

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

SENATE BILL 569

By: Senators M. Johnson, J. Boyd, J. Bryant, A. Clark

By: Representative Ray

For An Act To Be Entitled

AN AMENDMENT TO ARKANSAS CONSTITUTION, ARTICLE 5, SECTION 1, TO REQUIRE THAT THE BALLOT TITLE OF A PROPOSED MEASURE BE READABLE, CLEAR, AND CONCISE AND NOT EXCEED FIVE HUNDRED WORDS; TO AMEND THE ARKANSAS CONSTITUTION UNDER THE AUTHORITY OF ARKANSAS CONSTITUTION, ARTICLE 5, SECTION 1; AND FOR OTHER PURPOSES.

Subtitle

AN AMENDMENT TO THE ARKANSAS CONSTITUTION CONCERNING BALLOT TITLES OF PROPOSED MEASURES; AND AMENDING THE ARKANSAS CONSTITUTION UNDER THE AUTHORITY OF ARKANSAS CONSTITUTION, ARTICLE 5, SECTION 1.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. LEGISLATIVE INTENT.

(a) The General Assembly finds:

(1) Arkansas Constitution, Article 5, § 1, provides that "[n]o measure approved by a vote of the people shall be amended or repealed by the General Assembly. . . except upon a yea and nay vote on roll call of two-thirds of all the members elected to each house of the General Assembly. . .";

(2) Arkansas Constitution, Article 5, § 1, defines "measure" to include any bill, law, resolution, ordinance, charter, constitutional



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amendment or legislative proposal or enactment of any character;

(3) The plain language of the definition of "measure" in Arkansas Constitution, Article 5, § 1, clearly includes amendments to the Arkansas Constitution, meaning that the General Assembly may amend amendments to the Arkansas Constitution with a two-thirds vote of each house;

(4) Despite observing that the definition of "measure" in Arkansas Constitution, Article 5, § 1 includes "constitutional amendment(s) 'or legislative proposals of any character'", the Supreme Court in Arkansas Game and Fish Commission v. Edgmon, 218 Ark. 207, 235 S.W.2d 554 (1951), declined to construe the language literally and held that the General Assembly lacked the power to amend or repeal amendments to the Arkansas Constitution by a two-thirds vote of each house;

(5) In Board of Trustees of the University of Arkansas v. Andrews, 2018 Ark. 12 (2018), the Supreme Court overturned years of precedent by holding that the General Assembly cannot waive by law the state's sovereign immunity granted by Arkansas Constitution, Article 5, § 20;

(6) In reaching its decision in Andrews, supra, the Supreme Court held that the language of Arkansas Constitution, Article 5, § 20, should be interpreted "precisely as it reads";

(7) In Buonaiuto v. Gibson, 2020 Ark. 352, the Supreme Court noted that the phrase "four-lane highway" as used in Arkansas Constitution, Amendment 91, had been "given a specific meaning that is plain and unambiguous" and thus funds under Arkansas Constitution, Amendment 91, could not be used to improve six-lane portions of interstate highways; and

(8) An interpretation of Arkansas Constitution, Article 5, § 1, "precisely as it reads" clearly leads to the conclusion that the General Assembly may amend all measures, including constitutional amendments, by a two-thirds vote of each house, as the term "measure" has been given a plain and unambiguous definition in Arkansas Constitution, Article 5, § 1.

(b) By the passage of this act, the General Assembly expresses its belief that, upon consideration of this act using the standard of review established in Andrews, supra, the Supreme Court will:

(1) Interpret Arkansas Constitution, Article 5, § 1, precisely as it reads in consideration of its plain and unambiguous language;

(2) Overturn its decision in Edgmon, supra, as inconsistent with its holding in Andrews, supra, and Buonaiuto, supra; and

(3) Uphold the constitutional authority of the General Assembly under Arkansas Constitution, Article 5, § 1, to amend or repeal amendments to the Arkansas Constitution by a two-thirds vote of each house.

SECTION 2. Pursuant to the authority under Arkansas Constitution, Article 5, § 1, the subsection 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. The title shall be readable, clear, and concise and shall not exceed five hundred (500) words. The General Assembly may enact laws establishing a standard for the readability of the title.