

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

State of Arkansas
95th General Assembly
Regular Session, 2025

As Engrossed: H1/16/25

H JR 1003

Representatives A. Collins, *Springer*

HOUSE JOINT RESOLUTION

AN AMENDMENT TO THE ARKANSAS CONSTITUTION PROVIDING THAT GOVERNMENT TRANSPARENCY IS A RIGHT OF ARKANSAS CITIZENS; DEFINING "GOVERNMENT TRANSPARENCY" AS THE GOVERNMENT'S OBLIGATION TO SHARE INFORMATION WITH CITIZENS OR TO DELIVER INFORMATION TO CITIZENS; PROHIBITING THE GENERAL ASSEMBLY FROM MAKING A LAW CONCERNING GOVERNMENT TRANSPARENCY WITHOUT APPROVAL BY A VOTE OF THE PEOPLE, BUT ALLOWING A TWO-THIRDS MAJORITY OF THE GENERAL ASSEMBLY TO REFER SUCH A LAW TO THE PEOPLE TO BE APPROVED OR REJECTED AT THE NEXT GENERAL ELECTION; PERMITTING THE GENERAL ASSEMBLY, BY A NINE-TENTHS VOTE AND IN THE CASE OF AN EMERGENCY, TO MAKE A LAW CONCERNING GOVERNMENT TRANSPARENCY TAKE IMMEDIATE EFFECT UNTIL APPROVED OR REJECTED BY A VOTE OF THE PEOPLE AT THE NEXT GENERAL ELECTION; CLARIFYING THAT ANY ACT THE GENERAL ASSEMBLY REFERRED TO THE PEOPLE UNDER THIS AMENDMENT IS NOT A REFERRED CONSTITUTIONAL AMENDMENT UNDER ARTICLE 19, SECTION 22, OF THE ARKANSAS CONSTITUTION; PROHIBITING THE GENERAL ASSEMBLY FROM AMENDING THIS AMENDMENT BY REFERRING AN AMENDMENT TO THE PEOPLE UNDER ARTICLE 19, SECTION 22, OF THE ARKANSAS CONSTITUTION; CLARIFYING THAT THE PEOPLE OF ARKANSAS MAY EXERCISE THEIR AUTHORITY UNDER ARTICLE 5, SECTION 1, TO AMEND THIS AMENDMENT OR AN ARKANSAS STATUTE CONCERNING GOVERNMENT TRANSPARENCY; ABROGATING THE SOVEREIGN IMMUNITY OF THE STATE OF ARKANSAS IN LAWSUITS CONCERNING GOVERNMENT TRANSPARENCY AND ALLOWING



PLAINTIFFS TO RECOVER ATTORNEY'S FEES IN SUCH SUITS;
CLARIFYING THAT THIS AMENDMENT DOES NOT ALTER THE
CONSTITUTIONAL POWERS OF THE SUPREME COURT;
CLARIFYING THAT THIS AMENDMENT DOES NOT ALTER THE
CONSTITUTIONAL POWERS OF THE GENERAL ASSEMBLY TO
DETERMINE THE RULES THAT AFFECT THE OPENNESS OF STATE
LEGISLATIVE MEETINGS; DECLARING THAT ALL PROVISIONS
OF THE ARKANSAS CONSTITUTION, ARKANSAS LAW, AND
COMMON LAW OF THIS STATE ARE DECLARED NULL AND VOID
TO THE EXTENT THEY ARE INCONSISTENT OR IN CONFLICT
WITH ANY PROVISION OF THIS AMENDMENT; DECLARING THAT
THIS AMENDMENT'S PROVISIONS ARE SEVERABLE; AND
STATING THAT THIS AMENDMENT IS EFFECTIVE NOVEMBER 4,
2026.

Subtitle

THE ARKANSAS GOVERNMENT DISCLOSURE
AMENDMENT.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH 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 Arkansas Constitution is amended to add an additional amendment to read as follows:

§ 1. Title.

This amendment shall be known and may be cited as the "Arkansas Government Disclosure Amendment of 2026".

§ 2. Policy, duties, rights, and interpretation.

(a) It is vital in a democratic society that public business be performed in an open and public manner so that the electors of the state shall be advised of the performance of public officials and of the decisions that are reached in public activity and in making public policy.

(b) Government transparency is a right of the citizens of Arkansas.

§ 3. Definition.

As used in this amendment, "government transparency" means the government's obligation to:

(1) Share information with citizens; or

(2) Deliver information to citizens.

§ 4. Procedure for enacting laws that affect government transparency.

(a) The General Assembly shall not make a law concerning government transparency except as provided in this section.

(b) The General Assembly may propose a law concerning government transparency only by referring a bill adopted by a two-thirds (2/3) majority vote of both the House of Representatives and the Senate to the electors at the next general election for approval or rejection of the referred bill.

(c)(1) Except as provided in subdivision (c)(2) of this section, a referred bill concerning government transparency shall not become effective before its approval by the electors at the next general election.

(2)(A) If it shall be necessary for the preservation of the public peace, health, and safety that the referred bill become effective without delay, the General Assembly may declare an emergency by a vote of nine-tenths (9/10) of the House of Representatives and the Senate.

(B) If the emergency declaration under subdivision (c)(2)(A) of this section is adopted by the General Assembly:

(i) The referred bill shall become effective immediately; and

(ii) If the electors reject the referred bill at the next general election, the referred bill shall no longer be in effect.

(d) A referred bill under this section:

(1) Shall be published in the manner prescribed under Arkansas

Constitution, Article 19, § 22; and

(2) Is not a constitutional amendment under Arkansas Constitution, Article 19, § 22.

§ 5. Amendment not to be amended under Arkansas Constitution, Article 19, § 22.

(a) The General Assembly shall not propose an amendment to this amendment to be submitted to the electors for approval or rejection under Arkansas Constitution, Article 19, § 22.

(b) The people of the State of Arkansas may amend this amendment or an Arkansas statute concerning government transparency as provided under Arkansas Constitution, Article 5, § 1, or this section.

§ 6. Immunity and attorney's fees.

(a) The State of Arkansas may be made a defendant in her courts for failure to comply with the requirements of Arkansas law concerning government transparency.

(b) Attorney's fees shall be available to a prevailing citizen in an action against the State of Arkansas for failure to comply with the requirements of Arkansas law concerning government transparency.

§ 7. Inconsistent provisions inapplicable.

(a) Except as provided in subsection (b) of this section, all provisions of the Arkansas Constitution, Arkansas law, and the common law of the State of Arkansas are expressly declared null and void to the extent they are inconsistent or otherwise in conflict with any provision of this amendment.

(b) This amendment shall not be construed to alter the constitutional powers of the:

(1) Supreme Court; or

(2) General Assembly to determine the rules that affect the openness of legislative meetings.

§ 8. Severability.

If any provision or section of this amendment or the application thereof to any person or circumstance is held invalid, that invalidity shall

not affect any other provision or application of the amendment that can be given effect without the invalid provision or application, and to this end the provisions of this amendment are declared to be severable.

§ 9. Effective date.

This amendment is effective on and after November 4, 2026.

SECTION 2. 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 the "Arkansas Government Disclosure Amendment."

/s/A. Collins