

1 State of Arkansas
2 80th General Assembly
3 First Extraordinary Session, 1995
4 By: Senator Everett

Call Item 2

A Bill

SENATE BILL 5

For An Act To Be Entitled

8 "AN ACT TO CALL A CONSTITUTIONAL CONVENTION CONSISTING OF
9 ONE-HUNDRED (100) DELEGATES TO BE ELECTED FROM EACH HOUSE
10 OF REPRESENTATIVES' DISTRICT; TO PRESCRIBE THE AUTHORITY
11 AND RESPONSIBILITY OF THE CONVENTION TO REVISE THE
12 CONSTITUTION OF THE STATE OF ARKANSAS; TO ESTABLISH THE
13 METHOD FOR RATIFYING THE CONVENTION CALL AND FOR
14 SUBMITTING THE PROPOSED REVISIONS OF THE CONSTITUTION TO A
15 VOTE OF THE PEOPLE; TO DECLARE AN EMERGENCY; AND FOR OTHER
16 PURPOSES."

Subtitle

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18
19 "TO CALL A CONSTITUTIONAL CONVENTION
20 CONSISTING OF ONE-HUNDRED (100)
21 DELEGATES FROM EACH HOUSE OF
22 REPRESENTATIVES' DISTRICT TO REVISE THE
23 ARKANSAS CONSTITUTION."
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

27 SECTION 1. Purpose. It is hereby found and determined by the General
28 Assembly that many of the provisions of the Arkansas Constitution of 1874, as
29 amended, are not reasonable or appropriate at the present time and do not
30 reflect the needs of a modern and vital state government and that the
31 amendment process is not sufficient to effect the necessary revisions. When
32 the processes of free government are to be modified, the people have a right
33 to act, and this right can be constitutionally exercised by means of
34 legislative action of the General Assembly and a vote of the people.
35 Therefore, it is the purpose of this Act to propose a call for constitutional

1 convention to revise and reconstruct and reform government in Arkansas.

2

3 SECTION 2. Constitutional Convention Called. There is hereby called,
4 subject to ratification by a statewide vote of the people as prescribed in
5 this Act, a Constitutional Convention for the purpose of drafting a new
6 Constitution of the State of Arkansas. The Convention shall be known as the
7 "Arkansas Constitutional Convention of 1996."

8

9 SECTION 3. Delegates. (a) The Convention shall be composed of one
10 hundred (100) delegates, nominated as set forth in Section 5 of this Act, to
11 be elected by popular vote, with one such delegate being elected from each
12 existing district of the Arkansas House of Representatives by plurality vote
13 at a special election called for that purpose. The delegates shall be
14 elected by popular vote as a part of the decision by the people to call a
15 convention at the special election provided in Section 4 of this Act.

16 (b) In the event of a vacancy in any delegate position prior to the
17 convening of the Convention, the Governor shall fill such vacancy by
18 appointment with a replacement delegate who has the qualifications of a
19 delegate. A delegate vacancy occurring after the Convention is convened
20 shall not be filled.

21

22 SECTION 4. Special election to Call a Convention and to Elect
23 Delegates.

24 (a) The question of whether or not to call a Constitutional Convention
25 and to elect the one hundred (100) delegates to the Convention from the
26 General Assembly shall be submitted to the registered voters of the state for
27 adoption or rejection at a special election to be called by the Governor.
28 The convention question shall be in substantially the following form:

29 (1) " For calling a Constitutional Convention to propose a
30 new Constitution for the State of Arkansas, as provided in Act _____ of the
31 Acts of the First Extraordinary Session of the Eightieth (80th) General
32 Assembly of 1995, and subject to the terms of that Act."

33 (2) " Against calling a Constitutional Convention."

34 (b) If a majority of the registered voters voting in the special
35 election vote for calling the Convention, the Convention shall proceed as set

1 forth in this Act. If a majority of the registered voters voting in the
2 special election vote against calling the Convention, the Convention shall
3 not be held.

4 (c) The one hundred (100) district delegates shall be elected at the
5 same special election as prescribed in Section 5 of this Act.

6

7 SECTION 5. Procedure for Election of Delegates.

8 (a) On the date of the special election, candidates seeking election as
9 district delegates shall be at least twenty-one (21) years of age, registered
10 voters, and residents of the House District from which election is sought for
11 at least one (1) year.

12 (b) The election of delegates to the Convention shall be on a
13 nonpartisan basis, and no candidate shall designate political party
14 affiliation at the time of filing as a candidate for election.

15 (c)(1)(A) Each person desiring to be elected a district delegate shall
16 file with the Secretary of State nominating petitions with at least two
17 hundred (200) signatures thereon of persons who are registered voters within
18 the House district. No sheet of any nominating petition shall contain the
19 signatures of registered voters in more than one county within the House
20 district. To be considered legally sufficient, each voter signature shall be
21 accompanied by the voter's printed name, street address and date of birth.

