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**DRAFT MBM/PKD**  
HJR

By: Representative Ballinger

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pursuant to A.C.A. §10-3-217.

**HOUSE JOINT RESOLUTION**

AN AMENDMENT TO THE ARKANSAS CONSTITUTION CONCERNING  
PROPOSED MEASURES AND CONSTITUTIONAL AMENDMENTS  
CONSIDERED BY VOTERS AT AN ELECTION; PROVIDING THAT  
INITIATIVE PETITIONS FOR STATE-WIDE MEASURES SHALL BE  
FILED WITH THE SECRETARY OF STATE NOT LESS THAN ONE  
HUNDRED EIGHTY (180) DAYS BEFORE THE ELECTION AT  
WHICH THEY ARE TO BE VOTED UPON; PROVIDING THAT A  
PETITION CONCERNING A PROPOSED AMENDMENT TO THE  
ARKANSAS CONSTITUTION SHALL BEAR THE SIGNATURES OF  
NOT LESS THAN ONE-HALF (1/2) OF THE DESIGNATED  
PERCENTAGE OF THE ELECTORS FROM AT LEAST TWENTY-FIVE  
(25) OF THE COUNTIES OF THE STATE; PROVIDING THAT AN  
AMENDMENT TO THE ARKANSAS CONSTITUTION SUBMITTED TO  
THE PEOPLE THROUGH THE INITIATIVE PROCESS SHALL TAKE  
EFFECT AND BECOME PART OF THE ARKANSAS CONSTITUTION  
WHEN APPROVED BY THREE-FIFTHS (3/5) OF THE VOTES CAST  
UPON THE AMENDMENT AND SHALL NOT BE REQUIRED TO  
RECEIVE A MAJORITY OF THE ELECTORS VOTING AT SUCH  
ELECTION; PROVIDING THAT, BY A MAJORITY VOTE AT A  
REGULAR SESSION, THE GENERAL ASSEMBLY MAY SUBMIT A  
PROPOSED LAW TO THE PEOPLE FOR APPROVAL OR REJECTION  
BY A MAJORITY OF THE VOTES CAST AT A GENERAL  
ELECTION; PROVIDING THAT THE GENERAL ASSEMBLY SHALL  
NOT SUBMIT MORE THAN THREE (3) PROPOSED LAWS TO THE  
PEOPLE FOR APPROVAL OR REJECTION AT A REGULAR SESSION  
AND SHALL NOT SUBMIT A PROPOSED APPROPRIATION BILL TO  
THE PEOPLE FOR APPROVAL OR REJECTION AT A GENERAL

