

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 S3/29/17*

2 91st General Assembly

3 Regular Session, 2017

HJR 1003

4

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

6 By: Senator E. Williams

7

8

HOUSE JOINT RESOLUTION

9

AN AMENDMENT TO THE ARKANSAS CONSTITUTION CONCERNING

10

PROPOSED MEASURES AND CONSTITUTIONAL AMENDMENTS

11

CONSIDERED BY VOTERS AT AN ELECTION; PROVIDING THAT

12

INITIATIVE PETITIONS FOR STATE-WIDE MEASURES SHALL BE

13

FILED WITH THE SECRETARY OF STATE NOT LESS THAN ONE

14

HUNDRED EIGHTY (180) DAYS BEFORE THE ELECTION AT

15

WHICH THEY ARE TO BE VOTED UPON; PROVIDING THAT A

16

PETITION CONCERNING A PROPOSED AMENDMENT TO THE

17

ARKANSAS CONSTITUTION SHALL BEAR THE SIGNATURES OF

18

NOT LESS THAN ONE-HALF (1/2) OF THE DESIGNATED

19

PERCENTAGE OF THE ELECTORS FROM AT LEAST TWENTY-FIVE

20

(25) OF THE COUNTIES OF THE STATE; PROVIDING THAT AN

21

AMENDMENT TO THE ARKANSAS CONSTITUTION SUBMITTED TO

22

THE PEOPLE THROUGH THE INITIATIVE PROCESS SHALL TAKE

23

EFFECT AND BECOME PART OF THE ARKANSAS CONSTITUTION

24

WHEN APPROVED BY THREE-FIFTHS (3/5) OF THE VOTES CAST

25

UPON THE AMENDMENT AND SHALL NOT BE REQUIRED TO

26

RECEIVE A MAJORITY OF THE ELECTORS VOTING AT SUCH

27

ELECTION; PROVIDING THAT, BY A MAJORITY VOTE AT A

28

REGULAR SESSION, THE GENERAL ASSEMBLY MAY SUBMIT A

29

PROPOSED LAW TO THE PEOPLE FOR APPROVAL OR REJECTION

30

BY A MAJORITY OF THE VOTES CAST AT A GENERAL

31

ELECTION; PROVIDING THAT THE GENERAL ASSEMBLY SHALL

32

NOT SUBMIT MORE THAN THREE (3) PROPOSED LAWS TO THE

33

PEOPLE FOR APPROVAL OR REJECTION AT A REGULAR SESSION

34

AND SHALL NOT SUBMIT A PROPOSED APPROPRIATION BILL TO

35

THE PEOPLE FOR APPROVAL OR REJECTION AT A GENERAL

36

ELECTION; PROVIDING THAT THE PROVISIONS CONCERNING



1 THE SUBMISSION OF PROPOSED LAWS TO THE PEOPLE BY THE
2 GENERAL ASSEMBLY ARE INAPPLICABLE TO THE SUBMISSION
3 OF A QUESTION CONCERNING THE ISSUANCE OF BONDS TO THE
4 ELECTORS THAT IS OTHERWISE AUTHORIZED BY THE ARKANSAS
5 CONSTITUTION OR BY LAW; PROVIDING THAT THE GENERAL
6 ASSEMBLY MAY ENACT LAWS CONCERNING THE PROCESS FOR
7 SUBMITTING A PROPOSED LAW TO THE PEOPLE FOR APPROVAL
8 OR REJECTION AT A GENERAL ELECTION; PROVIDING THAT IF
9 CONFLICTING MEASURES INITIATED OR REFERRED TO THE
10 PEOPLE ARE APPROVED BY THE REQUIRED NUMBER OF VOTES,
11 THE MEASURE RECEIVING THE HIGHEST NUMBER OF
12 AFFIRMATIVE VOTES SHALL BECOME LAW; PROVIDING THAT A
13 CHALLENGE TO THE SUFFICIENCY OF THE TITLE SUBMITTED
14 WITH A PETITION TO BE USED ON THE BALLOT SHALL BE
15 MADE NOT LATER THAN SIXTY (60) DAYS AFTER THE FILING
16 OF THE PETITION; PROVIDING THAT A CHALLENGE TO THE
17 SUFFICIENCY OF THE SIGNATURES SUBMITTED IN SUPPORT OF
18 A PETITION SHALL BE MADE NOT LATER THAN THIRTY (30)
19 DAYS AFTER CERTIFICATION OF THE SUFFICIENCY OF THE
