

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

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4
5 By: Senator K. Ingram

SJR 5

SENATE JOINT RESOLUTION

8 AN AMENDMENT TO THE ARKANSAS CONSTITUTION CONCERNING
9 THE PROCESS FOR CIRCULATING, SUBMITTING, AND
10 CHALLENGING THE SUFFICIENCY OF INITIATED MEASURES
11 UNDER ARKANSAS CONSTITUTION, ARTICLE 5, § 1, AND
12 CONSTITUTIONAL AMENDMENTS PROPOSED BY THE GENERAL
13 ASSEMBLY.

Subtitle

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17 CONCERNING THE PROCESS FOR CIRCULATING,
18 SUBMITTING, AND CHALLENGING THE
19 SUFFICIENCY OF INITIATED MEASURES UNDER
20 ARKANSAS CONSTITUTION, ARTICLE 5, § 1,
21 AND CONSTITUTIONAL AMENDMENTS PROPOSED BY
22 THE GENERAL ASSEMBLY.

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

28
29 THAT the following is proposed as an amendment to the Constitution of
30 the State of Arkansas, and upon being submitted to the electors of the state
31 for approval or rejection at the next general election for Representatives
32 and Senators, if a majority of the electors voting thereon at the election
33 adopt the amendment, the amendment shall become a part of the Constitution of
34 the State of Arkansas, to wit:

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



1 titled "Initiative", is amended to read as follows:

2 Initiative. The first power reserved by the people is the initiative.
 3 Eight ~~per cent~~ percent (8%) of the legal voters may propose any law and ten
 4 ~~per cent~~ percent (10%) may propose a constitutional amendment by initiative
 5 petition and every such petition shall include the full text of the measure
 6 so proposed. Initiative petitions for state-wide measures shall be filed
 7 with the Secretary of State ~~not less~~ no later than ~~four months~~ January 15
 8 before of the year of the election at which they are to be voted upon;
 9 provided, that at least thirty (30) days before the aforementioned filing,
 10 the proposed measure shall have been published once, at the expense of the
 11 petitioners, in some paper of general circulation.

12
 13 SECTION 2. The subsection of Arkansas Constitution, Article 5, § 1,
 14 titled "Verification", is amended to read as follows:

15 Verification. Initiative petitions shall not be circulated more than
 16 two (2) years before the election at which they are to be voted upon.
 17 Only legal votes shall be counted upon petitions. Petitions may be
 18 circulated and presented in parts, but each part of any petition shall have
 19 attached thereto the affidavit of the person circulating the same, that all
 20 signatures thereon were made in the presence of the affiant, and that to the
 21 best of the affiant's knowledge and belief each signature is genuine, and
 22 that the person signing is a legal voter and no other affidavit or
 23 verification shall be required to establish the genuineness of such
 24 signatures.

25
 26 SECTION 3. The subsection of Arkansas Constitution, Article 5, § 1,
 27 titled "Court Decisions", is amended to read as follows:

28 Court Decisions. If the sufficiency of any petition is challenged such
 29 cause shall be a preference cause and shall be tried at once~~r~~. A challenge
 30 to the sufficiency of a state-wide initiative petition shall be filed no
 31 later than March 1 of the year of the general election at which it shall be
 32 voted upon and shall be resolved by the court no later than July 1 of the
 33 year of the general election at which it shall be voted upon. ~~but the~~ The
 34 failure of the courts to decide prior to the election as to the sufficiency
 35 of any ~~such~~ petition, shall not prevent the question from being placed upon
 36 the ballot at the election named in such petition, nor militate against the

1 validity of such measure, if it shall have been approved by a vote of the
2 people.

3
4 SECTION 4. Arkansas Constitution, Article 5, § 1, is amended to add an
5 additional subsections to read as follows:

6 EXTENSION OF TIME. If a deadline under this section occurs on a
7 Saturday, Sunday, or legal holiday, the deadline shall be the next day which
8 is not a Saturday, Sunday, or legal holiday.

9 AMENDMENTS TO THIS SECTION BY THE GENERAL ASSEMBLY. The General
10 Assembly, in the same manner as required for amendment or repeal of measures
11 approved by a vote of the people, may amend this section so long as such
12 amendments are germane to this section and consistent with its policy and
13 purposes.

14
15 SECTION 5. Arkansas Constitution, Article 19, § 22, is amended to read
16 as follows:

17 § 22. Constitutional amendments.

18 Either branch of the General Assembly, at a regular session thereof,
19 may propose amendments to this Constitution; and if the same be agreed to by
20 a majority of all members elected to each house, such proposed amendments
21 shall be entered on the journals with the yeas and nays, and published in at
22 least one (1) newspaper in each county, where a newspaper is published, for
23 six (6) months immediately preceding the next general election for Senators
24 and Representatives, at which time the same shall be submitted to the
25 electors of the State, for approval or rejection; and if a majority of the
26 electors voting at such election adopt such amendments, the same shall become
27 a part of this Constitution. But no more than three (3) amendments shall be
28 proposed or submitted at the same time. They shall be so submitted as to
29 enable the electors to vote on each amendment separately. The sufficiency of
30 a proposed amendment under this section shall be decided by the Supreme
31 Court, which shall have original and exclusive jurisdiction over all such
32 causes. If the sufficiency of a proposed amendment is challenged, the
33 challenge shall be a preference cause and shall be tried at once. The
34 failure of the Supreme Court to decide prior to the election as to the
35 sufficiency of any such petition, shall not prevent the question from being
36 placed upon the ballot at the election named in such petition, nor militate

1 against the validity of such measure, if it shall have been approved by a
 2 vote of the people.

3
 4 SECTION 6. Arkansas Constitution, Amendment 70, § 2, is amended to
 5 read as follows:

6 § 2. Additional Constitutional amendments authorized.

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

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

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

25
 26 SECTION 7. EFFECTIVE DATE. This amendment shall be effective on and
 27 after January 1, 2021.

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 29 SECTION 8. BALLOT TITLE AND POPULAR NAME. When this proposed
 30 amendment is submitted to the electors of this state on the general election
 31 ballot:

32 (1) The title of this Joint Resolution shall be the ballot
 33 title; and

34 (2) The popular name shall be "An Amendment to the Arkansas
 35 Constitution Concerning the Process for Circulating, Submitting, and
 36 Challenging the Sufficiency of Initiated Measures under Arkansas

1 Constitution, Article 5, § 1, and Constitutional Amendments Proposed by the
2 General Assembly".

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