1 ELECTION; PROVIDING THAT THE PROVISIONS CONCERNING  
2 THE SUBMISSION OF PROPOSED LAWS TO THE PEOPLE BY THE  
3 GENERAL ASSEMBLY ARE INAPPLICABLE TO THE SUBMISSION  
4 OF A QUESTION CONCERNING THE ISSUANCE OF BONDS TO THE  
5 ELECTORS THAT IS OTHERWISE AUTHORIZED BY THE ARKANSAS  
6 CONSTITUTION OR BY LAW; PROVIDING THAT THE GENERAL  
7 ASSEMBLY MAY ENACT LAWS CONCERNING THE PROCESS FOR  
8 SUBMITTING A PROPOSED LAW TO THE PEOPLE FOR APPROVAL  
9 OR REJECTION AT A GENERAL ELECTION; PROVIDING THAT IF  
10 CONFLICTING MEASURES INITIATED OR REFERRED TO THE  
11 PEOPLE ARE APPROVED BY THE REQUIRED NUMBER OF VOTES,  
12 THE MEASURE RECEIVING THE HIGHEST NUMBER OF  
13 AFFIRMATIVE VOTES SHALL BECOME LAW; PROVIDING THAT A  
14 CHALLENGE TO THE SUFFICIENCY OF THE TITLE SUBMITTED  
15 WITH A PETITION TO BE USED ON THE BALLOT SHALL BE  
16 MADE NOT LATER THAN SIXTY (60) DAYS AFTER THE FILING  
17 OF THE PETITION; PROVIDING THAT A CHALLENGE TO THE  
18 SUFFICIENCY OF THE SIGNATURES SUBMITTED IN SUPPORT OF  
19 A PETITION SHALL BE MADE NOT LATER THAN THIRTY (30)  
20 DAYS AFTER CERTIFICATION OF THE SUFFICIENCY OF THE  
21 SIGNATURES BY THE SECRETARY OF STATE, COUNTY CLERK,  
22 OR CITY CLERK, AS THE CASE MAY BE; PROVIDING THAT  
23 CORRECTION OR AMENDMENT OF AN INSUFFICIENT STATE-WIDE  
24 PETITION CONCERNING A PROPOSED AMENDMENT TO THE  
25 ARKANSAS CONSTITUTION SHALL BE PERMITTED ONLY IF THE  
26 PETITION CONTAINS VALID SIGNATURES OF LEGAL VOTERS  
27 EQUAL TO AT LEAST SEVENTY-FIVE PERCENT (75%) OF THE  
28 REQUIRED NUMBER OF SIGNATURES OF LEGAL VOTERS FROM  
29 EACH OF AT LEAST TWENTY-FIVE (25) COUNTIES OF THE  
30 STATE; REVISING THE PROCESS FOR THE GENERAL ASSEMBLY  
31 TO PROPOSE AMENDMENTS TO THE ARKANSAS CONSTITUTION AT  
32 A REGULAR SESSION OF THE GENERAL ASSEMBLY; PROVIDING  
33 THAT A PROPOSED AMENDMENT TO THE ARKANSAS  
34 CONSTITUTION SHALL NOT BE SUBMITTED BY THE GENERAL  
35 ASSEMBLY TO THE ELECTORS OF THE STATE FOR APPROVAL OR  
36 REJECTION UNLESS THE PROPOSED AMENDMENT RECEIVES A

1 TWO-THIRDS VOTE OF EACH HOUSE OF THE GENERAL  
2 ASSEMBLY; PROVIDING THAT THE GENERAL ASSEMBLY SHALL  
3 NOT SUBMIT MORE THAN THREE (3) PROPOSED  
4 CONSTITUTIONAL AMENDMENTS AT A GENERAL ELECTION  
5 UNLESS A FOURTH AMENDMENT CONCERNING SALARIES OF  
6 CERTAIN CONSTITUTIONAL OFFICERS IS SUBMITTED UNDER  
7 ARKANSAS CONSTITUTION, AMENDMENT 70, § 2; PROVIDING  
8 THAT THE GENERAL ASSEMBLY SHALL DESIGNATE IN THE  
9 JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE  
10 ARKANSAS CONSTITUTION THE BALLOT TITLE AND POPULAR  
11 NAME THAT SHALL APPEAR ON THE GENERAL ELECTION  
12 BALLOT; PROVIDING THAT THE BALLOT TITLE FOR AN  
13 AMENDMENT TO THE ARKANSAS CONSTITUTION PROPOSED BY  
14 THE GENERAL ASSEMBLY SHALL BE INTELLIGIBLE, HONEST,  
15 IMPARTIAL, AND WHILE NOT REQUIRED TO RECITE ALL  
16 DETAILS OF THE PROPOSED AMENDMENT, SHALL NOT BE  
17 MISLEADING; PROVIDING THAT THE POPULAR NAME FOR AN  
18 AMENDMENT TO THE ARKANSAS CONSTITUTION PROPOSED BY  
19 THE GENERAL ASSEMBLY SHALL IDENTIFY THE PROPOSED  
20 AMENDMENT IN A MANNER THAT ENABLES THE ELECTORS TO  
21 VOTE ON EACH AMENDMENT SEPARATELY AND SHALL BE  
22 INTELLIGIBLE, HONEST, AND IMPARTIAL WHEN READ  
23 TOGETHER WITH THE BALLOT TITLE; PROVIDING THAT WITHIN  
24 THIRTY (30) DAYS OF THE ADOPTION BY THE GENERAL  
25 ASSEMBLY OF A JOINT RESOLUTION PROPOSING AN AMENDMENT  
26 TO THE ARKANSAS CONSTITUTION, THE ATTORNEY GENERAL  
27 SHALL REVIEW THE BALLOT TITLE AND POPULAR NAME AND  
28 CERTIFY THE BALLOT TITLE AND POPULAR NAME FOR  
29 INCLUSION ON THE BALLOT AT THE NEXT GENERAL ELECTION  
30 IF HE OR SHE DETERMINES THE BALLOT TITLE AND POPULAR  
31 NAME SATISFY THE REQUIRED STANDARDS; PROVIDING THAT  
32 THE ATTORNEY GENERAL SHALL REFER THE BALLOT TITLE OR  
33 POPULAR NAME, OR BOTH, TO THE GENERAL ASSEMBLY FOR  
34 SUBSTITUTION OF THE BALLOT TITLE OR POPULAR NAME, OR  
35 BOTH, IF THE ATTORNEY GENERAL BELIEVES AFTER REVIEW  
36 THAT THE BALLOT TITLE OR POPULAR NAME, OR BOTH, DO

