CONSTITUTION OF THE STATE OF ARKANSAS OF 1874

Updated as of October 5, 2015

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Constitution of the State of Arkansas of 1874

PREAMBLE

We, the People of the State of Arkansas, grateful to Almighty God for the privilege of choosing our own form of government; for our civil and religious liberty; and desiring to perpetuate its blessings, and secure the same to our selves and posterity; do ordain and establish this Constitution.

Article 1

Boundaries

We do declare and establish, ratify and confirm, the following as the permanent boundaries of the State of Arkansas, that is to say: Beginning at the middle of the main channel of the Mississippi River, on the parallel of thirty-six degrees of north latitude, running thence west with said parallel of latitude to the middle of the main channel of the St. Francis River; thence up the main channel of said last-named river to the parallel of thirty-six degrees thirty minutes of north latitude; thence west with the southern boundary line of the State of Missouri to the southwest corner of said last-named state; thence to be bounded on the west to the north bank of Red River, as by act of Congress and treaties existing January 1, 1837, defining the western limits of the Territory of Arkansas, and to be bounded across and south of Red River by the boundary line of the State of Texas as far as to the northwest corner of the State of Louisiana; thence easterly with the northern boundary line of said last-named State to the middle of the main channel of the Mississippi River; thence up the middle of the main channel of said last-named river, including an island in said river known as "Belle Point Island," and all other land originally surveyed and included as a part of the Territory or State of Arkansas, to the thirty-sixth degree of north latitude, the place of beginning.

Seat of Government

The seat of government of the state of Arkansas shall be and remain at Little Rock, where it is now established.

Article 2

Declaration of Rights

§ 1. Source of power.

All political power is inherent in the people and government is instituted for their protection, security and benefit; and they have the right to alter, reform or abolish the same, in such manner as they may think proper.

§ 2. Freedom and independence.

All men are created equally free and independent, and have certain inherent and inalienable rights; amongst which are those of enjoying and defending life and liberty; of acquiring, possessing and protecting property, and reputation; and of pursuing their own happiness. To secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.

§ 3. Equality before the law.

The equality of all persons before the law is recognized, and shall ever remain inviolate; nor shall any citizen ever be deprived of any right, privilege or immunity; nor exempted from any burden or duty, on account of race, color or previous condition.

§ 4. Right of assembly and of petition.

The right of the people peaceably to assemble, to consult for the common good; and to petition, by address or remonstrance, the government, or any department thereof, shall never be abridged.

§ 5. Right to bear arms.

The citizens of this State shall have the right to keep and bear arms, for their common defense.

§ 6. Liberty of the press and of speech — Libel.

The liberty of the press shall forever remain inviolate. The free communication of thoughts and opinions, is one of the invaluable rights of man; and all persons may freely write and publish their sentiments on all subjects, being responsible for the abuse of such right. In all criminal prosecutions for libel, the truth may be given in evidence to the jury; and, if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party charged shall be acquitted.

§ 7. Jury trial — Right to — Waiver — Civil cases — Nine jurors agreeing.

The right of trial by jury shall remain inviolate, and shall extend to all cases at law, without regard to the amount in controversy; but a jury trial may be waived by the parties in all cases in the manner prescribed by law; and in all jury trials in civil cases, where as many as nine of the jurors agree upon a verdict, the verdict so agreed upon shall be returned as the verdict of such jury, provided, however, that where a verdict is returned by less than twelve jurors all the jurors consenting to such verdict shall sign the same. [As amended by Const. Amend. 16.]

§ 8. Criminal charges — Self-incrimination — Due process — Double jeopardy — Bail.

No person shall be held to answer a criminal charge unless on the presentment or indictment of a grand jury, except in cases of impeachment or cases such as the General Assembly shall make cognizable by justices of the peace, and courts of similar jurisdiction; or cases arising in the army and navy of the United States; or in the militia, when in actual service in time of war or public danger; and no person, for the same offense, shall be twice put in jeopardy of life or liberty; but if, in any criminal prosecution, the jury be divided in opinion, the court before which the trial shall be had, may, in its discretion, discharge the jury, and commit or bail the accused for trial, at the same or the next term of said court; nor shall any person be compelled, in any criminal case, to

be a witness against himself; nor be deprived of life, liberty or property, without due process of law. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great.

§ 9. Excessive bail or punishment prohibited — Witnesses — Detention.

Excessive bail shall not be required; nor shall excessive fines be imposed; nor shall cruel or unusual punishments be inflicted; nor witnesses be unreasonably detained.

§ 10. Right of accused enumerated — Change of venue.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the county in which the crime shall have been committed; provided, that the venue may be changed to any other county of the judicial district in which the indictment is found, upon the application of the accused, in such manner as now is, or may be prescribed by law; and to be informed of the nature and cause of the accusation against him, and to have a copy thereof; and to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to be heard by himself and his counsel.

§ 11. Habeas corpus.

The privilege of the writ of habeas corpus shall not be suspended; except by the General Assembly, in case of rebellion, insurrection or invasion, when the public safety may require it.

§ 12. Suspension of laws.

No power of suspending or setting aside the law or laws of the State, shall ever be exercised, except by the General Assembly.

§ 13. Redress of wrongs.

Every person is entitled to a certain remedy in the laws for all injuries or wrongs he may receive in his person, property or character; he ought to obtain justice freely, and without purchase; completely, and without denial; promptly and without delay; conformably to the laws.

§ 14. Treason.

Treason against the State shall only consist in levying and making war against the same, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

§ 15. Unreasonable searches and seizures.

The right of the people of this State to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue, except upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or thing to be seized.

§ 16. Imprisonment for debt.

No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in cases of fraud.

§ 17. Attainder — Ex post facto laws.

No bill of attainder, ex post facto law, or law impairing the obligation of contracts shall ever be passed; and no conviction shall work corruption of blood or forfeiture of estate.

§ 18. Privileges and immunities — Equality.

The General Assembly shall not grant to any citizen, or class of citizens, privileges or immunities which, upon the same terms, shall not equally belong to all citizens.

§ 19. Perpetuities and monopolies.

Perpetuities and monopolies are contrary to the genius of a republic, and shall not be allowed; nor shall any hereditary emoluments, privileges or honors ever be granted or conferred in this State.

§ 20. Resident aliens — Descent of property.

No distinction shall ever be made by law, between resident aliens and citizens, in regard to the possession, enjoyment or descent of property.

§ 21. Life, liberty and property — Banishment prohibited.

No person shall be taken, or imprisoned, or disseized of his estate, freehold, liberties or privileges; or outlawed, or in any manner destroyed, or deprived of his life, liberty or property; except by the judgment of his peers, or the law of the land; nor shall any person, under any circumstances, be exiled from the State.

§ 22. Property rights — Taking without just compensation prohibited.

The right of property is before and higher than any constitutional sanction; and private property shall not be taken, appropriated or damaged for public use, without just compensation therefor.

§ 23. Eminent domain and taxation.

The State's ancient right of eminent domain and of taxation, is herein fully and expressly conceded; and the General Assembly may delegate the taxing power, with the necessary restriction, to the State's subordinate political and municipal corporations, to the extent of providing for their existence, maintenance and well being, but no further.

§ 24. Religious liberty.

All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; no man can, of right, be compelled to attend, erect, or support any place of worship; or to maintain any ministry against his consent. No human authority can, in any case or manner whatsoever, control or interfere with the right of conscience; and no preference shall ever be given, by law, to any religious establishment, denomination or mode of worship, above any other.

§ 25. Protection of religion.

Religion, morality and knowledge being essential to good government, the General Assembly shall enact suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship.

§ 26. Religious tests.

No religious test shall ever be required of any person as a qualification to vote or hold office; nor shall any person be rendered incompetent to be a witness on account of his religious belief; but nothing herein shall be construed to dispense with oaths or affirmations.

§ 27. Slavery — Standing armies — Military subordinate to civil power.

There shall be no slavery in this State, nor involuntary servitude, except as a punishment for crime. No standing army shall be kept in time of peace; the military shall, at all times, be in strict subordination to the civil power; and no soldier shall be quartered in any house, or on any premises, without the consent of the owner, in time of peace; nor in time of war, except in a manner prescribed by law.

§ 28. Tenure of lands.

All lands in this State are declared to be allodial; and feudal tenures of every description, with all their incidents, are prohibited.

§ 29. Enumeration of rights of people not exclusive of other rights — Protection against encroachment.

This enumeration of rights shall not be construed to deny or disparage others retained by the people; and to guard against any encroachments on the rights herein retained, or any transgression of any of the higher powers herein delegated, we declare that everything in this article is excepted out of the general powers of the government; and shall forever remain inviolate; and that all laws contrary thereto, or to the other provisions herein contained, shall be void.

Article 3

Franchise and Elections

§ 1. Qualifications of electors.

Except as otherwise provided by this Constitution, any person may vote in an election in this state who is:

(1) A citizen of the United States;
(2) A resident of the State of Arkansas;
(3) At least eighteen (18) years of age; and
(4) Lawfully registered to vote in the election. [As amended by Const. Amend. 85.]

§ 2. Right of suffrage.

Elections shall be free and equal. No power, civil or military, shall ever interfere to prevent the free exercise of the right of suffrage; nor shall any law be enacted whereby such right shall be impaired or forfeited, except for the commission of a felony, upon lawful conviction thereof. [As amended by Const. Amend. 85.]

§ 3. [Repealed.]

§ 4. Privilege of electors from arrest.

Electors shall, in all cases (except treason, felony and breach of the peace,) be privileged from arrest during their attendance at elections, and going to and from the same.

§ 5. [Repealed.]

§ 6. Violation of election laws — Penalty.

Any persons who shall be convicted of fraud, bribery, or other willful and corrupt violation of any election law of this State, shall be adjudged guilty of a felony, and disqualified from holding any office of trust or profit in this State.

§ 7. Soldiers and sailors — Residence — Voting rights.

No soldier, sailor, or marine, in the military or naval service of the United States, shall acquire a residence by reason of being stationed on duty in this State.

§ 8. Time of holding elections.

The general elections shall be held biennially, on the days and at times fixed by the General Assembly. [As amended by Const. Amend. 85.]

§ 9. Testimony in election contest — Self-incrimination.

In trials of contested elections and in proceedings for the investigation of elections, no person shall be permitted to withhold his testimony on the ground that it may criminate himself or subject him to public infamy: but such testimony shall not be used against him in any judicial proceeding, except for perjury in giving such testimony.

§ 10. Election officers.

The General Assembly shall determine the qualifications of an election officer. [As amended by Const. Amend. 85.]

§ 11. Votes to be counted.

If the officers of any election shall unlawfully refuse or fail to receive, count, or return the vote or ballot of any qualified elector, such vote or ballot shall nevertheless be counted upon the trial of any contests arising out of said election.

§ 12. Elections by representative — Viva voce vote.

All elections by persons acting in a representative capacity shall be viva voce.

Article 4

Departments

§ 1. Departments of government.

The powers of the government of the State of Arkansas shall be divided into three distinct departments, each of them to be confided to a separate body of magistracy, to-wit: Those which are legislative, to one, those which are executive, to another, and those which are judicial, to another.

§ 2. Separation of departments.

No person or collection of persons, being of one of these departments, shall exercise any power belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

Article 5

Legislative Department

§ 1. Initiative and Referendum.

The legislative power of the people of this State shall be vested in a General Assembly, which shall consist of the Senate and House of Representatives, but the people reserve to themselves the power to propose legislative measures, laws and amendments to the Constitution, and to enact or reject the same at the polls independent of the General Assembly; and also reserve the power, at their own option to approve or reject at the polls any entire act or any item of an appropriation bill.

Initiative. The first power reserved by the people is the initiative. Eight per cent of the legal voters may propose any law and ten per cent 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 before the election at which they are to be voted upon; provided, that at least thirty 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.

Referendum. The second power reserved by the people is the referendum, and any number not less than six per cent 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 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 days, in which case such petition shall be filed not later than ninety 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.

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 of the counties of the State, petitions bearing the signature of not less than one-half of the designated percentage of the electors of such county.

Emergency. If it shall be necessary for the preservation of the public peace, health and safety that a measure shall become effective without delay, such necessity shall be stated in one section, and if upon a yea and nay vote two-thirds of all the members elected to each house, or two-thirds of all the members elected to city or town councils, shall vote upon separate roll call in favor of the measure going into immediate operation, such emergency measure shall become effective without delay. It shall be necessary, however, to state the fact which constitutes such emergency. Provided, however, that an emergency shall not be declared on any franchise or special privilege or act creating any vested right or interest or alienating any property of the State. If a referendum is filed against any emergency measure such measure shall be a law until it is voted upon by the people, and if it is then rejected by a majority of the electors voting thereon, it shall be thereby repealed. The provision of this sub-section shall apply to city or town councils.

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. Fifteen per cent 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 at less than sixty days nor more than ninety days before the election at which it is to be voted upon; for a referendum petition at not less than thirty days nor more than ninety days after the passage of such measure by a municipal council; nor less than ninety 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, whether the same be by statute, ordinance, resolution, or otherwise, shall be subject to referendum and shall not be subject to emergency legislation.

General Provisions

Definition. The word "measure" as used herein includes any bill, law, resolution, ordinance, charter, constitutional amendment or legislative proposal or enactment of any character.

No Veto. The veto power of the Governor or mayor shall not extend to measures initiated by or referred to the people.

Amendment and Repeal. No measure approved by a vote of the people shall be amended or repealed by the General Assembly or by any city council, except upon a yea and nay

vote on roll call of two-thirds of all the members elected to each house of the General Assembly, or of the city council, as the case may be.

Election. All measures initiated by the people whether for the State, county, city or town, shall be submitted only at the regular elections, either State, congressional or municipal, but referendum petitions may be referred to the people at special elections to be called by the proper official, and such special elections shall be called when fifteen per cent of the legal voters shall petition for such special election, and if the referendum is invoked as to any measure passed by a city or town council, such city or town council may order a special election.

Majority. 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. 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.

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.

Canvass and Declaration of Results. The result of the vote upon any State measure shall be canvassed and declared by the State Board of Election Commissioners (or legal substitute therefor); upon a municipal or county measure, by the county election commissioners (or legal substitute therefor).

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

The Petition

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.

Limitation. No limitation shall be placed upon the number of constitutional amendments, laws, or other measures which may be proposed and submitted to the people by either initiative or referendum petition as provided in this section. No petition shall be held invalid if it shall contain a greater number of signatures than required herein.

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.

Sufficiency. The sufficiency of all state-wide petitions shall be decided in the first instance by the Secretary of State, subject to review by the Supreme Court of the State, which shall

have original and exclusive jurisdiction over all such causes. The sufficiency of all local petitions shall be decided in the first instance by the county clerk or the city clerk as the case may be, subject to review by the chancery court.

Court Decisions. If the sufficiency of any petition is challenged such cause shall be a preference cause and shall be tried at once, but the failure of the courts to decide prior to the election as to the sufficiency of any such petition, shall not prevent the question from being placed upon the ballot at the election named in such petition, nor militate against the validity of such measure, if it shall have been approved by a vote of the people.

Amendment of Petition. (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) 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.

(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.

Unwarranted Restrictions Prohibited. No law shall be passed to prohibit any person or persons from giving or receiving compensation for circulating petitions, nor to prohibit the circulation of petitions, nor in any manner interfering with the freedom of the people in procuring petitions; but laws shall be enacted prohibiting and penalizing perjury, forgery, and all other felonies or other fraudulent practices, in the securing of signatures or filing of petitions.

Publication. All measures submitted to a vote of the people by petition under the provisions of this section shall be published as is now, or hereafter may be provided by law.

Enacting Clause. The style of all bills initiated and submitted under the provisions of this section shall be, "Be It Enacted by the People of the State of Arkansas, (municipality or county, as the case may be)." In submitting measures to the people, the Secretary of State and all other officials shall be guided by the general election laws or municipal laws as the case may be until additional legislation is provided therefor.

Self-Executing. This section shall be self-executing, and all its provisions shall be treated as mandatory, but laws may be enacted to facilitate its operation. No legislation shall be enacted to restrict, hamper or impair the exercise of the rights herein reserved to the people. [As amended by Const. Amend. 7; amended by Const. Amend. 93.]

§ 2. House of Representatives.

The House of Representatives shall consist of members to be chosen every second year, by the qualified electors of the several counties.

§ 3. Senate.

The Senate shall consist of members to be chosen every four years, by the qualified electors of the several districts. At the first session of the Senate, the Senators shall divide

themselves into two classes, by lot, and the first class shall hold their places for two years only, after which all shall be elected for four years.

§ 4. Qualifications of senators and representatives.

No person shall be a Senator or Representative who, at the time of his election, is not a citizen of the United States, nor any one who has not been for two years next preceding his election, a resident of this State, and for one year next preceding his election, a resident of the county or district whence he may be chosen. Senators shall be at least twenty-five years of age, and Representatives at least twenty-one years of age.

§ 5. Regular and fiscal sessions.

(a) The General Assembly shall meet at the seat of government every year.

(b) The General Assembly shall meet in regular session on the second Monday in January of each odd-numbered year to consider any bill or resolution. The General Assembly may alter the time at which the regular session begins.

(c)(1) Beginning in 2010, the General Assembly shall meet in fiscal session on the second Monday in February of each even-numbered year to consider only appropriation bills. The General Assembly may alter the time at which the fiscal session begins.

(2) A bill other than an appropriation bill may be considered in a fiscal session if two-thirds ($^2/_3$) of the members of each house of the General Assembly approve consideration of the bill.

(d) The General Assembly, by a vote of two-thirds ($^2/_3$) of the members elected to each house of the General Assembly, may alter the dates of the regular session and fiscal session so that regular sessions occur in even numbered years and the fiscal sessions occur in odd-numbered years. [As amended by Const. Amend. 86.]

§ 6. Vacancies — Writs of election.

The Governor shall issue writs of election, to fill such vacancies as shall occur in either house of the General Assembly.

§ 7. Officers ineligible.

No judge of the Supreme, Circuit or inferior courts of law or equity, Secretary of State, Attorney General for the State, Auditor or Treasurer, Recorder, clerk of any court of record, Sheriff, Coroner, member of Congress, nor any other person holding any lucrative office under the United States or this State (militia officers, justices of the peace, postmasters, officers of public schools and notaries excepted), shall be eligible to a seat in either house of the General Assembly.

§ 8. Defaulters ineligible.

No person who now is, or shall be hereafter, a collector or holder of public money, nor any assistant or deputy of such holder or collector of public money, shall be eligible to a seat in either house of the General Assembly, nor to any office of trust or profit, until he shall have accounted for, and paid over, all sums for which he may have been liable.

§ 9. Persons convicted ineligible.

No person hereafter convicted of embezzlement of public money, bribery, forgery or other infamous crime, shall be eligible to the General Assembly or capable of holding any office of trust or profit in this State.

§ 10. Members ineligible to civil office.

No Senator or Representative shall, during the term for which he shall have been elected, be appointed or elected to any civil office under this State.

§ 11. Appointment of officers — Qualifications of members — Quorum.

Each house shall appoint its own officers, and shall be sole judge of the qualifications, returns and elections of its own members. A majority of all the members elected to each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each house shall provide.

§ 12. Powers and duties of each house.

Each house shall have power to determine the rules of its proceedings; and punish its members, or other persons, for contempt or disorderly behavior in its presence; enforce obedience to its process; to protect its members against violence or offers of bribes, or private solicitations; and, with the concurrence of two-thirds, expel a member; but not a second time for the same cause. A member expelled for corruption shall not, thereafter, be eligible to either house; and punishment for contempt, or disorderly behavior, shall not bar an indictment for the same offense. Each house shall keep a journal of its proceedings; and, from time to time, publish the same, except such parts as require secrecy; and the yeas and nays, on any question, shall, at the desire of any five members, be entered on the journals.

§ 13. Sessions to be open.

The sessions of each house, and of committees of the whole, shall be open, unless when the business is such as ought to be kept secret.

§ 14. Election of officers by General Assembly.

Whenever an officer, civil or military, shall be appointed by the joint or concurrent vote of both houses, or by the separate vote of either house of the General Assembly, the vote shall be taken viva voce, and entered on the journals.

§ 15. Privileges of members.

The members of the General Assembly shall, in all cases except treason, felony, and breach or surety of the peace, be privileged from arrest during their attendance at the sessions of their respective houses; and, in going to and returning from the same; and, for any speech or debate in either house, they shall not be questioned in any other place.

§ 16. [Repealed.]

[Repealed by Const. Amend. 94, effective November 5, 2014.]

§ 17. Duration of sessions.

(a) A regular biennial session shall not exceed sixty (60) calendar days in duration, unless extended by a vote of two-thirds ($^2/_3$) of the members elected to each house of the General Assembly. The regular biennial session shall not exceed seventy five (75) calendar days in duration, unless extended by a vote of three-fourths ($^3/_4$) of the members elected to each house of the General Assembly.

(b) A fiscal session shall not exceed thirty (30) calendar days in duration, except that by a vote of three-fourths ($^3/_4$) of the members elected to each house of the General Assembly a fiscal session may be extended one (1) time by no more than fifteen (15) calendar days.

(c) Provided, that this section shall not apply when impeachments are pending. [As amended by Const. Amend. 86.]

§ 18. Presiding officers.

Each house, at the beginning of every regular session of the General Assembly, and whenever a vacancy may occur, shall elect from its members a presiding officer, to be styled, respectively, the President of the Senate, and the Speaker of the House of Representatives; and whenever, at the close of any session, it may appear that the term of the member elected President of the Senate will expire before the next regular session, the Senate shall elect another President from those members whose terms of office continue over, who shall qualify and remain President of the Senate until his successor may be elected and qualified; and who, in the case of a vacancy in the office of Governor, shall perform the duties and exercise the powers of Governor as elsewhere herein provided.

§ 19. Style of laws — Enacting clause.

The style of the laws of the State of Arkansas shall be: "Be it enacted by the General Assembly of the State of Arkansas."

§ 20. State not made defendant.

The State of Arkansas shall never be made defendant in any of her courts.

§ 21. Laws by bills — Amendment.

No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either house, as to change its original purpose.

§ 22. Passage of bills.

Every bill shall be read at length, on three different days, in each house; unless the rules be suspended by two-thirds of the house, when the same may be read a second or third time on the same day; and no bill shall become a law unless, on its final passage, the vote be taken by yeas and

nays; the names of the persons voting for and against the same be entered on the journal; and a majority of each house be recorded thereon as voting in its favor.

§ 23. Revival, amendment or extension of laws.

No law shall be revived, amended, or the provisions thereof extended or conferred, by reference to its title only; but so much thereof as is revived, amended, extended or conferred, shall be reenacted and published at length.

§ 24. Local and special laws.

The General Assembly shall not pass any local or special law, changing the venue in criminal cases; changing the names of persons, or adopting or legitimating children; granting divorces; vacating roads, streets or alleys.

§ 25. Special laws — Suspension of general laws.

In all cases where a general law can be made applicable, no special law shall be enacted; nor shall the operation of any general law be suspended by the legislature for the benefit of any particular individual, corporation or association; nor where the courts have jurisdiction to grant the powers, or the privileges, or the relief asked for.

§ 26. Notice of local or special bills.

No local or special bill shall be passed, unless notice of the intention to apply therefor shall have been published, in the locality where the matter or the thing to be affected may be situated; which notice shall be, at least, thirty days prior to the introduction into the General Assembly of such bill, and in the manner to be provided by law. The evidence of such notice having been published, shall be exhibited in the General Assembly before such act shall be passed.

§ 27. Extra compensation prohibited — Exception.

No extra compensation shall be made to any officer, agent, employee, or contractor, after the service shall have been rendered, or the contract made; nor shall any money be appropriated or paid on any claim, the subject matter of which shall not have been provided for by preexisting laws; unless such compensation, or claim, be allowed by bill passed by two-thirds of the members elected to each branch of the General Assembly.

§ 28. Adjournments.

Neither house shall, without the consent of the other, adjourn for more than three days; nor to any other place than that in which the two houses shall be sitting.

§ 29. Appropriations.

Except as provided in Arkansas Constitution, Article 19, § 31, no money shall be drawn from the treasury except in pursuance of specific appropriation made by law, the purpose of which shall be distinctly stated in the bill, and the maximum amount which may be drawn shall be specified in dollars and cents; and no appropriations made by the General Assembly after

December 31, 2008, shall be for a longer period than one (1) fiscal year. [As amended by Const. Amend. 86; amended by Const. Amend. 94, effective November 5, 2014.]

§ 30. General and special appropriations.

Except as provided in Arkansas Constitution, Article 19, § 31, the general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State; all other appropriations shall be made by separate bills, each embracing but one subject. [As amended by Const. Amend. 94, effective November 5, 2014.]

§ 31. Purposes of taxes and appropriations.

No State tax shall be allowed, or appropriation of money made, except to raise means for the payment of the just debts of the State, for defraying the necessary expenses of government, to sustain common schools, to repel invasion and suppress insurrection, except by a majority of two-thirds of both houses of the General Assembly.

§ 32. Workmen's Compensation Laws — Actions for personal injuries.

The General Assembly shall have power to enact laws prescribing the amount of compensation to be paid by employers for injuries to or death of employees, and to whom said payment shall be made. It shall have power to provide the means, methods, and forum for adjudicating claims arising under said laws, and for securing payment of same. Provided, that otherwise no law shall be enacted limiting the amount to be recovered for injuries resulting in death or for injuries to persons or property; and in case of death from such injuries the right of action shall survive, and the General Assembly shall prescribe for whose benefit such action shall be prosecuted. [As amended by Const. Amend. 26.]

§ 33. Liabilities of corporations to state.

No obligation or liability of any railroad, or other corporation, held or owned by this State shall ever be exchanged, transferred, remitted, postponed or in any way diminished by the General Assembly; nor shall such liability or obligation be released, except by payment thereof into the State treasury.

§ 34. Introduction of bills — Time limit.

No new bill shall be introduced into either house during the last three days of a regular or fiscal session. [As amended by Const. Amend. 86.]

§ 35. Bribery of member of General Assembly or state officer.

Any person who shall, directly or indirectly, offer, give, or promise any money, or thing of value, testimonial, privilege or personal advantage to any executive or judicial officer, or member of the General Assembly; and any such executive or judicial officer, or member of the General Assembly, who shall receive or consent to receive any such consideration, either directly or

indirectly, to influence his action in the performance or non performance of his public or official duty, shall be guilty of a felony, and be punished accordingly.

§ 36. Expulsion of member no bar to indictment.

Proceedings to expel a member for a criminal offense, whether successful or not, shall not bar an indictment and punishment, under the criminal laws, for the same offense.

[§ 37.] Laws — Enactment — Majority required.

§ 1. Not less than a majority of the members of each House of the General Assembly may enact a law. [As added to Art. 5 by Const. Amend. 19.]

[§ 38.] Taxes — Increase — Approval by electors.

§ 2. None of the rates for property, excise, privilege or personal taxes, now levied shall be increased by the General Assembly except after the approval of the qualified electors voting thereon at an election, or in case of emergency, by the votes of three-fourths of the members elected to each House of the General Assembly. [As added to Art. 5 by Const. Amend. 19.]

[§ 39.] State expenses — Limitation — Exceptions.

§ 3. Excepting monies raised or collected for educational purposes, highway purposes, to pay Confederate pensions and the just debts of the State, the General Assembly is hereby prohibited from appropriating or expending more than the sum of Two and One-Half Million Dollars for all purposes, for any fiscal year; provided the limit herein fixed may be exceeded by the votes of three-fourths of the members elected to each House of the General Assembly. [As added to Art. 5 by Const. Amend. 19; as amended by Const. Amend. 86.]

[§ **40.**] **General appropriation bill — Enactment.**

§ 4. In making appropriations for any fiscal year, the General Assembly shall first pass the General Appropriation Bill provided for in Section 30 of Article 5 of the Constitution, and no other appropriation bill may be enacted before that shall have been done. [As added to Art. 5 by Const. Amend. 19; as amended by Const. Amend. 86.]

[§ 41.] Expenses incurred or authorized only by bill — Repealing clause.

§ 5. No expense shall be incurred or authorized for either House except by a bill duly passed by both Houses and approved by the Governor. [As added to Art. 5 by Const. Amend. 19.]

[§ 42.] Review and approval of administrative rules.

(a) The General Assembly may provide by law:

(1) For the review by a legislative committee of administrative rules promulgated by a state agency before the administrative rules become effective; and

(2) That administrative rules promulgated by a state agency shall not become effective until reviewed and approved by the legislative committee charged by law with the review of administrative rules under subdivision (a)(1) of this section.

(b) The review and approval by a legislative committee under subsection (a) of this section may occur during the interim or during a regular, special, or fiscal session of the General Assembly. [As added by Const. Amend. 92.]

Article 6

Executive Department

§ 1. Executive officers.

The executive department of this State shall consist of a Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Auditor of State and Attorney General, all of whom shall keep their offices in person at the seat of government and hold their offices for the term of two years and until their successors are elected and qualified, and the General Assembly may provide by law for the establishment of the office of Commissioner of State Lands. [As amended by Const. Amend. 6, 1.]

§ 2. Governor — Supreme executive power.

