

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

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019

HJR 1023

4  
5 By: Representative Eubanks  
6 By: Senator K. Ingram

7  
8 **HOUSE JOINT RESOLUTION**

9 AN AMENDMENT TO THE ARKANSAS CONSTITUTION CONCERNING  
10 THE REQUIREMENTS GOVERNING CIRCULATION, SUBMISSION,  
11 AND CHALLENGES TO THE SUFFICIENCY OF INITIATED  
12 MEASURES PROPOSED UNDER ARKANSAS CONSTITUTION,  
13 ARTICLE 5, § 1, AND CONSTITUTIONAL AMENDMENTS  
14 PROPOSED BY THE GENERAL ASSEMBLY.

15  
16  
17 **Subtitle**

18 TO AMEND THE ARKANSAS CONSTITUTION  
19 CONCERNING THE REQUIREMENTS GOVERNING  
20 CIRCULATION, SUBMISSION, AND CHALLENGES  
21 TO THE SUFFICIENCY OF INITIATIVES AND  
22 CONSTITUTIONAL AMENDMENTS PROPOSED BY THE  
23 GENERAL ASSEMBLY.

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

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



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

3 Initiative. The first power reserved by the people is the initiative.  
4 ~~Eight per-cent~~ percent (8%) of the legal voters may propose any law and ten  
5 ~~per-cent~~ percent (10%) may propose a constitutional amendment by initiative  
6 petition and every such petition shall include the full text of the measure  
7 so proposed. Initiative petitions for state-wide measures shall be filed  
8 with the Secretary of State ~~not less~~ no later than ~~four months~~ January 15  
9 ~~before~~ of the year of the election at which they are to be voted upon;  
10 provided, that at least thirty (30) days before the aforementioned filing,  
11 the proposed measure shall have been published once, at the expense of the  
12 petitioners, in some paper of general circulation.

13  
14 SECTION 2. The subsection of Arkansas Constitution, Article 5, § 1,  
15 titled "Referendum", is amended to read as follows:

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

32 Upon all initiative or referendum petitions provided for in any of the  
33 sections of this article, it shall be necessary to file ~~from at least fifteen~~  
34 ~~of the counties of the State,~~ petitions bearing the signature of not less  
35 than one-half (1/2) of the designated percentage of the electors of ~~such~~  
36 ~~county~~ at least one-fourth (1/4) of the counties in each congressional

1 district. In calculating the number of counties representing one-fourth  
2 (1/4) of the counties within a congressional district, the number shall be  
3 rounded up to the nearest whole number.  
4

5 SECTION 3. The subsection of Arkansas Constitution, Article 5, § 1,  
6 titled "Verification", is amended to read as follows:

7 Verification. Initiative petitions shall not be circulated more than  
8 two (2) years before the election at which they are to be voted upon.

9 Only legal votes shall be counted upon petitions. Petitions may be  
10 circulated and presented in parts, but each part of any petition shall have  
11 attached thereto the affidavit of the person circulating the same, that all  
12 signatures thereon were made in the presence of the affiant, and that to the  
13 best of the affiant's knowledge and belief each signature is genuine, and  
14 that the person signing is a legal voter and no other affidavit or  
15 verification shall be required to establish the genuineness of such  
16 signatures.  
17

18 SECTION 4. The subsection of Arkansas Constitution, Article 5, § 1,  
19 titled "Court Decisions", is amended to read as follows:

20 Court Decisions. If the sufficiency of any petition is challenged such  
21 cause shall be a preference cause and shall be tried at once~~7~~. A challenge  
22 to the sufficiency of a state-wide initiative petition shall be filed no  
23 later than March 1 of the year of the general election at which it shall be  
24 voted upon and shall be resolved by the court no later than July 1 of the  
25 year of the general election at which it shall be voted upon. ~~but the~~ The  
26 failure of the courts to decide prior to the election as to the sufficiency  
27 of any ~~such~~ petition, shall not prevent the question from being placed upon  
28 the ballot at the election named in such petition, nor militate against the  
29 validity of such measure, if it shall have been approved by a vote of the  
30 people.  
31

32 SECTION 5. The subsection of Arkansas Constitution, Article 5, § 1,  
33 titled "Amendment of Petition", is amended to read as follows:

34 Amendment of Petition.

35 (a)(1) If the Secretary of State, county clerk or city clerk, as the  
36 case may be, shall decide any petition to be insufficient, he or she shall

1 without delay notify the sponsors of such petition, and permit at least  
 2 thirty (30) days from the date of such notification, in the instance of a  
 3 state-wide petition, or ten (10) days in the instance of a municipal or  
 4 county petition, for correction or amendment.

