

**Stricken language would be deleted from and underlined language would be added to the Arkansas Constitution.**

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001

HJR 1003

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5 By: Representative Glover  
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8 **HOUSE JOINT RESOLUTION**

9 PROPOSING AN AMENDMENT TO THE ARKANSAS CONSTITUTION  
10 CONCERNING PROCEDURES IN THE REFERRAL, PUBLICATION,  
11 AND LEGAL REVIEW OF CONSTITUTIONAL AMENDMENTS,  
12 STATEWIDE INITIATIVES, AND STATEWIDE REFERENDUMS; BY  
13 MODIFYING PROCEDURES FOR THE PUBLICATION AND LEGAL  
14 REVIEW OF STATEWIDE INITIATIVES AND REFERENDUMS; AND  
15 BY AMENDING ARTICLE 19, SECTION 22 TO MODIFY  
16 PROCEDURES FOR PUBLICATION AND LEGAL REVIEW OF  
17 PROPOSED AMENDMENTS SUBMITTED BY THE GENERAL ASSEMBLY  
18 AND PROVIDING THAT NO MORE THAN FIVE AMENDMENTS MAY BE  
19 SUBMITTED BY THE GENERAL ASSEMBLY.  
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21 **Subtitle**

22 PROPOSING AN AMENDMENT TO THE ARKANSAS  
23 CONSTITUTION CONCERNING PROCEDURES IN  
24 THE REFERRAL, PUBLICATION, AND LEGAL  
25 REVIEW OF CONSTITUTIONAL AMENDMENTS,  
26 STATEWIDE INITIATIVES, AND STATEWIDE  
27 REFERENDUMS.  
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30 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-THIRD GENERAL  
31 ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL MEMBERS  
32 ELECTED TO EACH HOUSE AGREEING THERETO:

33 That the following is hereby proposed as an amendment to the  
34 Constitution of the State of Arkansas, and upon being submitted to the  
35 electors of the state for approval or rejection at the next general election  
36 for Representatives and Senators, if a majority of the electors voting thereon

1 at such election, adopt such amendment, the same shall become a part of the  
2 Constitution of the State of Arkansas, to wit:

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4 SECTION 1. (a)(1) Before any statewide initiative or referendum  
5 petition ordering a vote upon any amendment or act is circulated for obtaining  
6 signatures of petitioners pursuant to Amendment 7 to the Arkansas  
7 Constitution, the sponsors shall submit the original draft to the Attorney  
8 General, with a proposed popular name and ballot title. The Attorney General  
9 shall have the authority to require the sponsor to revise the proposed popular  
10 name and ballot title and shall have the duty to approve and certify a correct  
11 popular name and ballot title. Except as provided herein, the procedure for  
12 such certification by the Attorney General shall be as is now or hereafter  
13 provided by law.

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

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

32 (A) Any legal action against such certification shall be  
33 filed with the Supreme Court within forty-five (45) calendar days after the  
34 Secretary of State's publication. No such action filed later than forty-five  
35 (45) calendar days following publication shall be heard by the Supreme Court;

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1                   (B) Upon a finding by the Supreme Court that the popular  
 2 name and ballot title are sufficient, the matter shall not be subject to  
 3 further challenge or judicial review. Upon a finding that the popular name or  
 4 ballot title is insufficient, the Supreme Court shall substitute and certify a  
 5 sufficient popular name or ballot title, which certification shall not be  
 6 subject to further challenge or judicial review;

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

10                  (c) If the Attorney General or the Secretary of State refuses to act as  
 11 herein required or if the sponsors feel aggrieved at his or her acts under  
 12 this section, they may, by petition, apply to the Supreme Court for proper  
 13 relief.

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

17                  "§ 22. Constitutional amendments.

18                  (a) Either branch of the General Assembly at a regular session thereof  
 19 may propose amendments to this Constitution, and shall designate a popular  
 20 name and ballot title for each, and, if the same be agreed to by a majority of  
 21 all members elected to each house, such proposed amendments and their popular  
 22 names and ballot titles shall be entered on the journals with the yeas and  
 23 nays, and shall be published in at least one newspaper in each county, where a  
 24 newspaper is published, for six months— once by the Secretary of State, as may  
 25 be prescribed by law, within sixty (60) calendar days after the final  
 26 adjournment of the regular session together with a notice informing the public  
 27 of the procedure herein identified to govern any party who may contest such  
 28 popular name or ballot title before the Supreme Court. The procedure to  
 29 contest the popular name and ballot title shall be as set forth in this  
 30 section. Additionally, such proposed amendments shall be published by the  
 31 Secretary of State once, as may be prescribed by law, not more than six (6)  
 32 months nor less than four (4) months immediately preceding the next general  
 33 election for Senators and Representatives, at which time the same proposed  
 34 amendment shall be submitted to the electors of the State for approval or  
 35 rejection; and if a majority of the electors voting at such election adopt  
 36 such amendments the same shall become a part of this Constitution, but no.

1 Any such amendment shall become a part of this Constitution when approved by a  
2 majority of the votes cast upon the amendment. No more than ~~three~~ five  
3 amendments shall be proposed or submitted at the same time. They shall be so  
4 submitted as to enable the electors to vote on each amendment separately.