The supreme executive power of this State shall be vested in a chief magistrate, who shall be styled "the Governor of the State of Arkansas."

§ 3. Election of executive officers.

The Governor, Secretary of State, Treasurer of State, Auditor of State, and Attorney General shall be elected by the qualified electors of the State at large, at the time and places of voting for members of the General Assembly; the returns of each election therefor shall be sealed up separately and transmitted to the seat of government by the returning officers, and directed to the Speaker of the House of Representatives; who shall, during the first week of the session, open and publish the votes cast and given for each of the respective officers hereinbefore mentioned, in the presence of both houses of the General Assembly. The person having the highest number of votes, for each of the respective offices, shall be declared duly elected thereto; but if two or more shall be equal, and highest in votes for the same office, one of them shall be chosen by the joint vote of both houses of the General Assembly, and a majority of all the members elected shall be necessary to a choice.

§ 4. Contested election.

Contested elections for Governor, Secretary of State, Treasurer of State, Auditor of State, and Attorney General shall be determined by the members of both houses of the General Assembly, in joint session; who shall have exclusive jurisdiction in trying and determining the same, except as hereinafter provided in the case of special elections; and all such contests shall be tried and determined at the first session of the General Assembly after the election in which the same shall have arisen.

§ 5. Qualifications of Governor.

No person shall be eligible to the office of Governor except a citizen of the United States, who shall have attained the age of thirty years, and shall have been seven years a resident of this State.

§ 6. Governor, commander-in-chief of armed services.

The Governor shall be commander-in-chief of the military and naval forces of this State, except when they shall be called into the actual service of the United States.

§ 7. Information and reports from departments.

He may require information, in writing, from the officers of the executive department, on any subject relating to the duties of their respective offices; and shall see that the laws are faithfully executed.

§ 8. Messages to General Assembly.

He shall give to the General Assembly, from time to time, and at the close of his official term, to the next General Assembly, information, by message, concerning the condition and government of the State; and recommend for their consideration such measures as he may deem expedient.

§ 9. Seal of State.

A seal of the State shall be kept by the Governor, used by him officially, and called the "Great Seal of the State of Arkansas."

§ 10. Grants and commissions.

All grants and commissions shall be issued in the name, and by the authority, of the State of Arkansas; sealed with the great seal of the State; signed by the Governor, and attested by the Secretary of State.

§ 11. Incompatible offices.

No member of Congress, or other person holding office under the authority of this State, or of the United States, shall exercise the office of Governor, except as herein provided.

§ 12. President of Senate succeeding to Governor's office.

In case of the death, conviction on impeachment, failure to qualify, resignation, absence from the State, or other disability of the Governor, the powers, duties and emoluments of the office for the remainder of the term, or until the disability be removed, or a Governor elected and qualified, shall devolve upon, and accrue, to the President of the Senate.

§ 13. Speaker of House succeeding to office of Governor.

If, during the vacancy of the office of Governor, the President of the Senate shall be impeached, removed from office, refuse to qualify, resign, die, or be absent from the State; the Speaker of the House of Representatives shall, in like manner, administer the government.

§ 14. Election to fill vacancy.

Whenever the office of Governor shall have become vacant by death, resignation, removal from office or otherwise, provided such vacancy shall not happen within twelve months next before the expiration of the term of office for which the late Governor shall have been elected, the President of the Senate or Speaker of the House of Representatives, as the case may be, exercising the powers of Governor for the time being, shall immediately cause an election to be held to fill such vacancy, giving, by proclamation, sixty days, previous notice thereof, which election shall be governed by the same rules prescribed for general elections of Governor as far as applicable; the returns shall be made to the Secretary of State, and the acting Governor, Secretary of State and Attorney General shall constitute a board of canvassers, a majority of whom shall compare said returns and declare who is elected; and if there be a contested election, it shall be decided as may be provided by law.

§ 15. Approval of bills — Vetoes.

Every bill which shall have passed both houses of the General Assembly, shall be presented to the Governor; if he approve it, he shall sign it; but if he shall not approve it, he shall return it, with his objections, to the house in which it originated; which house shall enter the objections at large upon their journal and proceed to reconsider it. If, after such reconsideration, a majority of the whole number elected to that house, shall agree to pass the bill, it shall be sent, with the objections, to the other house; by which, likewise, it shall be reconsidered; and, if approved by a majority of the whole number elected to that house, it shall be a law; but in such cases the vote of both houses shall be determined by "yeas and nays;" and the names of the members voting for or against the bill, shall be entered on the journals. If any bill shall not be returned by the Governor within five days, Sundays excepted, after it shall have been presented to him, the same shall be a law in like manner as if he had signed it; unless the General Assembly, by their adjournment, prevent its return; in which case it shall become a law, unless he shall file the same, with his objections, in the office of the Secretary of State, and give notice thereof, by public proclamation, within twenty days after such adjournment.

§ 16. Concurrent orders or resolutions — Veto.

Every order or resolution in which the concurrence of both houses of the General Assembly may be necessary, except on questions of adjournment, shall be presented to the Governor, and, before it shall take effect, be approved by him; or, being disapproved, shall be repassed by both houses according to the rules and limitations prescribed in the case of a bill.

§ 17. Vetoes of items of appropriation bills.

The Governor shall have power to disapprove any item, or items, of any bill making appropriation of money, embracing distinct items; and the part or parts of the bill approved shall be the law; and the item or items of appropriations disapproved, shall be void unless repassed according to the rules and limitations prescribed for the passage of other bills over the executive veto.

§ 18. Pardoning power.

In all criminal and penal cases, except in those of treason and impeachment, the Governor shall have power to grant reprieves, commutations of sentence, and pardons, after conviction; and to remit fines and forfeitures, under such rules and regulations as shall be prescribed by law. In cases of treason, he shall have power, by and with the advice and consent of the Senate, to grant reprieves and pardons; and he may, in the recess of the Senate, respite the sentence until the adjournment of the next regular session of the General Assembly. He shall communicate to the General Assembly at every regular session each case of reprieve, commutation or pardon, with his reasons therefor; stating the name and crime of the convict, the sentence, its date, and the date of the commutation, pardon or reprieve.

§ 19. Extraordinary sessions of General Assembly — Calling — Purposes.

The Governor may, by proclamation, on extraordinary occasions, convene the General Assembly at the seat of government, or at a different place, if that shall have become, since their last adjournment, dangerous from an enemy or contagious disease; and he shall specify in his proclamation the purpose for which they are convened; and no other business than that set forth therein shall be transacted until the same shall have been disposed of; after which they may, by a vote of two-thirds of all the members elected to both houses, entered upon their journals, remain in session not exceeding fifteen days.

§ 20. Power to adjourn General Assembly.

In cases of disagreement between the two houses of the General Assembly, at a regular or special session, with respect to the time of adjournment, the Governor may, if the facts be certified to him by the presiding officers of the two houses, adjourn them to a time not beyond the day of their next meeting; and on account of danger from an enemy or disease, to such other place of safety as he may think proper.

§ 21. Duties of Secretary of State.

The Secretary of State shall keep a full and accurate record of all the official acts and proceedings of the Governor; and, when required, lay the same with all papers, minutes and vouchers relating thereto, before either branch of the General Assembly. He shall also discharge the duties of Superintendent of Public Instruction, until otherwise provided by law.

§ 22. Duties of executive officers in general — Dual office holding prohibited — Vacancies — Filling.

The Treasurer of State, Secretary of State, Auditor of State, and Attorney-General shall perform such duties as may be prescribed by law; they shall not hold any other office or commission, civil or military, in this State or under any State, or the United States, or any other power, at one and the same time; and in case of vacancy occurring in any of said offices, by death, resignation or otherwise, the Governor shall fill said office by appointment for the unexpired term.

§ 23. Filling vacancies in other offices.

When any office, from any cause, may become vacant, and no mode is provided by the Constitution and laws for filling such vacancy, the Governor shall have the power to fill the same by granting a commission, which shall expire when the person elected to fill said office, at the next general election, shall be duly qualified.

Article 7

Judicial Department

§ 1 — 18. [Repealed.]

§ 19. Circuit clerks — Election — Term of office — Ex-officio duties — County clerks elected in certain counties.

The clerks of the circuit courts shall be elected by the qualified electors of the several counties for the term of two years, and shall be ex-officio clerks of the county and probate courts and recorder; provided, that in any county having a population exceeding fifteen thousand inhabitants, as shown by the last Federal census, there shall be elected a county clerk, in like manner as the clerk of the circuit court, and in such case the county clerk shall be ex-officio clerk of the probate court of such county until otherwise provided by the General Assembly. [As amended by Const. Amend. 24, § 3.]

§ 20 — 22. [Repealed.]

§ 23. Charge to juries.

Judges shall not charge juries with regard to matters of fact, but shall declare the law; and, in jury trials, shall reduce their charge or instructions to writing, on the request of either party.

§ 24. [Repealed.]

§ 25. [Repealed.]

§ 26. Punishment of indirect contempt provided for by law.

The General Assembly shall have power to regulate, by law, the punishment of contempts; not committed in the presence or hearing of the courts, or in disobedience of process.

§ 27. Removal of county and township officers — Grounds.

The Circuit Court shall have jurisdiction upon information, presentment, or indictment, to remove any county or township officer from office for incompetency, corruption, gross immorality, criminal conduct, malfeasance, misfeasance or nonfeasance in office.

§ 28. County courts — Jurisdiction — Single judge holding court.

The County Courts shall have exclusive original jurisdiction in all matters relating to county taxes, roads, bridges, ferries, paupers, bastardy, vagrants, the apprenticeship of minors, the disbursement of money for county purposes, and in every other case that may be necessary to the

internal improvement and local concerns of the respective counties. The County Court shall be held by one judge, except in cases otherwise herein provided.

§ 29. County judge — Election — Term — Qualifications.

The Judge of the County Court shall be elected by the qualified electors of the county for the term of two years. He shall be at least twenty-five years of age, a citizen of the United States, a man of upright character, of good business education, and a resident of the State for two years before his election; and a resident of the county at the time of his election, and during his continuance in office.

The Justices of the Peace of each county shall sit with and assist the County Judge in levying the county taxes, and in making appropriations for the expenses of the county, in the manner to be prescribed by law; and the County Judge, together with a majority of said Justices, shall constitute a quorum for such purposes; and in the absence of the County Judge a majority of the Justices of the Peace may constitute the court, who shall elect one of their number to preside. The General Assembly shall regulate by law the manner of compelling the attendance of such quorum.

§ 31. County court — Terms.

The terms of the County Courts shall be held at the times that are now prescribed for holding the Supervisors' Courts, or may hereafter be prescribed by law.

§ 32. [Repealed.]

§ 33. Appeals from county and common pleas courts.

Appeals from all judgments of County Courts or Courts of Common Pleas, when established, may be taken to the Circuit Court under such restrictions and regulations as may be prescribed by law.

§ 34. [Repealed.]

§ 35. [Repealed.]

§ 36. Special judges of county or probate courts.

Whenever a Judge of the County or Probate Court may be disqualified from presiding, in any cause or causes pending in his court, he shall certify the facts to the Governor of the State, who shall thereupon commission a special judge to preside in such cause or causes during the time said disqualification may continue, or until such cause or causes may be finally disposed of.

§ 37. Compensation of county judge — Powers during absence of circuit judge.

The County Judge shall receive such compensation for his services as presiding Judge of the County Court, as Judge of the Court of Probate and Judge of the Court of Common Pleas, when established, as may be provided by law. In the absence of the Circuit Judge from the county, the County Judge shall have power to issue orders for injunctions and other provisional writs in their counties, returnable to the court having jurisdiction; provided, that either party may have such order reviewed by any superior Judge in vacation in such manner as shall be provided by law. The County Judge shall have power, in the absence of the Circuit Judge from the county, to issue, hear

and determine writs of habeas corpus, under such regulations and restrictions as shall be provided by law.

§ 38. Justices of the peace — Election — Term — Oath.

The qualified electors of each township shall elect the Justices of the Peace for the term of two years; who shall be commissioned by the Governor, and their official oath shall be indorsed on the commission.

§ 39. [Repealed.]

§ 40. [Repealed.]

§ 41. Qualifications of justice of peace.

A Justice of the Peace shall be a qualified elector and a resident of the township for which he is elected.

§ 42. [Repealed.]

§ 43. [Repealed.]

§ 44. [Repealed.]

§ 45. [Repealed.]

§ 46. County executive officers — Compensation of county assessor.

The qualified electors of each county shall elect one Sheriff, who shall be ex-officio collector of taxes, unless otherwise provided by law; one Assessor, one Coroner, one Treasurer, who shall be ex-officio treasurer of the common school fund of the county, and one County Surveyor; for the term of two years, with such duties as are now or may be prescribed by law: Provided, that no per centum shall ever be paid to assessors upon the valuation or assessment of property by them.

§ 47. Constables — Term of office — Certificate of election.

The qualified electors of each township shall elect the Constable for the term of two years, who shall be furnished, by the presiding Judge of the County Court, with a certificate of election, on which his official oath shall be indorsed.

§ 48. Commissions of officers.

All officers provided for in this article, except Constables, shall be commissioned by the Governor.

§ 49. Style of process and of indictments.

All writs and other judicial process, shall run in the name of the State of Arkansas, bear test and be signed by the clerks of the respective courts from which they issue. Indictments shall conclude: “Against the peace and dignity of the State of Arkansas.”

§ 50. [Repealed.]

§ 51. Appeals from county or municipal allowances — Bond.

That in all cases of allowances made for or against counties, cities or towns, an appeal shall lie to the Circuit Court of the county, at the instance of the party aggrieved, or on the intervention of any citizen or resident and tax payer of such county, city or town, on the same terms and conditions on which appeals may be granted to the Circuit Court in other cases; and the matter pertaining to any such allowance shall be tried in the Circuit Court de novo. In case an appeal be taken by any citizen, he shall give a bond, payable to the proper county, conditioned to prosecute the appeal, and save the county from costs on account of the same being taken.

§ 52. Appeals in election contests.

That in all cases of contest for any county, township, or municipal office, an appeal shall lie at the instance of the party aggrieved, from any inferior board, council, or tribunal to the Circuit Court, on the same terms and conditions on which appeals may be granted to the Circuit Court in other cases, and on such appeals the case shall be tried de novo.

Article 8

Apportionment — Membership in General Assembly

§ 1. Board of apportionment created — Powers and duties.

A Board to be known as "The Board of Apportionment," consisting of the Governor (who shall be Chairman), the Secretary of State and the Attorney General is hereby created and it shall be its imperative duty to make apportionment of representatives in accordance with the provisions hereof; the action of a majority in each instance shall be deemed the action of said board. [As amended by Const. Amends. 23 and 45.]

§ 2. One hundred members in House of Representatives — Apportionment.

The House of Representatives shall consist of one hundred members and each county existing at the time of any apportionment shall have at least one representative; the remaining members shall be equally distributed (as nearly as practicable) among the more populous counties of the State, in accordance with a ratio to be determined by the population of said counties as shown by the Federal census next preceding any apportionment hereunder. [As amended by Const. Amends. 23 and 45.]

§ 3. Senatorial districts — Thirty-five members of Senate.

The Senate shall consist of thirty-five members. Senatorial districts shall at all times consist of contiguous territory, and no county shall be divided in the formation of such districts. "The Board of Apportionment" hereby created shall, from time to time, divide the state into convenient senatorial districts in such manner as that the Senate shall be based upon the inhabitants of the state, each senator representing, as nearly as practicable, an equal number thereof; each district shall have at least one senator. [As amended by Const. Amend. 23.]

§ 4. Duties of Board of Apportionment.

On or before February 1 immediately following each Federal census, said board shall reapportion the State for Representatives, and in each instance said board shall file its report with the Secretary of State, setting forth (a) the basis of population adopted for representatives; (b) the number of representatives assigned to each county; whereupon, after 30 days from such filing date, the apportionment thus made shall become effective unless proceedings for revision be instituted in the Supreme Court within said period. [As amended by Const. Amends. 23 and 45.]

§ 5. Mandamus to compel Board of Apportionment to act.

Original jurisdiction (to be exercised on application of any citizens and taxpayers) is hereby vested in the Supreme Court of the State (a) to compel (by mandamus or otherwise) the board to perform its duties as here directed and (b) to revise any arbitrary action of or abuse of discretion by the board in making such apportionment; provided any such application for revision shall be filed with said Court within 30 days after the filing of the report of apportionment by said board with the Secretary of State; if revised by the court, a certified copy of its judgment shall be by the clerk thereof forthwith transmitted to the Secretary of State, and thereupon be and become a substitute for the apportionment made by the board. [As amended by Const. Amends. 23 and 45.]

§ 6. Election of Senators and Representatives.

At the next general election for State and County officers ensuing after any such apportionment, Representatives shall be elected in accordance therewith, Senators shall be elected henceforth according to the apportionment now existing, and their respective terms of office shall begin on January 1 next following. Senators shall be elected for a term of four years at the expiration of their present terms of office. [As amended by Const. Amends. 23 and 45.]

Article 9

Exemption

§ 1. Personal property exemptions of persons not heads of families.

The personal property of any resident of this State, who is not married or the head of a family, in specific articles to be selected by such resident, not exceeding in value the sum of two hundred dollars, in addition to his or her wearing apparel, shall be exempt from seizure on attachment, or sale on execution or other process from any court, issued for the collection of any debt by contract: Provided, That no property shall be exempt from execution for debts contracted for the purchase money therefor while in the hands of the vendee.

§ 2. Heads of families — Exempt personal property.

The personal property of any resident of this State, who is married or the head of a family, in specific articles to be selected by such resident, not exceeding in value the sum of five hundred dollars, in addition to his or her wearing apparel, and that of his or her family, shall be exempt from seizure on attachment, or sale on execution or other process from any court, on debt by contract.

§ 3. Homestead exemption from legal process — Exceptions.

The homestead of any resident of this State, who is married or the head of a family, shall not be subject to the lien of any judgment or decree of any court, or to sale under execution, or other process thereon, except such as may be rendered for the purchase money, or for specific liens, laborers' or mechanics' liens for improving the same, or for taxes, or against executors, administrators, guardians, receivers, attorneys for moneys collected by them, and other trustees of an express trust, for moneys due from them in their fiduciary capacity.

§ 4. Rural homestead — Acreage — Value.

The homestead outside any city, town or village, owned and occupied as a residence, shall consist of not exceeding one hundred and sixty acres of land, with the improvements thereon, to be selected by the owner; Provided, The same shall not exceed in value the sum of twenty-five hundred dollars, and in no event shall the homestead be reduced to less than eighty acres, without regard to value.

§ 5. Urban homestead — Acreage — Value.

The homestead in any city, town or village, owned and occupied as a residence, shall consist of not exceeding one acre of land, with the improvements thereon, to be selected by the owner; provided, the same shall not exceed in value the sum of two thousand five hundred dollars, and in no event shall such homestead be reduced to less than one-quarter of an acre of land, without regard to value.

§ 6. Rights of widow and children.

If the owner of a homestead die, leaving a widow, but no children, and said widow has no separate homestead in her own right, the same shall be exempt, and the rents and profits thereof shall vest in her during her natural life; Provided, That if the owner leaves children, one or more, said child or children shall share with said widow, and be entitled to half the rents and profits till each of them arrives at twenty-one years of age — each child's rights to cease at twenty-one years of age — and the shares to go to the younger children; and then all to go to the widow; and, provided, that said widow or children may reside on the homestead or not. And in case of the death of the widow, all of said homestead shall be vested in the minor children of the testator or intestate.

§ 7. Married woman's separate property — Right of disposition — Not liable for debts of husband.

The real and personal property of any femme covert in this State, acquired either before or after marriage, whether by gift, grant, inheritance, devise or otherwise, shall, so long as she may choose, be and remain her separate estate and property, and may be devised, bequeathed or conveyed by her the same as if she were a femme sole; and the same shall not be subject to the debts of her husband.

§ 8. Scheduling separate personal property of wife.

The General Assembly shall provide for the time and mode of scheduling the separate personal property of married women.

§ 9. Exemptions under Constitution of 1868 — Existing obligations.

The exemptions contained in the Constitution of 1868 shall apply to all debts contracted since the adoption thereof, and prior to the adoption of this Constitution.

§ 10. Homestead rights of minor children.

The homestead provided for in this article shall inure to the benefit of the minor children, under the exemptions herein provided, after the decease of the parents.

Article 10

Agriculture, Mining and Manufacture

§ 1. Mining, manufacturing and agricultural bureau — State aid.

The General Assembly shall pass such laws as will foster and aid the agricultural, mining and manufacturing interests of the State, and may create a bureau, to be known as the Mining, Manufacturing and Agricultural Bureau.

§ 2. State geologist — Creation of office — Appointment and removal.

The General Assembly, when deemed expedient, may create the office of State Geologist, to be appointed by the Governor, by and with the advice and consent of the Senate, who shall hold his office for such time, and perform such duties, and receive such compensation as may be prescribed by law; Provided: That he shall be at all times subject to removal by the Governor, for incompetency or gross neglect of duty.

§ 3. Exemption of mines and manufactures from taxation.

The General Assembly may, by general law, exempt from taxation for the term of seven years from the ratification of this Constitution, the capital invested in any or all kinds of mining and manufacturing business in this State, under such regulations and restrictions as may be prescribed by law.

Article 11

Militia

§ 1. Persons liable to military duty.

The militia shall consist of all able-bodied male persons, residents of the State, between the ages of eighteen and forty-five years; except such as may be exempted by the laws of the United States, or this State; and shall be organized, officered, armed and equipped and trained in such manner as may be provided by law.

§ 2. Volunteer companies.

Volunteer Companies of Infantry, Cavalry or Artillery may be formed in such manner and with such restrictions as may be provided by law.

§ 3. Privilege of members from arrest.

The volunteer and militia forces shall in all cases (except treason, felony and breach of the peace) be privileged from arrest during their attendance at muster and the election of officers, and in going to and returning from the same.

§ 4. Authority to call out volunteers or militia.

The Governor shall, when the General Assembly is not in session, have power to call out the Volunteers or Militia, or both, to execute the laws, repel invasion, repress insurrection and preserve the public peace; in such manner as may be authorized by law.

Article 12

Municipal and Private Corporations

§ 1. Revocation of certain charters.

All existing charters or grants of special or exclusive privileges, under a bona fide organization shall not have taken place, and business been commenced in good faith, at the time of the adoption of this Constitution, shall thereafter have no validity.

§ 2. Special acts prohibited — Exception.

The General Assembly shall pass no special act conferring corporate powers, except for charitable, educational, penal or reformatory purposes, where the corporations created are to be and remain under the patronage and control of the state.

§ 3. Cities and towns — Organization under general laws.

The General Assembly shall provide, by general laws, for the organization of cities (which may be classified) and incorporated towns; and restrict their power of taxation, assessment, borrowing money and contracting debts, so as to prevent the abuse of such power.

§ 4. Limitation on legislative and taxing power — Local bond issues.

No municipal corporation shall be authorized to pass any laws contrary to the general laws of the state; nor levy any tax on real or personal property to a greater extent, in one year, than five mills on the dollar of the assessed value of the same; Provided: That, to pay indebtedness existing at the time of the adoption of this Constitution, an additional tax of not more than five mills on the dollar, may be levied.

The fiscal affairs of counties, cities and incorporated towns shall be conducted on a sound financial basis, and no county court or levying board or agent of any county shall make or authorize any contract or make any allowance for any purpose whatsoever in excess of the revenue from all sources for the fiscal year in which said contract or allowance is made; nor shall any county judge, county clerk, or other county officer, sign or issue any scrip warrant or make any allowance in excess of the revenue from all sources for the current fiscal year; nor shall any city council, board of aldermen, board of public affairs, or commissioners, of any city of the first or second class, or any incorporated town, enter into any contract or make any allowance for any purpose whatsoever, or authorize the issuance of any contract or warrants, scrip or other evidences

of indebtedness in excess of the revenue for such city or town for the current fiscal year; nor shall any mayor, city clerk, or recorder, or any other officer or officers, however designated, of any city of the first or second class or incorporated town sign or issue scrip, warrant or other certificate of indebtedness of excess of the revenue from all sources for the current fiscal year.

Provided, however, to secure funds to pay indebtedness outstanding at the time of the adoption of this amendment, counties, cities, and incorporated towns may issue interest bearing certificates of indebtedness or bonds with interest coupons for the payment of which a county or city tax, in addition to that now authorized, not exceeding three mills may be levied for the time as provided by law until such indebtedness is paid.

Where the annual report of any city or county in the State of Arkansas shows that scrip, warrants or other certificate of indebtedness had been issued in excess of the total revenue for that year, the officer or officers of the county or city or incorporated town who authorized, signed or issued such scrip, warrants or other certificates of indebtedness shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not less than five hundred dollars nor more than ten thousand dollars, and shall be removed from office. [As amended by Const. Amend. 10.]

§ 5. Political subdivisions not to become stockholders in or lend credit to private corporations.

No county, city, town or other municipal corporation, shall become a stockholder in any company, association, or corporation; or obtain or appropriate money for, or loan its credit to, any corporation, association, institution or individual.

§ 6. General incorporation laws — Charters — Revocation.

Corporations may be formed under general laws; which laws may, from time to time, be altered or repealed. The General Assembly shall have the power to alter, revoke or annul any charter of incorporation now existing and revocable at the adoption of this Constitution, or any that may hereafter be created, whenever, in their opinion, it may be injurious to the citizens of this State; in such manner, however, that no injustice shall be done to the corporators.

§ 7. State not to be stockholder.

Except as herein provided, the State shall never become a stockholder in, or subscribe to, or be interested in the stock of any corporation or association.

§ 8. Private corporations — Issuance of stocks or bonds — Conditions and restrictions.

No private corporation shall issue stocks or bonds, except for money or property actually received, or labor done; and all fictitious increase of stock or indebtedness shall be void; nor shall the stock or bonded indebtedness of any private corporation be increased, except in pursuance of general laws; nor until the consent of the persons holding the larger amount, in value, of stock, shall be obtained at a meeting held after notice given, for a period not less than sixty days, in pursuance of law.

§ 9. Taking of property by corporation — Compensation.

No property, nor right of way, shall be appropriated to the use of any corporation, until full compensation therefor shall be first made to the owner, in money; or first secured to him by a deposit of money; which compensation, irrespective of any benefit from any improvement

proposed by such corporation, shall be ascertained by a jury of twelve men, in a court of competent jurisdiction, as shall be prescribed by law.

§ 10. Issue of circulating paper.

No act of the General Assembly shall be passed authorizing the issue of bills, notes, or other paper which may circulate as money.

§ 11. Foreign corporations doing business in state.

Foreign corporations may be authorized to do business in this State, under such limitations and restrictions as may be prescribed by law; Provided: That no such corporation shall do any business in this State, except while it maintains therein one or more known places of business, and an authorized agent or agents in the same, upon whom process may be served; and, as to contracts made or business done in this State, they shall be subject to the same regulations, limitations and liabilities as like corporations of this State; and shall exercise no other or greater powers, privileges or franchises than may be exercised by like corporations of this State; nor shall they have power to condemn or appropriate private property.

§ 12. State not to assume liabilities of political subdivisions or private corporations — Indebtedness to state — Release.

Except as herein otherwise provided, the State shall never assume, or pay the debt or liability of any county, town, city or other corporation whatever; or any part thereof; unless such debt or liability shall have been created to repel invasion, suppress insurrection, or to provide for the public welfare and defense. Nor shall the indebtedness of any corporation to the State, ever be released, or in any manner discharged, save by payment into the public treasury.

Article 13

Counties, County Seats and County Lines

§ 1. Size of counties — Exceptions.

No county now established shall be reduced to an area of less than six hundred square miles, nor to less than five thousand inhabitants: nor shall any new county be established with less than six hundred square miles and five thousand inhabitants: Provided, that this section shall not apply to the counties of Lafayette, Pope and Johnson, nor be so construed as to prevent the General Assembly from changing the line between the counties of Pope and Johnson.

§ 2. Consent of voters to change of county lines.

No part of a county shall be taken off to form a new county, or a part thereof, without the consent of a majority of the voters in such part proposed to be taken off.

§ 3. Change of county seats — Conditions — New counties.

No county seat shall be established or changed without the consent of a majority of the qualified voters of the county to be affected by such change, nor until the place at which it is proposed to establish or change such county seat shall be fully designated: Provided, That in formation of new counties, the county seat may be located temporarily by provisions of law.

§ 4. Lines of new counties — Distance from county seat of adjoining county — Exception.

In the formation of new counties no line thereof shall run within ten miles of the county seat of the county proposed to be divided, except the county seat of Lafayette County.

§ 5. Sebastian County — Districts.

Sebastian County may have two districts and two county seats, at which county, probate and circuit courts shall be held as may be provided by law, each district paying its own expenses.

Article 14

Education

§ 1. Free school system.

Intelligence and virtue being the safeguards of liberty and the bulwark of a free and good government, the State shall ever maintain a general, suitable and efficient system of free public schools and shall adopt all suitable means to secure to the people the advantages and opportunities of education. The specific intention of this amendment is to authorize that in addition to existing constitutional or statutory provisions the General Assembly and/or public school districts may spend public funds for the education of persons over twenty-one (21) years of age and under six (6) years of age, as may be provided by law, and no other interpretation shall be given to it. [As amended by Const. Amend. 53.]

