

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

State of Arkansas
93rd General Assembly
Regular Session, 2021

HJR 1008

By: Representative Vaught

HOUSE JOINT RESOLUTION

AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO BE KNOWN AS THE "BALLOT INITIATIVE REFORM AMENDMENT"; AND AMENDING THE NUMBER OF VOTES REQUIRED FOR THE PASSAGE OF AN INITIATED PROPOSAL OR REFERENDUM UNDER ARKANSAS CONSTITUTION, ARTICLE 5, § 1.

Subtitle

AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO BE KNOWN AS THE "BALLOT INITIATIVE REFORM AMENDMENT".

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD 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 "Emergency", is amended to read as follows:

Emergency. If it shall be necessary for the preservation of the public peace, health and safety that a measure shall become effective without delay, such necessity shall be stated in one section, and if upon a yea and nay vote



two-thirds of all the members elected to each house, or two-thirds of all the members elected to city or town councils, shall vote upon separate roll call in favor of the measure going into immediate operation, such emergency measure shall become effective without delay. It shall be necessary, however, to state the fact which constitutes such emergency. Provided, however, that an emergency shall not be declared on any franchise or special privilege or act creating any vested right or interest or alienating any property of the State. If a referendum is filed against any emergency measure such measure shall be a law until it is voted upon by the people, and if it is then rejected by ~~a majority~~ at least sixty percent (60%) of the electors voting thereon, it shall be thereby repealed. The provision of this sub-section shall apply to city or town councils.

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

Majority Approval of measures submitted to the people. Any measure submitted to the people as herein provided shall take effect and become a law when approved by ~~a majority at least sixty percent (60%)~~ at least sixty percent (60%) 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.~~ 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.

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 3. The subsection 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~~ at least sixty percent (60%) 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 4. EFFECTIVE DATE. This amendment shall be effective on and after January 1, 2023.

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 "A Constitutional Amendment to Reform Ballot Initiatives and Referendums, to be Known as the "Ballot Initiative Reform Amendment".