20 SIGNATURES BY THE SECRETARY OF STATE, COUNTY CLERK,
21 OR CITY CLERK, AS THE CASE MAY BE; PROVIDING THAT
22 CORRECTION OR AMENDMENT OF AN INSUFFICIENT STATE-WIDE
23 PETITION CONCERNING A PROPOSED AMENDMENT TO THE
24 ARKANSAS CONSTITUTION SHALL BE PERMITTED ONLY IF THE
25 PETITION CONTAINS VALID SIGNATURES OF LEGAL VOTERS
26 EQUAL TO AT LEAST SEVENTY-FIVE PERCENT (75%) OF THE
27 REQUIRED NUMBER OF SIGNATURES OF LEGAL VOTERS FROM
28 EACH OF AT LEAST TWENTY-FIVE (25) COUNTIES OF THE
29 STATE; REVISING THE PROCESS FOR THE GENERAL ASSEMBLY
30 TO PROPOSE AMENDMENTS TO THE ARKANSAS CONSTITUTION AT
31 A REGULAR SESSION OF THE GENERAL ASSEMBLY; PROVIDING
32 THAT A PROPOSED AMENDMENT TO THE ARKANSAS
33 CONSTITUTION SHALL NOT BE SUBMITTED BY THE GENERAL
34 ASSEMBLY TO THE ELECTORS OF THE STATE FOR APPROVAL OR
35 REJECTION UNLESS THE PROPOSED AMENDMENT RECEIVES A
36 TWO-THIRDS VOTE OF EACH HOUSE OF THE GENERAL

1 ASSEMBLY; PROVIDING THAT THE GENERAL ASSEMBLY SHALL
2 NOT SUBMIT MORE THAN THREE (3) PROPOSED
3 CONSTITUTIONAL AMENDMENTS AT A GENERAL ELECTION
4 UNLESS A FOURTH AMENDMENT CONCERNING SALARIES OF
5 CERTAIN CONSTITUTIONAL OFFICERS IS SUBMITTED UNDER
6 ARKANSAS CONSTITUTION, AMENDMENT 70, § 2; PROVIDING
7 THAT THE GENERAL ASSEMBLY SHALL DESIGNATE IN THE
8 JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE
9 ARKANSAS CONSTITUTION THE BALLOT TITLE AND POPULAR
10 NAME THAT SHALL APPEAR ON THE GENERAL ELECTION
11 BALLOT; PROVIDING THAT THE BALLOT TITLE FOR AN
12 AMENDMENT TO THE ARKANSAS CONSTITUTION PROPOSED BY
13 THE GENERAL ASSEMBLY SHALL BE INTELLIGIBLE, HONEST,
14 IMPARTIAL, AND WHILE NOT REQUIRED TO RECITE ALL
15 DETAILS OF THE PROPOSED AMENDMENT, SHALL NOT BE
16 MISLEADING; PROVIDING THAT THE POPULAR NAME FOR AN
17 AMENDMENT TO THE ARKANSAS CONSTITUTION PROPOSED BY
18 THE GENERAL ASSEMBLY SHALL IDENTIFY THE PROPOSED
19 AMENDMENT IN A MANNER THAT ENABLES THE ELECTORS TO
20 VOTE ON EACH AMENDMENT SEPARATELY AND SHALL BE
21 INTELLIGIBLE, HONEST, AND IMPARTIAL WHEN READ
22 TOGETHER WITH THE BALLOT TITLE; PROVIDING THAT WITHIN
23 THIRTY (30) DAYS OF THE ADOPTION BY THE GENERAL
24 ASSEMBLY OF A JOINT RESOLUTION PROPOSING AN AMENDMENT
25 TO THE ARKANSAS CONSTITUTION, THE ATTORNEY GENERAL
26 SHALL REVIEW THE BALLOT TITLE AND POPULAR NAME AND
27 CERTIFY THE BALLOT TITLE AND POPULAR NAME FOR
28 INCLUSION ON THE BALLOT AT THE NEXT GENERAL ELECTION
29 IF HE OR SHE DETERMINES THE BALLOT TITLE AND POPULAR
30 NAME SATISFY THE REQUIRED STANDARDS; PROVIDING THAT
31 THE ATTORNEY GENERAL SHALL REFER THE BALLOT TITLE OR
32 POPULAR NAME, OR BOTH, TO THE GENERAL ASSEMBLY FOR
33 SUBSTITUTION OF THE BALLOT TITLE OR POPULAR NAME, OR
34 BOTH, IF THE ATTORNEY GENERAL BELIEVES AFTER REVIEW
35 THAT THE BALLOT TITLE OR POPULAR NAME, OR BOTH, DO
36 NOT SATISFY THE REQUIRED STANDARDS; PROVIDING THAT