§ 2. School fund — Use — Purposes.

No money or property belonging to the public school fund, or to this State, for the benefit of schools or universities, shall ever be used for any other than for the respective purposes to which it belongs.

§ 3. School tax — Budget — Approval of tax rate (Const., Art. 14, § 3, as amended by Const. Amend. 11, Const. Amend. 40, amended, and Const. Amend. 74).

(a) The General Assembly shall provide for the support of common schools by general law. In order to provide quality education, it is the goal of this state to provide a fair system for the distribution of funds. It is recognized that, in providing such a system, some funding variations may be necessary. The primary reason for allowing such variations is to allow school districts, to the extent permissible, to raise additional funds to enhance the educational system within the school district. It is further recognized that funding variations or restrictions thereon may be necessary in order to comply with, or due to, other provisions of this Constitution, the United States Constitution, state or federal laws, or court orders.

(b)(1) There is established a uniform rate of ad valorem property tax of twenty-five (25) mills to be levied on the assessed value of all taxable real, personal, and utility property in the state to be used solely for maintenance and operation of the schools.

(2) Except as provided in this subsection the uniform rate of tax shall not be an additional levy for maintenance and operation of the schools but shall replace a portion of the existing rate of tax levied by each school district available for maintenance and operation of

schools in the school district. The rate of tax available for maintenance and operation levied by each school district on the effective date of this amendment shall be reduced to reflect the levy of the uniform rate of tax. If the rate of tax available for maintenance and operation levied by a school district on the effective date of this amendment exceeds the uniform rate of tax, the excess rate of tax shall continue to be levied by the school district until changed as provided in subsection (c)(1). If the rate of tax available for maintenance and operation levied by a school district on the effective date of this amendment is less than the uniform rate of tax, the uniform rate of tax shall nevertheless be levied in the district.

(3) The uniform rate of tax shall be assessed and collected in the same manner as other school property taxes, but the net revenues from the uniform rate of tax shall be remitted to the State Treasurer and distributed by the state to the school districts as provided by law. No portion of the revenues from the uniform rate of tax shall be retained by the state. The revenues so distributed shall be used by the school districts solely for maintenance and operation of schools.

(4) The General Assembly may by law propose an increase or decrease in the uniform rate of tax and submit the question to the electors of the state at the next general election. If a majority of the electors of the state voting on the issue vote For the proposed increase or decrease in the uniform rate of tax, the uniform rate of tax shall be increased or decreased as approved. If a majority of the electors of the state voting on the issue vote Against the proposed increase or decrease in the uniform rate of tax, the uniform rate of tax shall continue to be levied at the rate for the year in which the election is held.

(c)(1) In addition to the uniform rate of tax provided in subsection (b), school districts are authorized to levy, by a vote of the qualified electors respectively thereof, an annual ad valorem property tax on the assessed value of taxable real, personal, and utility property for the maintenance and operation of schools and the retirement of indebtedness. The Board of Directors of each school district shall prepare, approve and make public not less than sixty (60) days in advance of the annual school election a proposed budget of expenditures deemed necessary to provide for the foregoing purposes, together with a rate of tax levy sufficient to provide the funds therefor, including the rate under any continuing levy for the retirement of indebtedness. The Board of Directors shall submit the tax at the annual school election or at such other time as may be provided by law. If a majority of the qualified voters in the school district voting in the school election approve the rate of tax proposed by the Board of Directors, then the tax at the rate approved shall be collected as provided by law. In the event a majority of the qualified electors voting in the school election disapprove the proposed rate of tax, then the tax shall be collected at the rate approved in the last preceding school election. However, if the rate last approved has been modified pursuant to subsection (b) or (c)(2) of this section, then the tax shall be collected at the modified rate until another rate is approved.

(2) The tax levied by a school district pursuant to subsection (c)(1) of this section may be reduced pursuant to procedures provided by law if the tax would cause the state or district to be out of compliance with any other provision of this Constitution, the United States Constitution, state or federal law, or court order.

(3) No tax levied pursuant to subsection (c)(1) of this section shall be appropriated to any other district than that for which it is levied.

(d) For the purposes of this section, “maintenance and operation” means such expenses for the general maintenance and operation of schools as may be defined by law. [As amended by Const. Amends 11, 40 and 74.]

§ 4. Supervision of schools.

The supervision of public schools, and the execution of the laws regulating the same, shall be vested in and confided to, such officers as may be provided for by the General Assembly.

Article 15

Impeachment and Address

§ 1. Officers subject to impeachment — Grounds.

The Governor and all State officers, Judges of the Supreme and Circuit Courts, Chancellors and Prosecuting Attorneys, shall be liable to impeachment for high crimes and misdemeanors, and gross misconduct in office; but the judgment shall go no further than removal from office and disqualification to hold any office of honor, trust or profit under this State. An impeachment, whether successful or not, shall be no bar to an indictment.

§ 2. Impeachment by House — Trial by Senate — Presiding officer.

The House of Representatives shall have the sole power of impeachment. All impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation; no person shall be convicted without the concurrence of two-thirds of the members thereof. The Chief Justice shall preside, unless he is impeached or otherwise disqualified, when the Senate shall select a presiding officer.

§ 3. Officers removable by Governor upon address.

The governor, upon the joint address of two-thirds of all the members elected to each House of the General Assembly, for good cause, may remove the Auditor, Treasurer, Secretary of State, Attorney-General, Judges of the Supreme and Circuit Courts, Chancellors and Prosecuting Attorneys.

Article 16

Finance and Taxation

§ 1. Lending credit — Bond issues — Interest-bearing warrants.

Neither the State nor any city, county, town or other municipality in this State shall ever lend its credit for any purpose whatever; nor shall any county, city or town or municipality ever issue any interest bearing evidences of indebtedness, except such bonds as may be authorized by law to provide for and secure the payment of the indebtedness existing at the time of the adoption of the Constitution of 1874, and the State shall never issue any interest-bearing treasury warrants or scrip. [As amended in 1918 — see Publisher's Notes.]

§ 2. Debts of state — Payment.

The General Assembly shall, from time to time, provide for the payment of all just and legal debts of the State.

§ 3. Making profit out of or misusing public funds — Penalty.

The making of profit out of public moneys, or using the same for any purpose not authorized by law, by any officer of the State, or member or officer of the General Assembly, shall be punishable as may be provided by law, but part of such punishment shall be disqualification to hold office in this State for a period of five years.

§ 4. Salaries and fees of state officers.

Except as provided in Arkansas Constitution, Article 19, § 31, the General Assembly shall fix the salaries and fees of all officers in the State; and no greater salary or fee than that fixed by law shall be paid to any officer, employee, or other person, or at any rate other than par value; and the number and salaries of the clerks and employees of the different departments of the State shall be fixed by law. [As amended by Const. Amend. 94, effective November 5, 2014.]

§ 5. Property taxed according to value — Procedures for valuation — Tax exemptions.

(a) All real and tangible personal property subject to taxation shall be taxed according to its value, that value to be ascertained in such manner as the General Assembly shall direct, making the same equal and uniform throughout the State. No one species of property for which a tax may be collected shall be taxed higher than another species of property of equal value, except as provided and authorized in Section 15 of this Article, and except as authorized in Section 14 of this Article. The General Assembly, upon the approval thereof by a vote of not less than three-fourths ($^3/_4$ths) of the members elected to each house, may establish the methods and procedures for valuation of property for taxation purposes, but may not alter the method of valuation set forth in Section 15 of this Article.

(b) The following property shall be exempt from taxation: public property used exclusively for public purposes; churches used as such; cemeteries used exclusively as such; school buildings and apparatus; libraries and grounds used exclusively for school purposes; and buildings and grounds and materials used exclusively for public charity.

Nothing in this Section shall affect or repeal the provision of Amendment 57 to the Constitution of the State of Arkansas pertaining to intangible personal property. [Added by Const. Amend. 59.]

§ 6. Other tax exemptions forbidden.

All laws exempting property from taxation, other than as provided in this Constitution shall be void.

§ 7. Taxation of corporate property.

The power to tax corporations and corporate property, shall not be surrendered or suspended by any contract or grant to which the State may be a party.

§ 8. Maximum rate of state taxes.

The General Assembly shall not have power to levy State taxes for any one year to exceed, in the aggregate, one per cent of the assessed valuation of the property of the State for that year.

§ 9. County taxes — Limitation.

No county shall levy a tax to exceed one-half of one per cent., for all purposes; but may levy an additional one-half of one per cent. to pay indebtedness existing at the time of the ratification of this Constitution.

§ 10. Payment of county and municipal taxes.

The taxes of counties, towns and cities shall only be payable in lawful currency of the United States, or the orders or warrants of said counties, towns and cities respectively.

§ 11. Levy and appropriation of taxes.

No tax shall be levied except in pursuance of law, and every law imposing a tax shall state distinctly the object of the same; and no moneys arising from a tax levied for any purpose shall be used for any other purpose.

§ 12. Disbursement of funds — Appropriation required.

Except as provided in Arkansas Constitution, Article 19, § 31, no money shall be paid out of the treasury until the same shall have been appropriated by law; and then only in accordance with said appropriation. [As amended by Const. Amend. 94, effective November 5, 2014.]

§ **13. Illegal exactions.**

Any citizen of any county, city or town may institute suit, in behalf of himself and all others interested, to protect the inhabitants thereof against the enforcement of any illegal exactions whatever.

§ 14. Procedure for adjustment of taxes after reappraisal or reassessment of property.

(a) Whenever a countywide reappraisal or reassessment of property subject to ad valorem taxes made in accordance with procedures established by the General Assembly shall result in an increase in the aggregate value of taxable real and personal property in any taxing unit in this State of ten percent (10%) or more over the previous year the rate of city or town, county, school district, and community college district taxes levied against the taxable real and personal property of each such taxing unit shall, upon completion of such reappraisal or reassessment, be adjusted or rolled back, by the governing body of the taxing unit, for the year for which levied as provided below. The General Assembly shall, by law, establish the procedures to be followed by a county in making a countywide reappraisal or reassessment of property which will, upon completion, authorize the adjustment or rollback of property tax rates or millage, as authorized hereinabove. The adjustment or rollback of tax rates or millage for the "base year" as hereinafter defined shall be designed to assure that each taxing unit will receive an amount of tax revenue from each tax source no greater than ten percent (10%) above the revenues received during the previous year from each such tax source, adjusted for any lawful tax or millage rate increase or reduction imposed in the manner provided by law for the year for which the tax adjustment or rollback is to be made, and after making the following additional adjustments:

(i) by excluding from such calculation the assessed value of, and taxes derived from, tangible personal property assessed in the taxing unit, and all real and tangible personal property of public utilities and regulated carriers assessed in the taxing unit, and

(ii) by computing the adjusted or rollback millage rates on the basis of the reassessed taxable real property for the base year that will produce an amount of revenue no greater than ten percent (10%) above the revenues produced from the assessed value of real property in the taxing unit (after making the aforementioned adjustments for personal properties and properties of public utilities and regulated carriers noted above) from millage rates in effect in the taxing unit during the base year in which the millage adjustment or rollback is to be calculated. Provided, further, that

in calculating the amount of adjusted or rollback millage necessary to produce tax revenues no greater than ten percent (10%) above the revenues received during the previous year, the governing body shall separate from the assessed value of taxable real property of the taxing unit, newly-discovered real property and new construction and improvements to real property, after making the adjustments for personal property or property of public utilities and regulated carriers noted above, and shall compute the millage necessary to produce an amount of revenues equal to, but no greater than the base year revenues of the taxing unit from each millage source. Such taxing unit may elect either to obtain an increase in revenues equal to the amount of revenues that the computed or adjusted rollback millage will produce from newly-discovered real property and new construction and improvements to real property, or if the same be less than ten percent (10%), the governing body of the taxing unit may recompute the millage rate to be charged to produce an amount no greater than ten percent (10%) above the revenues collected for taxable real property during the base year.

Provided, however, that the amount of revenues to be derived from taxable personal property assessed in the taxing unit for the base year, other than personal property taxes to be paid by public utilities and regulated carriers in the manner provided hereinabove, shall be computed at the millage necessary to produce the same dollar amount of revenues derived during the current year in which the base year adjustment or rollback of millage is computed, and the millage necessary to produce the amount of revenues received from personal property taxes received by the taxing unit, for the base year shall be reduced annually as the assessed value of taxable personal property increases until the amount of revenues from personal property taxes, computed on the basis of the current year millage rates will produce an amount of revenues from taxable personal property equal to or greater than received during the base year, and thereafter the millage rates for computing personal property taxes shall be the millage rates levied for the current year.

Provided, however, that the taxes to be paid by public utilities and regulated carriers in the respective taxing units of the several counties of this State during the first five (5) calendar years in which taxes are levied on the taxable real and personal property as reassessed and equalized in each of the respective counties as a part of a statewide reappraisal program, shall be the greater of the following:

(1) the amount of taxes paid on property owned by such public utilities or regulated carriers in or assigned to such taxing unit, less adjustments for properties disposed of or reductions in the assessed valuation of such properties in the base year as defined below, or

(2) the amount of taxes due on the assessed valuation of taxable real and tangible personal property belonging to the public utilities or regulated carriers located in or assigned to the taxing unit in each county at millage rates levied for the current year.

As used herein, the term “base year” shall mean the year in which a county completes reassessment and equalization of taxable real and personal property as a part of a statewide reappraisal program, and extends the adjusted or rolled back millage rates for the first time, as provided in subsection (a) of this Section, for the respective taxing units in such county for collection in the following year.

(i) in the event the amount of taxes paid the taxing unit in a county in the base year, as defined herein, is greater than the taxes due to be paid to such taxing unit for the current year of any year of the second (2nd) period of five (5) years after the base year, the difference between the base year taxes and the current year taxes for any year of such five (5) year period shall be adjusted as follows:

Current year of second period of (5) years	Taxes shall be current year taxes to which shall be added the following percentage of the difference

	between the current year taxes and the base year taxes (if greater than current year taxes)
1st year	80% of difference
2nd year	60% of difference
3rd year	40% of difference
4th year	20% of difference
5th year and thereafter	Current years taxes only.

(ii) If the current year taxes of a public utility or regulated carrier equal or exceed the base years taxes due a taxing unit during any year of the first ten (10) years after the base year, the amount of taxes to be paid to such taxing unit shall thereafter be the current years taxes and the

adjustment authorized herein shall no longer apply in computing taxes to be paid to such taxing unit.

Provided, that in the event the aforementioned requirement for payment of taxes by public utilities and regulated carriers, or any class of utilities or carriers for the ten (10) year period noted above, shall be held by court decision to be contrary to the constitution or statutes of this State or of the Federal Government, the General Assembly may provide for other utilities or classes of carriers to receive the same treatment provided or required under the court order, if deemed necessary to promote equity between similar utilities or classes of carriers.

(b) The General Assembly shall, by law, provide for procedures to be followed with respect to adjusting ad valorem taxes or millage pledged for bonded indebtedness purposes, to assure that the adjusted or rolled-back rate of tax or millage levied for bonded indebtedness purposes will, at all times, provide a level of income sufficient to meet the current requirements of all principal, interest, paying agent fees, reserves, and other requirements of the bond indenture. [Added by Const. Amend. 59.]

§ 15. Assessment of residential property and agricultural, pasture, timber, residential and commercial land.

(a) Residential property used solely as the principal place of residence of the owner thereof shall be assessed in accordance with its value as a residence, so long as said property is used as the principal place of residence of the owner thereof, and shall not be assessed in accordance with some other method of valuation until said property ceases to be used for such residential purpose.

(b) Agricultural land, pasture land, timber land, residential and commercial land, excluding structures thereon, used primarily as such, shall be valued for taxation purposes under the provisions of Section 5 of this Article, upon the basis of its agricultural, pasture, timber, residential, or commercial productivity or use, and when so valued, such land shall be assessed at the same percentum of value and taxed at the same rate as other property subject to ad valorem taxes.

(c) The General Assembly shall enact laws providing for the administration and enforement of this Section and for the imposition of penalties for violations of this Section, or statutes enacted pursuant thereto. [Added by Const. Amend. 59.]

§ 16. Providing for exemption of value of residence of person 65 or over.

The General Assembly, upon approval thereof by a vote of not less than three-fourths ($^3/_4$ths) of the members elected to each house, may provide that the valuation of real property actually occupied by its owner as a residence who is sixty-five (65) years of age, or older, may be exempt in such amount as may be determined by law, but no greater than the first Twenty Thousand Dollars ($20,000) in value thereof, as a homestead from ad valorem property taxes. [Added by Const. Amend. 59.]

Article 17

Railroads, Canals and Turnpikes

§ 1. Common carriers — Construction of railroads.

All railroads, canals and turnpikes shall be public highways, and all railroads and canal companies shall be common carriers. Any association or corporation, organized for the purpose, shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with railroads of other States. Every railroad company shall have the right with its road to intersect, connect with, or cross any other road, and shall receive and transport each the other's passengers, tonnage and cars, loaded or empty, without delay or discrimination.

§ 2. Offices of common carriers.

Every railroad, canal or turnpike corporation operated, or partly operated in this State, shall maintain one office therein, where transfers of its stock shall be made and where its books shall be kept for inspection by any stockholder or creditor of such corporation; in which shall be recorded the amount of capital stock subscribed or paid in, and the amounts owned by them respectively, the transfer of said stock, and the names and places of residence of the officers.

§ 3. Equal right to transportation.

All individuals, associations and corporations shall have equal right to have persons and property transported over railroads, canals and turnpikes; and no undue or unreasonable discrimination shall be made in charges for, or in facilities for transportation of freight or passengers within the State, or coming from, or going to any other State. Persons and property transported over any railroad shall be delivered at any station at charges not exceeding the charges for transportation of persons and property of the same class, in the same direction, to any more distant station. But excursion and commutation tickets may be issued at special rates.

§ 4. Parallel or competing lines.

No railroad, canal or other corporation, or the lessees, purchasers or managers of any railroad, canal or corporation shall consolidate the stock, property or franchises of such corporation with, or lease, or purchase the works or franchises of, or in any way control any other railroad or canal corporation owning or having under its control a parallel or competing line, nor shall any officer of such railroad or canal corporation act as an officer of any other railroad or canal corporation owning or having control of a parallel or competing line; and the question whether railroads or canals are parallel or competing lines shall, when demanded by the party complainant, be decided by a jury as in other civil issues.

§ 5. Officers, agents and employees of carrier — Personal interest in contracts prohibited.

No president, director, officer, agent or employee of any railroad or canal company, shall be interested, directly or indirectly, in the furnishing of material or supplies to such company, or in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled or worked by such company. Nor in any arrangement which shall afford more advantageous terms, or greater facilities than are offered or accorded to the public. And all contracts and arrangements in violation of this section shall be void.

§ 6. Discrimination by carriers.

No discrimination in charges, or facilities for transportation, shall be made between transportation companies and individuals, or in favor of either by abatement, drawback or otherwise; and no railroad or canal company, or any lessee, manager or employee thereof shall make any preferences in furnishing cars or motive power.

§ 7. Free passes.

The General Assembly shall prevent by law the granting of free passes by any railroad or transportation company to any officer of this State, legislative, executive or judicial.

§ 8. Condition of remission of forfeitures.

The General Assembly shall not remit the forfeiture of the charter of any corporation now existing, or alter or amend the same, or pass any general or special law for the benefit of such corporation, except on condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution.

§ 9. Right of eminent domain.

The exercise of the right of eminent domain shall never be abridged or so construed as to prevent the General Assembly from taking the property and franchises of incorporated companies, and subjecting them to public — use the same as the property of individuals.

§ 10. Regulation of carriers.

The General Assembly shall pass laws to correct abuses and prevent unjust discrimination and excessive charges by railroads, canals and turn-pike companies for transporting freight and passengers, and shall provide for enforcing such laws by adequate penalties and forfeitures, and shall provide for the creation of such offices and commissions and vest in them such authority as shall be necessary to carry into effect the powers hereby conferred. [As amended by Const. Amend. 2.]

§ 11. Movable property of carriers subject to execution.

That rolling stock and all other movable property belonging to any railroad company or corporation in this State shall be considered personal property, and shall be liable to execution and sale, in the same manner as the personal property of individuals, and the General Assembly shall pass no law exempting any such property from execution and sale.

§ 12. Damages by railroads to persons and property — Liability.

All railroads, which are now, or may be hereafter built, and operated either in whole or in part, in this State, shall be responsible for all damages to persons and property, under such regulations as may be prescribed by the General Assembly.

§ 13. Annual reports of railroads.

The directors of every railroad corporation shall annually make a report under oath to the Auditor of Public Accounts, of all of their acts and doings, which reports shall include such matters relating to railroads as may be prescribed by law, and the General Assembly shall pass laws enforcing, by suitable penalties, the provisions of this section.

Article 18

Judicial Circuits

Judicial Circuits

Until otherwise provided by the General Assembly, the Judicial Circuits shall be composed of the following counties:

First — Phillips, Lee, St. Francis, Prairie, Woodruff, White and Monroe. Second — Mississippi, Crittenden, Cross, Poinsett, Craighead, Greene, Clayton and Randolph. Third — Jackson, Independence, Lawrence, Sharp, Fulton, Izard, Stone and Baxter. Fourth — Marion, Boone, Searcy, Newton, Madison, Carroll, Benton and Washington. Fifth — Pope, Johnson, Franklin, Crawford, Sebastian, Sarber and Yell. Sixth — Lonoke, Pulaski, Van Buren and Faulkner. Seventh — Grant, Hot Springs, Garland, Perry, Saline and Conway. Eighth — Scott, Montgomery, Polk, Howard, Sevier, Little River, Pike and Clark. Ninth — Hempstead, Lafayette, Nevada, Columbia, Union, Ouachita and Calhoun. Tenth — Chicot, Drew, Ashley, Bradley, Dorsey and Dallas. Eleventh — Desha, Arkansas, Lincoln and Jefferson.

Terms of Courts

Until otherwise provided by the General Assembly, the Circuit Courts shall be begun and held in the several counties as follows:

First Circuit

White — First Monday in February and August. Woodruff — Third Monday in February and August. Prairie — Second Monday after the third Monday in February and August. Monroe — Sixth Monday after the third Monday in February and August. St. Francis — Eighth Monday after the third Monday in February and August. Lee — Tenth Monday after the third Monday in February and August. Phillips — Twelfth Monday after the third Monday in February and August.

Second Circuit

Mississippi — First Monday in March and September. Crittenden — Second Monday in March and September. Cross — Second Monday after the second Monday in March and September. Poinsett — Third Monday after the second Monday in March and September. Craighead — Fourth Monday after the second Monday in March and September. Greene — Sixth Monday after the second Monday in March and September. Clayton — Seventh Monday after the second Monday in March and September. Randolph — Ninth Monday after the second Monday in March and September.

Third Circuit

Jackson — First Monday in March and September. Lawrence — Fourth Monday in March and September. Sharp — Second Monday after the fourth Monday in March and September. Fulton — Fourth Monday after the fourth Monday in March and September. Baxter — Sixth Monday after the fourth Monday in March and September. Izard — Seventh Monday after the fourth Monday in March and September. Stone — Ninth Monday after the fourth Monday in March and September. Independence — Tenth Monday after the fourth Monday in March and September.

Fourth Circuit

Marion — Second Monday in February and August. Boone — Third Monday in February and August. Searcy — Second Monday after the third Monday in February and August. Newton — Third Monday after the third Monday in February and August. Carroll — Fourth Monday after the third Monday in February and August. Madison — Fifth Monday after the third Monday in February and August. Benton — Sixth Monday after the third Monday in February and August. Washington — Eighth Monday after the third Monday in February and August.

Fifth Circuit

Greenwood District, Sebastian county — Third Monday in February and August. Fort Smith District, Sebastian county — First Monday after the fourth Monday in February and August. Crawford county — Fourth Monday after the fourth Monday in February and August. Franklin county — Sixth Monday after the fourth Monday in February and August. Sarber county — Eighth Monday after the fourth Monday in February and August. Yell county — Tenth Monday after the fourth Monday in February and August. Pope county — Twelfth Monday after fourth Monday in February and August. Johnson county — Fourteenth Monday after the fourth Monday in February and August.

Sixth Circuit

In the county of Pulaski on the first Monday in February, and continue twelve weeks if the business of said court require it. In the county of Lonoke on the first Monday succeeding the Pulaski Court, and continue two weeks if the business of said Court require it. In the county of Faulkner on the first Monday after the Lonoke Court, and continue two weeks if the business of said Court require it. In the county of Van Buren on the first Monday after the Faulkner Court, and continue two weeks if the business of said Court require it.

Fall Term, Sixth Circuit

In the county of Pulaski on the first Monday in October, and continue seven weeks if the business of said Court require it. In the county of Lonoke on the first Monday next after the Pulaski Court and continue two weeks if the business of said court require it. In the county of Faulkner on the first Monday after the Lonoke Court, and continue one week if the business of said Court require it. In the County of Van Buren on the first Monday after the Faulkner Court, and continue one week if the business of said Court require it.

Seventh Circuit

Hot Spring — Second Monday in March and September. Grant — Third Monday in March and September. Saline — Fourth Monday in March and September. Conway — Second Monday after fourth Monday in March and September. Perry — Fourth Monday after the fourth Monday in March and September. Garland — Fifth Monday after the fourth Monday in March and September.

Eighth Circuit

Montgomery — First Monday in February and August. Scott — First Monday after the first Monday in February and August. Polk — Second Monday after the first Monday in February and August. Sevier — Third Monday after the first Monday in February and August. Little River — Fifth Monday after the first Monday in February and August. Howard — Seventh Monday after the first Monday in February and August. Pike — Eighth Monday after the first Monday in February and August. Clark — Ninth Monday after the first Monday in February and August.

Ninth Circuit

Calhoun — First Monday in March and September. Union — Second Monday after the first Monday in March and September. Columbia — Fourth Monday after the first Monday in March and September. Lafayette—Sixth Monday after the first Monday in March and September. Hempstead — Eighth Monday after the first Monday in March and September. Nevada — Eleventh Monday after the first Monday in March and September. Ouachita — Thirteenth Monday after the first Monday in March and September.

Tenth Circuit

Dorsey — Third Monday in February and August. Dallas — First Monday in March and September. Bradley — Second Monday in March and September. Ashley — Third Monday in March and September. Drew — Second Monday after the third Monday in March and September. Chicot — Fourth Monday after the third Monday in March and September.

Eleventh Circuit

In the county of Desha on the first Monday in March and September. In the county of Arkansas on the fourth Monday in March and September. In the county of Lincoln on the third Monday after the fourth Monday in March and September. In the county of Jefferson on the sixth Monday after the fourth Monday in March and September.

Article 19

Miscellaneous Provisions

§ 1. Atheists disqualified from holding office or testifying as witness.

No person who denies the being of a God shall hold any office in the civil departments of this State, nor be competent to testify as a witness in any Court.

§ 2. Dueling.

No person who may hereafter fight a duel, assist in the same as second, or send, accept, or knowingly carry a challenge therefor, shall hold any office in the State, for a period of ten years; and may be otherwise punished as the law may prescribe.

§ 3. Elected or appointed officers — Qualifications of an elector required.

No persons shall be elected to, or appointed to fill a vacancy in, any office who does not possess the qualifications of an elector.

§ 4. Residence of officers.

All civil officers for the State at large shall reside within the State, and all district, county and township officers within their respective districts, counties and townships, and shall keep their offices at such places therein as are now, or may hereafter be required by law.

§ 5. Officers — Holding over.

All officers shall continue in office after the expiration of their official terms, until their successors are elected and qualified.

§ 6. Dual office holding prohibited.

No person shall hold or perform the duties of more than one office in the same department of the government at the same time, except as expressly directed or permitted by this Constitution.

§ 7. Residence — Temporary absence not to forfeit.

Absence on business of the State, or of the United States, or on a visit, or on necessary private business, shall not cause a forfeiture of residence once obtained.

§ 8. Deduction from salaries.

It shall be the duty of the General Assembly to regulate, by law in what cases, and what, deductions from the salaries of public officers shall be made for neglect of duty in their official capacity.

§ 9. Permanent state offices — Creation restricted.

The General Assembly shall have no power to create any permanent State Office, not expressly provided for by this Constitution.

§ 10. Election returns — State officers.

Returns for all elections, for officers who are to be commissioned by the Governor, and for members of the General Assembly, except as otherwise provided by this Constitution, shall be made to the Secretary of State.

§ 11. [Repealed.]

[Repealed by Const. Amend. 94, effective November 5, 2014.]

§ 12. Receipts and expenditures to be published.

An accurate and detailed statement of the receipts and expenditures of the public money, the several amounts paid, to whom and on what account, shall, from time to time, be published as may be prescribed by law.

§ 13. [Repealed.] [Repealed by Const. Amend. 94.]

§ 14. Lotteries.

(a) The General Assembly may enact laws to establish, operate, and regulate State lotteries.

