

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

1 State of Arkansas *As Engrossed: H2/21/17 H3/13/17 H3/22/17*
2 91st General Assembly
3 Regular Session, 2017

HJR 1003

4
5 By: Representatives Gillam, Ballinger, Leding, A. Mayberry

6
7 **HOUSE JOINT RESOLUTION**

8 *AN AMENDMENT TO THE ARKANSAS CONSTITUTION CONCERNING*
9 *PROPOSED MEASURES AND CONSTITUTIONAL AMENDMENTS*
10 *CONSIDERED BY VOTERS AT AN ELECTION; PROVIDING THAT*
11 *INITIATIVE PETITIONS FOR STATE-WIDE MEASURES SHALL BE*
12 *FILED WITH THE SECRETARY OF STATE NOT LESS THAN ONE*
13 *HUNDRED EIGHTY (180) DAYS BEFORE THE ELECTION AT*
14 *WHICH THEY ARE TO BE VOTED UPON; PROVIDING THAT A*
15 *PETITION CONCERNING A PROPOSED AMENDMENT TO THE*
16 *ARKANSAS CONSTITUTION SHALL BEAR THE SIGNATURES OF*
17 *NOT LESS THAN ONE-HALF (1/2) OF THE DESIGNATED*
18 *PERCENTAGE OF THE ELECTORS FROM AT LEAST TWENTY-FIVE*
19 *(25) OF THE COUNTIES OF THE STATE; PROVIDING THAT*
20 *GENERAL LAWS SHALL BE ENACTED PROVIDING FOR THE*
21 *EXERCISE OF THE INITIATIVE AND REFERENDUM AS TO*
22 *MUNICIPALITIES; PROVIDING THAT THE GENERAL ASSEMBLY*
23 *SHALL NOT FIX THE TIME FOR FILING AN INITIATIVE*
24 *PETITION IN MUNICIPALITIES AND COUNTIES AT LESS THAN*
25 *SIXTY (60) DAYS NOR MORE THAN NINETY (90) DAYS BEFORE*
26 *THE ELECTION AT WHICH THE INITIATIVE IS TO BE VOTED*
27 *UPON; PROVIDING THAT THE GENERAL ASSEMBLY MAY FIX THE*
28 *TIME FOR FILING A REFERENDUM PETITION AT NOT LESS*
29 *THAN THIRTY (30) DAYS NOR MORE THAN NINETY (90) DAYS*
30 *AFTER THE PASSAGE OF THE MEASURE AT ISSUE BY A QUORUM*
31 *COURT OR MUNICIPAL COUNCIL; PROVIDING THAT AN*
32 *AMENDMENT TO THE ARKANSAS CONSTITUTION SUBMITTED TO*
33 *THE PEOPLE THROUGH THE INITIATIVE PROCESS SHALL TAKE*
34 *EFFECT AND BECOME PART OF THE ARKANSAS CONSTITUTION*
35 *WHEN APPROVED BY THREE-FIFTHS (3/5) OF THE VOTES CAST*
36 *UPON THE AMENDMENT AND SHALL NOT BE REQUIRED TO*



