

# Hall of the House of Representatives

91st General Assembly - Regular Session, 2017

## Amendment Form

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### Subtitle of House Joint Resolution No. 1003

AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO AMEND THE PROCESS FOR PLACING  
PROPOSED MEASURES AND CONSTITUTIONAL AMENDMENTS ON THE BALLOT FOR  
CONSIDERATION BY VOTERS AT AN ELECTION.

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### Amendment No. 1 to House Joint Resolution No. 1003

Amend House Joint Resolution No. 1003 as originally introduced:

Add Representatives Ballinger, Leding, A. Mayberry as cosponsors of the bill

AND

Delete the title in its entirety and substitute the following:

"AN AMENDMENT TO THE ARKANSAS CONSTITUTION CONCERNING PROPOSED MEASURES AND CONSTITUTIONAL AMENDMENTS CONSIDERED BY VOTERS AT AN ELECTION; PROVIDING THAT INITIATIVE PETITIONS FOR STATE-WIDE MEASURES SHALL BE FILED WITH THE SECRETARY OF STATE NOT LESS THAN ONE HUNDRED EIGHTY (180) DAYS BEFORE THE ELECTION AT WHICH THEY ARE TO BE VOTED UPON; PROVIDING THAT A PETITION CONCERNING A PROPOSED AMENDMENT TO THE ARKANSAS CONSTITUTION SHALL BEAR THE SIGNATURES OF NOT LESS THAN ONE-HALF (1/2) OF THE DESIGNATED PERCENTAGE OF THE ELECTORS FROM AT LEAST TWENTY-FIVE (25) OF THE COUNTIES OF THE STATE; PROVIDING THAT GENERAL LAWS SHALL BE ENACTED PROVIDING FOR THE EXERCISE OF THE INITIATIVE AND REFERENDUM AS TO MUNICIPALITIES; PROVIDING THAT THE GENERAL ASSEMBLY SHALL NOT FIX THE TIME FOR FILING AN INITIATIVE PETITION IN MUNICIPALITIES AND COUNTIES AT LESS THAN SIXTY (60) DAYS NOR MORE THAN NINETY (90) DAYS BEFORE THE ELECTION AT WHICH THE INITIATIVE IS TO BE VOTED UPON; PROVIDING THAT THE GENERAL ASSEMBLY MAY FIX THE TIME FOR FILING A REFERENDUM PETITION AT NOT LESS THAN THIRTY (30) DAYS NOR MORE THAN NINETY (90) DAYS AFTER THE PASSAGE OF THE MEASURE AT ISSUE BY A QUORUM COURT OR MUNICIPAL COUNCIL; PROVIDING THAT THE GENERAL ASSEMBLY SHALL NOT FIX THE TIME FOR FILING A REFERENDUM PETITION AT LESS THAN NINETY (90) DAYS WHEN FILED AGAINST A LOCAL OR SPECIAL MEASURE PASSED BY THE GENERAL ASSEMBLY; PROVIDING THAT A CHALLENGE TO THE SUFFICIENCY OF THE TITLE SUBMITTED WITH A PETITION TO BE USED ON THE BALLOT SHALL BE MADE NOT LATER THAN SIXTY (60) DAYS AFTER THE FILING OF THE PETITION; PROVIDING THAT A CHALLENGE TO THE SUFFICIENCY OF THE SIGNATURES SUBMITTED IN SUPPORT OF A PETITION SHALL BE MADE NOT LATER THAN SIXTY (60) DAYS AFTER THE FILING OF THE PETITION; PROVIDING THAT AN AMENDMENT TO THE ARKANSAS CONSTITUTION SUBMITTED TO THE PEOPLE THROUGH THE INITIATIVE PROCESS SHALL TAKE EFFECT AND BECOME PART OF THE ARKANSAS CONSTITUTION WHEN