(b) Lottery proceeds shall be used solely to pay the operating expenses of lotteries, including all prizes, and to fund or provide for scholarships and grants to citizens of this State enrolled in public and private non-profit two-year and four-year colleges and universities located within the State that are certified according to criteria established by the General Assembly. The General Assembly shall establish criteria to determine who is eligible to receive the scholarships and grants pursuant to this Amendment.

(c) Lottery proceeds shall not be subject to appropriation by the General Assembly and are specifically declared to be cash funds held in trust separate and apart from the State treasury to be managed and maintained by the General Assembly or an agency or department of the State as determined by the General Assembly.

(d) Lottery proceeds remaining after payment of operating expenses and prizes shall supplement, not supplant, non-lottery educational resources.

(e) This Amendment does not repeal, supersede, amend or otherwise affect Amendment 84 to the Arkansas Constitution or games of bingo and raffles permitted therein.

(f) Except as herein specifically provided, lotteries and the sale of lottery tickets are prohibited. [As amended by Const. Amend. 87.]

§ 15. [Repealed.]

§ 16. Contracts for public buildings or bridges.

All contracts for erecting or repairing public buildings or bridges in any county, or for materials therefor; or for providing for the care and keeping of paupers, where there are no alms-houses, shall be given to the lowest responsible bidder, under such regulations as may be provided by law.

§ 17. Digest of laws — Publication.

The laws of this State, civil and criminal, shall be revised, digested, arranged, published and promulgated at such times and in such manner as the General Assembly may direct.

§ 18. Safety of miners and travelers.

The General Assembly, by suitable enactments, shall require such appliances and means to be provided and used as may be necessary to secure, as far as possible, the lives, health and safety of persons employed in mining, and of persons traveling upon railroads, and by other public conveyances, and shall provide for enforcing such enactments by adequate pains and penalties.

§ 19. Deaf and dumb and blind and insane persons.

It shall be the duty of the General Assembly to provide by law for the support of institutions for the education of the deaf and dumb, and of the blind; and also for the treatment of the insane.

§ 20. Oath of office.

Senators and Representatives, and all judicial and executive, State and county officers, and all other officers, both civil and military, before entering on the duties of their respective offices, shall take and subscribe to the following oath of affirmation: "I, _____ , do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Arkansas, and that I will faithfully discharge the duties of the office of _____ , upon which I am now about to enter."

§ 21. Sureties on official bonds — Qualifications — Bonding companies.

The sureties upon the official bonds of all State Officers shall be residents of, and have sufficient property within the State, not exempt from sale under execution, attachment or other process of any court, to make good their bonds and the sureties upon the official bonds of all county officers shall reside within the counties where such officers reside, and shall have sufficient property therein, not exempt from such sale, to make good their bonds; provided, however, that any surety, bonding or guaranty company, organized for the purpose of doing a surety, or bonding business, and authorized to do business, in this State, may become surety on the bonds of all State, County and Municipal Officers under such regulations as may be prescribed by law. [As amended by Const. Amend. 4.]

§ 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.

§ 23. [Repealed.]

§ 24. Election contests.

The General Assembly shall provide by law the mode of contesting elections in cases not specifically provided for in this Constitution.

§ 25. Seal of state.

The present seal of the State shall be and remain the seal of the State of Arkansas until otherwise provided by law, and shall be kept and used as provided in this Constitution.

§ 26. Officers eligible to executive or judicial office.

Militia officers, and officers of the public schools, and Notaries may be elected to fill any executive or judicial office.

§ 27. Local improvements — Municipal assessments.

Nothing in this Constitution shall be so construed as to prohibit the General Assembly from authorizing assessments on real property for local improvements, in towns and cities, under such regulations as may be prescribed by law; to be based upon the consent of a majority in value of the property-holders owning property adjoining the locality to be affected; but such assessments shall be ad valorem and uniform.

§ 28. Contributions.

(a)(1) It is unlawful for a candidate for public office or a person acting on the candidates behalf to:

(A) Accept a contribution from other than:

(i) An individual;

(ii) A political party that meets the definition of a political party under Arkansas Code § 7-1-101;

(iii) A political party that meets the requirements of Arkansas Code § 7-7-205;

(iv) A county political party committee;

(v) A legislative caucus committee; or

(vi) An approved political action committee; or

(B) Accept a contribution in excess of the maximum amount allowed by law per election from:

(i) An individual;

(ii) A political party that meets the definition of a political party under Arkansas Code § 7-1-101;

(iii) A political party that meets the requirements of Arkansas Code § 7-7-205;

(iv) A county political party committee;

(v) A legislative caucus committee; or

(vi) An approved political action committee.

(2) A candidate may accept a contribution or contributions up to the maximum amount allowed by law from a prospective contributor for each election, whether opposed or unopposed.

(b)(1) It is unlawful for an individual, a political party that meets the definition of a political party under Arkansas Code § 7-1-101, a political party that meets the requirements of Arkansas Code § 7-7-205, a county political party committee, a legislative caucus committee, or an approved political action committee to make a contribution to a candidate for public office, or to a person acting on the candidate's behalf, that in the aggregate exceeds the maximum amount allowed by law.

(2) The following entities may make a contribution or contributions up to the maximum amount allowed by law to a candidate, whether opposed or unopposed, for each election:

(A) An individual;

(B) A political party that meets the definition of a political party under Arkansas Code § 7-1-101;

(C) A political party that meets the requirements of Arkansas Code § 7-7-205;

(D) A county political party committee;

(E) A legislative caucus committee; or

(F) An approved political action committee.

(c) As used in this section:

(1)(A) "Approved political action committee" means any person that:

(i) Receives contributions from one (1) or more persons in order to make contributions to a candidate, ballot question committee, legislative question committee, political party, county political party committee, or other political action committee;

(ii) Does not accept any contribution or cumulative contributions in excess of five thousand dollars ($5,000) from any person in any calendar year; and

(iii) Registers pursuant to Arkansas Code § 7-6-215 prior to making contributions.

(B) "Approved political action committee" does not include an organized political party as defined in § 7-1-101, a county political party committee, the candidate's own campaign committee, an exploratory committee, or a ballot question committee or legislative question committee as defined in § 7-9-402;

(2) "Candidate" means an individual who has knowingly and willingly taken affirmative action, including solicitation of funds, for the purpose of seeking nomination for or election to any public office;

(3)(A) "Contribution" or "contributions" means, whether direct or indirect, advances, deposits, or transfers of funds, contracts, or obligations, whether or not legally enforceable, payments, gifts, subscriptions, assessments, payment for services, dues, advancements, forbearance, loans, or pledges or promises of money or anything of value, whether or not legally enforceable, to a candidate, committee, or holder of elective office made for the purpose of influencing the nomination or election of any candidate.

(B)(i) "Contribution" or "contributions" includes the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events; the granting of discounts or rebates by television and radio stations and newspapers not extended on an equal basis to all candidates for the same office; and any payments for the services of any person serving as an agent of a candidate or committee by a person other than the candidate or committee or persons whose expenditures the candidates or committee must report under Arkansas law.

(ii) "Contribution" or "contributions" further includes any transfer of anything of value received by a committee from another committee.

(C) "Contribution" or "contributions" does not include noncompensated, nonreimbursed, volunteer personal services or travel;

(4) "County political party committee" means a person that:

(A) Is organized at the county level for the purpose of supporting its affiliate party and making contributions;

(B) Is recognized by an organized political party, as defined in Arkansas Code § 7-1-101, as being affiliated with that political party;

(C) Receives contributions from one (1) or more persons in order to make contributions to a candidate, ballot question committee, legislative question committee, political party, political action committee, or other county political party committee;

(D) Does not accept any contribution or cumulative contributions in excess of five thousand dollars ($5,000) from any person in any calendar year; and

(E) Registers pursuant to Arkansas Code § 7-6-226 prior to making contributions;

(5)(A) "Election" means each election held to nominate or elect a candidate to any public office, including school elections.

(B) For the purposes of this section, a preferential primary, a general primary, a special election, and a general election shall each constitute a separate election;

(6) "Expenditure" or "expenditures" means a purchase, payment, distribution, gift, loan, or advance of money or anything of value, and a contract, promise, or agreement to make an expenditure, made for the purpose of influencing the nomination or election of any candidate;

(7)(A) "Exploratory committee" means a person that receives contributions which are held to be transferred to the campaign of a single candidate in an election.

(B) "Exploratory committee" does not include:

(i) A political party:

(a) That meets the definition of a political party under Arkansas Code § 7-1-101; or

(b) A political party that meets the requirements of Arkansas Code § 7-7-205; or

(ii) The candidate's own campaign committee;

(8)(A) "Legislative caucus committee" means a person that is composed exclusively of members of the General Assembly, that elects or appoints officers and recognizes identified legislators as members of the organization, and that exists for research and other support of policy development and interests that the membership hold in common.

(B) "Legislative caucus committee" includes, but is not limited to, a political party caucus of the General Assembly, the Senate, or the House of Representatives.

(C) An organization whose only nonlegislator members are the Lieutenant Governor or the Governor is a legislative caucus committee for the purposes of this section;

(9)(A) "Person" means any individual, proprietorship, firm, partnership, joint venture, syndicate, labor union, business trust, company, corporation, association, committee, or any other organization or group of persons acting in concert.

(B) "Person" includes:

(i) A political party that meets the definition of a political party under Arkansas Code § 7-1-101 or a political party that meets the requirements of Arkansas Code § 7-7-205;

(ii) A county political party committee; and

(iii) A legislative caucus committee; and

(10) "Public office" means an office created by or under authority of the laws of the State of Arkansas or of a subdivision thereof that is filled by the voters, except a federal office.

(d)(1) A person who knowingly violates this section is guilty of a Class A misdemeanor.

(2) In addition to the penalty under subdivision (d)(1) of this section, the General Assembly shall provide by law for this section to be under the jurisdiction of the Arkansas Ethics Commission, including without limitation authorization of the following actions by the Arkansas Ethics Commission:

(A) Promulgating reasonable rules to implement and administer this section as necessary;

(B) Issuing advisory opinions and guidelines on the requirements of this section; and

(C) Investigating complaints of alleged violations of this section and rendering findings and disciplinary action for such complaints.

(e)(1) Except as provided in subdivision (e)(2) of this section, the General Assembly, in the same manner as required for amendment of laws initiated by the people, may amend this section so long as such amendments are germane to this section and consistent with its policy and purposes.

(2) The General Assembly may amend subsection (d) of this section by a majority vote of each house. [As added by Const. Amend. 94, effective November 5, 2014.]

§ 29. Registration as a lobbyist by a former member of the General Assembly.

(a) A former member of the General Assembly shall not be eligible to be registered as a lobbyist under Arkansas Code § 21-8-601 et seq. until two (2) years after the expiration of the term of office for which he or she was elected.

(b) Subsection (a) of this section applies to all persons elected or reelected to the General Assembly on or after November 4, 2014.

(c)(1) A person who knowingly violates this section is guilty of a Class D felony.

(2) In addition to the penalty under subdivision (c)(1) of this section, the General Assembly shall provide by law for this section to be under the jurisdiction of the Arkansas Ethics Commission, including without limitation authorization of the following actions by the Arkansas Ethics Commission:

(A) Promulgating reasonable rules to implement and administer this section as necessary;

(B) Issuing advisory opinions and guidelines on the requirements of this section; and

(C) Investigating complaints of alleged violations of this section and rendering findings and disciplinary action for such complaints.

(d)(1) Except as provided in subdivision (d)(2) of this section, the General Assembly, in the same manner as required for amendment of laws initiated by the people, may amend this section so long as such amendments are germane to this section and consistent with its policy and purposes.

(2) The General Assembly may amend subsection (c) of this section by a majority vote of each house. [As added by Const. Amend. 94, effective November 5, 2014.]

§ 30. Gifts from lobbyists.

(a) Persons elected or appointed to the following offices shall not knowingly or willfully solicit or accept a gift from a lobbyist, a person acting on behalf of a lobbyist, or a person employing or contracting with a lobbyist:

(1) Governor;

(2) Lieutenant Governor;

(3) Secretary of State;

(4) Treasurer of State;

(5) Auditor of State;
(6) Attorney General;
(7) Commissioner of State Lands;
(8) Member of the General Assembly;
(9) Chief Justice of the Supreme Court;
(10) Justice of the Supreme Court;
(11) Chief Judge of the Court of Appeals;
(12) Judge of the Court of Appeals;
(13) Circuit court judge;
(14) District court judge;
(15) Prosecuting attorney; and
(16) Member of the independent citizens commission for the purpose of setting salaries of elected constitutional officers of the executive department, members of the General Assembly, justices, and judges under Article 19, § 31, of this Constitution.

(b) As used in this section:

(1)(A) "Administrative action" means a decision on, or proposal, consideration, or making of a rule, regulation, ratemaking proceeding, or policy action by a governmental body.

(B) "Administrative action" does not include ministerial action;

(2)(A) "Gift" means any payment, entertainment, advance, services, or anything of value, unless consideration of equal or greater value has been given therefor.

(B) "Gift" does not include:

(i)*(a)* Informational material such as books, reports, pamphlets, calendars, or periodicals informing a person elected or appointed to an office under subsection (a) of this section regarding his or her official duties.

(b) Payments for travel or reimbursement for any expenses are not informational material;

(ii) Gifts that are not used and which, within thirty (30) days after receipt, are returned to the donor;

(iii) Gifts from the spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin of a person elected or appointed to an office under subsection (a) of this section, or the spouse of any of these persons, unless the person is acting as an agent or intermediary for any person not covered by this subdivision (b)(2)(B)(iii);

(iv) Anything of value that is readily available to the general public at no cost;

(v)*(a)(1)* Food or drink available at a planned activity to which a specific governmental body is invited, including without limitation a governmental body to which a person elected or appointed to an office under subsection (a) of this section is not a member.

(2) If a committee of the General Assembly is invited to a planned activity under subdivision (b)(2)(B)(v)*(a)(1)* of this section, only members of the committee of the General Assembly may accept food or drink at the planned activity.

(b)(1) As used in this subdivision (b)(2)(B)(v), "planned activity" means an event for which a written invitation is distributed electronically or by other means by the lobbyist, person acting on behalf of a lobbyist, or a person employing or contracting with a lobbyist to the members of the specific governmental body at least twenty-four (24) hours before the event.

(2) As used in this subdivision (b)(2)(B)(v), "planned activity" does not include food or drink available at a meeting of a specific governmental body for which the person elected or

appointed to an office under subsection (a) of this section is entitled to receive per diem for attendance at the meeting.

(c) A lobbyist, a person acting on behalf of a lobbyist, or a person employing or contracting with a lobbyist shall not offer or pay for food or drink at more than one (1) planned activity in a seven-day period;

(vi)*(a)* Payments by regional or national organizations for travel to regional or national conferences at which the State of Arkansas is requested to be represented by a person or persons elected or appointed to an office under subsection (a) of this section.

(b) As used in this subdivision (b)(2)(B)(vi), "travel" means transportation, lodging, and conference registration fees.

(c) This section does not prohibit the acceptance of:

(1) Food, drink, informational materials, or other items included in the conference registration fee; and

(2) Food and drink at events coordinated through the regional or national conference and provided to persons registered to attend the regional or national conference;

(vii) Campaign contributions;

(viii) Any devise or inheritance;

(ix) Salaries, benefits, services, fees, commissions, expenses, or anything of value in connection with:

(a) The employment or occupation of a person elected or appointed to an office under subsection (a) of this section or his or her spouse so long as the salary, benefit, service, fee, commission, expense, or anything of value is solely connected with the person's employment or occupation and is unrelated to and does not arise from the duties or responsibilities of the office to which the person has been elected or appointed; or

(b) Service as an officer, director, or board member of a corporation, a firm registered to do business in the state, or other organization that files a state and federal tax return or is an affiliate of an organization that files a state and federal tax return by a person elected or appointed to an office under subsection (a) of this section or his or her spouse so long as the salary, benefit, service, fee, commission, expense, or anything of value is solely connected with the person's service as an officer, director, or board member and is unrelated to and does not arise from the duties or responsibilities of the office to which the person has been elected or appointed; and

(x) A personalized award, plaque, or trophy with a value of one hundred fifty dollars ($150) or less;

(3) "Governmental body" or "governmental bodies" means an office, department, commission, council, board, committee, legislative body, agency, or other establishment of the executive, judicial, or legislative branch of the state, municipality, county, school district, improvement district, or any political district or subdivision thereof;

(4)(A) "Income" means any money or anything of value received or to be received as a claim for future services, whether in the form of a retainer, fee, salary, expense, allowance, forbearance, forgiveness, interest, dividend, royalty, rent, or any other form of recompense or any combination thereof.

(B) "Income" includes a payment made under obligation for services or other value received;

(5) "Legislative action" means introduction, sponsorship, consideration, debate, amendment, passage, defeat, approval, veto, or any other official action or nonaction on any bill, ordinance, law, resolution, amendment, nomination, appointment, report, or other matter pending or proposed before a committee or house of the General Assembly, a quorum court, or a city council or board of directors of a municipality;

(6) "Legislator" means a person who is a member of the General Assembly, a quorum court of a county, or the city council or board of directors of a municipality;

(7) "Lobbying" means communicating directly or soliciting others to communicate with a public servant with the purpose of influencing legislative action or administrative action;

(8) "Lobbyist" means a person who:

(A) Receives income or reimbursement in a combined amount of four hundred dollars ($400) or more in a calendar quarter for lobbying one (1) or more governmental bodies;

(B) Expends four hundred dollars ($400) or more in a calendar quarter for lobbying one (1) or more governmental bodies, excluding the cost of personal travel, lodging, meals, or dues; or

(C) Expends four hundred dollars ($400) or more in a calendar quarter, including postage, for the express purpose of soliciting others to communicate with a public servant to influence any legislative action or administrative action of one (1) or more governmental bodies unless the communication has been filed with the Secretary of State or the communication has been published in the news media. If the communication is filed with the Secretary of State, the filing shall include the approximate number of recipients;

(9)(A) "Person" means a business, individual, union, association, firm, committee, club, or other organization or group of persons.

(B) As used in subdivision (b)(9)(A) of this section, "business" includes without limitation a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, receivership, trust, or any legal entity through which business is conducted;

(10)(A) "Public appointee" means an individual who is appointed to a governmental body.

(B) "Public appointee" does not include an individual appointed to an elective office;

(11)(A) "Public employee" means an individual who is employed by a governmental body or who is appointed to serve a governmental body.

(B) "Public employee" does not include a public official or a public appointee;

(12) "Public official" means a legislator or any other person holding an elective office of any governmental body, whether elected or appointed to the office, and shall include such persons during the time period between the date they were elected and the date they took office; and

(13) "Public servant" means all public officials, public employees, and public appointees.

(c)(1) A person who knowingly violates this section is guilty of a Class B misdemeanor.

(2) In addition to the penalty under subdivision (c)(1) of this section, the General Assembly shall provide by law for this section to be under the jurisdiction of the Arkansas Ethics Commission, including without limitation authorization of the following actions by the Arkansas Ethics Commission:

(A) Promulgating reasonable rules to implement and administer this section as necessary;

(B) Issuing advisory opinions and guidelines on the requirements of this section; and

(C) Investigating complaints of alleged violations of this section and rendering findings and disciplinary action for such complaints.

(3)(A) It is an affirmative defense to prosecution or disciplinary action under subdivisions (c)(1) and (2) of this section that a person elected or appointed to an office under subsection (a) of this section takes one (1) of the following actions within thirty (30) days of discovering or learning of an unintentional violation of this section:

(i) Returns the gift to the donor; or

(ii) If the gift is not returnable, pays the donor consideration that is equal to or greater than the value of the gift.

(B)(i) The Arkansas Ethics Commission shall not proceed with an investigation of an alleged violation of this section if the Arkansas Ethics Commission determines that a person would be eligible to raise the affirmative defense under subdivision (c)(3)(A) of this section.

(ii) If the Arkansas Ethics Commission does not proceed with an investigation of an alleged violation under subdivision (c)(3)(B)(i) of this section, the person shall not be considered to have committed a violation.

(C) This subdivision (c)(3) shall not be construed to authorize a person to knowingly or willfully solicit or accept a gift in violation of this section.

(d)(1) Except as provided in subdivision (d)(2) of this section, the General Assembly, in the same manner as required for amendment of laws initiated by the people, may amend this section so long as such amendments are germane to this section and consistent with its policy and purposes.

(2) The General Assembly may amend subsection (c) of this section by a majority vote of each house. [As added by Const. Amend. 94; as amended by Acts 2015, No. 1280, § 1.]

§ 31. Independent citizens commission.

(a) As provided in this section, members of the General Assembly shall have no authority to set salaries for:

(1) Their positions as members of the General Assembly;

(2) Elected constitutional officers of the executive department;

(3) Justices;

(4) Judges; and

(5) Prosecuting attorneys.

(b)(1) There is created an independent citizens commission for the purpose of setting salaries of elected constitutional officers of the executive department, members of the General Assembly, justices, judges, and prosecuting attorneys as provided in this section.

(2)(A) Each member of the independent citizens commission shall serve a term of four (4) years.

(B) A person shall not serve more than two (2) terms on the independent citizens commission.

(3) The independent citizens commission shall consist of seven (7) members as follows:

(A) Two (2) members appointed by the Governor;

(B) Two (2) members appointed by the President Pro Tempore of the Senate;

(C) Two (2) members appointed by the Speaker of the House of Representatives; and

(D) One (1) member appointed by the Chief Justice of the Supreme Court.

(4) Vacancies on the independent citizens commission shall be filled in the manner of the original appointment.

(5) The independent citizens commission shall elect from its membership:

(A) A chair; and

(B) Other officers deemed necessary by the independent citizens commission.

(6) Four (4) members of the independent citizens commission shall constitute a quorum for the purpose of transacting business.

(7) A majority vote of the total membership of the independent citizens commission is required for any action of the independent citizens commission.

(8) The office of the Auditor of State shall provide staff assistance as may be requested by the independent citizens commission.

(c)(1) In making appointments to the independent citizens commission, the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court shall consider racial, gender, and geographical diversity.

(2) A member of the independent citizens commission shall be:

(A) A citizen of the United States;

(B) A resident of the State of Arkansas for at least two (2) years preceding his or her appointment;

(C) A qualified elector; and

(D) At least twenty-five (25) years of age.

(3) The following persons shall not serve on the independent citizens commission:

(A) A person holding civil office;

(B) An employee of the State of Arkansas;

(C) A person required by law to register as a lobbyist; or

(D)(i) An immediate family member of:

(a) A person holding civil office;

(b) An employee of the State of Arkansas; or

(c) A person required by law to register as a lobbyist.

(ii) As used in subdivision (c)(3)(D)(i) of this section, immediate family member means a person's spouse, a child of the person or spouse, a child's spouse, a parent of the person or the spouse, a brother or sister of the person or the spouse, anyone living or residing in the same residence or household with the person or the spouse, or anyone acting or serving as an agent of the person.

(d) The independent citizens commission shall have the duty to review and adjust as it deems necessary the salaries for the following positions:

(1) Governor;

(2) Lieutenant Governor;

(3) Attorney General;

(4) Secretary of State;

(5) Treasurer of State;

(6) Auditor of State;

(7) Commissioner of State Lands;

(8) Member of the General Assembly;

(9) Chief Justice of the Supreme Court;

(10) Justice of the Supreme Court;

(11) Chief Judge of the Court of Appeals;

(12) Judge of the Court of Appeals;

(13) Circuit court judge;

(14) District court judge; and

(15) Prosecuting attorney.

(e)(1) The salaries of the positions under subsection (d) of this section:

(A) Shall not be subject to appropriation by the General Assembly; and

(B) Shall be paid from the Constitutional Officers Fund or its successor fund or fund accounts in the amount determined by the independent citizens commission.

(2)(A) If the independent citizens commission proposes to adjust a salary for a position under subsection (d) of this section, the independent citizens commission shall:

(i) Provide notice to the public of the proposed salary adjustment;

(ii) Make available to the public any data reviewed by the independent citizens commission in determining the proposed salary adjustment; and

(iii)*(a)* Afford the public a reasonable opportunity to provide public comment on the proposed salary adjustment.

(b) The opportunity for public comment under subdivision (e)(2)(A)(iii)*(a)* of this section shall not exceed forty-five (45) days.

(B) A proposed salary adjustment of the independent citizens commission shall not be considered a rule under the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

(3) Upon satisfying (e)(2)(A)(i)-(iii) of this section, the independent citizens commission may file the adjusted salary with the Auditor of State.

(4) An adjustment to a salary shall be effective ten (10) days after it is filed with the Auditor of State.

(5) When considering whether or not to adjust a salary for a position under subsection (d) of this section, the independent citizens commission shall include in its considerations the overall economic condition of the state at that time.

(f)(1)(A) The independent citizens commission, by a majority vote of the total membership of the independent citizens commission cast during its first regularly scheduled meeting of each calendar year, may authorize payment to its members of a stipend not to exceed eighty-five dollars ($85.00) per day for each meeting attended or for any day while performing any proper business of the independent citizens commission.

(B) Stipends shall be paid by the Auditor of State from funds available for that purpose.

(2) Members of the independent citizens commission shall receive no other compensation, expense reimbursement, or in-lieu-of payments.

(g)(1) The independent citizens commission shall provide that the salaries of circuit judges be uniform throughout the state.

(2)(A) Except as provided in this subdivision (g)(2), the independent citizens commission may increase or diminish the salaries for the positions under subsection (d) of this section.

(B) The independent citizens commission may increase but not diminish the salaries for the positions under subdivisions (d)(9)-(14) of this section.

(3)(A) Except as provided in subdivision (g)(3)(B) and subdivision (m)(4)(B) of this section, no single adjustment at any one (1) time to a salary by the independent citizens commission shall exceed fifteen percent (15%) of the salary to be increased or diminished.

(B) Salary adjustments resulting from the initial review of the independent citizens commission under subdivision (i)(3) of this section shall not be subject to subdivision (g)(3)(A) of this section.

(4) The independent citizens commission shall provide for salaries to be paid in monthly installments.

(h) Salaries for the positions under subsection (d) of this section shall continue as existing on November 4, 2014, until adjusted by the independent citizens commission.

(i)(1) Initial members of the independent citizens commission shall be appointed within thirty (30) days of the effective date of this section.

(2) The President Pro Tempore of the Senate shall call the first meeting of the independent citizens commission, which shall occur within forty-five (45) days of the effective date of this section.

(3)(A) The independent citizens commission:

(i) Shall complete an initial review of the salaries for the positions under subsection (d) of this section no later than ninety (90) days after the effective date of this section; and

(ii) May file any adjustments in salary resulting from the initial review with the Auditor of State upon satisfying (e)(2)(A)(i)-(iii) of this section.

(B) No later than ninety (90) days after the effective date of this section, the independent citizens commission shall also provide recommendations to the President Pro Tempore of the Senate and the Speaker of the House of Representatives concerning the amounts to be paid to members of the General Assembly for:

(i) Per diem;

(ii) Reimbursement for expenses; and

(iii) Reimbursement for mileage.

(4)(A) After completing the initial review under subdivision (i)(3) of this section, the independent citizens commission shall meet as necessary to review the salaries of the positions under subsection (d) of this section but shall not meet less than one (1) time per year.

(B) The independent citizens commission may adjust the salaries of the positions under subsection (d) of this section as provided in this section as it deems necessary.

(j) No later than ninety (90) days before the commencement of a regular session, the independent citizens commission shall provide recommendations to the President Pro Tempore of the Senate and the Speaker of the House of Representatives concerning the amounts to be paid to members of the General Assembly for:

(1) Per diem;

(2) Reimbursement for expenses; and

(3) Reimbursement for mileage.

(k) The independent citizens commission shall be subject to the Freedom of Information Act of 1967, Arkansas Code § 25-19-101 et seq.

(l) The General Assembly, in the same manner as required for amendment of laws initiated by the people, may amend this section, so long as such amendments are germane to this section and consistent with its policy and purposes. [As added by Const. Amend. 94, effective November 5, 2014.]

(m)(1) Salaries for the positions under subdivision (d)(15) of this section shall continue as existing on November 4, 2014, until adjusted by the independent citizens commission.

(2) No later than thirty (30) days after March 20, 2015, the independent citizens commission shall begin a study of salaries for the positions under subdivision (d)(15) of this section.

(3) The independent citizens commission shall complete its review of the salaries for the positions under subdivision (d)(15) of this section no later than thirty (30) days after the date it begins its study under subdivision (m)(2) of this section.

(4)(A) If at the conclusion of its study under subdivision (m)(2) of this section the independent citizens commission determines that a salary revision for the positions under subdivision (d)(15) is appropriate, the independent citizens commission shall propose an adjustment under subsection (e) of this section.

(B) Initial salary revisions for the positions under subdivision (d)(15) resulting from the study under subdivision (m)(2) of this section are not subject to subdivision (g)(3)(A) of this section. [As added by Const. Amend. 94; as amended by Acts 2015, No. 559, § 2.]

