

1 State of Arkansas

Call Item 2

2 80th General Assembly

# A Bill

3 First Extraordinary Session, 1995

SENATE BILL

8

4 By: Senators Walters, Brown, Boozman, Jeffries, Webb, Keet, and Hunter

5

6

7

## 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 may, by proclamation, place on the 1996*  
18 *preferential primary election ballot the following:*

19 (1) Whether to call a constitutional convention;

20 (2) The election of seventy (70) delegates as provided in Section 2 of  
21 this Act; and

22 (3) The election of thirty (30) delegates as provided in Section 3 of  
23 this Act.

24

25 *SECTION 2. (a) Two (2) delegates shall be elected from each of the*  
26 *thirty-five (35) Arkansas Senate districts.*

27 *(b) On the date of the preferential primary election, candidates*  
28 *seeking election as district delegates shall be at least twenty-one (21)*  
29 *years of age, registered voters, and residents of the Senate District from*  
30 *which election is sought for at least one (1) year.*

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

34 *(d)(1)(A) Each person desiring to be elected a district delegate shall*  
35 *file with the Secretary of State nominating petitions with at least fifty*

1 (50) signatures thereon of persons who are registered voters within the  
2 Senate district. No sheet of any nominating petition shall contain the  
3 signatures of registered voters in more than one county within the Senate  
4 district. To be considered legally sufficient, each voter signature shall be  
5 accompanied by the voter's printed name, street address and date of birth.

6 (B) A statement signed by the candidate stating the candidate's  
7 willingness to accept the nomination and serve as a delegate shall be filed  
8 with the nominating petition.

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

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

16 (4) Nominating petitions shall be filed with the Secretary of State  
17 *not less than forty days prior to the preferential primary election.* The  
18 Secretary of State shall distribute the petitions to the appropriate county  
19 clerks who shall verify the petition signatures and certify the number of  
20 verified signatures for each delegate candidate to the Secretary of State not  
21 later than thirty-two (32) days prior to the date of the *preferential primary*  
22 election.

23 (e) The county board of election commissioners shall include on  
24 *preferential primary* election ballots the names of all candidates for  
25 delegate to the Constitutional Convention as certified by the Secretary of  
26 State. The county boards of election commissioners shall prepare official  
27 absentee ballots and deliver them to the county clerks for mailing to all  
28 qualified applicants as soon as practicable before the last day on which the  
29 ballot will be counted but in any event not less than twenty (20) days before  
30 the *preferential primary* election.

31 (f)(1) *Candidates shall run for position 1 or position 2 in each*  
32 *Senate district and the candidate receiving the greatest number of the votes*  
33 *cast for the position shall be declared elected to the Convention.*

34 (2) A tie vote shall be determined by drawing lots in the presence  
35 of a judge of a court of record in the Senate District within five (5) days

1 from the date of the *preferential primary* election.

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

5 (h) The general election laws of the state shall apply to any  
6 circumstance or situation not provided for in this Act.

7 (i) The Governor and the congressional district caucuses shall certify  
8 the names of their appointees to the Secretary of State no later than five  
9 (5) days after the commencement of the district delegate filing period  
10 established by *the Governor's proclamation*.

11 (j) In the event of a vacancy in any delegate position prior to the  
12 convening of the convention, the Governor shall fill such vacancy by  
13 appointment with a replacement delegate who has the class qualifications of  
14 the delegate being replaced. A delegate vacancy occurring after the  
15 convention is convened shall not be filled.

16

17 SECTION 3. The Governor shall nominate six (6) delegates who shall be  
18 members of the General Assembly with at least one from each congressional  
19 district. The members of each of the four congressional district caucuses of  
20 the General Assembly shall nominate six (6) delegates who shall be members of  
21 the General Assembly residing within the congressional district. The names  
22 of the thirty nominees shall be listed on the ballot at the *preferential*  
23 *primary election*. If the voters vote against the thirty nominees, the  
24 convention shall be composed of the seventy delegates elected under Section  
25 2.

26

27 SECTION 4. (a) The President Pro Tempore of the Arkansas Senate and  
28 the Speaker of the Arkansas House of Representatives, or their jointly  
29 designated substitute if both are absent, shall alternate days presiding at  
30 meetings of the Convention and shall perform other duties assigned to them by  
31 the Convention. Neither presiding official, or their substitute if both are  
32 absent, shall be entitled to vote on any matter before the Convention, except  
33 in the event of a tie vote on any issue, when the presiding officer of the  
34 day may cast a vote as a delegate.

35 (b) There shall be an Executive Committee of the Convention, composed

1 of the presiding *officers* and four (4) delegate vice-presidents elected by  
2 the delegates from the respective Congressional Districts.

3 (c) The Convention shall have a Secretary, and such other officers of  
4 the Convention as the Convention shall designate. The Executive Committee of  
5 the Convention shall select the Secretary of the Convention. All officers of  
6 the Convention except the presiding *officers* and Secretary shall be  
7 delegates. The Secretary shall perform such duties as the Executive  
8 Committee or the Convention shall direct.