1 NOT SATISFY THE REQUIRED STANDARDS; PROVIDING THAT  
2 THE GENERAL ASSEMBLY SHALL DESIGNATE BY LAW A  
3 COMMITTEE TO SUBSTITUTE BALLOT TITLES AND POPULAR  
4 NAMES; PROVIDING THAT THE ATTORNEY GENERAL SHALL  
5 REVIEW A SUBSTITUTED BALLOT TITLE OR POPULAR NAME, OR  
6 BOTH, FOR CERTIFICATION AND SHALL CONTINUE TO REFER  
7 THE SUBSTITUTED BALLOT TITLE OR POPULAR NAME, OR  
8 BOTH, TO THE GENERAL ASSEMBLY UNTIL HE OR SHE  
9 DETERMINES THE BALLOT TITLE AND POPULAR NAME  
10 SATISFIES THE REQUIRED STANDARDS; PROVIDING THAT THE  
11 ATTORNEY GENERAL SHALL CERTIFY THE BALLOT TITLE AND  
12 POPULAR NAME FOR INCLUSION ON THE BALLOT AT LEAST ONE  
13 (1) YEAR BEFORE THE GENERAL BALLOT; PROVIDING THAT  
14 THE BALLOT TITLE FOR AN AMENDMENT TO THE ARKANSAS  
15 CONSTITUTION PROPOSED BY THE GENERAL ASSEMBLY SHALL  
16 BE INTELLIGIBLE, HONEST, IMPARTIAL, AND WHILE NOT  
17 REQUIRED TO RECITE ALL DETAILS OF THE PROPOSED  
18 AMENDMENT, SHALL NOT BE MISLEADING; PROVIDING THAT  
19 THE POPULAR NAME FOR AN AMENDMENT TO THE ARKANSAS  
20 CONSTITUTION PROPOSED BY THE GENERAL ASSEMBLY SHALL  
21 IDENTIFY THE PROPOSED AMENDMENT IN A MANNER THAT  
22 ENABLES THE ELECTORS TO VOTE ON EACH AMENDMENT  
23 SEPARATELY AND SHALL BE INTELLIGIBLE, HONEST, AND  
24 IMPARTIAL WHEN READ TOGETHER WITH THE BALLOT TITLE;  
25 PROVIDING THAT WITHIN THIRTY (30) DAYS OF THE  
26 ADOPTION BY THE GENERAL ASSEMBLY OF A JOINT  
27 RESOLUTION PROPOSING AN AMENDMENT TO THE ARKANSAS  
28 CONSTITUTION, THE ATTORNEY GENERAL SHALL REVIEW THE  
29 BALLOT TITLE AND POPULAR NAME AND CERTIFY THE BALLOT  
30 TITLE AND POPULAR NAME FOR INCLUSION ON THE BALLOT AT  
31 THE NEXT GENERAL ELECTION IF HE OR SHE DETERMINES THE  
32 BALLOT TITLE AND POPULAR NAME SATISFY THE REQUIRED  
33 STANDARDS; PROVIDING THAT THE ATTORNEY GENERAL SHALL  
34 REFER THE BALLOT TITLE OR POPULAR NAME, OR BOTH, TO  
35 THE GENERAL ASSEMBLY FOR SUBSTITUTION OF THE BALLOT  
36 TITLE OR POPULAR NAME, OR BOTH, IF THE ATTORNEY

