

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

As Engrossed: S2/20/17

SJR 10

By: Senator Collins-Smith

SENATE JOINT RESOLUTION

AMENDING THE ARKANSAS CONSTITUTION CONCERNING LAWS AND CONSTITUTIONAL AMENDMENTS SUBMITTED TO THE CITIZENS OF THE STATE OF ARKANSAS AT AN ELECTION; REVISING THE PROCESS FOR THE GENERAL ASSEMBLY TO SUBMIT PROPOSED AMENDMENTS TO THE ARKANSAS CONSTITUTION TO THE CITIZENS OF THE STATE AT A GENERAL ELECTION; AMENDING ARKANSAS CONSTITUTION, ARTICLE 5, § 1, CONCERNING CHALLENGES TO THE SUFFICIENCY OF INITIATIVE AND REFERENDUM PETITIONS; PROVIDING THAT A CONSTITUTIONAL AMENDMENT INITIATED BY CITIZENS OF THE STATE OF ARKANSAS OR PROPOSED BY THE GENERAL ASSEMBLY SHALL BE ADDED TO THE CONSTITUTION WHEN APPROVED BY THREE-FIFTHS (3/5) OF THE VOTES CAST UPON THE AMENDMENT; AND PROHIBITING AN AMENDMENT TO THE ARKANSAS CONSTITUTION FROM BESTOWING POWERS, PRIVILEGES, OR AUTHORITY TO A SPECIFIC INDIVIDUAL OR BUSINESS ENTITY IDENTIFIED BY NAME.

Subtitle

AMENDING THE ARKANSAS CONSTITUTION CONCERNING LAWS AND CONSTITUTIONAL AMENDMENTS SUBMITTED TO THE CITIZENS OF THE STATE OF ARKANSAS AT AN ELECTION.

BE IT RESOLVED BY THE SENATE OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE HOUSE OF REPRESENTATIVES, 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 "Majority", is amended to read as follows:

Majority. (a)(1) ~~Any~~ Except as provided in subdivision (a)(2) of this section, any measure submitted to the people as herein provided shall take effect and become a law when approved by a majority of the votes cast upon such measure, and not otherwise, and shall not be required to receive a majority of the electors voting at such election.

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

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

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

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

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

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 (60) days after the filing of the petition under this amendment.

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 (60) days after the filing of the petition under this amendment.

SECTION 5. Arkansas Constitution, Article 19, § 22, 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, 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.~~

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

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

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

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

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

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

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

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

(2) The ballot title and popular name designated in the joint resolution shall be an impartial summary of the proposed amendment that briefly and concisely gives voters a fair understanding of the:

(A) Purpose of the proposed amendment to this Constitution;

(B) Issues presented by the proposed amendment to this Constitution; and

(C) Scope and significance of the proposed amendment to

this Constitution.

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

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

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

(B) If the Attorney General believes after his or her review that the ballot title or popular name, or both, do not satisfy subdivision (c)(2) of this section, the Attorney General shall substitute and certify a ballot title or popular name, or both, that satisfy subdivision (c)(2) of this section.

(d)(1) An elector of the state who believes that the ballot title or popular name, or both, of a proposed amendment submitted under this section does not satisfy subdivision (c)(2) of this section may by petition apply to the Supreme Court for proper relief.

(2) A petition for proper relief under subdivision (d)(1) of this section shall be made not later than sixty (60) days after the:

(A) Certification by the Attorney General of the ballot title and popular name designated in the joint resolution under subdivision (c)(3) of this section; or

(B) Substitution and certification of a ballot title or popular name, or both, by the Attorney General under subdivision (c)(3) of this section.

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

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

SECTION 6. Arkansas Constitution, Amendment 70, § 2, is amended to read as follows:

§ 2. Additional Constitutional amendments authorized.

(a) In addition to the three (3) amendments to ~~the~~ this Constitution allowed pursuant to Article 19, § 22, either branch of the General Assembly at a regular session thereof may propose an amendment to ~~the~~ this 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, 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.~~

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

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

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

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

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

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

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

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

(2) A private business entity identified by name, including without limitation a private corporation identified by 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 "An Amendment to the Arkansas Constitution Concerning Laws and Constitutional Amendments Submitted to the Citizens of the State of Arkansas at an Election".

/s/Collins-Smith