9

10 SECTION 5. (a) The Governor, Speaker of the House of Representatives,  
11 and President Pro Tempore of the Senate may request employees of the Office  
12 of the Governor, the Arkansas Legislative Council, the House of  
13 Representatives, the Senate, and any other state agency to provide  
14 information, support, and staff assistance to the Convention.

15 (b) The Governor, the Secretary of State, the Speaker of the House of  
16 Representatives and the President Pro Tempore of the Senate are authorized to  
17 make any public facilities under their control available for use by the  
18 Convention.

19

20 SECTION 6. (a) The delegates to the Convention shall assemble upon the  
21 call of the Governor for an organizational session of no longer than two (2)  
22 days duration, for the purposes of electing the Executive Committee,  
23 employment of personnel to staff the Convention, and for such other  
24 organizational purposes as the Convention may deem necessary. At that time  
25 each delegate to the Convention shall take an oath to support the  
26 Constitution of the United States and to discharge faithfully all duties as a  
27 delegate to the Convention.

28 (b) A majority of the delegates serving shall constitute a quorum. The  
29 affirmative vote of at least a majority of the delegates serving shall be  
30 necessary for final adoption of any measure by the Convention.

31 (c) At all sessions of the Convention, delegates shall be addressed as  
32 "Mr.," "Mrs.," "Miss", "Ms", or "Delegate," or other appropriate title,  
33 except "Senator" or "Representative."

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

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

5 (f) The first orders of business shall be the election of any other  
6 officers desired by the Convention (other than the presiding *officers*  
7 Secretary, and the Executive Committee); the adoption of rules or procedures  
8 to be followed by the Convention, including the time and place of recess; the  
9 number and responsibilities of committees of the Convention; and the  
10 employment of additional personnel to staff the Convention, within the  
11 limitations of appropriations made therefor. The rules may specifically  
12 provide that meetings of the Convention need not be conducted on days that  
13 committee meetings are conducted.

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

20 (h) The Convention shall draft a proposed new Constitution for the  
21 State of Arkansas for submission to the registered voters of the state *at the*  
22 *1996 General Election*.

23 (i) Upon adjournment sine die, the presiding officers of the Convention  
24 shall certify an official draft of the proposed new Constitution, as  
25 approved by the Convention, to the Governor and the Secretary of State.

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

28

29 SECTION 7. Each delegate to the Convention shall be entitled to  
30 receive eighty-two dollars (\$82.00) per day for each day actually engaged in  
31 the performance of duties as a Convention delegate. Such per diem  
32 compensation shall be in addition to the legislative salary of a delegate,  
33 but no delegate from the General Assembly shall receive legislative per diem  
34 and per diem under this section for the same day. In addition, each delegate  
35 shall be entitled to receive travel reimbursement at the rate of thirty cents

1 (30¢) per mile for one round trip from home to Little Rock and return each  
2 week solely for the purpose of attending sessions of the Convention, and for  
3 other travel on Convention business which is authorized by the Executive  
4 Committee.

5

6 SECTION 8. A record of the Convention proceedings shall be taken,  
7 kept, compiled and maintained as a public record. The Executive Committee  
8 shall be responsible for the selection of the person or persons who shall  
9 perform this work and the manner in which the record is taken, kept, compiled  
10 and maintained.

11

12 SECTION 9. At least thirty (30) days and not more than sixty (60) days  
13 *prior to the 1996 General Election*, the full text of the proposed  
14 constitutional document certified to the Governor and the Secretary of State  
15 shall be published one (1) time by the Secretary of State in each of the  
16 seventy-five (75) counties in Arkansas, either by (1) insertion of  
17 preprinted copies of the proposed new Constitution or (2) as a legal notice  
18 in legal newspapers (as defined in Ark. Code Ann. § 16-3-105) having general  
19 circulation in one or more counties. If preprinted copies are used, they  
20 shall be furnished by the Secretary of State to each such newspaper and to  
21 public libraries without charge, shall be in tabloid format and shall be  
22 printed in not less than eight-point type. Funding for such publication may  
23 be from appropriated public funds, or private funds, or both.

24

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

27

28 SECTION 11. All provisions of this act of a general and permanent  
29 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
30 Code Revision Commission shall incorporate the same in the Code.

31

32 SECTION 12. If any provision of this act or the application thereof to  
33 any person or circumstance is held invalid, such invalidity shall not affect  
34 other provisions or applications of the act which can be given effect without  
35 the invalid provision or application, and to this end the provisions of this

1 act are declared to be severable.

2

3 SECTION 13. All laws and parts of laws in conflict with this act are  
4 hereby repealed.

5

6 SECTION 14. EMERGENCY. It is hereby found and determined by the  
7 General Assembly that there is an immediate and urgent need for  
8 constitutional revision in Arkansas. Since many parts of the Constitution of  
9 Arkansas are archaic, obsolete, and unrelated to the needs and demands of the  
10 citizens for good government in both the state and local governments; and  
11 since the number and types of changes needed are not suitable for piecemeal  
12 amendment of the present Constitution; an emergency is hereby declared to  
13 exist, and this Act is declared to be necessary for the immediate  
14 preservation of the public peace, health and safety and shall be in full  
15 force and effect from and after its passage and approval.

16

*/s/Walters et al*

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8