1 GENERAL BELIEVES AFTER REVIEW THAT THE BALLOT TITLE  
2 OR POPULAR NAME, OR BOTH, DO NOT SATISFY THE REQUIRED  
3 STANDARDS; PROVIDING THAT THE GENERAL ASSEMBLY SHALL  
4 DESIGNATE BY LAW A COMMITTEE TO SUBSTITUTE BALLOT  
5 TITLES AND POPULAR NAMES; PROVIDING THAT THE ATTORNEY  
6 GENERAL SHALL REVIEW A SUBSTITUTED BALLOT TITLE OR  
7 POPULAR NAME, OR BOTH, FOR CERTIFICATION AND SHALL  
8 CONTINUE TO REFER THE SUBSTITUTED BALLOT TITLE OR  
9 POPULAR NAME, OR BOTH, TO THE GENERAL ASSEMBLY UNTIL  
10 HE OR SHE DETERMINES THE BALLOT TITLE AND POPULAR  
11 NAME SATISFIES THE REQUIRED STANDARDS; PROVIDING THAT  
12 THE ATTORNEY GENERAL SHALL CERTIFY THE BALLOT TITLE  
13 AND POPULAR NAME FOR INCLUSION ON THE BALLOT AT LEAST  
14 ONE (1) YEAR BEFORE THE GENERAL ELECTION AT WHICH THE  
15 AMENDMENT TO THE ARKANSAS CONSTITUTION PROPOSED BY  
16 THE GENERAL ASSEMBLY SHALL BE CONSIDERED; PROVIDING  
17 THAT A CHALLENGE TO THE SUFFICIENCY OF THE BALLOT  
18 TITLE OR POPULAR NAME, OR BOTH, OF AN AMENDMENT TO  
19 THE ARKANSAS CONSTITUTION PROPOSED BY THE GENERAL  
20 ASSEMBLY MAY BE FILED WITH THE SUPREME COURT AT LEAST  
21 ONE HUNDRED EIGHTY (180) DAYS BEFORE THE GENERAL  
22 ELECTION AT WHICH THE PROPOSED AMENDMENT SHALL BE  
23 VOTED UPON; PROVIDING THAT THE SUPREME COURT SHALL  
24 STRIKE AN AMENDMENT TO THE ARKANSAS CONSTITUTION  
25 PROPOSED BY THE GENERAL ASSEMBLY FROM THE BALLOT ONLY  
26 IF THE BALLOT TITLE OR POPULAR NAME, OR BOTH,  
27 CONSTITUTE A MANIFEST FRAUD UPON THE PUBLIC;  
28 PROVIDING THAT AN AMENDMENT TO THE ARKANSAS  
29 CONSTITUTION PROPOSED BY THE GENERAL ASSEMBLY AND ITS  
30 BALLOT TITLE AND POPULAR NAME SHALL BE PUBLISHED AS  
31 PROVIDED BY LAW; PROVIDING THAT AN AMENDMENT TO THE  
32 ARKANSAS CONSTITUTION PROPOSED BY THE GENERAL  
33 ASSEMBLY SHALL BECOME PART OF THE ARKANSAS  
34 CONSTITUTION WHEN APPROVED BY THREE-FIFTHS (3/5) OF  
35 THE ELECTORS VOTING ON THE PROPOSED AMENDMENT AT THE  
36 GENERAL ELECTION; PROVIDING THAT THE GENERAL ASSEMBLY

