

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

1 State of Arkansas  
2 84th General Assembly  
3 Regular Session, 2003  
4  
5 By: Senator J. Jeffress  
6  
7

SJR 3

**SENATE JOINT RESOLUTION**

9 A PROPOSED AMENDMENT TO THE ARKANSAS CONSTITUTION  
10 PROVIDING THAT MUNICIPALITIES SHALL HAVE LIMITED  
11 HOME RULE; TO PROVIDE THAT TWENTY PERCENT (20%)  
12 OF THE LEGAL VOTERS OF A MUNICIPALITY MAY  
13 PETITION TO HOLD AN ELECTION TO RECALL AN ELECTED  
14 MUNICIPAL OFFICIAL; TO AMEND AMENDMENT 7 OF THE  
15 ARKANSAS CONSTITUTION TO CHANGE THE NUMBER OF  
16 LEGAL VOTERS WHO MAY PROPOSE A STATEWIDE  
17 LEGISLATIVE MEASURE, LAW, OR CONSTITUTIONAL  
18 AMENDMENT AND DEFINING "LEGAL VOTERS" AS THE  
19 TOTAL NUMBER OF REGISTERED VOTERS IN THE STATE OF  
20 ARKANSAS; TO FURTHER AMEND AMENDMENT 7 TO CHANGE  
21 THE NUMBER OF LEGAL VOTERS OF A MUNICIPALITY OR  
22 COUNTY WHO MAY ORDER A REFERENDUM OR INVOKE AN  
23 INITIATIVE UPON A LOCAL MEASURE AND DEFINING  
24 "LEGAL VOTERS" AS THE TOTAL NUMBER OF REGISTERED  
25 VOTERS WITHIN THE AFFECTED MUNICIPALITY OR  
26 COUNTY.

**Subtitle**

LOCAL GOVERNMENT AND CITIZENS' RIGHTS  
AMENDMENT.

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33 BE IT RESOLVED BY THE SENATE OF THE EIGHTY-FOURTH GENERAL ASSEMBLY OF THE  
34 STATE OF ARKANSAS AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL  
35 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:  
36



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

7  
 8 SECTION 1. Definition.

9 For purposes of sections 2 and 3 of this amendment, "municipality"  
 10 means each city and incorporated town in this state.

11  
 12 SECTION 2. Limited Home Rule.

13 Except with respect to the authority to levy taxes, which is unchanged  
 14 by this amendment, a municipality acting through its legislative body may  
 15 exercise local legislative authority relating to its municipal affairs which  
 16 is not denied by this constitution or by law. However, no municipality may  
 17 declare an act a felony or exercise any authority relating to state affairs  
 18 as may be defined by the General Assembly.

19  
 20 SECTION 3. Removal of Elected Municipal Officials.

21 (a) The holder of any municipal elected office is subject to removal  
 22 by the electors qualified to vote for a successor of the incumbent.

23 (b) The procedure to effect the removal of the incumbent of the  
 24 elective office shall include the requirement of filing a petition with the  
 25 city clerk. The petition shall be signed by electors entitled to vote for a  
 26 successor to the incumbent sought to be removed, equal in number to at least  
 27 twenty percent (20%) of the registered voters within the affected city or  
 28 town, demanding the election of a successor of the person sought to be  
 29 removed.

30 (c) The General Assembly shall provide for the implementation of this  
 31 section by law, including the repeal or amendment of any conflicting law.

32  
 33 SECTION 4. Unnumbered paragraph 2 of Amendment 7 to the Constitution  
 34 of Arkansas is amended to read as follows:

35 Initiative - The first power reserved by the people is the initiative.  
 36 ~~Eight~~ Six per cent (6%) of the legal voters may propose any law and ~~ten~~

1 fifteen per cent (15%) may propose a Constitutional Amendment by initiative  
 2 petition, and every such petition shall include the full text of the measure  
 3 so proposed. Initiative petitions for State-wide measures shall be filed  
 4 with the Secretary of State not less than four months before the election at  
 5 which they are to be voted upon; provided, that at least thirty days before  
 6 the aforementioned filing, the proposed measure shall have been published  
 7 once, at the expense of the petitioners, in some paper of general  
 8 circulation.

9  
 10 SECTION 5. Unnumbered paragraph 3 of Amendment 7 to the Constitution  
 11 of Arkansas is amended to read as follows:

12 Referendum - The second power reserved by the people is the referendum,  
 13 and any number not less than six per cent of the legal voters may, by  
 14 petition, order the referendum against any general act, or any item of an  
 15 appropriation bill, or measure passed by the General Assembly, but the filing  
 16 of a referendum petition against one or more items, sections or parts of any  
 17 such act or measure shall not delay the remainder from becoming operative.  
 18 Such petition shall be filed with the Secretary of State not later than  
 19 ninety days after the final adjournment of the session at which such act was  
 20 passed, except when a recess or adjournment shall be taken temporarily for a  
 21 longer period than ninety days, in which case such petition shall be filed  
 22 not later than ninety days after such recess or temporary adjournment. Any  
 23 measure referred to the people by referendum petition shall remain in  
 24 abeyance until such vote is taken. The total number of ~~votes cast for the~~  
 25 ~~office of Governor in the last preceding general election~~ persons registered  
 26 to vote in the State of Arkansas shall be the basis upon which the number of  
 27 signatures of legal voters upon State-wide initiative and referendum  
 28 petitions shall be computed.

29  
 30 SECTION 6. Unnumbered paragraph 8 of Amendment 7 to the Constitution  
 31 of Arkansas is amended to read as follows:

32 General laws shall be enacted providing for the exercise of the  
 33 initiative and referendum as to counties. ~~Fifteen~~ Ten per cent (10%) of the  
 34 legal voters of any municipality or county may order the referendum, or  
 35 invoke the initiative upon any local measures. In municipalities the number  
 36 of signatures required upon any petition shall be computed upon the total

1 ~~vote cast for the office of mayor at the last preceding general election; in~~  
 2 ~~counties, upon the office of Circuit Clerk~~ number of persons registered to  
 3 vote in the affected municipality or county. In municipalities and counties  
 4 the time for filing an initiative petition shall not be fixed at less than  
 5 sixty days nor more than ninety days before the election at which it is to be  
 6 voted upon; for a referendum petition at not less than thirty days nor more  
 7 than ninety days after the passage of such measure by a municipal council;  
 8 nor less than ninety days when filed against a local or special measure  
 9 passed by the General Assembly.

10  
 11 SECTION 7. Unnumbered paragraph 13 of Amendment 7 to the Constitution  
 12 of Arkansas is amended to read as follows:

13 Election - All measures initiated by the people, whether for the State,  
 14 county, city or town, shall be submitted only at the regular elections,  
 15 either State, congressional or municipal, but referendum petitions may be  
 16 referred to the people at special elections to be called by the proper  
 17 official, and such special elections shall be called when fifteen per cent of  
 18 ~~the legal voters~~ total number of registered voters in the State, county,  
 19 city, or town, respectively, shall petition for such special election, and if  
 20 the referendum is invoked as to any measure passed by a city or town council,  
 21 such city or town council may order a special election.

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 23 SECTION 8. This amendment is effective January 1, 2005.  
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