Article 20

"Holford" Bonds Not to Be Paid

The General Assembly shall have no power to levy any tax, or make any appropriations, to pay either the principal or interest, or any part thereof, of any of the following bonds of the State, or the claims, or pretended claims, upon which they may be based, to-wit: Bonds issued under an act of the General Assembly of the State of Arkansas, entitled, "An act to provide for the funding of the public debt of the State," approved April 6th, A. D. 1869, and numbered from four hundred and ninety-one to eighteen hundred and sixty, inclusive, being the "funding bonds," delivered to F. W. Caper, and sometimes called "Holford bonds;" or bonds known as railroad aid bonds, issued under an act of the General Assembly of the State of Arkansas, entitled, An act to aid in the construction of railroads, approved July 21, A. D. 1868; or bonds called "levee bonds," being bonds issued under an act of the General Assembly of the State of Arkansas, entitled "An act providing for the building and repairing the public levees of the State, and for other purposes," approved March 16, A. D. 1869, and the supplemental act thereto, approved April 12, 1869; and the act entitled "An act to amend an act entitled an act providing for the building and repairing of the public levees of this State," approved March 23, A. D. 1871, and any law providing for any such tax or appropriation, shall be null and void. [Added by Const. Amend. 1.]

SCHEDULE

§ 1. Retention of existing laws — Sealed instruments.

All laws now in force, which are not in conflict or inconsistent with this Constitution, shall continue in force until amended or repealed by the General Assembly, and all laws exempting property from sale on execution, or by decree of a court, which were in force at the time of the adoption of the Constitution of 1868, shall remain in force with regard to contracts made before that time. Until otherwise provided by law no distinction shall exist between sealed and unsealed instruments, concerning contracts between individuals, executed since the adoption of the Constitution of 1868; Provided: That the statutes of limitation with regard to sealed and unsealed instruments in force at that time, continue to apply to all instruments afterward executed, and until altered or repealed.

§ 2. [Repealed.]

§ 3. First general election.

An election shall be held at the several election precincts of every county in the State, on Tuesday, the thirteenth day of October, 1874, for Governor, Secretary of State, Auditor, Treasurer, Attorney-General, Commissioner of State Lands, (for two years unless the office is sooner abolished by the General Assembly), Chancellor, and Clerk of the separate Chancery court of Pulaski county, Chief Justice and two Associate Justices of the Supreme Court, a Circuit Judge and Prosecuting Attorney for each Judicial Circuit provided for in this Constitution; Senators and Representatives to the General Assembly, all county and township officers provided for in this Constitution; and also for the submission of this Constitution to the qualified electors of the State, for its adoption or rejection.

§ 4. Qualifications of voters.

The qualification of voters at the election, to be held as provided in this schedule, shall be the same as is now prescribed by law.

§ 5. Notice of election.

The State Board of Supervisors, hereinafter mentioned, shall give notice of said election immediately after the adoption of this Constitution by this Convention, by proclamation in at least two newspapers published at Little Rock, and such other newspapers as they may select. And each county board of Supervisors, shall give public notice in their respective counties, of said election, immediately after their appointment.

§ 6. Governor's proclamation.

The Governor shall also issue a proclamation enjoining upon all peace officers the duty of preserving good order on the day of said election, and preventing any disturbance of the same.

§ 7. State board of supervisors.

Augustus H. Garland, Gordon N. Peay and Dudley E. Jones are hereby constituted a State Board of Supervisors of said election, who shall take an oath faithfully and impartially to discharge the duties of their office; a majority of whom shall be a quorum, and who shall perform the duties herein assigned them. Should a vacancy occur in said Board, by refusal to serve, death, removal, resignation, or otherwise; or if any member should become incapacitated from performing said duties, the remaining members of the Board shall fill the vacancy by appointment. But if all the places on said Board become vacant at the same time, the said vacancies shall be filled by the President of this Convention.

§ 8. County board of supervisors.

Said State Board shall at once proceed to appoint a Board of Election Supervisors for each County of this State, consisting of three men of known intelligence and uprightness of character, who shall take the same oath as above provided for the State Board. A majority of each Board shall constitute a quorum, and shall perform the duties herein assigned to them; and vacancies occurring in the County Boards shall be filled by the State Board.

§ 9. Poll books and ballot boxes — First election.

The State Board shall provide the form of poll books and each County Board shall furnish the Judges of each election precinct with three copies of the poll books in the form prescribed, and with ballot-boxes at the expense of the county.

§ 10. Copies of Constitution to be distributed.

The State Board of Supervisors shall cause to be furnished in pamphlet form a sufficient number of copies of this Constitution to supply each County Supervisor and Judge of Election with a copy, and shall forward the same to the County Election Boards for distribution.

§ 11. Judges and clerks of first election.

The Boards of County Election Supervisors shall at once proceed to appoint three Judges of Election for each election precinct in their respective counties; and the Judges shall appoint

three Election Clerks for their respective precincts, all of whom shall be good, competent men, and take an oath as prescribed above. Should the Judges of any election precinct fail to attend at the time and place provided by law, or decline to act, the assembled electors shall choose competent persons, in the manner provided by law, to act in their place, who shall be sworn as above.

§ 12. Conduct of first election.

Said election shall be conducted in accordance with existing laws, except as herein provided. As the electors present themselves at the polls to vote, the judges of the election shall pass upon their qualifications and the clerks of the election shall register their names on the poll-books if qualified; and such registration by said clerks shall be a sufficient registration in conformity with the Constitution of this State, and then their votes shall be taken.

§ 13. Style of ballot.

Each elector shall have written or printed on his ticket "For Constitution," or "Against Constitution," and also the offices and the names of the candidates for the offices for whom he desires to vote.

§ 14. Manner of voting.

The judges shall deposit the tickets in the ballot-box; but no elector shall vote outside of the township or ward in which he resides. The names of the electors shall be numbered, and the corresponding numbers shall be placed on the ballots by the judges when deposited.

§ 15. Dram shops to be closed — First election.

All dram shops and drinking houses in this State shall be closed during the day of said election, and the succeeding night; and any person selling or giving away intoxicating liquors during said day or night shall be punished by fine, not less than two hundred dollars, for each and every offense, or imprisoned not less than six months, or both.

§ 16. Hours of voting — Counting of ballots — Returns.

The polls shall be opened at eight o'clock in the forenoon, and shall be kept open until sunset. After the polls are closed the ballots shall be counted by the judges at the place of voting, as soon as the polls are closed, unless prevented by violence or accident; and the results by them certified on the poll-books, and the ballots sealed up. They shall be returned to the County Board of Election Supervisors, who shall proceed to cast up the votes and ascertain and state the number of votes cast for the Constitution and the number cast against the Constitution, and also the number of votes cast for each candidate voted for for any office, and shall forthwith forward to the State Board of Supervisors, duly certified by them, one copy of the statement or abstracts of the votes so made out by them, retain one copy in their possession, and file one copy in the office of the County Clerk, where they shall also deposit, for safe-keeping, the ballots, sealed up, and one copy of the poll-books, retaining possession of the other copies.

§ 17. Publication of result.

The State Board of Supervisors shall at once proceed, on receiving such returns from the County Boards, to ascertain therefrom, and state the whole number of votes given for the Constitution, and the whole number given against it; and if a majority of all votes cast in favor of

the Constitution, they shall at once make public the fact by publication in two or more of the leading newspapers published in the city of Little Rock, and this Constitution, from that date, shall be in force; and they shall also make out and file, in the office of the Secretary of State an abstract of all the votes cast for the Constitution, and all votes cast against it; and also an abstract of all votes cast for every candidate voted for at the election, and file the same in the office of the Secretary of State, showing the candidate elected. They shall also make out and certify, and lay before each house of the General Assembly a list of the members elected to that house; and shall also make out, certify and deliver to the Speaker of the House of Representatives an abstract of all votes cast at the election, for any and all persons for the office of Governor, Secretary of State, Treasurer of State, Auditor of State, Attorney General and Commissioner of State Lands, and the said Speaker shall cast up the votes and announce the names of the persons elected to these offices. The Governor, Secretary of State, Treasurer of State, Auditor of State, Attorney-General and Commissioner of State Lands chosen at said election shall qualify and enter upon the discharge of the duties of their respective offices within fifteen days after the announcement of their election as aforesaid.

§ 18. Commissions — Officers elected at first election.

All officers shown to be elected by the abstract of said election filed by the State Board of Supervisors in the office of the Secretary of State, required by this Constitution to be commissioned, shall be commissioned by the Governor.

§ 19. Election of representatives and senators — First election.

At said election the qualified voters of each County and Senatorial District, as defined in article eight of this Constitution, shall elect, respectively, Representatives and Senators according to the numbers and apportionment contained in said article. The Board of Election Supervisors of each county shall furnish certificates of election to the person or persons elected to the House of Representatives as soon as practicable after the result of the election has been ascertained; and such Board of Election Supervisors in each county shall make a correct return of the election for Senator or Senators to the Board of Election Supervisors of the county first named in the Senatorial apportionment, and said Board shall furnish certificates of election to the person or persons elected as Senator or Senators in said Senatorial district as soon as practicable.

§ 20. When officers to enter upon duties.

All officers elected under this Constitution, except the Governor, Secretary of State, Auditor of State, Treasurer, Attorney-General and Commissioner of State Lands shall enter upon the duties of their several offices when they shall have been declared duly elected by said State Board of Supervisors, and shall have duly qualified. All such officers shall qualify and enter upon the duties of their offices within fifteen days after they have been duly notified of their election.

§ 21. Prior incumbents to vacate office.

Upon the qualification of the officers elected at said election the present incumbents of the offices for which the election is held shall vacate the same and turn over to the officers thus elected and qualified, all books, papers, records, moneys and documents belonging or pertaining to said offices by them respectively held.

§ 22. First session of General Assembly.

The first session of the General Assembly under this constitution shall commence on the first Tuesday after the second Monday in November, 1874.

§ 23. Transfer of jurisdiction of courts.

The County Courts provided for in this Constitution shall be regarded in law as a continuation of the Boards of Supervisors now existing by law, and the Circuit Courts shall be regarded in law as continuations of the Criminal Courts wherever the same may have existed in their respective counties: and the Probate Courts shall be regarded as continuations of the Circuit Courts for the business within the jurisdiction of such Probate Courts, and the papers and records pertaining to said courts and jurisdictions shall be transferred accordingly; and no suit or prosecution of any kind shall abate because of any change made in this Constitution.

§ 24. Present incumbents to hold until successors qualify.

All officers now in office whose offices are not abolished by this Convention, shall continue in office and discharge the duties imposed on them by law, until their successors are elected and qualified under this Constitution. The office of Commissioner of State Lands shall be continued; Provided, That the General Assembly at its next session may abolish or continue the same in such manner as may be prescribed by law.

§ 25. Fraud in first election.

Any election officer, appointed under the provisions of this schedule, who shall fraudulently and corruptly permit any person to vote illegally or refuse the vote of any qualified elector, cast up or make a false return of said election, shall be deemed guilty of a felony, and on conviction thereof, shall be imprisoned in the penitentiary not less than five years nor more than ten years. And any person who shall vote when not a qualified elector, or vote more than once, or bribe any one to vote contrary to his wishes, or intimidate or prevent any elector by threats, menace or promises from voting, shall be guilty of a felony, and upon conviction thereof, shall be imprisoned in the penitentiary not less than one, nor more than five years.

§ 26. Tenure of officers elected.

All officers elected at the election provided for in this schedule shall hold their offices for the respective periods provided for in the foregoing Constitution, and until their successors are elected and qualified. The first general elections after the ratification of this Constitution shall be held on the first Monday of September A. D. 1876. Nothing in this Constitution and the schedule thereto shall be so construed as to prevent the election of congressmen at the time as now prescribed by law.

§ 27. Appropriation for expenses of election.

The sum of five thousand dollars is hereby appropriated out of any money in the treasury, not otherwise appropriated, to defray the expenses of the election provided for in this schedule, and the Auditor of State shall draw his warrants on the Treasurer for such expenses, not exceeding said amount, on the certificate of the State Board of Supervisors of election.

§ 28. Salaries of officers.

For the period of two years from the adoption of this Constitution, and until otherwise provided by law, the respective officers herein enumerated shall receive for their services the following salaries per annum:

For Governor, the sum of	$3,500
For Secretary of State, the sum of	2,000
For Treasurer, the sum of	2,500
For Auditor, the sum of	2,500
For Attorney General, the sum of	2,000
For Commissioner of State Lands, the sum of	2,000
For Judges of Supreme Court, each, the sum of	3,500
For Judges of Circuit and Chancery Courts, each, the sum of	2,500
For Prosecuting Attorneys, each, the sum of	400

For members of the General Assembly, the sum of $6 per day, and twenty cents per mile for each mile traveled in going to and returning from the seat of government over the most direct and practicable route. [Certain constitutional amendments have superseded this section. For current law, see Const. Amends. 21, 43, and 56.]

Done in Convention, at Little Rock, the Seventh day of September in the year of our Lord one thousand eight hundred and seventy four and of the Independence of the United States the ninety-ninth.

In Witness Whereof, we have hereunto subscribed our names.

GRANDISON D. ROYSTON,
President of the Convention, and
Delegate from the County of Hempstead.

THOMAS W. NEWTON,
Secretary.

A. M. RODGERS, Delegate from Benton County.
HORACE H. PATTERSON, Delegate from Benton County.
W. W. BAILEY, Delegate from Boone County.
JNO. R. HAMPTON, Delegate from Bradley County.
JOHN W. CYPERT, Delegate from Baxter County.
BRADLEY BUNCH, Delegate from Carroll County.
JESSE A. ROSS, Delegate from Clark County.
H. F. THOMASON, Delegate from Crawford County.
W. D. LEIPER, Delegate from Dallas County.
WM. J. THOMPSON, Delegate from Woodruff County.
JAMES A. GIBSON, Delegate from Arkansas County.
HENRY W. CARTER, Delegate from Pike County.
DANIEL F. REINHARDT, Delegate from Prairie County.
ELIJAH MOSELEY, Delegate from Ouachita County.
STEPHEN C. BATES, Delegate from Polk County.
G. P. SMOOTE, Delegate from Columbia County.
D. L. KILLGORE, Delegate from Columbia County.

WILLIAM S. HANNA, Delegate from Conway County.
JOHN S. ANDERSON, Delegate from Craighead County.
J. G. FRIERSON, Delegate from Cross County.
E. FOSTER BROWN, Delegate from Clayton County.
JAS. P. STANLEY, Delegate from Drew County.
JOHN NIVEN, Delegate from Dorsey County.
WILLIAM W. MANSFIELD, Delegate from the County of Franklin.
JOHN DUNAWAY, Delegate from the County of Faulkner.
DAVIDSON D. CUNNINGHAM, Delegate from the County of Grant.
BEN H. CROWLEY, Delegate from the County of Greene.
H. M. RECTOR, Delegate from Garland County.
JN. R. EAKIN, Delegate from Hempstead County.
W. C. KELLY, Delegate from Hot Spring County.
J. W. BUTLER, Delegate from Independence County.
JAMES RUTHERFORD, Delegate from Independence County.
RANSOM GULLEY, Delegate from Izard County.
FRANKLIN DOSWELL, Delegate from Jackson County.
JNO. A. WILLIAMS, Delegate from Jefferson County.
SETH J. HOWELL, Delegate from Johnson County.
PHILIP K. LESTER, Delegate from Lawrence County.
J. H. WILLIAMS, Delegate from Little River County.
J. P. EAGLE, Delegate from Lonoke County.
REASON G. PUNTNEY, Delegate from Lincoln County.
MONROE ANDERSON, Delegate from Lee County.
JOHN CARROLL, Delegate from Madison County.
S. P. HUGHES, Delegate from Monroe County.
NICHOLAS W. CABLE, Delegate from Montgomery County.
CHARLES BOWEN, Delegate from Mississippi County.
R. K. GARLAND, Delegate from Nevada County.
HENRY G. BUNN, Delegate from Ouachita County.
W. H. BLACKWELL, Delegate from Perry County.
JNO. J. HORNOR, Delegate from Phillips County.
JNO. R. HOMER SCOTT, Delegate from the County of Pope.
JOHN MILLER, JR., Delegate from the County of Randolph.
SIDNEY M. BARNES, Delegate from the County of Pulaski.
JABEZ M. SMITH, Delegate from Saline County.
BEN B. CHISM, Delegate from the County of Sarber.
J. W. SORRELS, Delegate from Scott County.
W. S. LINDSEY, Delegate from Searcy County.
R. P. PULLIAM, Delegate from Sebastian County.
W. M. FISHBACK, Delegate from Sebastian County.
B. H. KINSWORTHY, Delegate from Sevier County.
LEWIS WILLIAMS, Delegate from Sharp County.
JOHN M. PARROTT, Delegate from Saint Francis County.
WALTER J. CAGLE, Delegate from Stone County.
HORATIO G. P. WILLIAMS, Delegate from Union County.
ROBT. GOODWIN, Delegate from Union County.
A. R. WITT, Delegate from Van Buren County.

R. P. POLK, Delegate from Phillips County.
T. W. THOMASON, Delegate from Washington County.
BENJAMIN F. WALKER, Delegate from Washington County.
M. F. LAKE, Delegate from Washington County.
JESSE N. CYPERT, Delegate from White County.
J. W. HOUSE, Delegate from White County.
JOSEPH T. HARRISON, Delegate from Yell County.
MARCUS L. HAWKINS, Delegate from Ashley County.
EDWIN R. LUCAS, Delegate from Fulton County.
BENJAMIN W. JOHNSON, Delegate from Calhoun County.
RODERICK JOYNER, Delegate from Poinsett County.

PROCLAMATION

By The
STATE BOARD OF ELECTION SUPERVISORS

Office of State Board of Election Supervisors,
Little Rock, Ark., October 30, 1874.

In pursuance of the provisions of section seventeen of the schedule to the Constitution recently framed for the State of Arkansas, the undersigned do hereby proclaim and make known that at a general election held on the thirteenth day of October, A. D. 1874, the following votes were cast "For" and "Against" said Constitution in the several counties of said State, as appears by the official returns made to said board by the county boards of election supervisors, to-wit:

[Here follows a tabulation of the vote by counties.]

Total Vote "For Constitution"	78,697
Total Vote "Against Constitution"	24,807
Majority "For Constitution"	53,890

Given under our hands this thirtieth day of October, 1874.

U. M. ROSE,
DUDLEY E. JONES,
GORDON N. PEAY,
State Board of Election Supervisors.

AMENDMENTS TO THE CONSTITUTION OF ARKANSAS OF 1874

AMEND. 1.
"HOLFORD" BONDS (CONST., ART. 20, ADDED).

AMEND. 2.
REGULATION OF CARRIERS (CONST., ART. 17, § 10, AMENDED).

AMEND. 3.
COUNTY ROAD TAX [REPEALED.]

AMEND. 4.
SURETIES ON OFFICIAL BONDS (CONST., ART. 19, § 21, AMENDED).

AMEND. 5.
PER DIEM AND MILEAGE OF GENERAL ASSEMBLY (CONST., ART. 5, § 16, AMENDED).

AMEND. 6.
EXECUTIVE DEPARTMENT AND OFFICERS (CONST., ART. 6, § 1, AMENDED AND SECTIONS ADDED).

§ 1. Executive department.

§ 2. Executive power vested in Governor and Lieutenant Governor.

The executive power shall be vested in a Governor, who shall hold office for two years; a Lieutenant Governor shall be chosen at the same time and for the same term. The Governor and Lieutenant Governor elected next preceding the time when this section shall take effect shall hold office until and including the second Monday of September, and their successors shall be chosen at the general election in that year.

§ 3. Election of Governor and Lieutenant Governor.

The Governor and Lieutenant Governor shall be elected at the times and places of choosing members of the Assembly. The persons respectively having the highest number of votes for Governor and Lieutenant Governor shall be elected, but in case two or more shall have an equal and the highest number of votes for Governor, or for Lieutenant Governor, the two houses of the Legislature at its next annual session shall forthwith, by joint ballot, choose one of the said persons so having an equal and the highest number of votes for Governor or Lieutenant Governor.

§ 4. Lieutenant Governor acting as Governor.

In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the powers and duties of the said office, resignation or absence from the State, the powers and duties of the office, shall devolve upon the Lieutenant Governor for the residue of the term, or until the disability shall cease. But when the Governor shall, with the consent of the Legislature, be out of the State, in time of war, at the head of a military force thereof, he shall continue commander-in-chief of all the military force of the State.

§ 5. Qualifications and duties of Lieutenant Governor — Succession to the governorship.

The Lieutenant Governor shall possess the same qualifications of eligibility for the office as the Governor. He shall be President of the Senate, but shall have only a casting vote therein in case of a tie vote. If during a vacancy of the office of Governor, the Lieutenant Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of his office or be absent from the State, the President of the Senate shall act as Governor until the vacancy be filled or the disability shall cease; and if the President of the Senate for any of the above causes shall become incapable of performing the duties pertaining to the office of Governor, the Speaker of the Assembly shall act as Governor until the vacancy be filled or the disability shall cease.

§ 6. [Repealed.]

[Repealed by Const. Amend. 94, effective November 5, 2014.]

AMEND. 7.
INITIATIVE AND REFERENDUM (CONST., ART. 5, § 1, AMENDED).

AMEND. 8.
QUALIFICATIONS OF ELECTORS (CONST., ART. 3, § 1, AMENDED).

AMEND. 9.
SUPREME COURT.

§ 1. Enlargement — Sitting in division.

The Supreme Court shall be composed of five judges, one of whom shall be styled Chief Justice and elected as such, any three of whom shall in every case be necessary to a decision. Provided if it should hereafter become necessary to increase the number of the judges of the Supreme Court, the Legislature may provide for two additional judges and may also provide for the court sitting in divisions under such regulations as may be prescribed by law; provided further, that should the court sit in divisions, in all cases where the construction of the Constitution is involved, the cause shall be heard by the court in banc, and in all cases when a judge of a division dissents from the opinion therein, at the request of the Chief Justice, or such dissenting justice, the cause shall be transferred to the court in banc for its decision.

§ 2. [Repealed.]

[Repealed by Const. Amend. 94, effective November 5, 2014.]

AMEND. 10.
LIMITATION ON LEGISLATIVE AND TAXING POWER (CONST., ART. 12, § 4, AMENDED).

AMEND. 11.
SCHOOL TAX (CONST., ART. 14, § 3, AMENDED).

AMEND. 12.
TEXTILE MILLS, TAX EXEMPTION.

Cotton mills tax exempt for seven years.

All capital invested in a textile mill in this state for the manufacture of cotton and fiber goods in any manner shall be and is hereby declared to be exempt from taxation for a period of seven years from the date of the location of said textile mill.

AMEND. 13.
[REPEALED.]

AMEND. 14.
LOCAL ACTS.

Local or special acts prohibited — Rights to repeal acts by legislature.

The General Assembly shall not pass any local or special act. This amendment shall not prohibit the repeal of local or special acts.

AMEND. 15.
[REPEALED.]

[Repealed by Const. Amend. 94, effective November 5, 2014.]

AMEND. 16.
JURY TRIAL (CONST., ART. 2, § 7, AMENDED).

AMEND. 17.
[REPEALED.]

AMEND. 18.
TAX TO AID INDUSTRIES.

City tax. — It being most apparent that factories, industries and transportation facilities are necessary for the development of a community and for the welfare of its inhabitants, a special tax not exceeding five mills on the dollar of all taxable property in cities of the first class located in counties now or hereafter having not less than one hundred five thousand population, in addition to other taxes now provided by law, may be levied in such cities for the period that may be provided by law, when petitioned for by ten per cent of the owners of real property in such city and on consent of a majority of the electors of such city voting on the question.

The proceeds of such tax shall be expended by a board of three commissioners, each of whom shall be taxpayer in such city, said commissioners, to serve for such term as may be provided by law without compensation, except actual expenses. One of the commissioners shall be selected by a majority of the judges of the Supreme Court, sitting as a board, one by a majority of the judges of the Circuit, County and Chancery Courts of the county, sitting as a board, and one by a majority of the banks and trust companies located in such city whose representatives shall sit as a board. Where there are two such cities in such county and the tax herein provided for has been voted in each, one board of commissioners may be appointed for both cities if a majority of the boards having the appointive power deem best, and in that event a majority of the banks and trust companies in both cities shall appoint one commissioner, and the proceeds of the tax shall be expended for the benefit of both cities.

The proceeds of such tax may be expended as may be provided by law for the purpose of securing the location of factories, industries, river transportation and facilities therefor within and adjacent to such cities or other public purposes, exclusive of charities and those now within the powers of said cities to perform, and expenditures may also be made for advertising such cities and the State, or making secured loans to such factories and industries, or for any other public purpose

that may be provided by law, connected with securing the location of such factories and industries and encouraging them.

The provisions of this amendment are separable, and if any should be held invalid the remainder shall stand.

AMEND. 19.
PASSAGE OF LAWS (CONST., ART. 5, §§ [37]-[41], ADDED).

AMEND. 20.
STATE BONDS.

Bonds prohibited except when approved by majority vote of electors. — Except for the purpose of refunding the existing outstanding indebtedness of the State and for assuming and refunding valid outstanding road improvement district bonds, the State of Arkansas shall issue no bonds or other evidence of indebtedness pledging the faith and credit of the State or any of its revenues for any purpose whatsoever, except by and with the consent of the majority of the qualified electors of the State voting on the question at a general election or at a special election called for that purpose.

AMEND. 21.
CRIMINAL PROSECUTIONS — SALARIES OF PROSECUTORS.

§ 1. Prosecution by indictment or information.

All offenses heretofore required to be prosecuted by indictment may be prosecuted either by indictment by a grand jury or information filed by the Prosecuting Attorney.

§ 2. Salaries of prosecuting attorneys.

The General Assembly of Arkansas shall by law determine the amount and method of payment of salaries of prosecuting attorneys.

AMEND. 22.
EXEMPTION OF HOMESTEADS FROM CERTAIN STATE TAXES.

§ 1. Homesteads of $1,000.00 assessed valuation exempted from certain taxes.

The homestead of each and every resident of the State, whether or not such resident be married or unmarried, male or female, shall be wholly exempt from all state taxes authorized or referred to in Section 8 of Article 16 of the Constitution of Arkansas in all cases where such homestead does not exceed the assessed valuation of one thousand dollars ($1,000.00). Where the assessed valuation of such homestead exceeds one thousand dollars ($1,000.00) this exemption shall apply to the first one thousand dollars ($1,000.00) of such valuation.

§ 2. Legislature authorized to make further exemptions.

Within a maximum limit of two thousand five hundred dollars ($2,500.00) and a minimum limit of one thousand dollars ($1,000.00), the legislature is hereby authorized and empowered from time to time to fix the amount of the exemption hereby provided.

§ 3. Legislature to restore tax funds eliminated hereby, and to pass enabling law.

It is hereby made the duty of the legislature, and the legislature is hereby directed:

(a) Fully and completely to replace or restore any and all funds which will or may be eliminated, diminished or otherwise affected hereby or hereunder; but the legislature shall not, in order to accomplish that purpose, impose or levy any new form of tax.

(b) To enact, without unnecessary delay, all legislation necessary and sufficient to make this amendment in all respects effective and workable.

§ 4. No notes or bonds of state impaired hereby.

Nothing herein shall ever be construed, applied or administered so as to impair any right of any holder of any bond, note or other obligation heretofore issued or assumed by the state and now outstanding; but this amendment shall in every respect be construed, applied and administered so as fully to protect all the legal rights of all such holders.

§ 5. Amendment in effect, when.

After and as soon as, and not before, the legislature shall have fulfilled the requirements of section 3 hereof, this amendment or any legislation enacted in pursuance of section 2, shall be in full force and effect.

AMEND. 23.
APPORTIONMENT (CONST., ART. 8, AMENDED).

AMEND. 24.
PROBATE COURTS — CIRCUIT AND COUNTY CLERKS (CONST., ART. 7, §§ 19, 34, 35, AMENDED).

AMEND. 25.
[REPEALED.]

AMEND. 26.
WORKERS' COMPENSATION (CONST., ART. 5, § 32, AMENDED).

AMEND. 27.
EXEMPTING NEW MANUFACTURING ESTABLISHMENT FROM TAXATION.

Power to exempt — Duration.

The Governor and the Agricultural and Industrial Commission (or the agency created by law to assist in the industrial development of Arkansas) may investigate and contract with the owners of any new manufacturing or processing establishment to be located in the State, or owners making addition or additions to any manufacturing or processing establishment already located in the State, for the exemption from State property taxation of any such new manufacturing or processing establishment, or any addition or additions to any such existing manufacturing or processing establishment, upon such terms and conditions as the Governor and the said Commission may deem to the best interests of the State; provided, that no exemption from taxes shall be granted under this amendment for a longer period than ten (10) calendar years succeeding the date of any such contract. Any such exemption shall "ipso facto" cease upon violation of the terms and conditions of any contract hereby made.

AMEND. 28.
REGULATING PRACTICE OF LAW.

Supreme Court — Rule making power.

The Supreme Court shall make rules regulating the practice of law and the professional conduct of attorneys at law.

AMEND. 29.
FILLING VACANCIES IN OFFICE.

§ 1. Elective offices — Exceptions.

Vacancies in the office of United States Senator, and in all elective state, district, circuit, county, and township offices except those of Lieutenant Governor, Member of the General Assembly and Representative in the Congress of the United States, shall be filled by appointment by the Governor.

§ 2. Ineligible persons — Nepotism.