MAY ENACT LAWS CONCERNING THE PROCESS FOR PROPOSING AMENDMENTS TO THE ARKANSAS CONSTITUTION; AND PROVIDING THAT AN AMENDMENT TO THE ARKANSAS CONSTITUTION SHALL NOT SPECIFICALLY BESTOW POWERS, PRIVILEGES, OR AUTHORITY TO A SPECIFIC INDIVIDUAL IDENTIFIED BY NAME OR A PRIVATE BUSINESS ENTITY IDENTIFIED BY NAME.

**Subtitle**

AN AMENDMENT TO THE ARKANSAS CONSTITUTION CONCERNING PROPOSED MEASURES AND CONSTITUTIONAL AMENDMENTS CONSIDERED BY VOTERS AT AN ELECTION.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIRST 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 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 the election adopt the amendment, the amendment shall become a part of the Constitution of the State of Arkansas, to wit:

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

Initiative. The first power reserved by the people is the initiative. Eight ~~per cent~~ percent (8%) of the legal voters may propose any law and ten ~~per cent~~ percent (10%) may propose a constitutional amendment by initiative petition and every such petition shall include the full text of the measure so proposed. Initiative petitions for state-wide measures shall be filed with the Secretary of State not less than ~~four months~~ one hundred eighty (180) days before the election at which they are to be voted upon; provided,

1 that at least thirty (30) days before the aforementioned filing, the proposed  
2 measure shall have been published once, at the expense of the petitioners, in  
3 some paper of general circulation.

4  
5 SECTION 2. The subdivision of Arkansas Constitution, Article 5, § 1,  
6 titled "Referendum" is amended to read as follows:

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

24 (b)(1) Upon Except as provided in subdivision (b)(2) of this section,  
25 upon all initiative or referendum petitions provided for in any of the  
26 sections of this article, it shall be necessary to file from at least fifteen  
27 (15) of the counties of the State, petitions bearing the signature of not  
28 less than one-half (1/2) of the designated percentage of the electors of such  
29 county.

30 (2) For a petition concerning a proposed amendment to the  
31 Arkansas Constitution, it shall be necessary to file from at least twenty-  
32 five (25) of the counties of the State, petitions bearing the signature of  
33 not less than one-half (1/2) of the designated percentage of the electors of  
34 such county.

35

1 SECTION 3. The subdivision of Arkansas Constitution, Article 5, § 1,  
2 titled "Majority", is amended to read as follows:

3 Majority. (a)(1)(A) Any ~~Except as provided in sub division (a)(1)(B)~~  
4 ~~of this section, any~~ measure submitted to the people as herein provided shall  
5 take effect and become a law when approved by a majority of the votes cast  
6 upon such measure, and not otherwise, and shall not be required to receive a  
7 majority of the electors voting at such election.

8 (B) An amendment to the Arkansas Constitution submitted to  
9 the people as herein provided shall take effect and become part of the  
10 Arkansas Constitution when approved by three-fifths (3/5) of the votes cast  
11 upon the amendment, and not otherwise, and shall not be required to receive a  
12 majority of the electors voting at such election.

13 (2) Such measures shall be operative on and after the thirtieth  
14 day after the election at which it is approved, unless otherwise specified in  
15 the Act.