1 RECEIVE A MAJORITY OF THE ELECTORS VOTING AT SUCH
2 ELECTION; PROVIDING THAT, BY A MAJORITY VOTE AT A
3 REGULAR SESSION, THE GENERAL ASSEMBLY MAY SUBMIT A
4 PROPOSED LAW TO THE PEOPLE FOR APPROVAL OR REJECTION
5 BY A MAJORITY OF THE VOTES CAST AT A GENERAL
6 ELECTION; PROVIDING THAT THE GENERAL ASSEMBLY SHALL
7 NOT SUBMIT MORE THAN THREE (3) PROPOSED LAWS TO THE
8 PEOPLE FOR APPROVAL OR REJECTION AT A REGULAR SESSION
9 AND SHALL NOT SUBMIT A PROPOSED APPROPRIATION BILL TO
10 THE PEOPLE FOR APPROVAL OR REJECTION AT A GENERAL
11 ELECTION; PROVIDING THAT THE PROVISIONS CONCERNING
12 THE SUBMISSION OF PROPOSED LAWS TO THE PEOPLE BY THE
13 GENERAL ASSEMBLY ARE INAPPLICABLE TO THE SUBMISSION
14 OF A QUESTION CONCERNING THE ISSUANCE OF BONDS TO THE
15 ELECTORS THAT IS OTHERWISE AUTHORIZED BY THE ARKANSAS
16 CONSTITUTION OR BY LAW; PROVIDING THAT THE GENERAL
17 ASSEMBLY MAY ENACT LAWS CONCERNING THE PROCESS FOR
18 SUBMITTING A PROPOSED LAW TO THE PEOPLE FOR APPROVAL
19 OR REJECTION AT A GENERAL ELECTION; PROVIDING THAT IF
20 CONFLICTING MEASURES INITIATED OR REFERRED TO THE
21 PEOPLE ARE APPROVED BY THE REQUIRED NUMBER OF VOTES,
22 THE MEASURE RECEIVING THE HIGHEST NUMBER OF
23 AFFIRMATIVE VOTES SHALL BECOME LAW; PROVIDING THAT A
24 CHALLENGE TO THE SUFFICIENCY OF THE TITLE SUBMITTED
25 WITH A PETITION TO BE USED ON THE BALLOT SHALL BE
26 MADE NOT LATER THAN SIXTY (60) DAYS AFTER THE FILING
27 OF THE PETITION; PROVIDING THAT A CHALLENGE TO THE
28 SUFFICIENCY OF THE SIGNATURES SUBMITTED IN SUPPORT OF
29 A PETITION SHALL BE MADE NOT LATER THAN THIRTY (30)
30 DAYS AFTER CERTIFICATION OF THE SUFFICIENCY OF THE
31 SIGNATURES BY THE SECRETARY OF STATE, COUNTY CLERK,
32 OR CITY CLERK, AS THE CASE MAY BE; PROVIDING THAT
33 CORRECTION OR AMENDMENT OF AN INSUFFICIENT STATE-WIDE
34 PETITION CONCERNING A PROPOSED AMENDMENT TO THE
35 ARKANSAS CONSTITUTION SHALL BE PERMITTED ONLY IF THE
36 PETITION CONTAINS VALID SIGNATURES OF LEGAL VOTERS

1 *EQUAL TO AT LEAST SEVENTY-FIVE PERCENT (75%) OF THE*
2 *REQUIRED NUMBER OF SIGNATURES OF LEGAL VOTERS FROM*
3 *EACH OF AT LEAST TWENTY-FIVE (25) COUNTIES OF THE*
4 *STATE; REVISING THE PROCESS FOR THE GENERAL ASSEMBLY*
5 *TO PROPOSE AMENDMENTS TO THE ARKANSAS CONSTITUTION AT*
6 *A REGULAR SESSION OF THE GENERAL ASSEMBLY; PROVIDING*
7 *THAT A PROPOSED AMENDMENT TO THE ARKANSAS*
8 *CONSTITUTION SHALL NOT BE SUBMITTED BY THE GENERAL*
9 *ASSEMBLY TO THE ELECTORS OF THE STATE FOR APPROVAL OR*
10 *REJECTION UNLESS THE PROPOSED AMENDMENT RECEIVES A*
11 *TWO-THIRDS VOTE OF EACH HOUSE OF THE GENERAL*
12 *ASSEMBLY; PROVIDING THAT THE GENERAL ASSEMBLY SHALL*
13 *NOT SUBMIT MORE THAN THREE (3) PROPOSED*
14 *CONSTITUTIONAL AMENDMENTS AT A GENERAL ELECTION*
15 *UNLESS A FOURTH AMENDMENT CONCERNING SALARIES OF*
16 *CERTAIN CONSTITUTIONAL OFFICERS IS SUBMITTED UNDER*
17 *ARKANSAS CONSTITUTION, AMENDMENT 70, § 2; PROVIDING*
18 *THAT THE GENERAL ASSEMBLY SHALL DESIGNATE IN THE*
19 *JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE*
20 *ARKANSAS CONSTITUTION THE BALLOT TITLE AND POPULAR*
21 *NAME THAT SHALL APPEAR ON THE GENERAL ELECTION*
22 *BALLOT; PROVIDING THAT THE BALLOT TITLE FOR AN*
23 *AMENDMENT TO THE ARKANSAS CONSTITUTION PROPOSED BY*
24 *THE GENERAL ASSEMBLY SHALL BE INTELLIGIBLE, HONEST,*
25 *IMPARTIAL, AND WHILE NOT REQUIRED TO RECITE ALL*
26 *DETAILS OF THE PROPOSED AMENDMENT, SHALL NOT BE*
27 *MISLEADING; PROVIDING THAT THE POPULAR NAME FOR AN*
28 *AMENDMENT TO THE ARKANSAS CONSTITUTION PROPOSED BY*
29 *THE GENERAL ASSEMBLY SHALL IDENTIFY THE PROPOSED*
30 *AMENDMENT IN A MANNER THAT ENABLES THE ELECTORS TO*
31 *VOTE ON EACH AMENDMENT SEPARATELY AND SHALL BE*
32 *INTELLIGIBLE, HONEST, AND IMPARTIAL WHEN READ*
33 *TOGETHER WITH THE BALLOT TITLE; PROVIDING THAT WITHIN*
34 *THIRTY (30) DAYS OF THE ADOPTION BY THE GENERAL*
35 *ASSEMBLY OF A JOINT RESOLUTION PROPOSING AN AMENDMENT*
36 *TO THE ARKANSAS CONSTITUTION, THE ATTORNEY GENERAL*

