

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

State of Arkansas
92nd General Assembly
Regular Session, 2019

HJR 1024

By: Representative Eubanks
By: Senator K. Ingram

HOUSE JOINT RESOLUTION

AN AMENDMENT TO THE ARKANSAS CONSTITUTION CONCERNING THE PROCESS FOR CIRCULATING, SUBMITTING, AND CHALLENGING THE SUFFICIENCY OF INITIATED MEASURES UNDER ARKANSAS CONSTITUTION, ARTICLE 5, § 1, AND CONSTITUTIONAL AMENDMENTS PROPOSED BY THE GENERAL ASSEMBLY.

Subtitle

CONCERNING THE PROCESS FOR CIRCULATING, SUBMITTING, AND CHALLENGING THE SUFFICIENCY OF INITIATED MEASURES UNDER ARKANSAS CONSTITUTION, ARTICLE 5, § 1, AND CONSTITUTIONAL AMENDMENTS PROPOSED BY THE GENERAL ASSEMBLY.

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 "Verification", is amended to read as follows:

Verification. Initiative petitions shall not be circulated more than two (2) years before the election at which they are to be voted upon. 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.

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~~r~~. A challenge to the sufficiency of a state-wide initiative petition shall be filed no later than March 1 of the year of the general election at which it shall be voted upon and shall be resolved by the court no later than July 1 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. 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.

AMENDMENTS TO THIS SECTION BY THE GENERAL ASSEMBLY. The General Assembly, in the same manner as required for amendment or repeal of measures approved by a vote of the people, may amend this section so long as such amendments are germane to this section and consistent with its policy and purposes.

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 (1) newspaper in each county, where a newspaper is published, for six (6) 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 (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. The sufficiency of a proposed amendment under this section shall be decided by the Supreme Court, which shall have original and exclusive jurisdiction over all such causes. If the sufficiency of a proposed amendment is challenged, the challenge shall be a preference cause and shall be tried at once. The failure of the Supreme Court 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 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 (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 7. EFFECTIVE DATE. This amendment shall be effective on and after January 1, 2021.

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 the Process for Circulating, Submitting, and

Challenging the Sufficiency of Initiated Measures under Arkansas
Constitution, Article 5, § 1, and Constitutional Amendments Proposed by the
General Assembly".