

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

SJR 8

4
5 By: Senator Gordon
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8 **SENATE JOINT RESOLUTION**

9 "PROPOSING AN AMENDMENT TO THE ARKANSAS CONSTITUTION
10 CONCERNING PUBLICATION AND LEGAL REVIEW OF STATEWIDE
11 INITIATIVES AND REFERENDUMS; AND TO AMEND ARTICLE 19,
12 SECTION 22 CONCERNING PUBLICATION OF PROPOSED
13 AMENDMENTS SUBMITTED BY THE GENERAL ASSEMBLY. "

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15 **Subtitle**

16 "PROPOSING AN AMENDMENT TO THE ARKANSAS
17 CONSTITUTION CONCERNING PUBLICATION AND
18 LEGAL REVIEW OF STATEWIDE INITIATIVES
19 AND REFERENDUMS; AND TO AMEND ARTICLE
20 19, SECTION 22. "

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

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

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34 SECTION 1. (a)(1) The Supreme Court shall have exclusive original
35 jurisdiction for any legal action requesting that a statewide initiative or
36 referendum be removed from the ballot or that the votes not be counted or

1 certified. No action shall be filed with the Supreme Court later than thirty
 2 (30) days after the sufficiency of the petition is certified by the Secretary
 3 of State.

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

10 (3) The Supreme Court of Arkansas must render a decision on an
 11 action brought under this section no later than forty-five (45) days before
 12 the election. If the Supreme Court fails to render a decision within the time
 13 limit, the request that a statewide initiative or referendum be removed from
 14 the ballot or that the votes not be counted or certified shall be deemed to be
 15 denied.

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

21 (c) Before any initiative or referendum petition ordering a vote upon
 22 any amendment or act is circulated for obtaining signatures of petitioners,
 23 the sponsors shall submit the original draft to the Attorney General, with a
 24 proposed ballot title and popular name. A ballot title or popular name
 25 certified by the Attorney General shall be presumed sufficient unless the
 26 Supreme Court determines, by clear, cogent, and convincing evidence, that the
 27 ballot title or popular name is misleading.

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 29 SECTION 2. Article 19, Section 22 of the Arkansas Constitution is
 30 amended to read as follows:

31 "§ 22. Constitutional amendments.

32 Either branch of the General Assembly at a regular session thereof may
 33 propose amendments to this Constitution, and, if the same be agreed to by a
 34 majority of all members elected to each house, such proposed amendments shall
 35 be entered on the journals with the yeas and nays, and published once in at
 36 least one newspaper in each county, where a newspaper is published. The

1 publication of the proposed amendment shall be made not more than six months
2 nor less than four for six months immediately preceding the next general
3 election for Senators and Representatives, at which time the ~~same~~ proposed
4 amendment shall be submitted to the electors of the State for approval or
5 rejection; ~~and if.~~ If a majority of the electors voting at such election
6 adopt such amendments the same shall become a part of this Constitution, but
7 no more than three amendments shall be proposed or submitted at the same time.
8 They shall be so submitted as to enable the electors to vote on each amendment
9 separately. "

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