22 (B) When filing nominating petitions, each candidate for
23 district delegate shall pay a filing fee of twenty-five dollars (\$25.00) to
24 the Secretary of State, said funds to be a special revenue to be credited to
25 the State General Services Fund Account and used for costs associated with
26 the special election.

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

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

34 (3) All candidates for delegate position shall file with their
35 nominating petitions a political practices pledge on a form provided by the

1 Secretary of State which substantially complies with Arkansas Code § 7-6-102.

2 (4) The original and one photocopy of all nominating petitions
 3 shall be filed with the Secretary of State not later than a date and time set
 4 in the Governor’s proclamation but in any event not less than forty (40) days
 5 before the special election. The Secretary of State shall distribute the
 6 petitions to the appropriate county clerks, who shall verify the petition
 7 signatures and certify the number of verified signatures for each delegate
 8 candidate to the Secretary of State within the time specified in the
 9 Governor’s proclamation of special election, but not later than thirty-two
 10 (32) days prior to the date of the special election.

11 (d) The County Board of Election Commissioners shall include on special
 12 election ballots the names of all candidates for delegate to the
 13 Constitutional Convention as certified by the Secretary of State. The
 14 provisions of Arkansas Code § 7-5-407 shall not apply to the special election
 15 provided for in Section 4 of this Act. The county board of election
 16 commissioners shall prepare official absentee ballots and deliver them to the
 17 county clerk for mailing to all qualified applicants as soon as practicable
 18 before the last day on which the ballot will be counted but in any event not
 19 less than twenty (20) days before the special election.

20 (e)(1) The candidate receiving the greatest number of the votes cast in
 21 the special election shall be declared elected as the district delegate to
 22 the Convention from each House district.

23 (2) A tie vote for a district delegate position shall be
 24 determined by drawing lots in the presence of a judge of a court of record in
 25 the House District within five (5) days from the date of the special
 26 election.

27 (f) The results of the elections on calling the Convention and electing
 28 delegates shall be certified to the Secretary of State in the manner provided
 29 by law not later than seven (7) days after election day.

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

32

33 SECTION 6. Convention Officials.

34 (a) At its organizational session, the Convention shall elect one of
 35 its members as a President to preside at meetings of the Convention and he or

1 she shall perform any other duties as may be assigned to him or her by the
2 Convention. Also, at its organizational session, a caucus of the delegates
3 from each of the four (4) Congressional Districts in Arkansas shall elect a
4 convention vice-president from the respective Congressional Districts_
5 delegations. In the absence of the President, or in the event the President
6 wishes to address the Convention as a delegate, the vice-presidents of the
7 Convention shall preside over the Convention on a rotating basis. The
8 presiding officer, being a Convention delegate, shall be entitled to vote on
9 any matter before the Convention as a delegate.

10 (b) There shall be an Executive Committee of the Convention, composed
11 of the President and four (4) vice-presidents elected by the delegates from
12 the respective Congressional Districts.

13 (c) The Convention shall have a Secretary, and such other officers of
14 the Convention as the Convention shall designate. The Executive Committee of
15 the Convention shall select the Secretary of the Convention. All officers of
16 the Convention except the Secretary shall be delegates. The Secretary shall
17 perform such duties as the Executive Committee or the Convention shall
18 direct.

19

20 SECTION 7. Assistance to Convention.

21 (a) The Governor, Speaker of the House of Representatives, President
22 Pro Tempore of the Senate, and the Chairman of the Legislative Council may
23 designate and are authorized to call upon employees of the Office of the
24 Governor, the House of Representatives, the Senate, and the Bureau of
25 Legislative Research, and any other state agency to provide information,
26 support, and staff assistance to the Convention.

27 (b) The Governor, the Secretary of State, the Speaker of the House of
28 Representatives, the President Pro Tempore of the Senate, and the Chairman of
29 the Legislative Council are authorized to make any public facilities under
30 their control available for use by the Convention.

31

32 SECTION 8. Proceedings.

33 (a) The delegates to the Convention shall assemble upon the call of the
34 Governor for an organizational session of no longer than two (2) days
35 duration, for the purposes of electing the Executive Committee, employment of

1 personnel to staff the Convention, and for such other organizational purposes
2 as the Convention may deem necessary. At that time each delegate to the
3 Convention shall take an oath to support the Constitution of the United
4 States and to discharge faithfully all duties as a delegate to the
5 Convention.

6 (b) A majority of the delegates serving shall constitute a quorum, and
7 fifty-one (51) votes shall be necessary for final adoption of any measure by
8 the Convention.

9 (c) At all sessions of the Convention, delegates shall be addressed as
10 "Mr.," "Mrs.," "Miss" or "Delegate," or other appropriate title.

11 (d) The Executive Committee is empowered to act with respect to
12 organization and personnel matters between sessions of the Convention.

13 (e) Within seven (7) days following the organizational session, the
14 delegates to the Convention shall assemble for the regular session of the
15 Convention in the Chambers of the House of Representatives at the State
16 Capitol Building, or at another place designated by the Executive Committee.