16 (b)(1) This section shall not be construed to deprive any member of  
17 the General Assembly of the right to introduce any measure, ~~but no measure~~  
18 ~~shall be submitted to the people by the General Assembly, except a proposed~~  
19 ~~constitutional amendment or amendments as provided for in this Constitution.~~

20 (2) At a regular session, the General Assembly may:

21 (A) Submit a proposed constitutional amendment to the  
22 people for approval or rejection as provided for in this Constitution; and

23 (B)(i) Except as otherwise provided by this Constitution,  
24 submit a proposed law other than a proposed constitutional amendment to the  
25 people for approval or rejection at a general election as provided by law.

26 (ii) A proposed law shall not be submitted to the  
27 people for approval or rejection at a general election under subdivision  
28 (b)(2)(B)(i) of this section unless it receives a majority vote of each house  
29 of the General Assembly.

30 (iii) A proposed law submitted to the people under  
31 subdivision (b)(2)(B)(i) of this section or other provisions of this  
32 Constitution, including without limitation Article 5, § 38, of this  
33 Constitution, shall:

34 (a) Only be submitted to the people at a  
35 regular session of the General Assembly;



1                   (b) Be considered by the people for approval  
2 or rejection at a general election;

3                   (c) Take effect and become a law when approved  
4 by a majority of the votes cast upon the proposed law; and

5                   (d) Be operative on and after the thirtieth  
6 day after the general election at which it is approved, unless otherwise  
7 specified in the proposed law.

8                   (iv) The General Assembly shall not submit more than  
9 three (3) proposed laws to the people for approval or rejection at a regular  
10 session.

11                   (v) The General Assembly shall not submit a proposed  
12 appropriation bill to the people for approval or rejection at a general  
13 election under this subdivision (b)(2)(B).

14                   (vi) This subdivision (b)(2)(B) does not apply to  
15 the submission of a question concerning the issuance of bonds to the electors  
16 that is otherwise authorized by this Constitution or by law.

17                   (vii) The General Assembly may enact laws concerning  
18 the process for submitting a proposed law to the people for approval or  
19 rejection at a general election under this subdivision (b)(2)(B).

20  
21           SECTION 4. The subdivision of Arkansas Constitution, Article 5, § 1,  
22 titled "Conflicting Measures" is amended to read as follows:

23           Conflicting Measures. If conflicting measures initiated or referred to  
24 the people shall be approved by ~~a majority of~~ the required number of the  
25 votes severally cast for and against the same at the same election, the one  
26 (1) receiving the highest number of affirmative votes shall become law.

27  
28           SECTION 5. The subdivision of Arkansas Constitution, Article 5, § 1,  
29 titled "Title" is amended to read as follows:

30           Title. At the time of filing petitions the exact title to be used on  
31 the ballot shall by the petitioners be submitted with the petition, and on  
32 state-wide measures, shall be submitted to the State Board of Election  
33 Commissioners, who shall certify such title to the Secretary of State, to be  
34 placed upon the ballot; on county and municipal measures such title shall be  
35 submitted to the county election board and shall by said board be placed upon  
36 the ballot in such county or municipal election. A challenge to the

1 sufficiency of the title to be used on the ballot shall be made not later  
 2 than sixty (60) days after the filing of the petition under this section.

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

6 Verification. Only legal votes shall be counted upon petitions.  
 7 Petitions may be circulated and presented in parts, but each part of any  
 8 petition shall have attached thereto the affidavit of the person circulating  
 9 the same, that all signatures thereon were made in the presence of the  
 10 affiant, and that to the best of the affiant's knowledge and belief each  
 11 signature is genuine, and that the person signing is a legal voter and no  
 12 other affidavit or verification shall be required to establish the  
 13 genuineness of such signatures. A challenge to the sufficiency of the  
 14 signatures submitted in support of a petition shall be made not later than  
 15 thirty (30) days after certification of the sufficiency of the signatures by  
 16 the Secretary of State, county clerk, or city clerk, as the case may be.

