

1 State of Arkansas

2 80th General Assembly

3 Regular Session, 1995

H.J.R.

1012

4 By: Representative Courtway

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## HOUSE JOINT RESOLUTION

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PROPOSING AN AMENDMENT TO THE ARKANSAS CONSTITUTION

9

CONCERNING PUBLICATION AND LEGAL REVIEW OF STATEWIDE

10

INITIATIVES AND REFERENDUMS; AND TO AMEND ARTICLE 19,

11

SECTION 22 CONCERNING PUBLICATION OF PROPOSED AMENDMENTS

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SUBMITTED BY THE GENERAL ASSEMBLY.

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### Subtitle

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25 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTIETH GENERAL

26 ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL

27 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

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29 That the following is hereby proposed as an amendment to the

30 Constitution of the state of Arkansas, and upon being submitted to the

31 electors of the state for approval or rejection at the next general election

32 for Representatives and Senators, if a majority of the electors voting

33 thereon at such election, adopt such amendment, the same shall become a part

34 of the Constitution of the state of Arkansas, to wit:

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1           "SECTION 1. (a)(1)(A) Before any statewide initiative petition is  
2 circulated for obtaining signatures of petitioners, the sponsors shall submit  
3 the original draft to the Arkansas Supreme Court, with a proposed legislative  
4 or ballot title and popular name. The Arkansas Supreme Court shall, within  
5 thirty (30) days thereafter, approve and certify the ballot title and popular  
6 name, or substitute and certify a more suitable and correct ballot title and  
7 popular name for each amendment or act. The Arkansas Supreme Court shall not  
8 modify a ballot title or popular name unless the court determines that the  
9 ballot title or popular name submitted is misleading. In the event the  
10 Arkansas Supreme Court fails to act as set forth herein, the ballot title and  
11 popular name shall be deemed certified.

12                           (B) Any legal action against the certification of the title  
13 or popular name of a statewide referendum must be filed with the Supreme  
14 Court within thirty (30) days after the referendum petition is filed with the  
15 Secretary of State. An action timely filed shall be advanced by the Supreme  
16 Court as a matter of public interest over all other civil cases except  
17 contested election cases and shall be heard and decided expeditiously. A  
18 ballot title or popular name of a statewide referendum shall be presumed to  
19 be sufficient unless the Supreme Court determines, by clear, cogent, and  
20 convincing evidence, that the ballot title or popular name is misleading.

21                           (2) The Supreme Court shall have exclusive original jurisdiction  
22 for any legal action requesting that a proposed amendment to the Arkansas  
23 Constitution submitted by the General Assembly be removed from the ballot or  
24 that the votes not be counted or certified. No action shall be filed with  
25 the Supreme Court later than fifteen (15) days after the proposed amendment  
26 is published pursuant to Article 19, Section 22.

27                           (b) Statewide initiatives and referendums shall be published in full  
28 one (1) time before the election. No additional publication will be  
29 required. A statewide initiative or referendum shall be published no later  
30 than twenty (20) days after the sufficiency of the petition is certified by  
31 the Secretary of State.

32  
33           SECTION 2. Article 19, Section 22 of the Arkansas Constitution is  
34 amended to read as follows:

35           § 22. Constitutional amendments.

1           Either branch of the General Assembly at a regular session thereof may  
2 propose amendments to this Constitution, and, if the same be agreed to by a  
3 majority of all members elected to each house, such proposed amendments shall  
4 be entered on the journals with the yeas and nays, and published once in at  
5 least one newspaper in each county, where a newspaper is published. The  
6 publication of the proposed amendment shall be made not more than six (6)  
7 months nor less than four (4) months immediately preceding the next general  
8 election for Senators and Representatives, at which time the proposed  
9 amendment shall be submitted to the electors of the State for approval or  
10 rejection. If a majority of the electors voting at such election adopt such  
11 amendments the same shall become a part of this Constitution, but no more  
12 than three amendments shall be proposed or submitted at the same time. They  
13 shall be so submitted as to enable the electors to vote on each amendment  
14 separately. \_"

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