1 SHALL REVIEW THE BALLOT TITLE AND POPULAR NAME AND
2 CERTIFY THE BALLOT TITLE AND POPULAR NAME FOR
3 INCLUSION ON THE BALLOT AT THE NEXT GENERAL ELECTION
4 IF HE OR SHE DETERMINES THE BALLOT TITLE AND POPULAR
5 NAME SATISFY THE REQUIRED STANDARDS; PROVIDING THAT
6 THE ATTORNEY GENERAL SHALL REFER THE BALLOT TITLE OR
7 POPULAR NAME, OR BOTH, TO THE GENERAL ASSEMBLY FOR
8 SUBSTITUTION OF THE BALLOT TITLE OR POPULAR NAME, OR
9 BOTH, IF THE ATTORNEY GENERAL BELIEVES AFTER REVIEW
10 THAT THE BALLOT TITLE OR POPULAR NAME, OR BOTH, DO
11 NOT SATISFY THE REQUIRED STANDARDS; PROVIDING THAT
12 THE GENERAL ASSEMBLY SHALL DESIGNATE BY LAW A
13 COMMITTEE TO SUBSTITUTE BALLOT TITLES AND POPULAR
14 NAMES; PROVIDING THAT THE ATTORNEY GENERAL SHALL
15 REVIEW A SUBSTITUTED BALLOT TITLE OR POPULAR NAME, OR
16 BOTH, FOR CERTIFICATION AND SHALL CONTINUE TO REFER
17 THE SUBSTITUTED BALLOT TITLE OR POPULAR NAME, OR
18 BOTH, TO THE GENERAL ASSEMBLY UNTIL HE OR SHE
19 DETERMINES THE BALLOT TITLE AND POPULAR NAME
20 SATISFIES THE REQUIRED STANDARDS; PROVIDING THAT THE
21 ATTORNEY GENERAL SHALL CERTIFY THE BALLOT TITLE AND
22 POPULAR NAME FOR INCLUSION ON THE BALLOT AT LEAST ONE
23 (1) YEAR BEFORE THE GENERAL ELECTION AT WHICH THE
24 AMENDMENT TO THE ARKANSAS CONSTITUTION PROPOSED BY
25 THE GENERAL ASSEMBLY SHALL BE CONSIDERED; PROVIDING
26 THAT A CHALLENGE TO THE SUFFICIENCY OF THE BALLOT
27 TITLE OR POPULAR NAME, OR BOTH, OF AN AMENDMENT TO
28 THE ARKANSAS CONSTITUTION PROPOSED BY THE GENERAL
29 ASSEMBLY MAY BE FILED WITH THE SUPREME COURT AT LEAST
30 ONE HUNDRED EIGHTY (180) DAYS BEFORE THE GENERAL
31 ELECTION AT WHICH THE PROPOSED AMENDMENT SHALL BE
32 VOTED UPON; PROVIDING THAT THE SUPREME COURT SHALL
33 STRIKE AN AMENDMENT TO THE ARKANSAS CONSTITUTION
34 PROPOSED BY THE GENERAL ASSEMBLY FROM THE BALLOT ONLY
35 IF THE BALLOT TITLE OR POPULAR NAME, OR BOTH,
36 CONSTITUTE A MANIFEST FRAUD UPON THE PUBLIC;

