

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

1 State of Arkansas *As Engrossed: H4/11/01*
2 83rd General Assembly
3 Regular Session, 2001 HJR 1004
4
5 By: Representatives Hutchinson, Elliott, Agee
6 By: *Senator Argue*
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HOUSE JOINT RESOLUTION

PROPOSING A CONSTITUTIONAL AMENDMENT TO ENSURE
THE SECRECY OF INDIVIDUAL VOTES IN THE STATE OF
ARKANSAS BY REPEALING THE PROVISIONS OF AMENDMENT
50, §3; AND FOR OTHER PURPOSES.

Subtitle

PROPOSING A CONSTITUTIONAL AMENDMENT TO
ENSURE THE SECRECY OF INDIVIDUAL VOTES
IN THE STATE OF ARKANSAS BY REPEALING
THE PROVISIONS OF AMENDMENT 50, §3.

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

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

SECTION 1. (a) Intent: The people of Arkansas find and declare that
Section 3 of Amendment 50 of the Arkansas Constitution needs to be repealed in
order to ensure the secrecy of individual votes by the people of this state.
The Arkansas Supreme Court, citing this section, subordinated the secrecy of
the ballot to the purity of an election by placing a greater importance on the

1 ability to trace ballots. The people of this state believe that the ability
2 to vote in absolute secrecy is of the utmost importance. Therefore, the
3 people of Arkansas, exercising their reserved powers, guarantee the right to a
4 secret ballot.

5 (b) Section 3 of Amendment 50 of the Arkansas Constitution is hereby
6 repealed.

7 ~~§ 3. Numbering and recording of ballots—Disclosure of vote prohibited~~
8 ~~—Exception.~~

9 ~~In elections by ballot every ballot shall be numbered in the order in~~
10 ~~which it is received, the number shall be recorded by the election officers on~~
11 ~~the list of voters opposite the name of the elector who presents the ballot,~~
12 ~~and the election officers shall be sworn or affirmed not to disclose how any~~
13 ~~elector voted unless required to do so as witnesses in a judicial proceeding~~
14 ~~or a proceeding to contest an election.~~

15 */s/ Hutchinson, et al.*

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