1 THE GENERAL ASSEMBLY SHALL DESIGNATE BY LAW A
2 COMMITTEE TO SUBSTITUTE BALLOT TITLES AND POPULAR
3 NAMES; PROVIDING THAT THE ATTORNEY GENERAL SHALL
4 REVIEW A SUBSTITUTED BALLOT TITLE OR POPULAR NAME, OR
5 BOTH, FOR CERTIFICATION AND SHALL CONTINUE TO REFER
6 THE SUBSTITUTED BALLOT TITLE OR POPULAR NAME, OR
7 BOTH, TO THE GENERAL ASSEMBLY UNTIL HE OR SHE
8 DETERMINES THE BALLOT TITLE AND POPULAR NAME
9 SATISFIES THE REQUIRED STANDARDS; PROVIDING THAT THE
10 ATTORNEY GENERAL SHALL CERTIFY THE BALLOT TITLE AND
11 POPULAR NAME FOR INCLUSION ON THE BALLOT AT LEAST ONE
12 (1) YEAR BEFORE THE GENERAL ELECTION AT WHICH THE
13 AMENDMENT TO THE ARKANSAS CONSTITUTION PROPOSED BY
14 THE GENERAL ASSEMBLY SHALL BE CONSIDERED; PROVIDING
15 THAT A CHALLENGE TO THE SUFFICIENCY OF THE BALLOT
16 TITLE OR POPULAR NAME, OR BOTH, OF AN AMENDMENT TO
17 THE ARKANSAS CONSTITUTION PROPOSED BY THE GENERAL
18 ASSEMBLY MAY BE FILED WITH THE SUPREME COURT AT LEAST
19 ONE HUNDRED EIGHTY (180) DAYS BEFORE THE GENERAL
20 ELECTION AT WHICH THE PROPOSED AMENDMENT SHALL BE
21 VOTED UPON; PROVIDING THAT THE SUPREME COURT SHALL
22 STRIKE AN AMENDMENT TO THE ARKANSAS CONSTITUTION
23 PROPOSED BY THE GENERAL ASSEMBLY FROM THE BALLOT ONLY
24 IF THE BALLOT TITLE OR POPULAR NAME, OR BOTH,
25 CONSTITUTE A MANIFEST FRAUD UPON THE PUBLIC;
26 PROVIDING THAT AN AMENDMENT TO THE ARKANSAS
27 CONSTITUTION PROPOSED BY THE GENERAL ASSEMBLY AND ITS
28 BALLOT TITLE AND POPULAR NAME SHALL BE PUBLISHED AS
29 PROVIDED BY LAW; PROVIDING THAT AN AMENDMENT TO THE
30 ARKANSAS CONSTITUTION PROPOSED BY THE GENERAL
31 ASSEMBLY SHALL BECOME PART OF THE ARKANSAS
32 CONSTITUTION WHEN APPROVED BY THREE-FIFTHS (3/5) OF
33 THE ELECTORS VOTING ON THE PROPOSED AMENDMENT AT THE
34 GENERAL ELECTION; PROVIDING THAT THE GENERAL ASSEMBLY
35 MAY ENACT LAWS CONCERNING THE PROCESS FOR PROPOSING
36 AMENDMENTS TO THE ARKANSAS CONSTITUTION; AND