1 PROVIDING THAT AN AMENDMENT TO THE ARKANSAS
2 CONSTITUTION PROPOSED BY THE GENERAL ASSEMBLY AND ITS
3 BALLOT TITLE AND POPULAR NAME SHALL BE PUBLISHED AS
4 PROVIDED BY LAW; PROVIDING THAT AN AMENDMENT TO THE
5 ARKANSAS CONSTITUTION PROPOSED BY THE GENERAL
6 ASSEMBLY SHALL BECOME PART OF THE ARKANSAS
7 CONSTITUTION WHEN APPROVED BY THREE-FIFTHS (3/5) OF
8 THE ELECTORS VOTING ON THE PROPOSED AMENDMENT AT THE
9 GENERAL ELECTION; PROVIDING THAT THE GENERAL ASSEMBLY
10 MAY ENACT LAWS CONCERNING THE PROCESS FOR PROPOSING
11 AMENDMENTS TO THE ARKANSAS CONSTITUTION; AND
12 PROVIDING THAT AN AMENDMENT TO THE ARKANSAS
13 CONSTITUTION SHALL NOT SPECIFICALLY BESTOW POWERS,
14 PRIVILEGES, OR AUTHORITY TO A SPECIFIC INDIVIDUAL
15 IDENTIFIED BY NAME OR A PRIVATE BUSINESS ENTITY
16 IDENTIFIED BY NAME.

17
18
19 **Subtitle**

20 AN AMENDMENT TO THE ARKANSAS CONSTITUTION
21 CONCERNING PROPOSED MEASURES AND
22 CONSTITUTIONAL AMENDMENTS CONSIDERED BY
23 VOTERS AT AN ELECTION.
24

25
26 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIRST GENERAL
27 ASSEMBLY OF THE STATE OF ARKANSAS AND BY SENATE, A MAJORITY OF ALL MEMBERS
28 ELECTED TO EACH HOUSE AGREEING THERETO:
29

30 That the following is proposed as an amendment to the Constitution of
31 the State of Arkansas, and upon being submitted to the electors of the state
32 for approval or rejection at the next general election for Representatives
33 and Senators, if a majority of the electors voting thereon at the election
34 adopt the amendment, the amendment shall become a part of the Constitution of
35 the State of Arkansas, to wit:
36

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

3 Initiative. The first power reserved by the people is the initiative.
4 ~~Eight per-cent~~ percent (8%) of the legal voters may propose any law and ten
5 ~~per-cent~~ percent (10%) may propose a constitutional amendment by initiative
6 petition and every such petition shall include the full text of the measure
7 so proposed. Initiative petitions for state-wide measures shall be filed
8 with the Secretary of State not less than ~~four months~~ one hundred eighty
9 (180) days before the election at which they are to be voted upon; provided,
10 that at least thirty (30) days before the aforementioned filing, the proposed
11 measure shall have been published once, at the expense of the petitioners, in
12 some paper of general circulation.

13
14 SECTION 2. The subdivision of Arkansas Constitution, Article 5, § 1,
15 titled "Referendum" is amended to read as follows:

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

33 (b)(1) ~~Upon~~ Except as provided in subdivision (b)(2) of this section,
34 upon all initiative or referendum petitions provided for in any of the
35 sections of this article, it shall be necessary to file from at least fifteen
36 (15) of the counties of the State, petitions bearing the signature of not

1 less than one-half (1/2) of the designated percentage of the electors of such
2 county.

3 (2) For a petition concerning a proposed amendment to the
4 Arkansas Constitution, it shall be necessary to file from at least twenty-
5 five (25) of the counties of the State, petitions bearing the signature of
6 not less than one-half (1/2) of the designated percentage of the electors of
7 such county.