APPROVED BY THREE-FIFTHS (3/5) OF THE VOTES CAST UPON THE AMENDMENT AND SHALL NOT BE REQUIRED TO RECEIVE A MAJORITY OF THE ELECTORS VOTING AT SUCH ELECTION; PROVIDING THAT, BY A MAJORITY VOTE AT A REGULAR SESSION, THE GENERAL ASSEMBLY MAY SUBMIT A LAW OTHER THAN A PROPOSED CONSTITUTIONAL AMENDMENT TO THE PEOPLE FOR APPROVAL OR REJECTION BY A MAJORITY VOTE AT AN ELECTION; PROVIDING THAT THE GENERAL ASSEMBLY SHALL NOT SUBMIT MORE THAN THREE (3) LAWS TO THE PEOPLE FOR APPROVAL OR REJECTION AT A REGULAR SESSION AND SHALL NOT SUBMIT AN APPROPRIATION BILL TO THE PEOPLE FOR APPROVAL OR REJECTION AT AN ELECTION; PROVIDING THAT THE PROVISIONS CONCERNING THE SUBMISSION OF LAWS TO THE PEOPLE BY THE GENERAL ASSEMBLY ARE INAPPLICABLE TO THE SUBMISSION OF A QUESTION CONCERNING THE ISSUANCE OF BONDS TO THE ELECTORS THAT IS OTHERWISE AUTHORIZED BY THE ARKANSAS CONSTITUTION OR BY LAW; PROVIDING THAT THE GENERAL ASSEMBLY MAY ENACT LAWS CONCERNING THE PROCESS FOR SUBMITTING A LAW TO THE PEOPLE FOR APPROVAL OR REJECTION AT AN ELECTION; PROVIDING THAT IF CONFLICTING MEASURES INITIATED OR REFERRED TO THE PEOPLE ARE APPROVED BY THE NECESSARY NUMBER OF VOTES, THE ONE RECEIVING THE HIGHEST NUMBER OF AFFIRMATIVE VOTES SHALL BECOME LAW; PROVIDING THAT CORRECTION OR AMENDMENT OF AN INSUFFICIENT STATE-WIDE PETITION CONCERNING A PROPOSED CONSTITUTIONAL AMENDMENT SHALL BE PERMITTED ONLY IF THE PETITION CONTAINS VALID SIGNATURES OF LEGAL VOTERS EQUAL TO AT LEAST SEVENTY-FIVE PERCENT (75%) OF THE REQUIRED NUMBER OF SIGNATURES OF LEGAL VOTERS FROM EACH OF AT LEAST TWENTY-FIVE (25) COUNTIES OF THE STATE; REVISING THE PROCESS FOR THE GENERAL ASSEMBLY TO PROPOSE AMENDMENTS TO THE ARKANSAS CONSTITUTION AT A REGULAR SESSION OF THE GENERAL ASSEMBLY; PROVIDING THAT A PROPOSED AMENDMENT TO THE ARKANSAS CONSTITUTION SHALL NOT BE SUBMITTED TO THE ELECTORS OF THE STATE FOR APPROVAL OR REJECTION UNLESS IT RECEIVES A TWO-THIRDS VOTE OF EACH HOUSE OF THE GENERAL ASSEMBLY; PROVIDING THAT THE GENERAL ASSEMBLY SHALL DESIGNATE IN THE JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE ARKANSAS CONSTITUTION THE BALLOT TITLE AND POPULAR NAME THAT SHALL APPEAR ON THE GENERAL ELECTION BALLOT; PROVIDING THAT THE BALLOT TITLE FOR AN AMENDMENT TO THE ARKANSAS CONSTITUTION PROPOSED BY THE GENERAL ASSEMBLY SHALL BE INTELLIGIBLE, HONEST, AND IMPARTIAL; PROVIDING THAT THE POPULAR NAME FOR AN AMENDMENT TO THE ARKANSAS CONSTITUTION PROPOSED BY THE GENERAL ASSEMBLY SHALL IDENTIFY THE PROPOSED AMENDMENT IN A MANNER THAT ENABLES THE ELECTORS TO VOTE ON EACH AMENDMENT SEPARATELY; PROVIDING THAT WITHIN THIRTY (30) DAYS OF THE ADOPTION BY THE GENERAL ASSEMBLY OF A JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE ARKANSAS CONSTITUTION, THE ATTORNEY GENERAL SHALL REVIEW THE BALLOT TITLE AND POPULAR NAME AND CERTIFY THE BALLOT TITLE AND POPULAR NAME FOR INCLUSION ON THE BALLOT IF HE OR SHE DETERMINES THE BALLOT TITLE AND POPULAR NAME SATISFY THE REQUIRED STANDARDS; PROVIDING THAT THE ATTORNEY GENERAL SHALL SUBSTITUTE AND CERTIFY A BALLOT TITLE OR POPULAR NAME, OR BOTH, FOR AN AMENDMENT TO THE ARKANSAS CONSTITUTION PROPOSED BY THE GENERAL ASSEMBLY THAT SATISFIES THE REQUIRED STANDARDS IF HE OR SHE DETERMINES AFTER REVIEW THAT THE BALLOT TITLE OR POPULAR NAME, OR BOTH, DO NOT SATISFY THE REQUIRED STANDARDS; PROVIDING THAT AN AMENDMENT TO THE ARKANSAS CONSTITUTION PROPOSED BY THE GENERAL ASSEMBLY AND ITS BALLOT TITLE AND POPULAR NAME SHALL BE PUBLISHED AS PROVIDED BY LAW; PROVIDING THAT AN AMENDMENT TO THE ARKANSAS CONSTITUTION PROPOSED BY THE GENERAL ASSEMBLY SHALL BECOME PART OF THE ARKANSAS CONSTITUTION WHEN APPROVED BY THREE-FIFTHS (3/5) OF THE ELECTORS VOTING ON THE AMENDMENT; AND PROVIDING THAT AN AMENDMENT TO THE ARKANSAS CONSTITUTION SHALL NOT SPECIFICALLY BESTOW POWERS, PRIVILEGES, OR AUTHORITY TO A SPECIFIC INDIVIDUAL IDENTIFIED BY NAME OR A PRIVATE BUSINESS ENTITY IDENTIFIED BY NAME."

