

1 State of Arkansas

Call Item 2

2 80th General Assembly

A Bill

3 First Extraordinary Session, 1995

HOUSE BILL

1014

4 By: Representative DeLay

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For An Act To Be Entitled

8

"AN ACT TO PROVIDE THE METHOD FOR CALLING A CONSTITUTIONAL
9 CONVENTION; AND FOR OTHER PURPOSES."

10

11

Subtitle

12

"AN ACT TO PROVIDE THE METHOD FOR
13 CALLING A CONSTITUTIONAL CONVENTION."

14

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

16

17 SECTION 1. The Governor shall, by proclamation, call a special
18 election to be held on Tuesday, March 19, 1996, for the purpose of submitting
19 to the voters the following issue: Whether to call a constitutional
20 convention to convene on June 3, 1996 and to elect one hundred (100)
21 delegates to said convention as provided in this Act.

22

23 SECTION 2. (a) One hundred (100) convention delegates shall be elected
24 from the one hundred (100) Arkansas House districts.

25 (b) On the date of the special election, candidates seeking election
26 as district delegates shall be at least twenty-one (21) years of age,
27 registered voters, and residents of the House district from which election is
28 sought for at least one (1) year.

29 (c) The election of delegates to the Convention shall be on a
30 nonpartisan basis, and no candidate shall designate political party
31 affiliation at the time of filing as a candidate for election.

32 (d)(1)(A) Each person desiring to be elected a district delegate shall
33 file with the Secretary of State a nominating petition with at least two
34 hundred (200) signatures thereon of persons who are registered voters within
35 the House district. No sheet of any nominating petition shall contain the

1 signatures of registered voters in more than one county within the House
2 district. To be considered legally sufficient, each voter signature shall be
3 accompanied by the voter's printed name, street address and date of birth.

4 (B) When filing nominating petitions, each candidate for district
5 delegate shall pay a filing fee of twenty-five dollars (\$25.00) to the
6 Secretary of State, said funds to be deposited as Special Revenues into the
7 State Central Services Fund to help defray costs associated with the
8 Convention.

9 (C) A statement signed by the candidate stating the candidate's
10 willingness to accept the nomination and serve as a delegate shall be filed
11 with the nominating petition.

12 (2) Persons who circulate nominating petitions shall execute and
13 file with each petition an affidavit concerning the genuineness of the
14 signatures in like manner and as now required for the circulators of
15 petitions for initiated acts and constitutional amendments.

16 (3) All candidates for delegate position shall file with their
17 nominating petitions a political practices pledge on a form provided by the
18 Secretary of State which substantially complies with Ark. Code Sec. 7-6-102.

19 (4) The original and one photocopy of all nominating petitions shall
20 be filed with the Secretary of State not less than forty (40) days before the
21 special election. The Secretary of State shall distribute the petitions to
22 the appropriate county clerks, who shall verify the petition signatures and
23 certify the number of verified signatures for each delegate candidate to the
24 Secretary of State not later than thirty-two (32) days prior to the date of
25 the special election.

26 (e) The County Board of Election Commissioners shall include on special
27 election ballots the names of all candidates for delegate to the
28 Constitutional Convention as certified by the Secretary of State. The
29 provisions of Arkansas Code Section 7-5-407 shall not apply to the special
30 election provided for in Section 4 of this Act. The county board of election
31 commissioners shall prepare official absentee ballots and deliver them to the
32 county clerk for mailing to all qualified applicants as soon as practicable
33 before the last day on which the ballot will be counted but in any event not
34 less than twenty (20) days before the special election.

35 (f) The results of the elections on calling the Convention and electing

1 delegates shall be certified to the Secretary of State in the manner provided
 2 by law not later than seven (7) days after election day.

3 (g) The general election laws of the state shall apply to any
 4 circumstance or situation not provided for in this Act.

5 (h) In the event more than two (2) candidates are seeking a particular
 6 delegate position and no candidate receives a majority of the votes cast for
 7 all candidates for the position, the names of the two (2) candidates
 8 receiving the highest number of votes for the position shall be certified to
 9 a special runoff election which shall be held by the respective county board
 10 of election commissioners of the district two (2) weeks from the day on which
 11 the general election is held. The special runoff election shall be conducted
 12 in the same manner as is now provided by law, and the election results shall
 13 be canvassed and certified in the manner provided by law.

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15 SECTION 3. (a) In addition to the one hundred (100) elected
 16 delegates, sixteen (16) ex officio, non-voting delegates shall be appointed
 17 as follows:

18 (1) Eight (8) delegates from the Senate shall be jointly selected by
 19 the Governor and the President Pro Tempore of the Arkansas Senate.

20 (2) Eight (8) delegates from the House of Representatives shall be
 21 jointly selected by the Governor and the Speaker of the House of
 22 Representatives.

23 (3) The delegates appointed in the manner prescribed in subsections
 24 (1) and (2) shall be reported to the chairman of the constitutional
 25 convention on June 3, 1996 by the Governor or his representative.

26 (b) Ex officio, non-voting delegates shall have the same rights and
 27 privileges as the elected delegates, except they shall be prohibited from
 28 voting on the proposed constitution or any part thereof.