8
9 SECTION 3. The subdivision of Arkansas Constitution, Article 5, § 1,
10 titled "Local for Municipalities and Counties" is amended to read as follows:

11 Local for Municipalities and Counties. The initiative and referendum
12 powers of the people are hereby further reserved to the legal voters of each
13 municipality and county as to all local, special and municipal legislation of
14 every character in and for their respective municipalities and counties, but
15 no local legislation shall be enacted contrary to the Constitution or any
16 general law of the State, and any general law shall have the effect of
17 repealing any local legislation which is in conflict therewith.

18 ~~Municipalities may provide for the exercise of the initiative and~~
19 ~~referendum as to their local legislation.~~ General laws shall be enacted
20 providing for the exercise of the initiative and referendum as to counties
21 and municipalities. ~~Fifteen per cent~~ percent (15%) of the legal voters of
22 any municipality or county may order the referendum, or invoke the initiative
23 upon any local measure. In municipalities the number of signatures required
24 upon any petition shall be computed upon the total vote cast for the office
25 of mayor at the last preceding general election; in counties upon the office
26 of circuit clerk. In municipalities and counties the time for filing an
27 initiative petition shall not be fixed by the General Assembly at less than
28 sixty (60) days nor more than ninety (90) days before the election at which
29 it is to be voted upon; ~~for~~ and the time for filing a referendum petition
30 shall not be fixed by the General Assembly at not less than thirty (30) days
31 nor more than ninety (90) days after the passage of such measure by a quorum
32 court or municipal council; nor less than ninety days when filed against a
33 local or special measure passed by the General Assembly.

34 Every extension, enlargement, grant, or conveyance of a franchise or
35 any rights, property, easement, lease, or occupation of or in any road,
36 street, alley or any part thereof in real property or interest in real

1 property owned by municipalities, exceeding in value three hundred dollars
2 (\$300), whether the same be by statute, ordinance, resolution, or otherwise,
3 shall be subject to referendum and shall not be subject to emergency
4 legislation.

5
6 SECTION 4. The subdivision of Arkansas Constitution, Article 5, § 1,
7 titled "Majority", is amended to read as follows:

8 Majority. (a)(1)(A) ~~Any~~ Except as provided in subdivision (a)(1)(B)
9 of this section, any measure submitted to the people as herein provided shall
10 take effect and become a law when approved by a majority of the votes cast
11 upon such measure, and not otherwise, and shall not be required to receive a
12 majority of the electors voting at such election.

13 (B) An amendment to the Arkansas Constitution submitted to
14 the people as herein provided shall take effect and become part of the
15 Arkansas Constitution when approved by three-fifths (3/5) of the votes cast
16 upon the amendment, and not otherwise, and shall not be required to receive a
17 majority of the electors voting at such election.

18 (2) Such measures shall be operative on and after the thirtieth
19 day after the election at which it is approved, unless otherwise specified in
20 the Act.

21 (b)(1) This section shall not be construed to deprive any member of
22 the General Assembly of the right to introduce any measure, ~~but no measure~~
23 ~~shall be submitted to the people by the General Assembly, except a proposed~~
24 ~~constitutional amendment or amendments as provided for in this Constitution.~~

25 (2) At a regular session, the General Assembly may:

26 (A) Submit a proposed constitutional amendment to the
27 people for approval or rejection as provided for in this Constitution; and

28 (B)(i) Except as otherwise provided by this Constitution,
29 submit a proposed law other than a proposed constitutional amendment to the
30 people for approval or rejection at a general election as provided by law.

31 (ii) A proposed law shall not be submitted to the
32 people for approval or rejection at a general election under subdivision
33 (b)(2)(B)(i) of this section unless it receives a majority vote of each house
34 of the General Assembly.

35 (iii) A proposed law submitted to the people under
36 subdivision (b)(2)(B)(i) of this section or other provisions of this

1 Constitution, including without limitation Article 5, § 38, of this
2 Constitution, shall:

3 (a) Only be submitted to the people at a
4 regular session of the General Assembly;

5 (b) Be considered by the people for approval
6 or rejection at a general election;

7 (c) Take effect and become a law when approved
8 by a majority of the votes cast upon the proposed law; and

9 (d) Be operative on and after the thirtieth
10 day after the general election at which it is approved, unless otherwise
11 specified in the proposed law.