The Governor, Lieutenant Governor and Acting Governor shall be ineligible for appointment to fill any vacancies occurring or any office or position created, and resignation shall not remove such ineligibility. Husbands and wives of such officers, and relatives of such officers, or of their husbands and wives within the fourth degree of consanguinity or affinity, shall likewise be ineligible. No person appointed under Section 1 shall be eligible for appointment or election to succeed himself.

§ 3. Violation of amendment — Compensation withheld.

No person holding office contrary to this amendment shall be paid any compensation for his services. Any warrant, voucher or evidence of indebtedness issued in payment for such services shall be void.

§ 4. Duration of term of appointee — Election to fill vacancy.

The appointee shall serve during the entire unexpired term in the office in which the vacancy occurs if such office would in regular course be filled at the next General Election if no vacancy had occurred. If such office would not in regular course be filled at such next general election the vacancy shall be filled as follows: At the next General Election, if the vacancy occurs four months or more prior thereto, and at the second General Election after the vacancy occurs if the vacancy occurs less than four months before the next General Election after it occurs. The person so elected shall take office on the 1st day of January following his election.

§ 5. Election to fill — Placing names on ballots.

Only the names of candidates for office nominated by an organized political party at a convention of delegates, or by a majority of all the votes cast for candidates for the office in a primary election, or by petition of electors as provided by law, shall be placed on the ballots in any election.

AMEND. 30.
CITY LIBRARIES

§ 1. Petition for tax levy — Election.

Whenever 100 or more taxpaying electors of any city, having a population of not less than 5,000, shall file a petition with the Mayor asking that an annual tax on real and personal property be levied for the purpose of maintaining and operating a public city library and shall specify a rate of taxation not to exceed five mills on the dollar, the question as to whether such tax shall be levied shall be submitted to the qualified electors of such city at a general or special election. Such petition must be filed at least thirty days prior to the election at which it will be submitted to the voters. The ballot shall be in substantially the following form:

> For a _____mill tax on real and personal property to be used for maintenance and operation of a public city library.
> Against a _____mill tax on real and personal property to be used for maintenance and operation of a public city library. [As amended by Const. Amend. 72, § 1.]

§ 2. Result of election — Certification and proclamation — Tax levy.

The Election Commissioners shall certify to the Mayor the result of the vote, and if a majority of the qualified electors voting on the question at such election vote in favor of the specified tax, then it shall thereafter be continually levied and collected as other general taxes of such city are levied and collected. The result of the election shall be proclaimed by the Mayor. The result so proclaimed shall be conclusive unless attacked in the courts within thirty days. The

proceeds of any tax voted for the maintenance of a city public library shall be segregated by the city officials and used only for that purpose.

§ 3. Raising, reducing or abolishing tax — Petition and election.

Whenever 100 or more taxpaying electors of any city having a library tax in force shall file a petition with the Mayor asking that such tax be raised, reduced or abolished, the question shall be submitted to the qualified electors at a general or special election. Such petition must be filed at least thirty days prior to the election at which it will be submitted to the voters. The ballot shall follow, as far as practicable, the form set forth in Section 1 hereof. The result shall be certified and proclaimed, as provided in Section 2 hereof, and the result as proclaimed shall be conclusive unless attacked in the courts within thirty days. Subject to the limitations of Section 5(e) hereof, the tax shall be lowered, raised or abolished, as the case may be, according to the majority of the qualified electors voting on the question of such election. If lowered or raised, the revised tax shall thereafter be continually levied and collected and the proceeds used in the manner and for the purposes as provided in Section 2 hereof. [As amended by Const. Amend. 72, § 2.]

§ 4. Co-ordination of city with county library.

Nothing herein shall be construed as preventing a co-ordination of the services of a city public library and a county public library.

§ 5. Petition for tax levy — Election.

(a) Whenever 100 or more taxpaying electors of any city, having a population of not less than 5,000, shall file a petition with the Mayor asking that an annual tax on real and personal property be levied for capital improvements to or construction of a public city library and shall specify a rate of taxation not to exceed three mills on the dollar, the question as to whether such tax shall be levied shall be submitted to the qualified electors of such city at a general or special election. Such petition must be filed at least thirty days prior to the election at which it will be submitted to the voters. The ballot shall be in substantially the following form:

> For a _____mill tax on real and personal property to be used for capital improvements
> to or construction of a public city library.
>
> Against a _____mill tax on real and personal property to be used for capital improvements to or construction of a public city library.

(b) The electors may authorize the governing body of the city to issue bonds as prescribed by law for capital improvements to or construction of the library and to authorize the pledge of all, or any part of, the tax authorized by this section for the purpose of retiring the bonds. The ballot submitting the question to the voters shall be in substantially the following form:

> For a _____mill tax on real and personal property within the city, to be pledged to an issue or issues of bonds not to exceed $_____ , in aggregate principal amount, to finance capital improvements to or construction of the city library and to authorize the issuance of the bonds on such terms and conditions as shall be approved by the city.
>
> Against a _____mill tax on real and personal property within the city, to be pledged to an issue or issues of bonds not to exceed $ _____ , in aggregate principal

amount, to finance capital improvements to or construction of the city library and to authorize the issuance of the bonds on such terms and conditions as they shall be approved by the city.

(c) The maximum rate of any special tax to pay bonded indebtedness, as authorized by paragraph (b) hereof shall be stated on the ballot.

(d) The special tax for payment of bonded indebtedness authorized in paragraph (b) hereof shall constitute a special fund pledged as security for the payment of such indebtedness. The special tax shall never be extended for any purpose, nor collected for any greater length of time than necessary to retire such bonded indebtedness, except that tax receipts in excess of the amount required to retire the debt according to its terms may, subject to covenants entered into with the holders of the bonds, be pledged as security for the issuance of additional bonds if authorized by the voters. The tax for such additional bonds shall terminate within the time provided for the tax originally imposed. Upon retirement of the bonded indebtedness, any surplus tax collections, which may have accumulated shall be transferred to the general funds of the city, and shall be used for maintenance and operation of the public city library.

(e) Notwithstanding any other provision of this amendment, a tax approved by the voters for the purpose of paying the bonded indebtedness shall not be reduced or diminished, nor shall it be used for any other purpose than to pay principal of, premium or interest on, and the reasonable fees of a trustee or paying agent, so long as the bonded indebtedness shall remain outstanding and unpaid. [Added by Const. Amend. 72, § 3; amended by Const. Amend. 89.]

AMEND. 31.
POLICE AND FIREFIGHTERS' RETIREMENT SALARIES AND PENSIONS.

§ 1. Election on question — Tax levy.

After consent of the majority of those voting on the question at any general or special election in cities of the first or second class, the cities may annually thereafter, levy a tax on the assessed value of real and personal property, not to exceed two mills on the dollar, from which there shall be created a Fund to pay Retirement Salaries and pensions to policemen and firemen theretofore or thereafter earned, and pensions to the widows and minor children of such, as may be provided by law. The annual levy for the Policeman's Retirement Salary and Pension Fund shall not exceed one mill on the dollar, and the annual levy for the Fireman's Retirement Salary and Pension Funds, shall not exceed one mill on the dollar. The manner of such levy of the tax, and the eligibility for the retirement salaries and pensions, the several amounts thereof and when payable, shall be such as may be provided by law.

AMEND. 32.
COUNTY OR CITY HOSPITALS.

§ 1. Petition for tax levy — Election.

Whenever in any county where there is located a public hospital owned by such county or by any municipal corporation therein, whether such hospital be operated by such county or

municipal corporation or by a benevolent association as the agent or lessee of such county or municipal corporation, one hundred or more electors of such county shall file a petition with the county judge asking that an annual tax on real and personal property in such county be levied for the purpose of maintaining, operating and supporting such hospital and shall specify a rate of taxation not exceeding one mill on the dollar of the assessed value of real and personal property in the county. The question as to whether such tax shall be levied shall be submitted to the qualified electors of such county at a general election. Such petition must be filed at least thirty days prior to the election at which it will be submitted to the voters. The county judge upon the filing of such petition shall notify the county board of election commissioners thereof and the county board of election commissioners shall cause the question to be placed upon the ballots in substantially the following form:

For a _____mill tax on real and personal property to be used for maintenance, operation and support of a public hospital.

Against a _____mill tax on real and personal property to be used for maintenance, operation and support of a public hospital.

§ 2. Result of election — Certification and proclamation — Tax levy.

The election commissioners shall certify to the county judge the result of the vote and if a majority of the qualified electors voting on the question at such election vote in favor of the specified tax then it shall thereafter be continually levied and collected as other general taxes of such county are levied and collected. The result of the election shall be proclaimed by the county judge by publication for one insertion in some newspaper published and having a bona fide circulation in such county. The result so proclaimed shall be conclusive unless attacked in the courts within thirty days and after the election it shall not be competent to attack the result thereof on the ground that any signers of the petition were not qualified electors. The proceeds of any tax so voted shall upon the settlement of the collecting officer be paid by the treasurer of the county to the treasurer of such hospital to be used by such treasurer in the maintenance, operation and support of such institution; provided that any county where there may be more than one hospital qualified to receive the proceeds of such tax, the quorum court at its meeting for the purpose of adopting the county's budget, shall provide for the apportionment of the proceeds of said tax between the institutions so qualified according to their respective needs.

§ 3. Raising, reducing or abolishing tax — Petition and election.

Whenever one hundred or more electors of any county having a hospital tax in force shall file a petition with the county judge asking that such tax be raised, reduced or abolished, the question shall be submitted to the qualified electors at a general election. Such petition must be filed at least thirty days prior to the election at which it will be submitted to the voters. The ballots shall follow, as far as practicable, the form set out in Section 1 hereof, and the result shall be certified and proclaimed as provided in Section 2 hereof and shall be conclusive in like manner. The tax shall be lowered, raised or abolished as the case may be, according to the majority of qualified electors voting on the question at such election, provided, however, that it shall not be raised to more than one mill on the dollar. If lowered or raised the revised tax shall thereafter be

continually levied and collected and the proceeds used in the manner and for the purposes provided in Section 2 hereof.

§ 4. Amendment self executing.

This amendment shall be self executing and shall become a part of the constitution of the State of Arkansas when approved by a majority of the electors voting thereon at the next general election.

AMEND. 33.
BOARDS AND COMMISSIONS GOVERNING STATE INSTITUTIONS.

§ 1. Term of office of members.

The term of office of members of the boards or commissions charged with the management or control of all charitable, penal or correctional institutions and institutions of higher learning of the State of Arkansas, now in existence or hereafter created, shall be five years when the membership is five in number, seven years when the membership is seven in number, and ten years when the membership is ten in number. Such terms of office shall be arranged by the General Assembly to provide a membership with one term of office expiring every year from the effective date of this amendment. The unexpired terms of members serving on the effective date of this amendment shall not be decreased.

§ 2. Abolition or transfer of powers of board or commission — Restrictions.

The board or commission of any institution, governed by this amendment, shall not be abolished nor shall the powers vested in any such board or commission be transferred, unless the institution is abolished or consolidated with some other State institution. In the event of abolition or consolidation, the new board or commission shall consist of a membership of five, seven, or ten.

§ 3. Increase or decrease of members of board or commission prohibited.

The membership of any such board or commission now in existence shall not be increased or decreased in number after the effective date of this amendment nor shall the number of members of any such board or commission created after this amendment is in operation be increased or decreased subsequent to its creation.

§ 4. Removal of member — Procedure — Appeal.

The Governor shall have the power to remove any member of such boards or commissions before the expiration of his term for cause only, after notice and hearing. Such removal shall become effective only when approved in writing by a majority of the total number of the board or commission, but without the right to vote by the member removed or by his successor, which action shall be filed with the Secretary of State together with a complete record of the proceedings at the hearing.

An appeal may be taken to the Pulaski Circuit Court by the Governor or the member ordered removed, and the same shall be tried de novo on the record. An appeal may be taken from the circuit court to the Arkansas Supreme Court, which shall likewise be tried de novo.

§ 5. Vacancy — Filling.

Any vacancy arising in the membership of such board or commission for any reason other than the expiration of the regular term for which the member was appointed shall be filled by appointment by the Governor, subject to approval by a majority of the remaining members of the board or commission, and to be thereafter effective until the expiration of such regular term.

AMEND. 34.
RIGHTS OF LABOR.

§ 1. Discrimination for or against union labor prohibited.

No person shall be denied employment because of membership in or affiliation with or resignation from a labor union, or because of refusal to join or affiliate with a labor union; nor shall any corporation or individual or association of any kind enter into any contract, written or oral, to exclude from employment members of a labor union or persons who refuse to join a labor union, or because of resignation from a labor union; nor shall any person against his will be compelled to pay dues to any labor organization as a prerequisite to or condition of employment.

§ 2. Enforcement of amendment — Legislation authorized.

The General Assembly shall have power to enforce this article by appropriate legislation.

AMEND. 35.
WILD LIFE — CONSERVATION — ARKANSAS STATE GAME AND FISH COMMISSION

§ 1. Commission created — Members — Powers.

The control, management, restoration, conservation and regulation of birds, fish, game and wildlife resources of the State, including hatcheries, sanctuaries, refuges, reservations and all property now owned, or used for said purposes and the acquisition and establishment of same, the administration of the laws now and/or hereafter pertaining thereto, shall be vested in a Commission to be known as the Arkansas State Game and Fish Commission, to consist of eight members. Seven of whom shall be active and one an associate member who shall be the Head of the Department of Zoology at the University of Arkansas, without voting power.

§ 2. Qualifications and appointment of members — Terms of office of first commission.

Commissioners shall have knowledge of and interest in wildlife conservation. All shall be appointed by the Governor. The first members of the Commission shall be appointed by the Governor for terms as follows: One for one year, one for two years, one for three years, one for four years, one for five years, one for six years, and one for seven years. Each Congressional District must be represented on the Commission.

§ 3. Term of office of members.

Upon the expiration of the foregoing terms of the said Commission, a successor shall be appointed by the Governor for a term of seven years, which term of seven years shall thereafter be for each member of the Commission. No Commissioner can serve more than one term and none can succeed himself.

§ 4. Oath of office — Members serve without compensation — Expenses — Payment.

Each Commissioner shall take the regular oath of office provided in the Constitution and serve without compensation other than actual expenses while away from home engaged entirely on the work of the Commission.

§ 5. Removal of members — Hearing — Review and appeal.

A Commissioner may be removed by the Governor only for the same causes as apply to other Constitutional Officers, after a hearing which may be reviewed by the Chancery Court for the First District with right of appeal therefrom to the Supreme Court, such review and appeal to be without presumption in favor of any finding by the Governor or the trial court.

§ 6. Vacancies — Filling — Chairman of commission.

Vacancies on the Commission due to resignation or death shall be filled by appointment of the Governor for the unexpired term within thirty days from date of such vacancy; upon failure of the Governor to fill the vacancy within thirty days, the remaining Commissioners shall make the appointment for the unexpired term. A chairman shall be elected annually from the seven members of the Commission to serve one year.

§ 7. Executive secretary and other personnel — Selection — Salaries and expenditures.

The Commission shall elect an Executive Secretary, whose salary shall not exceed that of limitations placed on other constitutional departments; and other executive officers, supervisor, personnel, office assistants, wardens, game refuge keepers, and hatchery employees, whose salaries and expenditures must be submitted to the Legislature and approved by an Act covering specific items in the appropriation as covered by Article XVI Section 4 of the Constitution. [As amended by Const. Amend. 86.]

§ 8. Nepotism prohibited — Powers of arrest — Funds — Use — Purposes — Game Protection Fund — Audit of accounts — Resident hunting and fishing licenses — Powers of commission.

No person shall be employed by the Commission who shall be related to any of the Commissioners or any other State officers within the third degree of relationship by blood or marriage. All employed personnel may make arrests for violation of the game and fish laws.

The fees, monies, or funds arising from all sources by the operation and transaction of the said Commission and from the application and administration of the laws and regulations pertaining to birds, game, fish and wildlife resources of the State and the sale of property used for said purposes shall be expended by the Commission for the control, management, restoration, conservation and regulation of the birds, fish and wildlife resources of the State, including the purchases or other acquisitions of property for said purposes and for the administration of the laws pertaining thereto and for no other purposes. All monies shall be deposited in the Game Protection Fund with the State Treasurer and such monies as are necessary, including an emergency fund,

shall be appropriated by the Legislature at each legislative session for the use of the Game and Fish Commission as hereto set forth. No monies other than those credited to the Game Protection Fund can be appropriated.

All money to the credit of or that should be credited to the present Game Protection Fund shall be credited to the new Game Protection Fund and any appropriation made by the Legislature out of the Game Protection Fund shall be construed to be for the use of the new Commission and out of the new Game Protection Fund.

The books, accounts and financial affairs of the Commission shall be audited by the State Comptroller as that department deems necessary, but at least once a year.

Resident hunting and fishing license, each, shall be One and 50/100 Dollars annually, and shall not exceed this amount unless a higher license fee is authorized by an Act of Legislature.

The Commission shall have the exclusive power and authority to issue licenses and permits, to regulate bag limits and the manner of taking game and fish and furbearing animals, and shall have the authority to divide the State into zones, and regulate seasons and manner of taking game, and fish and furbearing animals therein, and fix penalties for violations. No rule or regulations shall apply to less than a complete zone, except temporarily in case of extreme emergency.

Said Commission shall have the power to acquire by purchase, gifts, eminent domain, or otherwise, all property necessary, useful or convenient for the use of the Commission in the exercise of any of its duties, and in the event the right of eminent domain is exercised, it shall be exercised in the same manner as now or hereafter provided for the exercise of eminent domain by the State Highway Commission. All laws now in effect shall continue in force until changed by the Commission. All contracts and agreements now in effect shall remain in force until the date of their expiration.

This amendment shall not repeal, alter or modify the provisions of any existing special laws under the terms of which a County Game Commission has been created:

The Commission shall be empowered to spend such monies as are necessary to match Federal grants under the Pittman-Robertson or similar acts for the propagation, conservation and restoration of game and fish.

This amendment shall become effective July 1, 1945.

AMEND. 36.
POLL TAX EXEMPTION.

Members of the armed forces of United States.

Any citizen of Arkansas, while serving in the armed forces of the United States, may vote in any election, without having paid a poll tax, if otherwise qualified to vote in any such election.

AMEND. 37.
[REPEALED.]

AMEND. 38.
COUNTY LIBRARIES

§ 1. Petition for tax levy — Election.

Whenever 100 or more taxpaying electors of any county shall file a petition in the County Court asking that an annual tax on real and personal property be levied for the purpose of maintaining and operating a public county library or a county library service or system and shall specify a rate of taxation not to exceed five mills on the dollar, the question as to whether said tax shall be levied shall be submitted to the qualified electors of such county at a general or special election. Such petition must be filed at least thirty days prior to the election at which it will be submitted to the voters. The ballot shall be in substantially the following form:

> FOR a _____ mill tax on real and personal property to be used for maintenance and operation of a public county library or county library service or system.
>
> AGAINST a _____ mill tax on real and personal property to be used for maintenance and operation of a public county library or county library service or system. [As amended by Const. Amend. 72, § 4.]

§ 2. Result of election — Certification — Record — Tax levy — Funds — Disbursement.

The election commissioners shall certify to the County Judge the result of the vote. The County Judge shall cause the result of the election to be entered of record in the County Court. The result so entered shall be conclusive unless attacked in the courts within thirty days. If a majority of the qualified electors voting on the question at such election vote in favor of the specified tax, then it shall thereafter be continually levied and collected as other general taxes of such county are levied and collected; provided, however, that such tax shall not be levied against any real or personal property which is taxed for the maintenance of a city library, pursuant to the provisions of Amendment No. 30; and no voter residing within such city shall be entitled to vote on the question as to whether county tax shall be levied. The proceeds of any tax voted for the maintenance of a county public library or county library service or system shall be segregated by the county officials and used only for that purpose. Such funds shall be held in the custody of the County Treasurer. No claim against said funds shall be approved by the County Court unless first approved by the County Library Board, if there is a county Library Board functioning under Act 244 of 1927 [§§ 17-1001—17-1011], or similar legislation.

§ 3. Raising, reducing or abolishing tax — Petition and election.

Whenever 100 or more taxpaying electors of any county having library tax in force shall file a petition in the County Court asking that such tax be raised, reduced or abolished, the question shall be submitted to the qualified electors at a general or special election. Such petition must be filed at least thirty days prior to the election at which it will be submitted to the voters. The ballot shall follow, as far as practicable, the form set forth in Section 1 hereof. The result shall be certified and entered of record as provided in Section 2 hereof, and the result as entered of record shall be conclusive unless attacked in the courts within thirty days. Subject to the limitations of Section 5(e) hereof, the tax shall be lowered, raised or abolished, as the case may be, according to the majority of qualified electors voting on the question at such election. If lowered or raised, the revised tax shall thereafter be continually levied and collected and proceeds used in the manner and for the purposes as provided in Section 2 hereof. [As amended by Const. Amend. 72, § 5.]

§ 4. Co-ordination of county with city library.

Nothing herein shall be construed as preventing the co-ordination of the services of a city public library and county public library, or the co-ordination of the services of libraries of different counties.

§ 5. Petition for tax levy — Election.

(a) Whenever 100 or more taxpaying electors of any county shall file a petition in the County Court asking that an annual tax on real and personal property be levied for the purpose of capital improvements to or construction of a public county library or a county library service or system and shall specify a rate of taxation not to exceed three mills on the dollar, the question as to whether said tax shall be levied shall be submitted to the qualified electors of such county at a general or special election. Such petition must be filed at least thirty days prior to the election at which it will be submitted to the voters. The ballot shall be in substantially the following form:

> FOR a _____mill tax on real and personal property to be used for capital improvements to or construction of a public county library or county library service or system.
>
> AGAINST a _____mill tax on real and personal property to be used for capital improvements to or construction of a public county library or county library service or system.

(b) The voters may authorize the County Court to issue bonds as prescribed by law for capital improvements to or construction of the library and to authorize the pledge of all, or any part of, the tax authorized in Section 1 of this Amendment for the purpose of retiring the bonds. The ballot submitting the question to the voters shall be in substantially the following form:

> For a _____mill tax on real and personal property within the county, to be pledged to an issue or issues of bonds not to exceed $_____ , in aggregate principal amount, to finance capital improvements to or construction of the county library or county library service or system, and to authorize the issuance of the bonds on such terms and conditions as shall be approved by the County Court.
>
> Against a _____mill tax on real and personal property within the county, to be pledged to an issue or issues of bonds not to exceed $_____ , in aggregate principal amount, to finance capital improvements to or construction of the county library or county library service or system, and to authorize the issuance of the bonds on such terms and conditions as shall be approved by the County Court.

(c) The maximum rate of any special tax to pay bonded indebtedness, as authorized by paragraph (b) hereof shall be stated on the ballot.

(d) The special tax for payment of bonded indebtedness authorized in paragraph (b) hereof shall constitute a special fund pledged as security for the payment of such indebtedness. The special tax shall never be extended for any purpose, nor collected for any greater length of time than necessary to retire such bonded indebtedness, except that tax receipts in excess of the amount required to retire the debt according to its terms may, subject to covenants entered into with the holders of the bonds, be pledged as security for the issuance of additional bonds if authorized by the voters. The tax for such additional bonds shall terminate within the time provided for the tax originally imposed. Upon retirement of the bonded indebtedness, any surplus

tax collections, which may have accumulated, shall be transferred to the general funds of the county, and shall be used for maintenance of the county library or county library service or system.

(e) Notwithstanding any other provision of this Amendment, a tax approved by the voters for the purpose of paying the bonded indebtedness shall not be reduced or diminished, nor shall it be used for any other purpose than to pay principal of, premium or interest on, and the reasonable fees of a trustee or paying agent, so long as the bonded indebtedness shall remain outstanding and unpaid. [Added by Const. Amend. 72, § 6; amended by Const. Amend. 89.]

AMEND. 39.
VOTER REGISTRATION LAWS.

§ 1. Authority to enact registration law.

The General Assembly shall have power to enact laws providing for a registration of voters prior to any general, special, or primary election, and to require that the right to vote at any such election shall depend upon such previous registration.

AMEND. 40.
SCHOOL DISTRICT TAX (CONST., ART. 14, § 3, AS AMENDED BY CONST. AMEND. 11, AMENDED).

AMEND. 41.
ELECTION OF COUNTY CLERKS.

Election of county clerk.

The provisions for the election of a County Clerk upon a population basis are hereby abolished and there may be elected a County Clerk in like manner as a Circuit Clerk, and in such cases, the County Clerk may be ex officio Clerk of the Probate Court of such county until otherwise provided by the General Assembly.

AMEND. 42.
STATE HIGHWAY COMMISSION.

§ 1. Commission created — Members — Powers.

There is hereby created a State Highway Commission which shall be vested with all the powers and duties now or hereafter imposed by law for the administration of the State Highway Department, together with all powers necessary or proper to enable the Commission or any of its officers or employees to carry out fully and effectively the regulations and laws relating to the State Highway Department.

§ 2. Qualifications and appointment of members — Terms of office of first commission.

Within ten days after the convening of the General Assembly of the State of Arkansas in the year 1953, the Governor, by and with the advice and consent of the Senate, shall appoint five persons who are qualified electors of the State to constitute the State Highway Commission for terms of two, four, six, eight and ten years respectively. The terms of the persons so appointed shall be determined by lot. The Commissioners to be appointed from the State at large; provided, however, that no two Commissioners shall be appointed from any single Congressional District.

In the event of rejection by the Senate of a person whose name has been so submitted, the Governor shall within five days after receipt of written notice from the Secretary of the Senate of such rejection submit the name of another appointee to fill such vacancy. In the event the Governor should within five days thereafter fail to appoint or fail to submit to the Senate for confirmation the name of any person to be appointed, the Senate shall proceed to make the appointment of its own choice.

§ 3. Terms of office of members.

Upon the expiration of the foregoing terms of said Commissioners, a successor shall be appointed by the Governor in the manner provided for in Section 2 for a term of ten years, which term shall thereafter be for each member of the Commission.

§ 4. Removal of members — Hearing — Review and appeal.

A Commissioner may be removed by the Governor only for the same causes as apply to other constitutional officers after a hearing which may be reviewed by the Chancery Court for the First District with right of appeal therefrom to the Supreme Court, such review and appeal to be without presumption in favor of any finding by the Governor or the trial court, and provided further, in addition to the right of confirmation hereinabove reserved to the Senate, the Senate may upon the written request of at least Five (5) of its members that a member or members of the Commission should be removed therefrom, proceed, when in session, to hear any and all evidence pertinent to the reasons for removal. The member or members whose removal is so requested shall be entitled to be heard in the matter and to be represented before the Senate by legal Counsel. These proceedings conducted by the Senate shall be public and a transcript of the testimony so heard shall be prepared and preserved in the journal of the Senate. The taking of evidence either orally or by deposition shall not be bound by the formal rules of evidence. Upon the conclusion of the hearing, the Senate, sitting as a body in executive session, may remove said member or members of the Commission by a majority vote conducted by secret ballot.

§ 5. Vacancies — Filling.

Vacancies on the Commission due to resignations, death or removal shall be filled by appointment of the Governor for the unexpired term within thirty days from the date of such vacancy. Upon failure of the Governor to fill the vacancy within thirty days, the remaining Commissioners shall make the appointment for the unexpired term.

§ 6. Director of Highways.

The Commission shall appoint a Director of Highways who shall have such duties as may be prescribed by the Commission or by statute.

AMEND. 43.
[REPEALED.]

[Repealed by Const. Amend. 94, effective November 5, 2014.]

AMEND. 44.
[REPEALED.]

AMEND. 45.
APPORTIONMENT (CONST., ART. 8, AS AMENDED BY CONST. AMEND. 23, AMENDED).

AMEND. 46.
HORSE RACING AND PARI-MUTUEL WAGERING AT HOT SPRINGS.

Horse racing and pari-mutuel wagering lawful at Hot Springs.

Horse racing and pari-mutuel wagering thereon shall be lawful in Hot Springs, Garland County, Arkansas, and shall be regulated by the General Assembly.

AMEND. 47.
STATE AD VALOREM TAX PROHIBITION.

State ad valorem tax prohibited.

No ad-valorem tax shall be levied upon property by the State.

AMEND. 48.
[REPEALED.]

AMEND. 49.
[REPEALED.]

AMEND. 50.
ELECTIONS CONDUCTED BY BALLOT OR VOTING MACHINE (CONST., ART. 3, § 3, REPEALED AND NEW SECTIONS ADDED).

§ 1. Repeal of Article III, Section 3.

Article III, Section 3, of the Constitution of the State of Arkansas is hereby repealed and the following section is substituted therefor.

§ 2. Elections by ballot or voting machines authorized.

All elections by the people shall be by ballot or by voting machines which insure the secrecy of individual votes.

§ 3. [Repealed.]

§ 4. Voting machines.

Voting machines may be used to such extent and under such rules as may be prescribed by the General Assembly.

AMEND. 51.
VOTER REGISTRATION.

§ 1. Statement of policy.

The purpose of this amendment is to establish a system of permanent personal registration as a means of determining that all who cast ballots in general, special and primary elections in this State are legally qualified to vote in such elections, in accordance with the Constitution of Arkansas and the Constitution of the United States.

