ballot title or popular name, or both, when meeting during a regular, fiscal, or special session of the General Assembly or when meeting during the interim.

(iv) The Attorney General shall review a substitute ballot title or popular name, or both, under subdivision (c)(3)(A) of this section. The Attorney General shall refer the ballot title and popular name, or both, to the General Assembly for substitution as many times as necessary until the Attorney General determines that the ballot title and popular name satisfies subdivision (c)(2) of this section and certifies the ballot title and popular name for inclusion on the ballot at the next general election."

AND

Page 11, line 33, delete "amendment" and substitute "proposed amendment"

AND

Page 11, delete line 34 and substitute the following:

"the general election approve the proposed amendment, the proposed amendment shall become part"

AND

Page 13, delete lines 6 through 8, and substitute the following:

"(2) The popular name shall be "A Constitutional Amendment to

Create Efficiency and Stability in the Submission and Consideration of Measures and Constitutional Amendments Proposed to Voters at an Election"."

The Amendment was read \_\_\_\_\_  
By: Representative Ballinger  
MBM/VJF - 03-09-2017 16:49:09  
MBM148

\_\_\_\_\_  
Chief Clerk