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

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

10 (B) At least seventy-five percent (75%) of the required  
 11 number of signatures of legal voters from each of at least ~~fifteen (15)~~  
 12 ~~counties of the state~~ one-fourth (1/4) of the counties in each congressional  
 13 district as required under this section.

14 (b) In the event of legal proceedings to prevent giving legal effect  
 15 to any petition upon any grounds, the burden of proof shall be upon the  
 16 person or persons attacking the validity of the petition.

17  
 18 SECTION 6. Arkansas Constitution, Article 5, § 1, is amended to add an  
 19 additional subsections to read as follows:

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

23 AMENDMENTS TO THIS SECTION BY THE GENERAL ASSEMBLY. The General  
 24 Assembly, in the same manner as required for amendment or repeal of measures  
 25 approved by a vote of the people, may amend this section so long as such  
 26 amendments are germane to this section and consistent with its policy and  
 27 purposes.

28  
 29 SECTION 7. Arkansas Constitution, Article 19, § 22, is amended to read  
 30 as follows:

31 § 22. Constitutional amendments.

32 Either branch of the General Assembly, at a regular session thereof,  
 33 may propose amendments to this Constitution; and if the same be agreed to by  
 34 a majority of all members elected to each house, such proposed amendments  
 35 shall be entered on the journals with the yeas and nays, and published in at  
 36 least one (1) newspaper in each county, where a newspaper is published, for

1 six (6) months immediately preceding the next general election for Senators  
 2 and Representatives, at which time the same shall be submitted to the  
 3 electors of the State, for approval or rejection; and if a majority of the  
 4 electors voting at such election adopt such amendments, the same shall become  
 5 a part of this Constitution. But no more than three (3) amendments shall be  
 6 proposed or submitted at the same time. They shall be so submitted as to  
 7 enable the electors to vote on each amendment separately. The sufficiency of  
 8 a proposed amendment under this section shall be decided by the Supreme  
 9 Court, which shall have original and exclusive jurisdiction over all such  
 10 causes. If the sufficiency of a proposed amendment is challenged, the  
 11 challenge shall be a preference cause and shall be tried at once. The  
 12 failure of the Supreme Court to decide prior to the election as to the  
 13 sufficiency of any such petition, shall not prevent the question from being  
 14 placed upon the ballot at the election named in such petition, nor militate  
 15 against the validity of such measure, if it shall have been approved by a  
 16 vote of the people.

17  
 18 SECTION 8. Arkansas Constitution, Amendment 70, § 2, is amended to  
 19 read as follows:

20 § 2. Additional Constitutional amendments authorized.

21 (a) In addition to the three (3) amendments to ~~the~~ this Constitution  
 22 allowed pursuant to Article 19, § 22, either branch of the General Assembly  
 23 at a regular session thereof may propose an amendment to ~~the~~ this  
 24 Constitution to change the salaries for the offices of Governor, Lieutenant  
 25 Governor, Attorney General, Secretary of State, Treasurer of State,  
 26 Commissioner of State Lands, and Auditor of State and for members of the  
 27 General Assembly. ~~If the same be agreed to by a majority of all members~~  
 28 ~~elected to each house, such proposed amendment shall be entered on the~~  
 29 ~~journals with the yeas and nays, and published in at least one newspaper in~~  
 30 ~~each county, where a newspaper is published, for six months immediately~~  
 31 ~~preceding the next general election for Senators and Representatives, at~~  
 32 ~~which time the same shall be submitted to the electors of the State for~~  
 33 ~~approval or rejection. If a majority of the electors voting at such election~~  
 34 ~~adopt the amendment the same shall become a part of this Constitution.~~

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

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

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4           SECTION 9. EFFECTIVE DATE. This amendment shall be effective on and  
5 after January 1, 2021.

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7           SECTION 10. BALLOT TITLE AND POPULAR NAME. When this proposed  
8 amendment is submitted to the electors of this state on the general election  
9 ballot:

10                   (1) The title of this Joint Resolution shall be the ballot  
11 title; and

12                   (2) The popular name shall be "An Amendment to the Arkansas  
13 Constitution Concerning the Requirements Governing Circulation, Submission,  
14 and Challenges to the Sufficiency of Initiated Measures Proposed Under  
15 Arkansas Constitution, Article 5, § 1, and Constitutional Amendments Proposed  
16 by the General Assembly".