§ 2. Definitions.

As used in this amendment, the terms:

(a) "County Board of Registration" means the County Board of Election Commissioners in each of the several counties of this State.

(b) "Permanent Registrar" means the County Clerk in each of the several counties of this State.

(c) "Deputy Registrar" means the Deputy County Clerk or clerical assistants appointed by the County Clerk.

(d) "Election" means any general, special or primary election held pursuant to any provisions of the Constitution or statutes of the State of Arkansas; provided, that this amendment shall not apply to selection of delegates to party conventions by party committees or to selection of party committeemen by party conventions.

§ 3. Application.

No person shall vote or be permitted to vote in any election unless registered in a manner provided for by this amendment.

§ 4. Permanent registration.

When a voter is once registered under the provisions of this amendment, it is unnecessary for such voter again to register unless such registration is cancelled or subject to cancellation in a manner provided for by this amendment.

§ 5. Duties of registration officials.

(a) Voter registration agencies shall distribute mail voter registration applications, provide assistance to applicants in completing voter registration application forms, unless the applicant refuses assistance, and accept completed voter registration application forms for transmittal to the appropriate permanent registrar via the Secretary of State. Voter registration agencies include the following:

(1) The Office of Driver Services of the Revenue Division of the Department of Finance and Administration and all State Revenue Offices;

(2) Public assistance agencies, which shall mean those agencies that provide services under the Food Stamps, Medicaid, Aid to Families with Dependent Children (AFDC), and the Special Supplemental Food Program for Women, Infants and Children (WIC) programs;

(3) Disabilities agencies, which shall mean agencies that offer state-funded programs primarily engaged in providing services to persons with disabilities;

(4) Public libraries; and

(5) The Arkansas National Guard.

(b)(1) The Secretary of State is designated as the chief election official. The Secretary shall prepare and distribute the pre-addressed postcard mail voter registration application forms described in 51-6 [section 6] of this amendment. Mail registration application forms shall serve for purposes of initial applications to register and shall also serve for changes of name, address, or party affiliation. Bilingual (Spanish/English) forms, braille forms, and large print forms shall be available upon request. The Secretary of State shall make the state mail voter registration application form available for distribution through governmental and private entities with particular emphasis on making them available for organized voter registration programs. Any person may distribute state registration cards. All registration cards shall be distributed to the public without charge.

(2) The Office of Driver Services and State Revenue Offices shall provide voter registration opportunities to those obtaining or renewing drivers licenses, personal identification cards, duplicate or corrected licenses or cards, or changing address or name whether in person or by mail. The Office of Driver Services and State Revenue Offices shall use a computer process, which combines the drivers license and voter registration applications, minimizing duplicative information, and shall have available the federal or state mail voter registration application form, which may be used upon request or when the computer process is not available. If a person declines to apply to register to vote, the Office of Driver Services or State Revenue Office shall retain the record of declination for two (2) years.

(3) All public assistance agencies shall provide a federal or state mail voter registration application form with each application for assistance, and with each recertification, renewal or change of address or name relating to such assistance. Public assistance agencies shall provide voter registration application forms as part of the intake process, or as a combined computer process when a computer process is available. Public assistance agencies shall use a process or form that combines the application for assistance with the voter registration application when

available. Public assistance agencies shall also provide declination forms as described in 51-6 [section 6] of this amendment, which shall be retained for two (2) years if an applicant declines to apply to register to vote.

(4) All disabilities agencies shall provide a federal or state mail voter registration application form with each application for services and with each recertification, renewal or change of address or name relating to such services. Disabilities agencies shall provide voter registration application forms as part of the intake process, or as a combined computer process when a computer process is available. Disabilities agencies may use a form that combines the application for services or assistance with the voter registration application when available. If the disabilities agency provides services in a person's home, then the agency shall also provide voter registration services at the person's home. Disabilities agencies shall also provide declination forms as described in 51-6 [section 6] of this amendment, which shall be retained for two (2) years if an applicant declines to apply to register to vote.

(c)(1) Employees of the Office of Driver Services and State Revenue Offices shall provide appropriate nonpartisan voter registration assistance and provide all applicants with a receipt containing the applicant's name and the date of the submission.

(2) Public assistance agencies and disabilities agencies shall train agency employees to provide the same degree of assistance in completing voter registration forms as is provided with regard to the completion of agency forms, unless the applicant refuses such assistance.

(3) Each revenue office, public assistance agency and disabilities agency shall provide ongoing training for employees who will be assisting persons with voter registration applications and shall include information regarding training procedures in the report filed with the Secretary of State pursuant to § 51-8(d) [section 8(d)] of this amendment.

(4) A person who provides voter registration assistance through any voter registration agency shall not:

(A) Seek to influence an applicant's political preference or party registration;

(B) Display any such political preference or party allegiance;

(C) Make any statement to an applicant or take any action to the purpose or effect of discouraging the applicant from registering to vote;

(D) Make any statement to an applicant or take any action to the purpose or effect of leading the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits; or

(E) Disclose any applicant's voter registration information, except as necessary for the administration of voter registration.

(d) The Permanent Registrar shall provide office and clerical facilities and may employ such clerical assistants which he may deem necessary to fulfill the duties imposed by this amendment; provided, that all clerical assistants so employed shall have the qualifications required by law of eligible voters and shall be selected on the basis of competence and without reference to political affiliation.

(e) The State Board of Election Commissioners is authorized and, as soon as is possible after the effective date of this amendment, directed to prescribe, adopt, publish and distribute:

(1) such Rules and Regulations supplementary to this amendment and consistent with this amendment and other laws of Arkansas as are necessary to secure uniform and efficient procedures in the administration of this amendment throughout the State;

(2) a Manual of instruction for the information, guidance and direction of election officials within the state; and

(3) detailed specifications of the registration record files, the voter registration application forms and other registration forms, including voter registration list maintenance forms,

all of which shall be consistent with this amendment and uniform throughout the State. [As amended by Acts 1995, No. 599, § 1; 1995, No. 947, § 1; 1995, No. 964, § 1.]

§ 6. Voter registration application forms.

(a)(1) The mail voter registration application form may only require identifying information, including signature or mark, and other information, including data relating to previous registration by the applicant, as is necessary to assess the applicant's eligibility and to administer voter registration and other parts of the election process.

(2) Such forms shall include, in identical print, statements that:

(A) Specify voter eligibility requirements;

(B) Contain an attestation that the applicant meets all voter eligibility requirements and that the applicant does not claim the right to vote in another county or state;

(C) Specify the penalties provided by law for submission of a false voter registration application;

(D) Inform applicants that where they register to vote will be kept confidential; and

(E) Inform applicants that declining to register will also be kept confidential.

(3) The following information will be required of the applicant:

(A) Full name;

(B) Mailing address;

(C) Residence address and any other information necessary to identify the residence of the applicant;

(D) If previously registered, the name then supplied by the applicant, and the previous address, county, and state;

(E) Date of birth;

(F) A signature or mark made under penalty of perjury that the applicant meets each requirement for voter registration;

(G) If the applicant is unable to sign his or her name, the name, address, and telephone number of the person providing assistance;

(H) If the applicant has a current and valid driver's license, the applicant's driver's license number;

(I) If the applicant does not have a current and valid driver's license, the last four (4) digits of the applicant's social security number; and

(J) If the applicant does not have a current and valid driver's license number or social security number, the Secretary of State will assign the applicant a number which will serve to identify the applicant for voter registration purposes, and this number shall be placed on the application.

(4) The following information may be requested on the registration card, but it shall not be required:

(A) Telephone number where the applicant may be contacted; and

(B) Political party with which the applicant wishes to be affiliated, if any.

(5) The mail voter registration application shall not include any requirement for notarization or other formal authentication.

(6) The mail voter registration application form shall include the following questions along with boxes for the applicant to check “yes” or “no” in response:

(A) “Are you a citizen of the United States of America and an Arkansas resident?”;

(B) “Will you be eighteen (18) years of age on or before election day?”;

(C) “Are you presently adjudged mentally incompetent by a court of competent jurisdiction?”; and

(D) "Have you ever been convicted of a felony without your sentence having been discharged or pardoned?".

(7) The mail voter registration application form shall include the following statements immediately following the questions asked in subdivision (a)(6) of this section:

(A) "If you checked 'No' in response to either questions A or B, do not complete this form.";

(B) "If you checked 'Yes' in response to either questions C or D, do not complete this form."; and

(C) The mail-in voter registration application form shall include the following statement:

"If your voter registration application form is submitted by mail and you are registering for the first time, and you do not have a valid driver's license number or Social Security number, in order to avoid the additional identification requirements upon voting for the first time you must submit with the mailed registration form: (a) a current and valid photo identification; or (b) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows your name and address."

(8) If an applicant for voter registration fails to provide any of the information required by this section, the permanent registrar shall notify the applicant of the failure and provide the applicant with an opportunity to complete the form in a timely manner to allow for its completion before the next election for federal office.

(9) The mail voter registration application shall be pre-addressed to the Secretary of State.

(b)(1) The voter registration application portion of the process used by the Office of Driver Services and state revenue offices shall include:

(A) The question: "If you are not registered to vote where you live now, would you like to apply to register to vote here today?";

(B) A statement that if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes;

(C) A statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes;

(D) Voter registration eligibility requirements;

(E) Penalties provided by law for providing false information;

(F) An attestation that the applicant meets each eligibility requirement and that the applicant does not claim the right to vote in another county or state; and

(G) A space for the applicant's signature or mark.

(2) The voter registration application portion shall require the signature of the applicant under penalty of perjury, but shall not require notarization or other formal authentication.

(c) Public assistance agencies and disabilities agencies shall provide, in addition to the federal or state mail voter registration application form, a declination form, to be approved by the State Board of Election Commissioners, which includes the following question and statements:

(1) The question in prominent type, "IF YOU ARE NOT REGISTERED TO VOTE WHERE YOU LIVE NOW, WOULD YOU LIKE TO APPLY TO REGISTER TO VOTE HERE TODAY? YES . . . . NO . . . .";

(2) The statement in close proximity to the question above and in equally prominent type, "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.";

(3) The statement, "APPLYING TO REGISTER OR DECLINING TO REGISTER TO VOTE WILL NOT AFFECT THE AMOUNT OF ASSISTANCE THAT YOU WILL BE PROVIDED BY THIS AGENCY.";

(4) The statement, "IF YOU WOULD LIKE HELP IN FILLING OUT THE VOTER REGISTRATION APPLICATION FORM,WE WILL HELP YOU.THE DECISION WHETHER TO SEEK OR ACCEPT HELP IS YOURS. YOU MAY FILL OUT THE APPLICATION FORM IN PRIVATE.";

(5) The statement, "IF YOU BELIEVE THAT SOMEONE HAS INTERFERED WITH YOUR RIGHT TO REGISTER OR TO DECLINE TO REGISTER TO VOTE, YOUR RIGHT TO PRIVACY IN DECIDING WHETHER TO REGISTER OR IN APPLYING TO REGISTER TO VOTE, OR YOUR RIGHT TO CHOOSE YOUR OWN POLITICAL PARTY OR OTHER POLITICAL PREFERENCE, YOU MAY FILE A COMPLAINT WITH THE SECRETARY OF STATE AT . . . . . ." (filled in with the address and telephone number of the Secretary of State's office);

(6) The statement, "IF YOU DECLINE TO REGISTER TO VOTE, THE FACT THAT YOU HAVE DECLINED TO REGISTER WILL REMAIN CONFIDENTIAL AND WILL BE USED ONLY FOR VOTER REGISTRATION PURPOSES."; and

(7) The statement, "IF YOU DO REGISTER TO VOTE, THE OFFICE AT WHICH YOU SUBMIT A VOTER REGISTRATION APPLICATION WILL REMAIN CONFIDENTIAL AND WILL BE USED ONLY FOR VOTER REGISTRATION PURPOSES.". [As amended by Acts 1971, No. 828, § 1; 1995, No. 947, § 2; 1995, No. 964, § 2; 2003, No. 995, § 1; 2009, No. 659, § 1.]

§ 7. Registration record files.

(a) By the deadline to establish a computerized statewide voter registration database under the federal Help America Vote Act of 2002, including any waivers or extensions of that deadline, the Secretary of State shall define, maintain, and administer the official, centralized, and interactive computerized voter registration list for all voters legally residing within the State. The list shall include:

(1) The name, address, county, precinct, assigned unique identifier and registration information of every legally registered voter in the state;

(2) The inactive registration records of persons who have failed to respond to address confirmation mailings described in § 10 of this amendment;

(3) List maintenance information for each person receiving address confirmation notices or final address confirmation notices, or both, and the person's response; and

(4) Cancelled voter registration records and documentation noting the reason for cancellation.

(b) The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the state.

(c) The computerized list shall serve as the official voter registration list for the conduct of all elections for federal, state, county, municipal, school, or other office in the state.

(d) The permanent registrar of each county shall maintain copies of that county's precinct voter registration list from the statewide computerized list as necessary for holding elections.

(e) The computerized list shall be coordinated with other state agency records on felony status as maintained by the Arkansas Crime Information Center, records on death as maintained by the State Department of Health, and driver's license records maintained by the Office of Driver Services, according to § 9 of Amendment 51 to the Arkansas Constitution.

(f) A person with an inactive voter registration status may activate his or her voting status by appearing to vote at the precinct in which he or she currently resides or by updating his or her voter registration records with the permanent registrar of the county in which he or she resides.

(g) The county board of election commissioners or other lawfully designated election officials shall cause the appropriate precinct voter registration lists to be at the polling places on the date of elections, and shall return them at the close of the election to the office of the permanent registrar with the ballot boxes.

(h) If the legal residence of a voter is renamed, renumbered, or annexed, the permanent registrar or any local election official may change the name or number of the legal residence on the voter's registration record and any other voting records. Within fifteen (15) days after the records are changed to reflect the new name or number of the residence, the permanent registrar shall notify the voter by mail that the change has been made.

(i)(1) The Secretary of State and any permanent registrar in the state, may obtain immediate electronic access to the information contained in the computerized list.

(2) All voter registration information obtained by any local election official in the state shall be electronically entered into the computerized list on an expedited basis at the time the information is provided to the local official.

(3) The Secretary of State shall provide the support as may be required so that local election officials are able to enter the information. [As amended by Acts 1971, No. 299, § 1; 1973, No. 149, §§ 1-4; 1977, No. 563, § 1; 1991, No. 410, § 1; 1995, No. 947, § 3; 1995, No. 964, § 3; 2003, No. 995, § 2.]

§ 8. Voter registration application records and reports.

(a)(1) The Office of Driver Services, State Revenue Offices, public assistance agencies, disabilities agencies, and other voter registration agencies shall transmit all completed voter registration applications to the Secretary of State in sufficient time to allow the Secretary of State to transmit the applications to the appropriate permanent registrar no later than ten (10) days after the date of acceptance by the assisting agency. When applications are accepted within five (5) days before the last day of registration for an election, they must be transmitted no later than five (5) days after the date of acceptance at the assisting agency.

(2) The Secretary of State shall transmit all mail voter registration applications to the appropriate permanent registrar no later than ten (10) days after the date of receipt. When applications are received within five (5) days before the last day of registration for an election, they must be transmitted no later than five (5) days after date of receipt. If forms are received by the wrong election office, they shall be forwarded to the appropriate permanent registrar not later than the fifth day after receipt.

(b) The Office of Driver Services, State Revenue Offices, public assistance agencies, disabilities and other voter registration agencies shall collect data on the number of voter registration applications completed or declined at each agency, and any additional statistical evidence that the Secretary of State or the State Board of Election Commissioners deems necessary for program evaluation and shall retain such voter registration data for a period of two (2) years.

(c)(1) The Secretary of State shall collect, maintain, and publish monthly statistical data reflecting the number of new voter registration applications, changes of address, name, and party affiliation, and declinations received by mail and in:

(A) state revenue offices;

(B) public assistance agencies;

(C) disabilities agencies;

(D) recruitment offices of the Armed Forces of the United States;
(E) public libraries; and
(F) offices of the Arkansas National Guard.
(2) Every six (6) months the Secretary of State shall compile a statewide report available to the public reflecting the statistical data collected pursuant to subsection (a). This report shall be submitted to the Federal Election Commission for the national report pursuant to section (9)(a)(3) of the National Voter Registration Act of 1993. The state report shall also include:
(A) numbers of and descriptions of the agencies, and the method of integrating voter registration in the agencies;
(B) an assessment of the impact of the National Voter Registration Act of 1993 on the administration of elections;
(C) recommendations for improvements in procedures, forms, and other matters affected by the National Voter Registration Act of 1993.
(d) Every six (6) months the state-level administration of each voter registration agency shall issue a report to the Legislative Council and the Secretary of State containing the statistical and other information collected in each agency office, and recommendations for improvements in procedures, forms, and other matters, including training.
(e) Information relating to the place where a person registered to vote, submitted a voter registration application, or updated voter registration records, and information relating to declination forms is confidential and exempt from the Freedom of Information Act, § 25-19-101, et seq. [As amended by Acts 1989, No. 540, § 1; 1995, No. 947, § 4; 1995, No. 964, § 4.]

§ 9. Application to register.

(a) All persons may register who:
(1) Have not been convicted of a felony unless the person's sentence has been discharged or the person has been pardoned;
(2) Have not been adjudged mentally incompetent by a court of competent jurisdiction; and
(3) Meet one (1) of the following requirements:
(A) Are qualified electors who have not previously registered;
(B) Will become qualified electors during the thirty-day period immediately prior to the next election scheduled within the county; or
(C) Are otherwise qualified electors but whose registration has been cancelled in a manner provided for by this amendment.
(b) Registration shall be in progress at all times except during the thirty-day period immediately prior to any election scheduled within the county, during which period registration of voters shall cease for that election, but registration during such period shall be effective for subsequent elections.
(c)(1) The permanent registrar shall register qualified applicants when a legible and complete voter registration application is received and acknowledged by the permanent registrar.
(2) Any person who assists applicants with a voter registration application as part of a voter registration drive or who, in furtherance of a voter registration drive, gathers or possesses completed applications for submission to the permanent registrar or Secretary of State shall deliver all applications in his or her possession to the permanent registrar or Secretary of State within twenty-one (21) days of the date on the voter registration application and, in any event, no later than the deadline for voter registration for the next election.
(3) The permanent registrar shall register qualified applicants who apply to register to vote by mail using the state or federal mail voter registration application form if:

(A) A legible and complete voter registration application form is postmarked not later than thirty (30) days before the date of the election, or, if the form is received by mail without a postmark, not later than twenty-five (25) days before the date of an election; and

(B)(i) The applicant provides a current valid driver's license number or the last four (4) digits of the applicant's social security number; or

(ii) If an applicant for voter registration does not have a valid driver's license or a social security number, the Secretary of State shall assign the applicant a number that will serve as a unique identifier of the applicant for voter registration purposes.

(d) The permanent registrar shall notify applicants whether their applications are accepted or rejected or are incomplete. If information required by the permanent registrar is missing from the voter registration application, the permanent registrar shall contact the applicant to obtain the missing information.

(e) The Secretary of State and the Director of the Office of Driver Services shall enter into an agreement to match information in the database of the statewide voter registration system with information in the database of the Office of Driver Services to the extent required to enable each official to verify the accuracy of the information provided on applications for voter registration. The Director of the Office of Driver Services shall enter into an agreement with the Commissioner of Social Security to verify driver's license information according to § 303 of the Federal Help America Vote Act of 2002.

(f) Registration records shall be entered promptly in the computerized statewide registration record files. If the applicant lacks one (1) or more of the qualifications required by law of voters in this state, the permanent registrar shall not register the applicant, but shall document the reason for denying the applicant's registration and promptly file or enter the application and the documented reason for denying registration in the statewide registration record files.

(g) If the permanent registrar has any reason to doubt the qualifications of an applicant for registration, he or she shall submit such application to the county board of election commissioners, and such board shall make a determination with respect to such qualifications and shall instruct the permanent registrar regarding the same.

(h) If any person eligible to register as a voter is unable to register in person at the permanent registrar's office by reason of sickness or physical disability, the permanent registrar shall register the applicant at his or her place of abode within such county, if practicable, in the same manner as if he or she had appeared at the permanent registrar's office.

(i) Notwithstanding other provisions of this amendment, every person in any of the following categories who is absent from the place of his or her voting residence may vote without prior registration by absentee ballot by submission of a federal postal card application as provided for in the Uniformed and Overseas Citizens Absentee Voting Act in any primary, special, school, or general election held in his or her election precinct if he or she is otherwise eligible to vote in that election:

(1) Members of the uniformed services of the United States while in active duty or service, and their spouses and dependents who, by reason of the active duty or service of the member, are absent from the place of residence where the spouse or dependent is otherwise qualified to vote;

(2) Members of the Merchant Marine while in active duty or service, and their spouses and dependents who, by reason of the active duty or service of the member, are absent from the place of residence where the spouse or dependent is otherwise qualified to vote; and

(3) Citizens of the United States residing or temporarily outside the territorial limits of the United States and the District of Columbia.

(j)(1) The Secretary of State shall be responsible for providing to all absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the state, information regarding voter registration procedures and absentee ballot procedures.

(2) No later than ninety (90) days after the date of each regularly scheduled general election for federal office, the Secretary of State shall submit a report, based on information submitted to him or her by the permanent registrars of each county, to the Election Assistance Commission on the combined number of absentee ballots transmitted to absent uniformed services voters and overseas voters for the election and the combined number of the ballots which were returned by the voters and cast in the election.

(3) The Secretary of State shall make the report available to the general public.

(k) Any person whose registration status or voting eligibility is affected adversely by an administrative determination under this amendment may appeal such adverse determination within five (5) days of receipt of notice thereof to the county board of election commissioners. The county board of election commissioners shall act on such appeal and render its decision within ten (10) days of its receipt. Within thirty (30) days after receipt of such decision, any aggrieved party may appeal further to the circuit court of the county.

(l) If an election law deadline occurs on a Saturday, Sunday, or legal holiday, the deadline shall be the next day which is not a Saturday, Sunday, or legal holiday. [As amended by Acts 2003, No. 995, § 3; 2005, No. 1952, § 1; 2009, No. 659, § 2.]

§ 10. Transfer and change of status.

(a) Upon a change of legal residence within the county, or a change of name, any registered voter may cause his or her registration to be transferred to his or her new address or new name by completing and mailing a federal or state mail voter registration application form, by updating his or her address at the Office of Driver Services, any state revenue office, public assistance agency, disabilities agency, or other voter registration agency, by signing a mailed request to the permanent registrar, giving his or her present address and the address at which he or she was last registered or his or her present name and the name under which he or she was last registered, or by applying in person at the office of the permanent registrar.

(b)(1) Upon a change of legal residence from one (1) county within the state to another county within the state, any registered voter may cause his or her registration to be transferred to the new county at his or her new address by:

(A) Completing and mailing a federal or state mail voter registration application form;

(B) Updating his or her new address at a voter registration agency, including without limitation the Office of Driver Services or a state revenue office, public assistance agency, or disabilities agency;

(C) Signing a mailed request to the permanent registrar giving the voter's present address and the address at which the voter was last registered; or

(D) Applying in person for the transfer at the office of the permanent registrar.

(2)(A) If the updated registration information is actually received in the office of the county clerk of the voter's new county not later than four (4) days before a scheduled election, the voter shall have the right to vote in the scheduled election in the precinct into which the voter just moved in the new county.

(B) If the updated registration information is not actually received by the fourth day before a scheduled election, the voter shall not be eligible to vote in the scheduled election.

(c) If the change of legal residence is made pursuant to subsection (a) or subdivision (d)(1) of this section during the thirty-day administrative cut-off period immediately prior to any

election scheduled within the county, the registered voter shall retain his or her right to vote in the scheduled election in the precinct to which he or she just moved.

(d) The permanent registrar shall conduct a uniform, nondiscriminatory address confirmation program during each odd-numbered year to ensure that voter registration lists are accurate and current. The address confirmation program shall be completed not later than ninety (90) days prior to a primary or general election for federal office. Based on change of address data received from the United States Postal Service or its licensees, or other unconfirmed data indicating that a registered voter no longer resides at his or her registered address, the permanent registrar shall send a forwardable address confirmation notice, including a postage-paid and preaddressed return card, to enable the voter to verify or correct the address information.

(1) If change of address data indicate that the voter has moved to a new residence address in the same county and, if the county is divided into more than one (1) congressional district, the same congressional district, the address confirmation notice shall contain the following statement:

"We have received notification that you have moved to a new address in _____ County (or in the _____ Congressional District). We will reregister you at your new address unless, within ten (10) days, you notify us that your change of address is not a change of your permanent residence. You may notify us by returning the attached postage-paid postcard or by calling (_____) _____-_____. If this is not a permanent change of residence and if you do not notify us within ten (10) days you may be required to update your residence address in order to vote at future elections."

(2) If the change of address data indicates that the voter has moved to a new address in another county or, if a county is divided into more than one (1) congressional district, to a new address in the same county but in a new congressional district, the notice shall include the following statement:

"We have received notification that you have moved to a new address not in _____ County (or not in the _____ Congressional District). If you no longer live in _____ County (or in the _____ Congressional District), you must transfer your registration to your new residence address in order to vote in the next election. If you are still an Arkansas resident, you may obtain a form to transfer your registration by calling your county clerk's office or the Secretary of State. If your change of address is not a change of your permanent residence, you must return the attached postage-paid postcard. If you do not return this card and continue to reside in _____ County (and in the _____ Congressional District), you may be required to provide identification and update your residence address in order to vote at future elections, and if you do not vote at any election in the period between the date of this notice and the second federal general election after the date of this notice, your voter registration will be cancelled and you will have to reregister in order to vote. If the change of address is permanent, please return the attached postage-paid postcard which will assist us in keeping our voter registration records accurate."

(e) The county clerk may send out an address confirmation to any voter when he or she receives unconfirmed information that the voter no longer resides at the address on the voter registration records. The county clerk shall follow the same confirmation procedure as set forth in subsection (d) of this section.

(f) Based on change of address information received pursuant to subsections (a) and (d) of this section, the permanent registrar shall:

(1) Update and correct the voter's registration if the information indicates that the voter has moved to a new address within the same county and the same congressional district;

(2) Designate the voter as inactive if the information indicates the voter has moved to a new address in another county or to a new address in another congressional district in the same county or if the address confirmation notices have been returned as undeliverable; or

(3) Cancel the voter registration in the county from which the voter has moved if the voter verifies in writing that he or she has moved to a residence address in another county. [As amended by Acts 1977, No. 882, § 1; 1991, No. 581, § 1; 1995, No. 947, § 6; 1995, No. 964, § 6; 1999, No. 1108, § 1; 2007, No. 560, § 1; 2009, No. 659, § 3.]

§ 11. Cancellation of registration.

(a) It shall be the duty of the permanent registrar to cancel the registration of voters:

(1) Who have failed to respond to address confirmation mailings described in section 10 of this amendment and have not voted or appeared to vote in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for federal office that occurs after the date of the address confirmation notice;

(2) Who have changed their residence to an address outside the county;

(3) Who have died;

(4) Who have been convicted of a felony and have not discharged their sentence or been pardoned;

(5) Who are not lawfully qualified or registered electors of this state or of the county; or

(6) Who have been adjudged mentally incompetent by a court of competent jurisdiction.

(b) It shall be the duty of the permanent registrar of each county upon the registration of a person who has been registered previously in another county or state to notify promptly the permanent registrar of such other county or state of the new registration.

(c)(1) It shall be the duty of the State Registrar of Vital Records to notify promptly the Secretary of State of the death of all residents of this state.

(2)(A) The Secretary of State shall compile a listing of the deceased residents of this state and shall promptly provide this listing to the permanent registrar of each county.

(B) The deceased voter registration shall be cancelled by the permanent registrar.

(d)(1) It shall be the duty of the circuit clerk of each county upon the conviction of any person of a felony to notify promptly the permanent registrar of the county of residence of such convicted felon.

(2)(A) It is the duty of any convicted felon who desires to register to vote to provide the county clerk with proof from the appropriate state or local agency, or office that the felon has been discharged from probation or parole, has paid all probation or parole fees, or has satisfied all terms of imprisonment, and paid all applicable court costs, fines, or restitution.

(B) Proof that the felon has been discharged from probation or parole, paid all probation or parole fees, or satisfied all terms of imprisonment, and paid all applicable court costs, fines, or restitution shall be provided to the felon after completion of the probation, parole, or sentence by the Department of Correction, the Department of Community Correction, the appropriate probation office or the circuit clerk as applicable.

(C) The circuit clerk or any other entity responsible for collection shall provide proof to the Department of Correction, the Department of Community Correction, or the appropriate probation office that the felon has paid all applicable court costs, fines, or restitution.

(D) Upon compliance with subdivision (d)(2)(A) of this section, the felon shall be deemed eligible to vote.

(e) Within ten (10) days following the receipt or possession of information requiring any cancellation of registration, other than under section 11(a)(1) of this amendment, the permanent

registrar shall cancel the registration, note the date of the cancellation, the reason for the cancellation, and the person cancelling the registration.