17  
 18 SECTION 7. The section of Arkansas Constitution, Article 5, § 1,  
 19 titled "Amendment of Petition" is amended to read as follows:

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

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

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

31 (B)(i) ~~At~~ Except as provided in subdivision (a)(2)(B)(ii)  
 32 of this section, at least seventy-five percent (75%) of the required number  
 33 of signatures of legal voters from each of at least fifteen (15) counties of  
 34 the state.

35 (ii) For a state-wide petition concerning a proposed  
 36 amendment to the Arkansas Constitution, at least seventy-five percent (75%)

1 of the required number of signatures of legal voters from each of at least  
 2 twenty-five (25) counties of the state.

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

6  
 7 SECTION 8. Arkansas Constitution, Article 19, § 22, is amended to read  
 8 as follows:

9 § 22. Constitutional amendments.

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

22 (a)(1) Either house of the General Assembly may propose amendments to  
 23 this Constitution at a regular session in the form of a joint resolution.

24 (2) A joint resolution proposing an amendment to this  
 25 Constitution shall be read in full on three (3) days in each house of the  
 26 General Assembly unless the rules are suspended by a two-thirds vote of the  
 27 house, in which case the joint resolution may be read a second or third time  
 28 on the same day.

29 (3) On the final passage of the proposed amendment through each  
 30 house, the vote shall be taken by yeas and nays and the names of the persons  
 31 voting for and against the joint resolution shall be entered on the journal.

32 (4) A proposed amendment shall not be submitted to the electors  
 33 of the state for approval or rejection unless it receives a two-thirds vote  
 34 of each house of the General Assembly.

1           (5)(A) Except as provided in Amendment 70, § 2, of this  
2 Constitution, the General Assembly shall not submit more than three (3)  
3 proposed amendments at a general election.

4           (B) Proposed amendments under this section shall be  
5 submitted as to enable the electors to vote on each amendment separately.

6           (b) A joint resolution proposing an amendment to this Constitution  
7 that receives an affirmative vote of each house of the General Assembly shall  
8 be submitted to the electors of the state for approval or rejection at the  
9 next general election.

10          (c)(1) The General Assembly shall designate in the joint resolution  
11 proposing an amendment to this Constitution the ballot title and popular name  
12 that shall appear on the general election ballot.

13           (2)(A)(i) The ballot title designated in the joint resolution  
14 shall be a summary of the proposed amendment that is:

15                           (a) Intelligible;

16                           (b) Honest; and

17                           (c) Impartial.

18           (ii) The ballot title is not required to recite all  
19 details of the proposed amendment but shall not be misleading.

20          (B) The popular name designated in the joint resolution  
21 shall:

22           (i) Identify the proposed amendment in a manner that  
23 enables the electors to vote on each proposed amendment separately; and

24           (ii) Be intelligible, honest, and impartial when  
25 read together with the ballot title.

26          (3)(A) Within thirty (30) days of the adoption of a joint  
27 resolution proposing an amendment to this Constitution by the General  
28 Assembly, the Attorney General shall:

29           (i) Review the ballot title and popular name  
30 designated in the joint resolution; and

31           (ii) Certify the ballot title and popular name for  
32 inclusion on the ballot at the next general election if the Attorney General  
33 determines that the ballot title and popular name satisfy subdivision (c)(2)  
34 of this section.

35          (B) If the Attorney General believes after his or her  
36 review that the ballot title or popular name, or both, do not satisfy

1 subdivision (c)(2) of this section, the Attorney General shall refer the  
2 ballot title or popular name, or both, to the General Assembly for  
3 substitution of a ballot title or popular name, or both, that satisfy  
4 subdivision (c)(2) of this section.

5 (C)(i) If the Attorney General refers a ballot title or  
6 popular name, or both, to the General Assembly under subdivision (c)(3)(B) of  
7 this section, a committee designated by the General Assembly shall substitute  
8 a ballot title or popular name, or both, that satisfy subdivision (c)(2) of  
9 this section.

