

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

State of Arkansas  
91st General Assembly  
Regular Session, 2017

HJR 1013

By: Representative Ballinger

**HOUSE JOINT RESOLUTION**

AN AMENDMENT TO THE ARKANSAS CONSTITUTION REVISING  
THE PROCESS FOR SUBMITTING PROPOSED MEASURES AND  
CONSTITUTIONAL AMENDMENTS TO VOTERS FOR APPROVAL OR  
REJECTION.

**Subtitle**

AN AMENDMENT TO THE ARKANSAS CONSTITUTION  
REVISING THE PROCESS FOR SUBMITTING  
PROPOSED MEASURES AND CONSTITUTIONAL  
AMENDMENTS TO VOTERS FOR APPROVAL OR  
REJECTION.

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 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~~ one hundred eighty days 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.

SECTION 2. The subdivision of Arkansas Constitution, Article 5, § 1, titled "Local for Municipalities and Counties" is amended to read as follows:

Local for Municipalities and Counties. The initiative and referendum powers of the people are hereby further reserved to the legal voters of each municipality and county as to all local, special and municipal legislation of every character in and for their respective municipalities and counties, but no local legislation shall be enacted contrary to the Constitution or any general law of the State, and any general law shall have the effect of repealing any local legislation which is in conflict therewith.

Municipalities may provide for the exercise of the initiative and referendum as to their local legislation. General laws shall be enacted providing for the exercise of the initiative and referendum as to counties and municipalities. Fifteen per cent of the legal voters of any municipality or county may order the referendum, or invoke the initiative upon any local measure. In municipalities the number of signatures required upon any petition shall be computed upon the total vote cast for the office of mayor at the last preceding general election; in counties upon the office of circuit clerk. In municipalities and counties the time for filing an initiative petition shall not be fixed by the General Assembly at less than sixty days nor more than ninety days before the election at which it is to be voted upon; ~~for~~ the time for filing a referendum petition shall not be fixed by the General Assembly at ~~not~~ less than thirty days nor more than ninety days after the passage of such measure by a municipal council, ~~nor~~, or less than ninety days when filed against a local or special measure passed by the General Assembly.

Every extension, enlargement, grant, or conveyance of a franchise or any rights, property, easement, lease, or occupation of or in any road,

street, alley or any part thereof in real property or interest in real property owned by municipalities, exceeding in value three hundred dollars, whether the same be by statute, ordinance, resolution, or otherwise, shall be subject to referendum and shall not be subject to emergency legislation.

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

Title. At the time of filing petitions the exact title to be used on the ballot shall by the petitioners be submitted with the petition, and on state-wide measures, shall be submitted to the State Board of Election Commissioners, who shall certify such title to the Secretary of State, to be placed upon the ballot; on county and municipal measures such title shall be submitted to the county election board and shall by said board be placed upon the ballot in such county or municipal election. A challenge to the sufficiency of the title to be used on the ballot shall be made not later than sixty days after the filing of the petition under this section.

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

Verification. Only legal votes shall be counted upon petitions. Petitions may be circulated and presented in parts, but each part of any petition shall have attached thereto the affidavit of the person circulating the same, that all signatures thereon were made in the presence of the affiant, and that to the best of the affiant's knowledge and belief each signature is genuine, and that the person signing is a legal voter and no other affidavit or verification shall be required to establish the genuineness of such signatures. A challenge to the sufficiency of the signatures submitted in support of a petition shall be made not later than sixty days after the filing of the petition under this section.

SECTION 5. 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 "An Amendment to the Arkansas

Constitution Revising the Process for Submitting Proposed Measures and  
Constitutional Amendments to Voters for Approval or Rejection".