

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995  
4 By: Senator Hopkins

S.J.R. 11

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7 **SENATE JOINT RESOLUTION**

8 *"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*  
12 *SUBMITTED BY THE GENERAL ASSEMBLY AND THEIR LEGAL REVIEW."*

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14 **Subtitle**

15 *"PROPOSING AN AMENDMENT TO THE ARKANSAS CONSTITUTION*  
16 *CONCERNING PUBLICATION AND LEGAL REVIEW OF STATEWIDE*  
17 *INITIATIVES AND REFERENDUMS; AND TO AMEND ARTICLE 19,*  
18 *SECTION 22 CONCERNING PUBLICATION OF PROPOSED AMENDMENTS*  
19 *SUBMITTED BY THE GENERAL ASSEMBLY AND THEIR LEGAL REVIEW."*

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22 BE IT RESOLVED BY THE SENATE OF THE EIGHTIETH GENERAL ASSEMBLY OF THE STATE  
23 OF ARKANSAS AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL MEMBERS  
24 ELECTED TO EACH HOUSE AGREEING THERETO:

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

32  
33 *"SECTION 1. (a)(1) Before any statewide initiative or referendum*  
34 *petition ordering a vote upon any amendment or act is circulated for*  
35 *obtaining signatures of petitioners pursuant to Amendment 7 to the Arkansas*

1 Constitution, the sponsors shall submit the original draft to the Attorney  
2 General, with a proposed popular name and ballot title. The Attorney General  
3 shall have the authority to require the sponsor to revise the proposed  
4 popular name and ballot title and shall have the duty to approve and certify  
5 a correct popular name and ballot title. Except as provided herein, the  
6 procedure for such certification by the Attorney General shall be as is now  
7 or hereafter provided by law.

8 (2) A popular name or ballot title certified by the Attorney General  
9 for any statewide initiative or referendum shall be presumed to be sufficient  
10 unless the Supreme Court determines that the popular name or ballot title is  
11 clearly insufficient.

12 (b)(1) If a sponsor of any proposed statewide initiative elects to  
13 submit its popular name and ballot title to the Attorney General for  
14 certification prior to September 30 of the year preceding the year in which  
15 the initiative would be voted on, then within ten (10) days of certification  
16 by the Attorney General, who shall deliver such certification to the  
17 Secretary of State on the day of certification, the Secretary of State shall  
18 approve and certify the sufficiency of such popular name and ballot title as  
19 was certified by the Attorney General, making no changes to such  
20 certification, and shall cause to be published in a newspaper with statewide  
21 circulation, at the expense of the sponsor of the initiative, the entire  
22 proposal with its certified popular name and ballot title and a notice  
23 informing the public of such certification and the procedure herein  
24 identified to govern any party who may contest such certification before the  
25 Supreme Court. The procedure to contest the certification shall be as  
26 follows:

27 (A) Any legal action against such certification shall be filed with  
28 the Supreme Court within forty-five (45) days of the Secretary of State's  
29 publication. No such action filed later than forty-five (45) days following  
30 publication shall be heard by the Supreme Court;

31 (B) Upon a finding by the Supreme Court that the popular name and  
32 ballot title are sufficient, the matter shall not be subject to further  
33 challenge or judicial review. Upon a finding that the popular name or ballot  
34 is insufficient, the Supreme Court shall state with specificity in a written  
35 opinion each and every reason why the popular name or ballot title is

1 *insufficient;*

2 *(C) An action timely filed shall be advanced by the Supreme Court as a*  
3 *matter of public interest over all other civil cases except contested*  
4 *election cases and shall be heard and decided expeditiously.*

5 *(c) If the Attorney General or the Secretary of State refuses to act*  
6 *as herein required or if the sponsors feel aggrieved at his acts in such*  
7 *premises, they may, by petition, apply to the Supreme Court for proper*  
8 *relief."*

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10 *SECTION 2. Article 19, Section 22 of the Arkansas Constitution is*  
11 *amended to read as follows:*

12 *"§ 22. Constitutional amendments.*

13 *(a) Either branch of the General Assembly at a regular session thereof*  
14 *may propose amendments to this Constitution, and shall designate a popular*  
15 *name and ballot title for each, and if the same be agreed to by a majority of*  
16 *all members elected to each house, such proposed amendments and their popular*  
17 *names and ballot titles shall be entered on the journals with the yeas and*  
18 *nays, and shall be published once by the Secretary of State within sixty (60)*  
19 *days of the final adjournment of the regular session in a newspaper of*  
20 *statewide circulation together with a notice informing the public of the*  
21 *procedure herein identified to govern any party who may contest such popular*  
22 *name or ballot title before the Supreme Court. The procedure to contest the*  
23 *popular name and ballot title shall be as set forth in subsection (b)(2)*  
24 *hereof. Additionally, such proposed amendments shall be published by the*  
25 *Secretary of State once in at least one newspaper in each county, where a*  
26 *newspaper is published, not more than six (6) months nor less than four (4)*  
27 *months immediately preceding the next general election for Senators and*  
28 *Representatives, at which time the proposed amendment shall be submitted to*  
29 *the electors of the State for approval or rejection. Any such amendment*  
30 *shall become a part of this Constitution when approved by a majority of the*  
31 *votes cast upon the amendment. No more than three amendments shall be*  
32 *proposed or submitted at the same time. They shall be so submitted as to*  
33 *enable the electors to vote on each amendment separately.*

