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

State of Arkansas *As Engrossed: H3/11/19 H3/14/19*
92nd General Assembly
Regular Session, 2019 HJR 1008

By: Representative Vaught
By: Senator M. Pitsch

# HOUSE JOINT RESOLUTION

AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO AMEND THE PROCESS FOR THE SUBMISSION, CHALLENGE, AND APPROVAL OF PROPOSED INITIATED ACTS, CONSTITUTIONAL AMENDMENTS, AND REFERENDA.

## Subtitle

AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO AMEND THE PROCESS FOR THE SUBMISSION AND APPROVAL OF PROPOSED INITIATED ACTS, CONSTITUTIONAL AMENDMENTS, AND REFERENDA.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SECOND 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 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~~ no later than ~~four months~~ January 15 ~~before~~ of the year of the election at which they are to be voted upon; provided, that at least thirty (30) 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 subsection of Arkansas Constitution, Article 5, § 1 titled "Referendum" is amended to read as follows:

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

Upon all initiative or referendum petitions provided for in any of the sections of this article, it shall be necessary to file from at least ~~fifteen~~ three-fifths (3/5) of the counties of the State, petitions bearing the signature of not less than one-half (1/2) of the designated percentage of the electors of such county.

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

*Court Decisions. If the sufficiency of any petition is challenged such*

*cause shall be a preference cause and shall be tried at once~~,~~.* *A challenge to the sufficiency of a state-wide initiative petition shall be filed no later than April 15 of the year of the general election at which it shall be voted upon.* ~~*but the*~~ *The failure of the courts to decide prior to the election as to the sufficiency of any* ~~*such*~~ *petition, shall not prevent the question from being placed upon the ballot at the election named in such petition, nor militate against the validity of such measure, if it shall have been approved by a vote of the people.*

SECTION 4. The subsection of Arkansas Constitution, Article 5, § 1, titled "Amendment of Petition" is repealed.

~~Amendment of Petition.~~

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

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

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

~~(B) At least seventy-five percent (75%) of the required number of signatures of legal voters from each of at least fifteen (15) counties of the state.~~

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

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

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

SECTION 6. 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~~ three-fifths (3/5) 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 (1) newspaper in each county, where a newspaper is published, ~~for six months immediately~~ in a manner provided by law 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 (3) 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 7. 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 (1) 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 Article 19, § 22, of this Constitution.

SECTION 8. EFFECTIVE DATE. This amendment shall be effective on and after January 1, 2021.

SECTION 9. 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 To Amend The Process For The Submission, Challenge, And Approval Of Proposed Initiated Acts, Constitutional Amendments, And Referenda".

*/s/Vaught*