12 (iv) The General Assembly shall not submit more than
13 three (3) proposed laws to the people for approval or rejection at a regular
14 session.

15 (v) The General Assembly shall not submit a proposed
16 appropriation bill to the people for approval or rejection at a general
17 election under this subdivision (b)(2)(B).

18 (vi) This subdivision (b)(2)(B) does not apply to
19 the submission of a question concerning the issuance of bonds to the electors
20 that is otherwise authorized by this Constitution or by law.

21 (vii) The General Assembly may enact laws concerning
22 the process for submitting a proposed law to the people for approval or
23 rejection at a general election under this subdivision (b)(2)(B).

24
25 SECTION 5. The subdivision of Arkansas Constitution, Article 5, § 1,
26 titled "Conflicting Measures" is amended to read as follows:

27 Conflicting Measures. If conflicting measures initiated or referred to
28 the people shall be approved by ~~a majority of~~ the required number of the
29 votes severally cast for and against the same at the same election, the one
30 (1) receiving the highest number of affirmative votes shall become law.

31
32 SECTION 6. The subdivision of Arkansas Constitution, Article 5, § 1,
33 titled "Title" is amended to read as follows:

34 Title. At the time of filing petitions the exact title to be used on
35 the ballot shall by the petitioners be submitted with the petition, and on
36 state-wide measures, shall be submitted to the State Board of Election

1 *Commissioners, who shall certify such title to the Secretary of State, to be*
2 *placed upon the ballot; on county and municipal measures such title shall be*
3 *submitted to the county election board and shall by said board be placed upon*
4 *the ballot in such county or municipal election. A challenge to the*
5 *sufficiency of the title to be used on the ballot shall be made not later*
6 *than sixty (60) days after the filing of the petition under this section.*

7
8 *SECTION 7. The subdivision of Arkansas Constitution, Article 5, § 1,*
9 *titled "Verification" is amended to read as follows:*

10 *Verification. Only legal votes shall be counted upon petitions.*
11 *Petitions may be circulated and presented in parts, but each part of any*
12 *petition shall have attached thereto the affidavit of the person circulating*
13 *the same, that all signatures thereon were made in the presence of the*
14 *affiant, and that to the best of the affiant's knowledge and belief each*
15 *signature is genuine, and that the person signing is a legal voter and no*
16 *other affidavit or verification shall be required to establish the*
17 *genuineness of such signatures. A challenge to the sufficiency of the*
18 *signatures submitted in support of a petition shall be made not later than*
19 *thirty (30) days after certification of the sufficiency of the signatures by*
20 *the Secretary of State, county clerk, or city clerk, as the case may be.*

21
22 *SECTION 8. The section of Arkansas Constitution, Article 5, § 1,*
23 *titled "Amendment of Petition" is amended to read as follows:*

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

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

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

35 *(B)(i) ~~At~~ Except as provided in subdivision (a)(2)(B)(ii)*
36 *of this section, at least seventy-five percent (75%) of the required number*

1 of signatures of legal voters from each of at least fifteen (15) counties of
2 the state.

3 (ii) For a state-wide petition concerning a proposed
4 amendment to the Arkansas Constitution, at least seventy-five percent (75%)
5 of the required number of signatures of legal voters from each of at least
6 twenty-five (25) counties of the state.

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

10
11 SECTION 9. Arkansas Constitution, Article 19, § 22, is amended to read
12 as follows:

13 § 22. Constitutional amendments.

14 ~~Either branch of the General Assembly, at a regular session thereof,~~
15 ~~may propose amendments to this Constitution; and if the same be agreed to by~~
16 ~~a majority of all members elected to each house, such proposed amendments~~
17 ~~shall be entered on the journals with the yeas and nays, and published in at~~
18 ~~least one newspaper in each county, where a newspaper is published, for six~~
19 ~~months immediately preceding the next general election for Senators and~~
20 ~~Representatives, at which time the same shall be submitted to the electors of~~
21 ~~the State, for approval or rejection; and if a majority of the electors~~
22 ~~voting at such election adopt such amendments, the same shall become a part~~
23 ~~of this Constitution. But no more than three amendments shall be proposed or~~
24 ~~submitted at the same time. They shall be so submitted as to enable the~~
25 ~~electors to vote on each amendment separately.~~

26 (a)(1) Either house of the General Assembly may propose amendments to
27 this Constitution at a regular session in the form of a joint resolution.