5 (b)(1) The Supreme Court shall have exclusive original jurisdiction  
6 over any legal action challenging the sufficiency of the popular name and  
7 ballot title or otherwise seeking to have a proposed amendment removed from  
8 the ballot or to enjoin the counting or certification of votes on the  
9 amendment. Such legal action shall be advanced by the Supreme Court as a  
10 matter of public interest over all other civil cases except contested election  
11 cases and shall be heard and decided expeditiously.

12 (2) Any legal action challenging the sufficiency of the popular  
13 name or ballot title shall be filed with the Supreme Court within forty-five  
14 (45) calendar days after the publication by the Secretary of State in a  
15 newspaper with statewide circulation. No such action filed more than forty-  
16 five (45) calendar days following such publication shall be heard by the  
17 Supreme Court.

18 (A) A popular name or ballot title designated by the  
19 General Assembly shall be presumed to be sufficient unless the Supreme Court  
20 determines that the popular name or ballot title is clearly insufficient.

21 (B) Upon a finding by the Supreme Court that the popular  
22 name and ballot title are sufficient, the matter shall not be subject to  
23 further challenge or judicial review. Upon a finding that the popular name or  
24 ballot title is insufficient, the Supreme Court shall substitute and certify a  
25 sufficient popular name or ballot title, which certification shall not be  
26 subject to further challenge or judicial review.

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28 SECTION 3. The popular name of this amendment shall be as follows:

29 "An Amendment Concerning Statewide Initiative and Referendum Petitions,  
30 Amendments Referred to Voters by the General Assembly, and Legal Challenges to  
31 Ballot Titles."

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33 SECTION 4. The ballot title of this amendment shall be as follows:

34 "An amendment to the Constitution of Arkansas concerning procedures in  
35 the referral, publication, and legal review of proposed constitutional  
36 amendments, statewide initiatives, and statewide referendums;

1 Requiring initiative and referendum petitions to be certified by the  
2 Attorney General prior to circulating the petitions for signatures; defining  
3 the authority and duty of the Attorney General regarding such certification  
4 and permitting further definition by law; creating a presumption that such  
5 certification is sufficient unless the Supreme Court determines the popular  
6 name or ballot title to be clearly insufficient;

7 Providing that if a sponsor of a statewide initiative or referendum  
8 submits its popular name and ballot title to the Attorney General for  
9 certification prior to September 30 of the year preceding the year in which  
10 the initiative or referendum would be voted on, then at the expense of the  
11 sponsor the Secretary of State shall publish the Attorney General's  
12 certification, as may be prescribed by law; requiring the publication to  
13 include the entire proposal with its certified popular name and ballot title  
14 and a notice informing the public that any legal action against the  
15 certification shall be filed with the Supreme Court within forty-five (45)  
16 calendar days after the publication and no action filed later shall be heard,  
17 that if the Supreme Court finds the popular name and ballot title sufficient,  
18 the matter shall not be subject to further challenge or judicial review, that  
19 upon a finding of insufficiency, the Supreme Court shall substitute and  
20 certify a sufficient popular name and ballot title, which shall not be subject  
21 to further challenge or judicial review, and that a timely filed legal action  
22 shall be advanced by the Supreme Court over all but contested election cases  
23 and decided expeditiously; allowing sponsors to petition the Supreme Court if  
24 aggrieved by the action or inaction of the Attorney General or Secretary of  
25 State;

26 Amending Article 19, Section 22 of the Arkansas Constitution to allow  
27 the General Assembly at a regular session to propose no more than five  
28 amendments to the Arkansas Constitution at the same time, designating a  
29 popular name and ballot title for each; requiring that a majority of the  
30 members of each chamber of the General Assembly approve the amendments and  
31 their popular names and ballot titles prior to their specified publication by  
32 the Secretary of State within sixty (60) calendar days after final adjournment  
33 of the regular session; requiring that the publication additionally include a  
34 notice informing the public that any legal action challenging the sufficiency  
35 of the popular name or ballot title shall be filed with the Supreme Court  
36 within forty-five (45) calendar days after the publication and no action filed

1 later shall be heard, that the popular name and ballot title shall be presumed  
2 to be sufficient unless the Supreme Court determines the popular name or  
3 ballot title to be clearly insufficient, that if the Supreme Court finds the  
4 popular name and ballot title sufficient, the matter shall not be subject to  
5 further challenge or judicial review, and that upon a finding of  
6 insufficiency, the Supreme Court shall substitute and certify a sufficient  
7 popular name and ballot title, which shall not be subject to further challenge  
8 or judicial review;

9 Providing that the Supreme Court shall have exclusive original  
10 jurisdiction over any legal action challenging the sufficiency of the popular  
11 name and ballot title or otherwise seeking to have a proposed amendment  
12 removed from the ballot or to enjoin the counting or certification of votes on  
13 the amendment; providing that such legal action shall be advanced by the  
14 Supreme Court over all but contested election cases and decided expeditiously;  
15 requiring that proposed amendments be published by the Secretary of State  
16 once, as may be prescribed by law, not more than six (6) months nor less than  
17 four (4) months immediately preceding the next general election, at which time  
18 the amendments shall be submitted to the electors of the State for approval or  
19 rejection and in a manner to enable the electors to vote on each amendment  
20 separately; providing that any such amendment shall become a part of the  
21 Arkansas Constitution when approved by a majority of the votes cast upon the  
22 amendment; and for other purposes."

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