10 (ii) The General Assembly shall enact laws  
11 designating a committee to substitute a ballot title or popular name, or  
12 both, under subdivision (c)(3)(C)(i) of this section. The committee  
13 designated by law may be a combination of a committee of the House of  
14 Representatives and a committee of the Senate meeting jointly for the purpose  
15 of providing a substitute ballot title or popular name, or both.

16 (iii) The committee designated by law under  
17 subdivision (c)(3)(C)(ii) of this section may substitute a ballot title or  
18 popular name, or both, when meeting during a regular, fiscal, or special  
19 session of the General Assembly or when meeting during the interim.

20 (iv) The Attorney General shall review a substitute  
21 ballot title or popular name, or both, under subdivision (c)(3)(A) of this  
22 section. The Attorney General shall refer the ballot title and popular name,  
23 or both, to the General Assembly for substitution as many times as necessary  
24 until the Attorney General determines that the ballot title and popular name  
25 satisfies subdivision (c)(2) of this section and certifies the ballot title  
26 and popular name for inclusion on the ballot at the next general election.

27 (v) The Attorney General shall certify the ballot  
28 title and popular name for inclusion on the ballot no later than one (1) year  
29 before the general election at which the proposed amendment shall be  
30 considered.

31 (d)(1) A challenge to the sufficiency of the ballot title or popular  
32 name, or both, of a proposed amendment to this Constitution under this  
33 section may be filed with the Supreme Court, which shall have original and  
34 exclusive jurisdiction over all such causes.

35 (2) A challenge to the sufficiency of the ballot title or  
36 popular name, or both, of a proposed amendment to this Constitution under

1 this section shall be filed at least one hundred eighty (180) days before the  
 2 general election at which the proposed amendment shall be voted upon.

3 (3) Upon the filing of a challenge under subdivision (d)(1) of  
 4 this section, the Supreme Court shall strike the proposed amendment from the  
 5 ballot only if the ballot title or popular name, or both, constitute a  
 6 manifest fraud upon the public.

7 (e) If an amendment to this Constitution proposed by the General  
 8 Assembly meets the requirements of this section, the proposed amendment and  
 9 its ballot title and popular name shall be published as provided by law.

10 (f) If three-fifths (3/5) of the electors voting on the proposed  
 11 amendment at the general election approve the proposed amendment, the  
 12 proposed amendment shall become part of this Constitution.

13 (g) The General Assembly may enact laws concerning the process for  
 14 proposing amendments to this Constitution under this section, including  
 15 without limitation laws concerning the:

16 (1) Requirements for ballot titles and popular names; and

17 (2) Publication of proposed amendments in advance of a general  
 18 election.

19  
 20 SECTION 9. Arkansas Constitution, Amendment 70, § 2, is amended to  
 21 read as follows:

22 § 2. Additional Constitutional amendments authorized.

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

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

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

5  
6        SECTION 10. The Arkansas Constitution is amended to add a new  
7 amendment to read as follows:

8        (a) An amendment to this Constitution shall not specifically bestow  
9 powers, privileges, or authority to:

10            (1) A specific individual identified by his or her name; or

11            (2) A private business entity identified by name, including  
12 without limitation a private corporation identified by name.

13        (b) Subsection (a) of this amendment shall supersede a subsequent  
14 amendment to this Constitution that specifically bestows powers, privileges,  
15 or authority to:

16            (1) A specific individual identified by his or her name; or

17            (2) A private business entity identified by name, including  
18 without limitation a private corporation identified by name.

19  
20        SECTION 11. BALLOT TITLE AND POPULAR NAME. When this proposed  
21 amendment is submitted to the electors of this state on the general election  
22 ballot:

23            (1) The title of this joint resolution shall be the ballot  
24 title; and

25            (2) The popular name shall be "A Constitutional Amendment  
26 Concerning Proposed Measures and Constitutional Amendments Considered by  
27 Voters at an Election".

28  
29  
30 Referral requested by: Representative Bob Ballinger

31 Prepared by: PKD

32  
33  
34  
35  
36