28 (2) A joint resolution proposing an amendment to this
29 Constitution shall be read in full on three (3) days in each house of the
30 General Assembly unless the rules are suspended by a two-thirds vote of the
31 house, in which case the joint resolution may be read a second or third time
32 on the same day.

33 (3) On the final passage of the proposed amendment through each
34 house, the vote shall be taken by yeas and nays and the names of the persons
35 voting for and against the joint resolution shall be entered on the journal.

36 (4) A proposed amendment shall not be submitted to the electors

1 of the state for approval or rejection unless it receives a two-thirds vote
2 of each house of the General Assembly.

3 (5)(A) Except as provided in Amendment 70, § 2, of this
4 Constitution, the General Assembly shall not submit more than three (3)
5 proposed amendments at a general election.

6 (B) Proposed amendments under this section shall be
7 submitted as to enable the electors to vote on each amendment separately.

8 (b) A joint resolution proposing an amendment to this Constitution
9 that receives an affirmative vote of each house of the General Assembly shall
10 be submitted to the electors of the state for approval or rejection at the
11 next general election.

12 (c)(1) The General Assembly shall designate in the joint resolution
13 proposing an amendment to this Constitution the ballot title and popular name
14 that shall appear on the general election ballot.

15 (2)(A)(i) The ballot title designated in the joint resolution
16 shall be a summary of the proposed amendment that is:

17 (a) Intelligible;

18 (b) Honest; and

19 (c) Impartial.

20 (ii) The ballot title is not required to recite all
21 details of the proposed amendment but shall not be misleading.

22 (B) The popular name designated in the joint resolution
23 shall:

24 (i) Identify the proposed amendment in a manner that
25 enables the electors to vote on each proposed amendment separately; and

26 (ii) Be intelligible, honest, and impartial when
27 read together with the ballot title.

28 (3)(A) Within thirty (30) days of the adoption of a joint
29 resolution proposing an amendment to this Constitution by the General
30 Assembly, the Attorney General shall:

31 (i) Review the ballot title and popular name
32 designated in the joint resolution; and

33 (ii) Certify the ballot title and popular name for
34 inclusion on the ballot at the next general election if the Attorney General
35 determines that the ballot title and popular name satisfy subdivision (c)(2)
36 of this section.

1 (B) If the Attorney General believes after his or her
2 review that the ballot title or popular name, or both, do not satisfy
3 subdivision (c)(2) of this section, the Attorney General shall refer the
4 ballot title or popular name, or both, to the General Assembly for
5 substitution of a ballot title or popular name, or both, that satisfy
6 subdivision (c)(2) of this section.

7 (C)(i) If the Attorney General refers a ballot title or
8 popular name, or both, to the General Assembly under subdivision (c)(3)(B) of
9 this section, a committee designated by the General Assembly shall substitute
10 a ballot title or popular name, or both, that satisfy subdivision (c)(2) of
11 this section.

12 (ii) The General Assembly shall enact laws
13 designating a committee to substitute a ballot title or popular name, or
14 both, under subdivision (c)(3)(C)(i) of this section. The committee
15 designated by law may be a combination of a committee of the House of
16 Representatives and a committee of the Senate meeting jointly for the purpose
17 of providing a substitute ballot title or popular name, or both.

18 (iii) The committee designated by law under
19 subdivision (c)(3)(C)(ii) of this section may substitute a ballot title or
20 popular name, or both, when meeting during a regular, fiscal, or special
21 session of the General Assembly or when meeting during the interim.

22 (iv) The Attorney General shall review a substitute
23 ballot title or popular name, or both, under subdivision (c)(3)(A) of this
24 section. The Attorney General shall refer the ballot title and popular name,
25 or both, to the General Assembly for substitution as many times as necessary
26 until the Attorney General determines that the ballot title and popular name
27 satisfies subdivision (c)(2) of this section and certifies the ballot title
28 and popular name for inclusion on the ballot at the next general election.

