

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

1 State of Arkansas *As Engrossed: H3/11/19*

2 92nd General Assembly

3 Regular Session, 2019

HJR 1008

4

5 By: Representative Vaught

6 By: Senator M. Pitsch

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HOUSE JOINT RESOLUTION

9 AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO AMEND
10 THE PROCESS FOR THE SUBMISSION, CHALLENGE, AND
11 APPROVAL OF PROPOSED INITIATED ACTS, CONSTITUTIONAL
12 AMENDMENTS, AND REFERENDA.

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Subtitle

16

AN AMENDMENT TO THE ARKANSAS CONSTITUTION
17 TO AMEND THE PROCESS FOR THE SUBMISSION
18 AND APPROVAL OF PROPOSED INITIATED ACTS,
19 CONSTITUTIONAL AMENDMENTS, AND REFERENDA.

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

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

33

34 SECTION 1. The subsection of Arkansas Constitution, Article 5, § 1,
35 titled "Initiative", is amended to read as follows:

36

Initiative. The first power reserved by the people is the initiative.
36 ~~Eight per cent~~ percent (8%) of the legal voters may propose any law and ten



1 ~~per cent~~ percent (10%) 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~~ no later than ~~four months~~ January 15
5 ~~before~~ of the year of the election at which they are to be voted upon;
6 provided, that at least thirty (30) days before the aforementioned filing,
7 the proposed measure shall have been published once, at the expense of the
8 petitioners, in some paper of general circulation.

9
10 SECTION 2. The subsection of Arkansas Constitution, Article 5, § 1
11 titled "Referendum" 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~~ percent (6%) of the legal voters
14 may, by petition, order the referendum against any general Act, or any item
15 of an appropriation bill, or measure passed by the General Assembly, but the
16 filing of a referendum petition against one (1) or more items, sections or
17 parts of any such act or measure shall not delay the remainder from becoming
18 operative. Such petition shall be filed with the Secretary of State not
19 later than ninety (90) days after the final adjournment of the session at
20 which such Act was passed, except when a recess or adjournment shall be taken
21 temporarily for a longer period than ninety (90) days, in which case such
22 petition shall be filed not later than ninety (90) days after such recess or
23 temporary adjournment. Any measure referred to the people by referendum
24 petition shall remain in abeyance until such vote is taken. The total number
25 of votes cast for the office of Governor in the last preceding general
26 election shall be the basis upon which the number of signatures of legal
27 voters upon state-wide initiative and referendum petitions shall be computed.

28 Upon all initiative or referendum petitions provided for in any of the
29 sections of this article, it shall be necessary to file from at least ~~fifteen~~
30 three-fifths (3/5) of the counties of the State, petitions bearing the
31 signature of not less than one-half (1/2) of the designated percentage of the
32 electors of such county.

33
34 SECTION 3. The subsection of Arkansas Constitution, Article 5, § 1,
35 titled "Sufficiency", is amended to read as follows:

36 Sufficiency. (a) The sufficiency of all ~~state-wide~~ statewide petitions

1 shall be decided in the first instance by the Secretary of State, subject to
 2 review by the Supreme Court of the State, which shall have original and
 3 exclusive jurisdiction over all such causes. The sufficiency of all local
 4 petitions shall be decided in the first instance by the county clerk or the
 5 city clerk as the case may be, subject to review by the ~~chancery~~ circuit
 6 court.

7 (b) A challenge to a proposed statewide initiated measure shall be
 8 filed no later than April 15 of the year of the general election at which it
 9 shall be voted upon, including without limitation a challenge to the
 10 sufficiency of the:

11 (1) Text of a proposed statewide initiated measure;

12 (2) Title of a proposed statewide initiated measure to be used
 13 on the ballot;

14 (3) Signatures on a statewide petition; or

15 (4) Forms on which signatures were gathered for a statewide
 16 petition.

17
 18 SECTION 4. The subsection of Arkansas Constitution, Article 5, § 1,
 19 titled "Amendment of Petition" is repealed.