AND

Delete the subtitle in its entirety and substitute the following:

"AN AMENDMENT TO THE ARKANSAS  
CONSTITUTION CONCERNING PROPOSED  
MEASURES AND CONSTITUTIONAL AMENDMENTS  
CONSIDERED BY VOTERS AT AN ELECTION."

AND

Page 1, delete lines 33 through 36, and substitute the following:

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

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

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

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

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

(2) For a petition concerning a proposed amendment to the Arkansas Constitution, it shall be necessary to file from at least twenty-

five (25) of the counties of the State, petitions bearing the signature of not less than one-half (1/2) of the designated percentage of the electors of such county.

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

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

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

Every extension, enlargement, grant, or conveyance of a franchise or any rights, property, easement, lease, or occupation of or in any road, street, alley or any part thereof in real property or interest in real property owned by municipalities, exceeding in value three hundred dollars (\$300), whether the same be by statute, ordinance, resolution, or otherwise, shall be subject to referendum and shall not be subject to emergency legislation.

SECTION 4. The subdivision 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. A challenge to the sufficiency of the title to be used on the ballot shall be made not later than sixty (60) days after the filing of the petition under this section.

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

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

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

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

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

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

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

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

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

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

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

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

(b) Be operative on and after the thirtieth day after the election at which it is approved, unless otherwise specified in the law.

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

(v) The General Assembly shall not submit an appropriation bill to the people for approval or rejection at an election under this subdivision (b)(2)(B).

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

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

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

Conflicting Measures. If conflicting measures initiated or referred to the people shall be approved by ~~a majority of~~ the required number of the votes severally cast for and against the same at the same election, the one

(1) receiving the highest number of affirmative votes shall become law.

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

Verification. Only legal votes shall be counted upon petitions. Petitions may be circulated and presented in parts, but each part of any petition shall have attached thereto the affidavit of the person circulating the same, that all signatures thereon were made in the presence of the affiant, and that to the best of the affiant's knowledge and belief each signature is genuine, and that the person signing is a legal voter and no other affidavit or verification shall be required to establish the genuineness of such signatures. A challenge to the sufficiency of the signatures submitted in support of a petition shall be made not later than sixty (60) days after the filing of the petition under this section.

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

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

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

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

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

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

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

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

§ 22. Constitutional amendments.

~~Either branch of the General Assembly, at a regular session thereof, may propose amendments to this Constitution; and if the same be agreed to by a majority of all members elected to each house, such proposed amendments shall be entered on the journals with the yeas and nays, and published in at least one newspaper in each county, where a newspaper is published, for six months immediately preceding the next general election for Senators and Representatives, at which time the same shall be submitted to the electors of the State, for approval or rejection; and if a majority of the electors voting at such election adopt such amendments, the same shall become a part~~

~~of this Constitution. But no more than three amendments shall be proposed or submitted at the same time. They shall be so submitted as to enable the electors to vote on each amendment separately.~~

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

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

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

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

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

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

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

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

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

- (i) Intelligible;
- (ii) Honest; and
- (iii) Impartial.

(B) The popular name designated in the joint resolution shall identify the proposed amendment in a manner that enables the electors to vote on each amendment separately.

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

- (i) Review the ballot title and popular name designated in the joint resolution; and
- (ii) Certify the ballot title and popular name for inclusion on the ballot at the next general election if the Attorney General determines that the ballot title and popular name satisfy subdivision (c)(2) of this section.

(B) If the Attorney General believes after his or her review that the ballot title or popular name, or both, do not satisfy subdivision (c)(2) of this section, the Attorney General shall substitute and certify a ballot title or popular name, or both, that satisfy subdivision (c)(2) of this section.

(d) If an amendment to this Constitution proposed by the General Assembly meets the requirements of this section, the proposed amendment and

its ballot title and popular name shall be published as provided by law.

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

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

§ 2. Additional Constitutional amendments authorized.

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

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

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

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

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

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

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

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

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

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

SECTION 12. 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 "A Constitutional Amendment Concerning Proposed Measures and Constitutional Amendments Considered by Voters at an Election", "



The Amendment was read \_\_\_\_\_  
By: Representative Ballinger  
MBM/KFW - 02-15-2017 14:25:51  
MBM120 \_\_\_\_\_ Chief Clerk