

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

State of Arkansas
90th General Assembly
Regular Session, 2015

HJR 1008

By: Representatives Gates, Brown, Copeland, Lemons, Rushing

HOUSE JOINT RESOLUTION

AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO REPEAL REFERENCES TO NEWSPAPER PUBLICATION IN THE ARKANSAS CONSTITUTION; AND TO ALLOW THE GENERAL ASSEMBLY TO DETERMINE THE MANNER OF PUBLISHING NOTICES REQUIRED BY VARIOUS SECTIONS OF THE ARKANSAS CONSTITUTION.

Subtitle

AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO ALLOW THE GENERAL ASSEMBLY TO DETERMINE THE MANNER OF PUBLISHING NOTICES REQUIRED BY VARIOUS SECTIONS OF THE ARKANSAS CONSTITUTION.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETIETH 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 subsection of Section 1, Article 5 of the Arkansas Constitution titled Initiative and concerning the right of initiative is amended to read as follows:



Initiative. The first power reserved by the people is the initiative. Eight per cent of the legal voters may propose any law and ten per cent 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 before the election at which they are to be voted upon; provided, that at least thirty days before the aforementioned filing, the proposed measure shall have been published once, ~~at the expense of the petitioners, in some paper of general circulation~~ in a manner provided by law by the General Assembly.

SECTION 2. Article 19, Section 22 of the Arkansas Constitution is amended to read as follows:

§ 22. Constitutional amendments.

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

SECTION 3. Section 2 of Amendment 32 to the Arkansas Constitution is amended to read as follows:

§ 2. Result of election – Certification and proclamation – Tax levy.

The election commissioners shall certify to the county judge the result of the vote and if a majority of the qualified electors voting on the question at such election vote in favor of the specified tax then it shall thereafter be continually levied and collected as other general taxes of such county are levied and collected. The result of the election shall be

proclaimed by the county judge by publication ~~for one insertion in some newspaper published and having a bona fide circulation in such county~~ in a manner provided by law by the General Assembly. The result so proclaimed shall be conclusive unless attacked in the courts within thirty days and after the election it shall not be competent to attack the result thereof on the ground that any signers of the petition were not qualified electors. The proceeds of any tax so voted shall upon the settlement of the collecting officer be paid by the treasurer of the county to the treasurer of such hospital to be used by such treasurer in the maintenance, operation and support of such institution; provided that any county where there may be more than one hospital qualified to receive the proceeds of such tax, the quorum court at its meeting for the purpose of adopting the county's budget, shall provide for the apportionment of the proceeds of said tax between the institutions so qualified according to their respective needs.

SECTION 4. Section 3 of Amendment 62 to the Arkansas Constitution is amended to read as follows:

§ 3. Sale of bonds – Procedure.

The bonds described in Section 2 hereof shall be sold only at public sale after twenty (20) days advertisement in a ~~newspaper having a bona fide circulation in the municipality or county issuing such bonds~~ manner provided by law by the General Assembly; provided, however, that the municipality or county may exchange such bonds for bonds of like amount, rate or interest, and length of issue.

SECTION 5. Section 6 of Amendment 62 to the Arkansas Constitution is amended to read as follows:

§ 6. Conduct of elections.

The General Assembly may enact laws governing the conduct of elections authorized by this Amendment. Absent the enactment of such laws, such elections shall be held, called and conducted in accordance with the laws governing elections generally. The results of such election shall be published in a ~~newspaper of general circulation in the county or municipality (as the case may be)~~ manner provided by law by the General Assembly and any contest of such election or the tabulation of the votes therein shall be brought within thirty (30) days after such publication or shall be forever

barred.

SECTION 6. Section 2 of Amendment 70 to the Arkansas Constitution is amended to read as follows:

§ 2. Additional Constitutional amendments authorized.

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

SECTION 7. Subdivisions (4), (5), and (6) of Section 1, Subsection (n), to Amendment 76 of the Arkansas Constitution are amended to read as follows:

(4) The Secretary of State, in accordance with subsections (1), (2), and (3) of this subsection shall determine and declare what information, if any, shall appear adjacent to the names of each incumbent state and federal legislator if the incumbent were to be a candidate in the next general election and shall certify such information to the appropriate county clerks and other appropriate voting officials.

In the case of United States Representatives and United States Senators, this determination, declaration, and certification shall be made in a fashion necessary to ensure orderly printing of primary and general election ballots with allowance made for all legal action provided in subsections (5), (6) and (7), below, and shall be based upon each

Congressional member's actions during their current term of office and any actions taken in any concluded term, if such action was taken after the determination and declaration was made by the Secretary of State previously.

In the case of incumbent state legislators, this determination and declaration shall be made not later than thirty (30) days after the end of the regular session following each general election, and shall be based upon legislative action in the previous regular session or any action taken in any special session in the previous four (4) years, but in no event upon any actions taken before the adoption of this amendment.

The Secretary of State shall provide official notification to the incumbents by certified mail and to the public by official media statement and legal publication in a ~~newspaper of statewide circulation~~ manner provided by law by the General Assembly at least two separate times prior to the election, in accordance with the time frames set forth herein.

(5) The Secretary of State shall determine, declare, and certify what information, if any, shall appear adjacent to the names of non-incumbent candidates for state and federal legislator, not later than five (5) business days after the deadline for filing for the office. The Secretary of State shall provide official notification to the candidate by certified mail and to the public by official media statement and legal publication in a ~~newspaper of statewide circulation~~ manner provided by law by the General Assembly at least two separate times prior to the election, in accordance with the time frames set forth herein.

(6) If the Secretary of State makes the determination that the information "DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS" or "DECLINED TO PLEDGE TO SUPPORT TERM LIMITS" shall not be certified for placement on the ballot adjacent to the name of a candidate for senator or representative for state or federal office, any candidate or elector may appeal such decision to the Arkansas Supreme Court as an original action within five (5) business days after the second official ~~newspaper~~ publication of the determination by the Secretary of State or shall waive any right to appeal such decision. The burden of proof shall be upon the Secretary of State to demonstrate by clear and convincing evidence that the candidate has met the requirements set forth in this act and therefore should not have the information "DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS" or "DECLINED TO PLEDGE TO SUPPORT TERM LIMITS" printed on the ballot adjacent to the candidate's name.

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

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

(2) The popular name shall be "A Constitutional Amendment Repealing References to Newspaper Publication in the Arkansas Constitution and Allowing the General Assembly to Determine the Manner of Publishing Notices Required by Various Sections of the Arkansas Constitution."