29 (v) The Attorney General shall certify the ballot
30 title and popular name for inclusion on the ballot no later than one (1) year
31 before the general election at which the proposed amendment shall be
32 considered.

33 (d)(1) A challenge to the sufficiency of the ballot title or popular
34 name, or both, of a proposed amendment to this Constitution under this
35 section may be filed with the Supreme Court, which shall have original and
36 exclusive jurisdiction over all such causes.

1 (2) A challenge to the sufficiency of the ballot title or
2 popular name, or both, of a proposed amendment to this Constitution under
3 this section shall be filed at least one hundred eighty (180) days before the
4 general election at which the proposed amendment shall be voted upon.

5 (3) Upon the filing of a challenge under subdivision (d)(1) of
6 this section, the Supreme Court shall strike the proposed amendment from the
7 ballot only if the ballot title or popular name, or both, constitute a
8 manifest fraud upon the public.

9 (e) If an amendment to this Constitution proposed by the General
10 Assembly meets the requirements of this section, the proposed amendment and
11 its ballot title and popular name shall be published as provided by law.

12 (f) If three-fifths (3/5) of the electors voting on the proposed
13 amendment at the general election approve the proposed amendment, the
14 proposed amendment shall become part of this Constitution.

15 (g) The General Assembly may enact laws concerning the process for
16 proposing amendments to this Constitution under this section, including
17 without limitation laws concerning the:

18 (1) Requirements for ballot titles and popular names; and

19 (2) Publication of proposed amendments in advance of a general
20 election.

21
22 SECTION 10. Arkansas Constitution, Amendment 70, § 2, is amended to
23 read as follows:

24 § 2. Additional Constitutional amendments authorized.

25 (a) In addition to the three (3) amendments to ~~the~~ this Constitution
26 allowed pursuant to Article 19, § 22, either branch of the General Assembly
27 at a regular session thereof may propose an amendment to ~~the~~ this
28 Constitution to change the salaries for the offices of Governor, Lieutenant
29 Governor, Attorney General, Secretary of State, Treasurer of State,
30 Commissioner of State Lands, and Auditor of State and for members of the
31 General Assembly. ~~If the same be agreed to by a majority of all members~~
32 ~~elected to each house, such proposed amendment shall be entered on the~~
33 ~~journals with the yeas and nays, and published in at least one newspaper in~~
34 ~~each county, where a newspaper is published, for six months immediately~~
35 ~~preceding the next general election for Senators and Representatives, at~~
36 ~~which time the same shall be submitted to the electors of the State for~~

1 ~~approval or rejection. If a majority of the electors voting at such election~~
2 ~~adopt the amendment the same shall become a part of this Constitution.~~

3 (b) Only one (1) amendment to ~~the~~ this Constitution may be referred
4 pursuant to this section.

5 (c) An amendment proposed under the authority of this section shall
6 comply with the requirements of Article 19, § 22, of this Constitution.

7
8 SECTION 11. The Arkansas Constitution is amended to add a new
9 amendment to read as follows:

10 (a) An amendment to this Constitution shall not specifically bestow
11 powers, privileges, or authority to:

12 (1) A specific individual identified by his or her name; or

13 (2) A private business entity identified by name, including
14 without limitation a private corporation identified by name.

15 (b) Subsection (a) of this amendment shall supersede a subsequent
16 amendment to this Constitution that specifically bestows powers, privileges,
17 or authority to:

18 (1) A specific individual identified by his or her name; or

19 (2) A private business entity identified by name, including
20 without limitation a private corporation identified by name.

21
22 SECTION 12. BALLOT TITLE AND POPULAR NAME. When this proposed
23 amendment is submitted to the electors of this state on the general election
24 ballot:

25 (1) The title of this joint resolution shall be the ballot
26 title; and

27 (2) The popular name shall be "A Constitutional Amendment
28 Concerning Proposed Measures and Constitutional Amendments Considered by
29 Voters at an Election".

30
31
32 /s/Gillam