20 ~~Amendment of Petition.~~

21 ~~(a)(1) If the Secretary of State, county clerk or city clerk, as the~~
 22 ~~case may be, shall decide any petition to be insufficient, he or she shall~~
 23 ~~without delay notify the sponsors of such petition, and permit at least~~
 24 ~~thirty (30) days from the date of such notification, in the instance of a~~
 25 ~~state-wide petition, or ten (10) days in the instance of a municipal or~~
 26 ~~county petition, for correction or amendment.~~

27 ~~(2) For a state-wide petition, correction or amendment of an~~
 28 ~~insufficient petition shall be permitted only if the petition contains valid~~
 29 ~~signatures of legal voters equal to:~~

30 ~~(A) At least seventy five percent (75%) of the number of~~
 31 ~~state-wide signatures of legal voters required; and~~

32 ~~(B) At least seventy five percent (75%) of the required~~
 33 ~~number of signatures of legal voters from each of at least fifteen (15)~~
 34 ~~counties of the state.~~

35 ~~(b) In the event of legal proceedings to prevent giving legal effect~~
 36 ~~to any petition upon any grounds, the burden of proof shall be upon the~~

1 ~~person or persons attacking the validity of the petition.~~

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3 SECTION 5. Arkansas Constitution, Article 5, § 1, is amended to add an
4 additional subsections to read as follows:

5 EXTENSION OF TIME. If a deadline under this section occurs on a
6 Saturday, Sunday, or legal holiday, the deadline shall be the next day which
7 is not a Saturday, Sunday, or legal holiday.

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10 SECTION 6. Arkansas Constitution, Article 19, § 22, is amended to read
11 as follows:

12 § 22. Constitutional amendments.

13 Either branch of the General Assembly, at a regular session thereof,
14 may propose amendments to this Constitution; and if the same be agreed to by
15 ~~a majority~~ three-fifths (3/5) of all members elected to each house, such
16 proposed amendments shall be entered on the journals with the yeas and nays,
17 and published in at least one (1) newspaper in each county, where a newspaper
18 is published, ~~for six months immediately~~ in a manner provided by law
19 preceding the next general election for Senators and Representatives, at
20 which time the same shall be submitted to the electors of the State, for
21 approval or rejection; and if a majority of the electors voting at such
22 election adopt such amendments, the same shall become a part of this
23 Constitution. But no more than three (3) amendments shall be proposed or
24 submitted at the same time. They shall be so submitted as to enable the
25 electors to vote on each amendment separately.

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27 SECTION 7. Arkansas Constitution, Amendment 70, § 2, is amended to
28 read as follows:

29 § 2. Additional Constitutional amendments authorized.

30 (a) In addition to the three (3) amendments to ~~the~~ this Constitution
31 allowed pursuant to Article 19, § 22, either branch of the General Assembly
32 at a regular session thereof may propose an amendment to ~~the~~ this
33 Constitution to change the salaries for the offices of Governor, Lieutenant
34 Governor, Attorney General, Secretary of State, Treasurer of State,
35 Commissioner of State Lands, and Auditor of State and for members of the
36 General Assembly. ~~If the same be agreed to by a majority of all members~~

1 ~~elect~~ed to each house, such proposed amendment shall be entered on the
2 journals with the yeas and nays, and published in at least one newspaper in
3 each county, where a newspaper is published, for six months immediately
4 preceding the next general election for Senators and Representatives, at
5 which time the same shall be submitted to the electors of the State for
6 approval or rejection. ~~If a majority of the electors voting at such election~~
7 ~~adopt the amendment the same shall become a part of this Constitution.~~

8 (b) Only one (1) amendment to ~~the~~ this Constitution may be referred
9 pursuant to this section.

10 (c) An amendment proposed under the authority of this section shall
11 comply with the requirements of Article 19, § 22, of this Constitution.

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13 SECTION 8. EFFECTIVE DATE. This amendment shall be effective on and
14 after January 1, 2021.

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16 SECTION 9. BALLOT TITLE AND POPULAR NAME. When this proposed
17 amendment is submitted to the electors of this state on the general election
18 ballot:

19 (1) The title of this Joint Resolution shall be the ballot
20 title; and

21 (2) The popular name shall be "A Constitutional Amendment To
22 Amend The Process For The Submission, Challenge, And Approval Of Proposed
23 Initiated Acts, Constitutional Amendments, And Referenda".

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25 /s/Vaught
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