17 (f) The first orders of business shall be the election of any other
18 officers desired by the Convention (other than the presiding officers,
19 Secretary, and the Executive Committee); the adoption of rules or procedures
20 to be followed by the Convention, including the time and place of recess; the
21 number and responsibilities of committees of the Convention; and the
22 employment of additional personnel to staff the Convention, within the
23 limitations of appropriations made therefor. The rules may specifically
24 provide that meetings of the Convention need not be conducted on days that
25 committee meetings are conducted.

26 (g) The Convention shall meet in regular session for a period not to
27 exceed thirty (30) calendar days, except that the Convention, by a vote of
28 three-fourths ($\frac{3}{4}$) of its full membership may extend the regular session by
29 not more than ten (10) additional calendar days. The Convention shall not
30 meet on any day on which the Arkansas General Assembly is in session, and no
31 such day shall be charged against the days allowed to the Convention.

32 (h) The Convention shall draft a proposed new Constitution for the
33 State of Arkansas for submission to the registered voters of the state.

34 (i) Upon adjournment sine die, the presiding officers of the Convention
35 shall certify an official draft of the proposed new Constitution, as approved

1 by the Convention, to the Governor and the Secretary of State.

2 (j) All meetings of the Convention and each of its committees shall be
3 conducted in public.

4
5 SECTION 9. Compensation. Each delegate to the Convention shall be
6 entitled to receive eighty-two dollars (\$82.00) per day for each day actually
7 engaged in the performance of duties as a Convention delegate. In addition,
8 each delegate shall be entitled to receive travel reimbursement at the rate
9 of thirty cents (30¢) per mile for one round trip from home to Little Rock
10 and return each week solely for the purpose of attending sessions of the
11 Convention, and for other travel on Convention business which is authorized
12 by the Executive Committee.

13
14 SECTION 10. Transcript. A record of the Convention proceedings shall
15 be taken, kept, compiled and maintained as a public record. The Executive
16 Committee shall be responsible for the selection of the person or persons who
17 shall perform this work and the manner in which the record is taken, kept,
18 compiled and maintained.

19
20 SECTION 11. Publication of Document. At least thirty (30) days and
21 not more than sixty (60) days prior to the election at which the proposed
22 document shall be submitted to a vote of the people, the full text of the
23 proposed constitutional document certified to the Governor and the Secretary
24 of State shall be published one (1) time by the Secretary of State in each of
25 the seventy-five (75) counties in Arkansas, either by (1) insertion of
26 preprinted copies of the proposed new Constitution or (2) as a legal notice
27 in legal newspapers (as defined in Arkansas Code § 16-3-105) having general
28 circulation in one or more counties. If preprinted copies are used, they
29 shall be furnished by the Secretary of State to each such newspaper and to
30 public libraries without charge, shall be in tabloid format and shall be
31 printed in not less than eight-point type. Funding for such publication may
32 be from appropriated public funds, or private funds, or both.

33
34 SECTION 12. Popular Vote. Any new Constitution proposed by the
35 Convention shall be submitted to the registered voters of the state for

1 adoption or rejection at either a special election to be held at the call of
2 the Governor given at least ninety (90) days prior to the special election,
3 or at the General Election in November, 1996, at the option of the Governor.
4 If the proposed Constitution fails at an earlier special election, the
5 Governor may also submit the document to the people a second time at the
6 General Election of November, 1996.

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8 SECTION 13. Additional Authority. This Act provides an additional
9 method of calling a Constitutional Convention and does not limit, modify, or
10 repeal the method provided in Arkansas Code § 7-9-301 through 7-9-312.

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12 SECTION 14. Construction. This Act shall be construed liberally to
13 effectuate the legislative intent and the purposes of this Act as complete
14 and independent authority for the performance of each and every act and thing
15 authorized in this Act, and all powers granted in this Act shall be broadly
16 interpreted to effectuate that intent and those purposes and not as a
17 limitation of powers.

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

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23 SECTION 16. If any provisions of this act or the application thereof
24 to any person or circumstance is held invalid, the invalidity shall not
25 affect other provisions or applications of the act which can be given effect
26 without the invalid provisions or application, and to this end the provisions
27 of this act are declared to be severable.

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29 SECTION 17. All laws and parts of laws in conflict with this act are
30 hereby repealed.

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32 SECTION 18. Emergency. It is hereby found and determined by the
33 Eightieth General Assembly of the State of Arkansas meeting in the First
34 Extraordinary Session of 1995 that there is an immediate and urgent need for
35 constitutional revision in Arkansas; that many parts of the Constitution of

1 Arkansas are archaic, obsolete, and unrelated to the needs and demands of the
2 citizens for good government in both the state and local governments; and
3 that the number and types of changes needed are not suitable for piecemeal
4 amendment of the present Constitution. Therefore, in order to revise the
5 Arkansas Constitution, an emergency is hereby declared to exist, and this act
6 being necessary for the immediate preservation of the public peace, health,
7 and safety, shall be in full force and effect from and after its passage and
8 approval.

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