34 *(b)(1) The Supreme Court shall have exclusive original jurisdiction*  
35 *over any legal action challenging the sufficiency of the popular name and*

1 *ballot title or otherwise seeking to have a proposed amendment removed from*  
2 *the ballot or to enjoin the counting or certification of votes on the*  
3 *amendment. Such legal action shall be advanced by the Supreme Court as a*  
4 *matter of public interest over all other civil cases except contested*  
5 *election cases and shall be heard and decided expeditiously.*

6 *(2) Any legal action challenging the sufficiency of the popular name*  
7 *or ballot title shall be filed with the Supreme Court within forty-five (45)*  
8 *days of the publication by the Secretary of State in a newspaper with*  
9 *statewide circulation. No such action filed more than forty-five (45) days*  
10 *following such publication shall be heard by the Supreme Court.*

11 *(A) A popular name or ballot title designated by the General Assembly*  
12 *shall be presumed to be sufficient unless the Supreme Court determines that*  
13 *the popular name or ballot title is clearly insufficient.*

14 *(B) Upon a finding by the Supreme Court that the popular name and*  
15 *ballot title are sufficient, the matter shall not be subject to further*  
16 *challenge or judicial review. Upon a finding that the popular name or ballot*  
17 *is insufficient, the Supreme Court shall state with specificity in a written*  
18 *opinion each and every reason why the popular name or ballot title is*  
19 *insufficient."*

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21 *SECTION 3. The popular name of this amendment shall be as follows: "An*  
22 *Amendment Concerning Statewide Initiative and Referendum Petitions,*  
23 *Amendments Referred to Voters by the General Assembly, and Legal Challenges*  
24 *to Ballot Titles."*

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26 *SECTION 4. The ballot title of this amendment shall be as follows:*  
27 *"An Amendment to the Constitution of Arkansas requiring that the popular name*  
28 *and ballot title of Amendment 7 statewide initiative and referendum petitions*  
29 *be certified by the Attorney General prior to circulating the petitions for*  
30 *signatures; defining the authority and duty of the Attorney General in such*  
31 *certification and permitting further definition by law; creating a*  
32 *presumption that such certification is sufficient unless the Supreme Court*  
33 *determines the popular name or ballot title to be clearly insufficient;*

34 *Providing that if a sponsor of a statewide initiative submits its*  
35 *popular name and ballot title to the Attorney General for certification prior*

1 to September 30 of the year preceding the year in which the initiative would  
2 be voted on, then at the expense of the sponsor the Secretary of State shall  
3 publish the Attorney General's certification in a newspaper with statewide  
4 circulation; requiring the publication to include the entire proposal with  
5 its certified popular name and ballot title and a notice informing the public  
6 that any legal action against the certification shall be filed with the  
7 Supreme Court within forty-five (45) days of the publication and no action  
8 filed later shall be heard, that if the Supreme Court finds the popular name  
9 and ballot title sufficient, the matter shall not be subject to further  
10 challenge or judicial review, that upon a finding of insufficiency, the  
11 Supreme Court shall specifically state each and every reason why the popular  
12 name or ballot title is insufficient, and that a timely filed legal action  
13 shall be advanced by the Supreme Court over all but contested election cases  
14 and decided expeditiously; allowing sponsors to petition the Supreme Court if  
15 aggrieved by the action or inaction of the Attorney General or Secretary of  
16 State;

17       Amending Article 19, Section 22 of the Arkansas Constitution allowing  
18 either branch of the General Assembly at a regular session to propose no more  
19 than three amendments to the Arkansas Constitution at the same time,  
20 designating a popular name and ballot title for each; requiring that a  
21 majority of the members of each branch approve the amendments and their  
22 popular names and ballot titles prior to their specified publication by the  
23 Secretary of State within sixty (60) days of final adjournment of the regular  
24 session; requiring that the publication additionally include a notice  
25 informing the public that any legal action challenging the sufficiency of the  
26 popular name or ballot title shall be filed with the Supreme Court within  
27 forty-five (45) days of the publication and no action filed later shall be  
28 heard, that the popular name and ballot title shall be presumed to be  
29 sufficient unless the Supreme Court determines the popular name or ballot  
30 title to be clearly insufficient, that if the Supreme Court finds the popular  
31 name and ballot title sufficient, the matter shall not be subject to further  
32 challenge or judicial review, and that upon a finding of insufficiency, the  
33 Supreme Court shall specifically state each and every reason why the popular  
34 name or ballot title is insufficient;

35       Providing that the Supreme Court shall have exclusive original

1 jurisdiction over any legal action challenging the sufficiency of the popular  
2 name and ballot title or otherwise seeking to have a proposed amendment  
3 removed from the ballot or to enjoin the counting or certification of votes  
4 on the amendment; providing that such legal action shall be advanced by the  
5 Supreme Court over all but contested election cases and decided  
6 expeditiously; requiring that proposed amendments be published by the  
7 Secretary of State once in at least one newspaper in each county where a  
8 newspaper is published, not more than six (6) months nor less than four (4)  
9 months immediately preceding the next general election, at which time the  
10 amendments shall be submitted to the electors of the State for approval or  
11 rejection and in a manner to enable the electors to vote on each amendment  
12 separately; providing that any such amendment shall become a part of the  
13 Arkansas Constitution when approved by a majority of the votes cast upon the  
14 amendment; and for other purposes."

15 /s/Hopkins

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