1 PROVIDING THAT AN AMENDMENT TO THE ARKANSAS
2 CONSTITUTION SHALL NOT SPECIFICALLY BESTOW POWERS,
3 PRIVILEGES, OR AUTHORITY TO A SPECIFIC INDIVIDUAL
4 IDENTIFIED BY NAME OR A PRIVATE BUSINESS ENTITY
5 IDENTIFIED BY NAME.
6
7

8 **Subtitle**

9 AN AMENDMENT TO THE ARKANSAS CONSTITUTION
10 CONCERNING PROPOSED MEASURES AND
11 CONSTITUTIONAL AMENDMENTS CONSIDERED BY
12 VOTERS AT AN ELECTION.
13
14

15 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIRST GENERAL
16 ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL
17 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:
18

19 That the following is proposed as an amendment to the Constitution of
20 the State of Arkansas, and upon being submitted to the electors of the state
21 for approval or rejection at the next general election for Representatives
22 and Senators, if a majority of the electors voting thereon at the election
23 adopt the amendment, the amendment shall become a part of the Constitution of
24 the State of Arkansas, to wit:
25

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

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

1 some paper of general circulation.

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

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

22 (b)(1) ~~Upon~~ Except as provided in subdivision (b)(2) of this section,
23 upon all initiative or referendum petitions provided for in any of the
24 sections of this article, it shall be necessary to file from at least fifteen
25 (15) of the counties of the State, petitions bearing the signature of not
26 less than one-half (1/2) of the designated percentage of the electors of such
27 county.

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

33
34 SECTION 3. The subdivision of Arkansas Constitution, Article 5, § 1,
35 titled "Majority", is amended to read as follows:

36 Majority. (a)(1)(A) ~~Any~~ Except as provided in subdivision (a)(1)(B)

1 of this section, any measure submitted to the people as herein provided shall
2 take effect and become a law when approved by a majority of the votes cast
3 upon such measure, and not otherwise, and shall not be required to receive a
4 majority of the electors voting at such election.

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

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

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

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

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

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

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

27 (iii) A proposed law submitted to the people under
28 subdivision (b)(2)(B)(i) of this section or other provisions of this
29 Constitution, including without limitation Article 5, § 38, of this
30 Constitution, shall:

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

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

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

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

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

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

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

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

16
17 SECTION 4. The subdivision of Arkansas Constitution, Article 5, § 1,
18 titled "Conflicting Measures" is amended to read as follows:

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

23
24 SECTION 5. The subdivision of Arkansas Constitution, Article 5, § 1,
25 titled "Title" is amended to read as follows:

26 Title. At the time of filing petitions the exact title to be used on
27 the ballot shall by the petitioners be submitted with the petition, and on
28 state-wide measures, shall be submitted to the State Board of Election
29 Commissioners, who shall certify such title to the Secretary of State, to be
30 placed upon the ballot; on county and municipal measures such title shall be
31 submitted to the county election board and shall by said board be placed upon
32 the ballot in such county or municipal election. A challenge to the
33 sufficiency of the title to be used on the ballot shall be made not later
34 than sixty (60) days after the filing of the petition under this section.