29

30 SECTION 4. (a) Vacancies in positions of elected delegates shall be
 31 filled by majority vote of the convention, and the person appointed must
 32 possess the same qualifications of the elected delegate.

33 (b) Vacancies in appointed delegate positions shall be filled in the
 34 same manner as the initial appointment.

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1 SECTION 5. (a) If a majority of the qualified electors voting on the
2 issue vote to call a constitutional convention, the convention shall convene
3 on Monday, June 3, 1996, at 10:00 A.M. in the Chamber of the House of
4 Representatives at the State Capitol Building.

5 (b) The Lieutenant Governor shall preside as the convention chairperson
6 until such time as the convention delegates elect a chairperson from their
7 membership. The chairperson may vote in the case of a tie vote on any issue
8 voted upon by the delegates of the convention.

9 (c) The convention shall employ a person to serve as secretary of the
10 convention and such other employees as deemed necessary and as provided in
11 the appropriation for the convention. The secretary shall not be a delegate
12 to the convention and shall function as the executive officer and fiscal
13 officer to the convention.

14 (d) The convention shall meet in the House chambers unless another
15 place is designated by the Executive Committee.

16 (e) The first orders of business shall be: the election of officers;
17 the adoption of rules and procedures to be followed by the convention,
18 including the time and place of recess; creating committees and defining
19 their responsibilities; and the employment of staff within the limitations of
20 appropriations provided therefor. The convention shall elect four (4)
21 delegate vice-presidents, one (1) from each congressional district. The four
22 (4) vice-presidents, plus the convention chairperson, shall constitute the
23 Executive Committee of the convention. The convention shall elect such other
24 officers as it deems appropriate.

25 (f) The rules of the convention may specifically provide that meetings
26 of the convention need not be conducted on days that committee meetings are
27 conducted.

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29 SECTION 6. (a) The convention shall be the sole judge of the
30 qualifications and election of its membership.

31 (b) All meetings of the convention and any of its committees shall be
32 open to the public.

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34 SECTION 7. The full text of the proposed constitution shall be
35 published by the Secretary of State at least thirty (30) days prior to the

1 election at which the proposed document shall be submitted to a vote of the
2 people, one (1) time in each of the seventy-five (75) counties in Arkansas,
3 by insertion of preprinted copies of the proposed new constitution in legal
4 newspapers (as defined in Ark. Code Ann. § 16-3-105) having general
5 circulation in one or more counties. The preprinted copies shall be
6 furnished by the Secretary of State to each legal newspaper and to public
7 libraries without charge, shall be in tabloid form suitable for insertion in
8 legal newspapers, and shall be printed in not less than eight-point type.
9 Funding for the publication may be from appropriated public funds, or private
10 funds, or both.

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12 SECTION 8. The convention's proposed constitution shall be placed on
13 the general election ballot in 1996.

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15 SECTION 9. If a majority of the electors of the state voting thereon
16 at the election shall vote against the proposed constitution, it shall be
17 deemed rejected by the electors, and the existing Constitution of this state,
18 as amended, shall continue to be the Constitution of this state until changed
19 as provided by law.

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21 SECTION 10. To the extent monies are appropriated therefor, each
22 delegate to the convention shall be entitled to receive eighty-two dollars
23 (\$82.00) per day for each day actually engaged in the performance of duties
24 as a convention delegate. This per diem shall be in addition to the
25 legislative salary of legislator delegates and no legislator delegates shall
26 receive legislative per diem and convention per diem for the same day. To
27 the extent monies are appropriated therefor, each delegate shall be entitled
28 to receive travel reimbursement at the rate of thirty (30¢) cents per mile
29 for one (1) round trip from their residence to the convention site and return
30 each week solely for the purpose of attending sessions of the convention and
31 other travel on convention business which is authorized by the Executive
32 Committee.

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34 SECTION 11. A transcript of the convention proceedings shall be taken,
35 kept, compiled and maintained as a public record. The Executive Committee

1 shall be responsible for the selection of the person or persons who shall
 2 perform this work and the manner in which the transcript is taken, kept,
 3 compiled and maintained.

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 5 SECTION 12. If a majority of the qualified electors voting on the
 6 question vote against calling a constitutional convention, the delegates
 7 elected shall have and exercise no power or authority and shall perform no
 8 functions by virtue of their election as delegates.

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 10 SECTION 13. Subchapter 3 of Chapter 9 of Title 7 of the Arkansas Code
 11 is hereby repealed.

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 13 SECTION 14. All provisions of this act of a general and permanent
 14 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
 15 Code Revision Commission shall incorporate the same in the Code.

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 17 SECTION 15. If any provision of this act or the application thereof to
 18 any person or circumstance is held invalid, such invalidity shall not affect
 19 other provisions or applications of the act which can be given effect without
 20 the invalid provision or application, and to this end the provisions of this
 21 act are declared to be severable.

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 23 SECTION 16. All laws and parts of laws in conflict with this act are
 24 hereby repealed.

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 26 SECTION 17. It is hereby found and determined by the General Assembly
 27 that this act should go into effect immediately in order to prescribe the
 28 procedure for calling the constitutional convention as soon as possible.
 29 Therefore, an emergency is hereby declared to exist, and this act being
 30 necessary for the immediate preservation of the public peace, health and
 31 safety shall be in full force and effect from and after its passage and
 32 approval.

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