35
36 SECTION 6. The subdivision of Arkansas Constitution, Article 5, § 1,

1 titled "Verification" is amended to read as follows:

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

14 SECTION 7. The section of Arkansas Constitution, Article 5, § 1,
15 titled "Amendment of Petition" is amended to read as follows:

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

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

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

27 (B)(i) ~~At~~ Except as provided in subdivision (a)(2)(B)(ii)
28 of this section, at least seventy-five percent (75%) of the required number
29 of signatures of legal voters from each of at least fifteen (15) counties of
30 the state.

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

35 (b) In the event of legal proceedings to prevent giving legal effect
36 to any petition upon any grounds, the burden of proof shall be upon the

1 person or persons attacking the validity of the petition.

2
3 SECTION 8. Arkansas Constitution, Article 19, § 22, is amended to read
4 as follows:

5 § 22. Constitutional amendments.

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

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

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

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

28 (4) A proposed amendment shall not be submitted to the electors
29 of the state for approval or rejection unless it receives a two-thirds vote
30 of each house of the General Assembly.

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

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

36 (b) A joint resolution proposing an amendment to this Constitution

1 that receives an affirmative vote of each house of the General Assembly shall
2 be submitted to the electors of the state for approval or rejection at the
3 next general election.

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

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

9 (a) Intelligible;

10 (b) Honest; and

11 (c) Impartial.

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

14 (B) The popular name designated in the joint resolution
15 shall:

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

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

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

23 (i) Review the ballot title and popular name
24 designated in the joint resolution; and

25 (ii) Certify the ballot title and popular name for
26 inclusion on the ballot at the next general election if the Attorney General
27 determines that the ballot title and popular name satisfy subdivision (c)(2)
28 of this section.

29 (B) If the Attorney General believes after his or her
30 review that the ballot title or popular name, or both, do not satisfy
31 subdivision (c)(2) of this section, the Attorney General shall refer the
32 ballot title or popular name, or both, to the General Assembly for
33 substitution of a ballot title or popular name, or both, that satisfy
34 subdivision (c)(2) of this section.

35 (C)(i) If the Attorney General refers a ballot title or
36 popular name, or both, to the General Assembly under subdivision (c)(3)(B) of

1 this section, a committee designated by the General Assembly shall substitute
2 a ballot title or popular name, or both, that satisfy subdivision (c)(2) of
3 this section.

4 (ii) The General Assembly shall enact laws
5 designating a committee to substitute a ballot title or popular name, or
6 both, under subdivision (c)(3)(C)(i) of this section. The committee
7 designated by law may be a combination of a committee of the House of
8 Representatives and a committee of the Senate meeting jointly for the purpose
9 of providing a substitute ballot title or popular name, or both.

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

14 (iv) The Attorney General shall review a substitute
15 ballot title or popular name, or both, under subdivision (c)(3)(A) of this
16 section. The Attorney General shall refer the ballot title and popular name,
17 or both, to the General Assembly for substitution as many times as necessary
18 until the Attorney General determines that the ballot title and popular name
19 satisfies subdivision (c)(2) of this section and certifies the ballot title
20 and popular name for inclusion on the ballot at the next general election.

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

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

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

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

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

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

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

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

11 (2) Publication of proposed amendments in advance of a general
12 election.

13
14 SECTION 9. Arkansas Constitution, Amendment 70, § 2, is amended to
15 read as follows:

16 § 2. Additional Constitutional amendments authorized.

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

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

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

35
36 SECTION 10. The Arkansas Constitution is amended to add a new

1 amendment to read as follows:

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

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

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

7 (b) Subsection (a) of this amendment shall supersede a subsequent
8 amendment to this Constitution that specifically bestows powers, privileges,
9 or authority to:

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

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

13
14 SECTION 11. BALLOT TITLE AND POPULAR NAME. When this proposed
15 amendment is submitted to the electors of this state on the general election
16 ballot:

17 (1) The title of this joint resolution shall be the ballot
18 title; and

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

22
23 /s/Gillam
24
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