(f)(1) The permanent registrar shall, thirty (30) days before cancellation, notify all persons whose registration records are to be cancelled in accordance with section 11(a)(1) of this amendment. The notice may be either by publication or by first class mail. The notice by mail shall be as follows:

"NOTICE OF IMPENDING CANCELLATION OF VOTER REGISTRATION.

According to our records you have not responded to our address confirmation notice and you have not voted in any election during the period beginning on the date of the notice and ending on the day after the date of the second general election for federal office after the date of the first notice. This may indicate that you no longer live at the residence address printed on the postcard. If your permanent residence address is still the same as the printed address on this postcard YOU MUST CONFIRM YOUR RESIDENCE ADDRESS in order to remain on the voter registration list. If you do not return the attached postcard within thirty (30) days after the date postmarked on this card YOUR REGISTRATION WILL BE CANCELLED and you will have to re-register to vote."

(2) When, in response to the notice, a qualified voter requests the permanent registrar not to cancel the voter registration, the voter registration shall not be cancelled under section 11(a)(1) of this amendment.

(g) The permanent registrar is authorized, and may be directed by the county board of registration, to determine by mail check, house to house canvass, or any other reasonable means at any time within the whole or any part of the county whether active record registration files contain the names of any persons not qualified by law to vote. Further, upon application based upon affidavits of one (1) or more qualified voters by the prosecuting attorney for the county, the circuit judge of the county, for good cause shown, may order the permanent registrar to make sure determination or to cancel the registration of such unqualified persons. [As amended by Acts 1977, No. 744, § 1; 1983, No. 11, § 1; 1987, No. 800, § 1; 1991, No. 581, § 2; 1995, No. 947, § 7; 1995, No. 964, § 7; 2001, No. 560, § 1; 2003, No. 271, § 1; 2003, No. 375, § 1; 2003, No. 1451, § 1; 2009, No. 659, § 4.]

§ 12. Loss or destruction of voter registration records.

In the event any Registration Record or File shall become lost or destroyed, the Permanent Registrar shall prepare, from the remaining Files, temporary copies of the registration records if necessary for the conduct of any election. The Permanent Registrar shall send notice of such fact by first-class mail to any voter whose registration record has been lost, destroyed or mutilated in order that such voter may register again. The previous registration shall be cancelled at the time of the new registration, and in any event within sixty (60) days after mailing of such notice. [As amended by Acts 1995, No. 947, § 9; 1995, No. 964, § 9.]

§ 13. Fail-safe voting.

If a voter presents himself at a polling place on the date of an election but no record of his voter registration can be located by the judges of the election on the precinct voter registration list, such voter shall be permitted to vote only under the conditions set forth in § 7-5-306 or § 7-7-308. [As amended by Acts 1973, No. 149, §§ 5, 6; 1995, No. 947, § 10; 1995, No. 964, § 10.]

§ 14. Voter registration lists.

(a) By the first day of June of each year, and at such other times as may be practicable, all Permanent Registrars shall, and at their discretion at other times may, print or otherwise duplicate and publish lists of registered voters by precincts, and may distribute such lists pursuant to §§ 7-5-105 and 7-5-109. A copy of the most current such list in each precinct shall be furnished the election officials at each precinct at the time the ballot boxes are delivered and such election officials shall post said list at a conspicuous place in the polling area.

(b) By the first day of June of each year, the Permanent Registrar shall certify to the Secretary of State the total number of registered voters in the county. The Secretary of State shall tabulate the total number of registered voters in the state and shall make such information available to interested persons upon request. [As amended by Acts 1995, No. 947, § 11; 1995, No. 964, § 11.]

§ 15. Penalties.

(a) Any person who shall maliciously and intentionally destroy, steal, mutilate or unlawfully detain or obtain any voter registration form or any Registration Record Files shall be guilty of a felony, and upon conviction thereof shall be fined in the sum of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00), or be imprisoned in the State Penitentiary for a period of not less than one (1) year nor more than five (5) years, or both.

(b) Any public official or election official who wilfully violates any provision of this amendment shall be guilty of a misdemeanor, and upon conviction thereof shall also be removed from such office.

(c) Any other person who wilfully violates any provision of this amendment shall be guilty of a misdemeanor. [As amended by Acts 1995, No. 947, § 12; 1995, No. 964, § 12.]

§ 16. Severability.

If any provision of this amendment or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the amendment which can be given effect without the invalid provision or application, and to this end the provisions of this amendment are declared to be severable.

§ 17. Effect on other laws.

This amendment supersedes and repeals the requirement of Amendment No. 8 that a poll tax receipt be presented prior to registration or voting, and further supersedes and repeals Act 19 of 1964 and all other laws or parts of laws in conflict herewith.

§ 18. Appropriations.

The General Assembly shall make such appropriations as may be required for the effectuation of this amendment.

§ 19. Amendment.

The General Assembly may, in the same manner as required for amendment of laws initiated by the people, amend Sections 5 through 15 of this amendment, so long as such amendments are germane to this amendment, and consistent with its policy and purposes.

§ 20. Short title.

This amendment shall be known as the "Arkansas Amendment for Voter Registration without Poll Tax Payment."

AMEND. 52.
COMMUNITY COLLEGES.

§ 1. General Assembly may establish districts to furnish community college instruction and technical training.

The General Assembly may by law provide for the establishment of districts for the purpose of providing community college instruction and technical training. The General Assembly shall prescribe the method of financing such communuity college and technical institutes, and may authorize the levy of a tax upon the taxable property in such districts for the acquisition, construction, reconstruction, repair, expansion, operation, and maintenance of facilities therefor.

§ 2. Prior approval of majority of qualified voters in proposed district required.

No such district shall be created and no such tax shall be levied upon the property in an established district except upon approval of a majority of the qualified electors of such proposed or established district voting thereon. Provided that any millage so approved by the electors of a district shall be a continuing levy until increased, reduced or repealed in such manner as may be provided by law, providing they shall ever remain a community college and shall never be extended into four-year institutions.

AMEND. 53.
FREE SCHOOL SYSTEM (CONST., ART. 14, § 1, AMENDED).

AMEND. 54.
PURCHASE OF PRINTING, STATIONERY AND SUPPLIES.

§ 1. Contracts given to lowest responsible bidder.

The printing, stationery, and supplies purchased by the General Assembly and other departments of government shall be under contracts given to the lowest responsible bidder, below such maximum price and under such regulations as shall be prescribed by law. No member or officer of any department of government shall in any way be interested in such contracts.

AMEND. 55.
REVISION OF COUNTY GOVERNMENT.

§ 1. Power of quorum court.

(a) A county acting through its Quorum Court may exercise local legislative authority not denied by the Constitution or by law.

(b) No county may declare any act a felony or exercise any authority not relating to county affairs.

(c) A county may, for any public purpose, contract, cooperate, or join with any other county, or with any political subdivisions of the State or any other states or their political subdivisions, or with the United States.

§ 2. Composition of quorum court — Power over elective offices.

(a) No county's Quorum Court shall be comprised of fewer than nine (9) justices of the peace, nor comprised of more than fifteen (15) justices of the peace. The number of justices of the peace that comprise a county's Quorum Court shall be determined by law. The county's Election Commission shall, after each decennial census, divide the county into convenient and single member districts so that the Quorum Court shall be based upon the inhabitants of the county with each member representing, as nearly as practicable, an equal number thereof.

(b) The Quorum Court may create, consolidate, separate, revise, or abandon any elective county office or offices except during the term thereof; provided, however, that a majority of those voting on the question at a general election have approved said action.

§ 3. Power of county judge.

The County Judge, in addition to other powers and duties provided for by the Constitution and by law, shall preside over the Quorum Court without a vote but with the power of veto; authorize and approve disbursement of appropriated county funds; operate the system of county roads; administer ordinances enacted by the Quorum Court; have custody of county property; hire county employees, except those persons employed by other elected officials of the county.

§ 4. Powers of quorum court.

In addition to other powers conferred by the Constitution and by law, the Quorum Court shall have the power to override the veto of the County Judge by a vote of three-fifths of the total membership; fix the number and compensation of deputies and county employees; fill vacancies in elective county offices; and adopt ordinances necessary for the government of the county. The Quorum Court shall meet and exercise all such powers as provided by law.

§ 5. Compensation of county officers fixed by quorum court.

Compensation of each county officer shall be fixed by the Quorum Court within a minimum and maximum to be determined by law. Compensation may not be decreased during a current term; provided, however, during the interim, from the date of adoption of this Amendment until the first day of the next succeeding month following the date of approval of salaries by the Quorum Court, salaries of county officials shall be determined by law. Fees of the office shall not

be the basis of compensation for officers or employees of county offices. Per diem compensation for members of the Quorum Court shall be fixed by law.

§ 6. Bonding of county officers.

All County Officers shall be bonded as provided by law.

AMEND. 56.
CONSTITUTIONAL OFFICERS — GENERAL ASSEMBLY.

§ 1. Executive department — Composition.

The Executive Department of this State shall consist of a Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Auditor of State, Attorney General, and Commissioner of State Lands, all of whom shall keep their offices at the seat of government, and hold their offices for the term of two (2) years, and until their successors are elected and qualified.

§ 2. [Repealed.]

§ 3. [Repealed.]

§ 4. Compensation of municipal officers.

Compensation of municipal officers and officials shall be fixed by the governing body of the municipality, not to exceed limits which may be established by law.

AMEND. 57.
INTANGIBLE PERSONAL PROPERTY.

§ 1. Intangible personal property — Assessment and taxation.

The General Assembly may classify intangible personal property for assessment at lower percentages of value than other property and may exempt one or more classes of intangible personal property from taxation, or may provide for the taxation of intangible personal property on a basis other than ad valorem.

§ 2. Effect on other constitutional provisions.

The provisions of this Amendment shall be in lieu of those provisions of Article 16, Section 5 of the Constitution of the State of Arkansas relating to the assessment and taxation of intangible personal property.

AMEND. 58.
[REPEALED.]

AMEND. 59.
TAXATION (CONST., ART. 16, § 5, REPEALED; §§ 5, 14, 15, 16, ADDED)

AMEND. 60.
1982 INTEREST RATE CONTROL AMENDMENT (CONST., ART. 19, § 13, AMENDED).

AMEND. 61.
COUNTY ROAD TAX.

County quorum courts may annually levy a county road tax not to exceed three (3) mills on the dollar on all taxable real and personal property within their respective counties. Revenues derived from the county road tax shall be used for the sole purpose of constructing and repairing public roads and bridges within the county wherein levied. The authority granted by this amendment shall be in addition to all other taxing authority of the county quorum courts.

AMEND. 62.
LOCAL CAPITAL IMPROVEMENT BONDS.

§ 1. Local capital improvement bonds authorized — Election — Taxes — Limit on indebtedness — Suspension of tax levy.

(a) The legislative body of a municipality or county, with the consent of a majority of the qualified electors voting on the question at an election called for that purpose, may authorize the issuance of bonds for capital improvements of a public nature, as defined by the General Assembly, in amounts approved by a majority of those voting on the question either at an election called for that purpose or at a general election. The General Assembly shall prescribe a uniform method of calling and holding such elections and the terms upon which the bonds may be issued. If more than one purpose is proposed, each shall be stated separately on the ballot. The election shall be held no earlier than thirty (30) days after it is called by the legislative body. The tax to retire the bonds may be an ad valorem tax on real and personal property. Other taxes may be authorized by the General Assembly or the legislative body to retire the bonds.

(b) The limit of the principal amount of bonded indebtedness of the municipality or county which may be outstanding and unpaid at the time of issuance of any bonds secured by a tax on real or personal property, except for bonds issued for industrial development purposes pursuant to Section 2 hereof, shall be a sum equal to ten percent (10%) for a county or twenty percent (20%) for a municipality of the total assessed value for tax purposes of real and personal property in the county or municipality, as determined by the last tax assessment.

(c) The municipality or county may from time to time, suspend the collection of a levy, when not required for the payment of its bonds, subject to the covenants with the bondholders. (Amended by Amend. 89.)

§ 2. Issuance of bonds to secure and develop industry — Levy of tax — Suspension of collection — Limit on tax levy.

(a) In addition to the authority for bonded indebtedness set forth in Section 1, any municipality or county may, with the consent of the majority of the voters voting on the question at an election held for that purpose, issue bonds in sums approved by such majority at that election for the purpose of financing facilities for the securing and developing of industry within or near the county or municipality holding the election.

(b) To provide for payment of principal and interest of the bonds issued pursuant to the section, as they mature, the municipality or county may levy a special tax, not to exceed five (5) mills on the dollar of the taxable real and personal property therein. However, the municipality or county may, from time to time, suspend the collection of such annual levy when not required for the payment of its bonds. In no event shall any parcel of real and personal taxable property be subject to a special tax levied under the authority of this Section in excess of five (5) mills for bonds issued under this Section.

§ 3. Sale of bonds — Procedure.

The bonds described in Section 2 hereof shall be sold only at public sale after twenty (20) days advertisement in a newspaper having a bona fide circulation in the municipality or county issuing such bonds; provided, however, that the municipality or county may exchange such bonds for bonds of like amount, rate or interest, and length of issue.

§ 4. Maximum rate of tax stated on ballot — Borrowing prior to issuance of bonds.

The maximum rate of any special tax to pay bonded indebtedness as authorized in Sections 1 and 2 hereof shall be stated on the ballot. After such bond issue has been approved by the electorate, the municipality or county may, prior to the issuance of the bonds, borrow funds on an interim basis, not to exceed three (3) years, and pledge to the payment thereof the tax approved by the voters.

§ 5. Special tax constitutes special fund — Disbursement of surplus.

The special tax for payment of bonded indebtedness authorized in Sections 1 and 2 hereof shall constitute a special fund pledged as security for the payment of such indebtedness. The special tax shall never be extended for any other purpose, nor collected for any greater length of time than necessary to retire such bonded indebtedness, except that tax receipts in excess of the amount required to retire the debt according to its terms may, subject to covenants entered into with the holders of the bonds, be pledged as security for the issuance of additional bonds if authorized by the voters. The tax for such additional bonds shall terminate within the time provided for the tax originally imposed. Upon retirement of the bonded indebtedness, any surplus tax collections which may have accumulated shall be transferred to the general funds of the municipality or county.

§ 6. Conduct of elections.

The General Assembly may enact laws governing the conduct of elections authorized by this Amendment. Absent the enactment of such laws, such elections shall be held, called and conducted in accordance with the laws governing elections generally. The results of such election shall be published in a newspaper of general circulation in the county or municipality (as the case

may be) and any contest of such election or the tabulation of the votes therein shall be brought within thirty (30) days after such publication or shall be forever barred.

§ 7. Provisions self-executing.

The provisions of this Amendment shall be self-executing.

§ 8. Taxes levied and bonds authorized prior to amendment.

Taxes levied prior to the effective date of this Amendment shall continue in force until abolished, reduced, or increased as provided by law. All bonds and other evidences of indebtedness authorized prior to the effective date of this Amendment shall be governed by the Constitutional provision and laws in effect at the time of authorization.

§ 9. Joint project of various governing bodies — Compact agreement elections.

Whenever two or more cities of the First or Second Class, or incorporated towns, and/or one or more counties and the school districts therein, desire to join together in a combined effort to secure and develop industries within one or more of such cities, towns, counties, and share in the increased revenues estimated to be received by the city, town, or county, or school district, in which the industry or industries are to be located, they may, upon adoption by the governing bodies of each such city, town, school district, or county, enter into a compact setting forth the terms by which each of the participating cities, towns, school districts, and counties is to share in the revenues to be derived from the location of an industrial plant within the compact area through the combined efforts of the various participating cities, towns, school districts, and counties. Upon adoption of such compact by the governing bodies of the participating cities, towns, school districts, and/or counties, the county court of each of the counties involved shall cause a special election to be called within not more than forty-five (45) days from the date of the filing of such compact with the county court. At such special election, the qualified electors of each of the cities, towns, school districts, and counties shall vote on whether to approve the compact and the method of sharing in increased revenues to be derived by the city, school district, and/or county in which the proposed industry is to be located among the various participating cities, towns, counties, and school districts. The ballot at such election shall be in substantially the following form:

> "FOR the establishment of an industrial development compact and the sharing of revenues to be derived from additional taxes to be generated by new industries. ☐
>
> AGAINST the establishment of an industrial development compact and the sharing of revenues to be derived from additional taxes to be generated by new industries." ☐

Said election shall be conducted in accordance with the election laws of this State, and the results thereof tabulated and certified to the County Clerk in the manner now provided by law. If a majority of the qualified electors voting on the question vote in favor of the creation of the compact, and the sharing of revenues to be derived from new industries located in the compact area, the said compact shall be implemented in accordance with the terms thereof. If a majority of the qualified electors voting on said issue vote against issue at said special election, no additional election on said issue may be held within one (1) year from the date of said election. The results of said election shall be proclaimed by the county court of each of the counties in which the county

and/or cities and towns, or school districts, are located. The results of said election shall be conclusive unless attacked in the courts within thirty (30) days.

AMEND. 63.
FOUR YEAR TERMS FOR STATE CONSTITUTIONAL OFFICERS.

§ 1. Executive Department — Term of office.

The Executive Department of this State shall consist of a Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Auditor of State, Attorney General and Commissioner of State Lands, all of whom shall keep their offices at the seat of government, and hold their offices for the term of four (4) years, and until their successors are elected and qualified.

AMEND. 64.
[REPEALED.]

§ 1. [Repealed.]

AMEND. 65.
REVENUE BONDS

§ 1. Issuance — Terms and conditions.

Subject to the provisions of Section 2 hereof, any governmental unit, pursuant to laws heretofore or hereafter adopted by the General Assembly, may issue revenue bonds for the purpose of financing all or a portion of the costs of capital improvements of a public nature, facilities for the securing and developing of industry or agriculture, and for such other public purposes as may be authorized by the General Assembly. Such bonds may bear such terms, be issued in such manner, and be subject to such conditions, all as may be authorized by the General Assembly; and the General Assembly may, but shall not be required to, condition the issuance of such bonds upon an election.

§ 2. Purpose of issuance.

(a) No revenue bonds shall be issued by or on behalf of any governmental unit if the primary purpose of the bonds is to loan the proceeds of the bonds, or to lease or sell the facilities financed with the proceeds of the bonds, to one or more private business users for shopping centers or other establishments engaged in the sale of food or goods at retail.

(b) No revenue bonds shall be issued by or on behalf of any governmental unit without the consent of a majority of the qualified electors voting on the question at an election held in accordance with state law if the primary purpose of the bonds is to loan the proceeds of the bonds, or to lease or sell the facilities financed with the proceeds of the bonds, to one or more private business users for hotels or motels, rental or professional office buildings, or facilities for recreation or entertainment.

§ 3. Definitions.

(a) The term "revenue bonds" as used herein shall mean all bonds, notes, certificates or other instruments or evidences of indebtedness the repayment of which is secured by rents, user fees, charges, or other revenues (other than assessments for local improvements and taxes) derived from the project or improvements financed in whole or in part by such bonds, notes, certificates or other instruments or evidences of indebtedness, from the operations of any governmental unit, or from any other special fund or source other than assessments for local improvements and taxes.

(b) The term "governmental unit" as used herein shall mean the State of Arkansas; any county, municipality, or other political subdivision of the State of Arkansas; any special assessment or taxing district established under the laws of the State of Arkansas; and any agency, board, commission, or instrumentality of any of the foregoing.

§ 4. Authority exclusive — Interest — Initiative and referendum.

This amendment shall be the sole authority required for the authorization, issuance, sale, execution and delivery of revenue bonds authorized hereby. Nothing herein shall be construed to impair the initiative and referendum powers reserved to the people under Amendment No. 7 to the Constitution of the State of Arkansas. (Amended by Const. Amend. 89.)

AMEND. 66.
JUDICIAL DISCIPLINE AND DISABILITY COMMISSION

(a) Commission: Under the judicial power of the State, a Judicial Discipline and Disability Commission is established and shall be comprised of nine persons: three justices or judges, appointed by the Supreme Court; three licensed attorneys in good standing who are not justices or judges, one appointed by the Attorney General, one by the President of the Senate, and one by the Speaker of the House; and three members appointed by the Governor. The members appointed by the Governor shall not be justices or judges, retired justices or judges, or attorneys. Alternate members shall be selected and vacancies filled in the same manner.

(b) Discipline, Suspension, Leave, and Removal: The Commission may initiate, and shall receive and investigate, complaints concerning misconduct of all justices and judges, and requests and suggestions for leave or involuntary disability retirement. Any judge or justice may voluntarily request that the Commission recommend suspension because of pending disciplinary action or leave because of a mental or physical disability. Grounds for sanctions imposed by the Commission or recommendations made by the Commission shall be violations of the professional and ethical standards governing judicial officers, conviction of a felony, or physical or mental disability that prevents the proper performance of judicial duties. Grounds for suspension, leave, or removal from office shall be determined by legislative enactment.

(c) Discipline: If, after notice and hearing, the Commission by majority vote of the membership determines that grounds exist for the discipline of a judge or justice, it may reprimand or censure the judge or justice, who may appeal to the Supreme Court. The Commission may, if it determines that grounds exist, after notice and hearing, and by majority vote of the membership, recommend to the Supreme Court that a judge or justice be suspended, with or without pay, or be removed, and the Supreme court, en banc, may take such action. Under this amendment, a judge who also has executive or legislative responsibilities shall be suspended or removed only from judicial duties. In any hearing involving a Supreme Court justice, all Supreme Court justices shall be disqualified from participation.

(d) Leave and Retirement: If, after notice and hearing, the Commission by majority vote of the membership determines that a judge or justice is unable because of physical or mental disability to perform the duties of office, the Commission may recommend to the Supreme Court that the judge or justice be granted leave with pay or be retired, and the Supreme Court, en banc, may take such action. A judge or justice retired by the Supreme Court shall be considered to have retired voluntarily as provided by law.

(e) Vacancies**:** Vacancies created by suspension, the granting of leave or the removal of a judge or justice, or vacancies created by disqualification of justices, shall be filled as provided by law.

(f) Rules: The Supreme Court shall make procedural rules implementing this amendment and setting the length of terms on the Commission.

(g) Cumulative Nature: This amendment is alternative to, and cumulative with, impeachment and address authorized by this Constitution.

AMEND. 67.
JURISDICTION OF MATTERS RELATING TO JUVENILES AND BASTARDY.

The General Assembly shall define jurisdiction of matters relating to juveniles (persons under eighteen (18) years of age) and matters relating to bastardy and may confer such jurisdiction upon chancery, circuit or probate courts, or upon separate divisions of such courts, or may establish separate juvenile courts upon which such jurisdiction may be conferred, and shall transfer to such courts the jurisdiction over bastardy and juvenile matters now vested in county courts by Section 28 of Article 7 of this Constitution.

AMEND. 68.
ABORTION

§ 1. Public funding.

No public funds will be used to pay for any abortion, except to save the mother's life.

§ 2. Public policy.

The policy of Arkansas is to protect the life of every unborn child from conception until birth, to the extent permitted by the Federal Constitution.

§ 3. Effect of amendment.

This amendment will not affect contraceptives or require an appropriation of public funds.

AMEND. 69.
REPEAL OF AMENDMENT 44 (PROTECTION OF STATES' RIGHTS).

AMEND. 70.
EXECUTIVE DEPARTMENT AND GENERAL ASSEMBLY SALARIES — RESTRICTIONS ON EXPENSE REIMBURSEMENTS.

§ 1. Executive Department and General Assembly — Restrictions on reimbursements.

(a) No official of the Executive Department shall be reimbursed by the State of Arkansas for any expenses except those reasonably connected to their official duties and only if such reimbursement is made for documented expenses actually incurred and from the regular budget appropriated for the official's office. Such restrictions on expense reimbursement are of a general application and also are intended specifically to prohibit the appropriation and use of public relations funds. Except as provided in this Constitution, such officials of the Executive Department shall not receive any other income from the State of Arkansas, whether in the form of salaries or expenses.

(b) Except as provided in this Constitution, no member of the General Assembly shall receive any other income for service in the General Assembly, whether in the form of salaries or expenses, including, but not limited to, public relations funds. Provided further, that no member of the General Assembly shall be entitled to per diem unless authorized by law, or to reimbursement for expenses or mileage unless authorized by law, documented, and reasonably related to their official duties. [As added by Const. Amend. 94, effective November 5, 2014.]

§ 2. Additional Constitutional amendments authorized.

In addition to the three amendments to the Constitution allowed pursuant to Article 19, § 22, either branch of the General Assembly at a regular session thereof may propose an amendment to the 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. Only one amendment to the Constitution may be referred pursuant to this section.

§ 3. [Repealed.]

[Repealed by Const. Amend. 94, effective November 5, 2014.]

§ 4. Effective date.

The provisions of this amendment shall be effective on January 1, 1993.

§ 5. Repeal of Amendment 56, Sections 2 and 3.

Section 2 and Section 3 of Amendment 56 to the Arkansas Constitution are hereby repealed.

AMEND. 71.
PERSONAL PROPERTY TAXES.

§ 1. Exemption from ad valorem taxes.

Items of household furniture and furnishings, clothing, appliances, and other personal property used within the home, if not held for sale, rental, or other commercial or professional use, shall be exempt from all ad valorem taxes levied by any city, county, school district, or other taxing unit in this state.

§ 2. Motor vehicles — Procedures for assessment and collection.

In addition to the method established by law for assessing and collecting real and personal property taxes, the General Assembly may establish special procedures, in lieu thereof, for the assessment and collection of annual personal property taxes on motor vehicles, owned by individuals, at the time of issuance or renewal of the registration and the license thereof. Personal property taxes collected on motor vehicles under such procedures shall be based on the assessed value of the vehicles determined at the time the tax is paid, computed at the rate of personal property taxes levied during the preceding November, in the manner provided by law, in the taxing units in which the owner of the motor vehicle resides, or in which the motor vehicle is regularly located and assessed, and the taxpayer shall not be required to pay ad valorem taxes upon such motor vehicle based on the assessment for the previous year. In no event may more than one year's personal property taxes be collected on the same vehicle in the same year. Personal property taxes collected on motor vehicles under such procedures shall be remitted to the counties in which due, for distribution, as revenues of the year in which collected, to the respective taxing units in the manner provided by law.

§ 3. Supersession of Article 16, Section 5.

The provisions of this amendment shall be in lieu of those provisions of Article 16, Section 5 of the Constitution of the State of Arkansas relating to the assessment and taxation of tangible personal property.

§ 4. Effective date.

This amendment shall be in effect from and after January 1, 1993.

AMEND. 72.
CITY AND COUNTY LIBRARY AMENDMENT (CONST. AMENDS. 30 AND 38, §§ 1 AND 3, AMENDED, CONST. AMENDS. 30 AND 38, § 5, ADDED).

AMEND. 73.
ARKANSAS TERM LIMITATION AMENDMENT

Preamble: The people of Arkansas find and declare that elected officials who remain in office too long become preoccupied with reelection and ignore their duties as representatives of the people. Entrenched incumbency has reduced voter participation and has led to an electoral system that is less free, less competitive, and less representative than the system established by the Founding Fathers. Therefore, the people of Arkansas, exercising their reserved powers, herein limit the terms of elected officials.

§ 1. Executive Branch.

(a) The Executive Department of this State shall consist of a Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Auditor of State, Attorney General, and Commissioner of State Lands, all of whom shall keep their offices at the seat of government, and hold their offices for the term of four years, and until their successors are elected and qualified.

(b) No elected officials of the Executive Department of this State may serve in the same office more than two such four year terms.

§ 2. Legislative Branch.

(a) The Arkansas House of Representatives shall consist of members to be chosen every second year by the qualified electors of the several counties.

(b) The Arkansas Senate shall consist of members to be chosen every four years by the qualified electors of the several districts.

(c)(1) A member of the General Assembly shall serve no more than sixteen (16) years, whether consecutive or nonconsecutive.

(2) A member who completes his or her sixteenth year of service during a term of office for which he or she has been elected may serve until the completion of that term of office.

(3) The years of service in both the Senate and the House of Representatives shall be added together and included to determine the total number of years in office.

(4) A partial legislative term served as a result of a special election under Article 5, § 6, or a two-year term served as a result of apportionment of the Senate shall not be included in calculating the total number of years served by a member of the General Assembly. [As amended by Const. Amend. 94, effective November 5, 2014.]

§ 3. Congressional Delegation.

(a) Any person having been elected to three or more terms as a member of the United States House of Representatives from Arkansas shall not be certified as a candidate and shall not be eligible to have his/her name placed on the ballot for election to the United States House of Representatives from Arkansas.

(b) Any person having been elected to two or more terms as a member of the United States Senate from Arkansas shall not be certified as a candidate and shall not be eligible to have his/her name placed on the ballot for election to the United States Senate from Arkansas.

§ 4. Severability.

The provisions of this Amendment are severable, and if any should be held invalid, the remainder shall stand.

§ 5. Provisions Self-executing.

Provisions of this Amendment shall be self-executing.

§ 6. Application.

(a) This Amendment to the Arkansas Constitution shall take effect and be in operation on January 1, 1993, and its provisions shall be applicable to all person thereafter seeking election to the offices specified in this Amendment.

(b) All laws and constitutional provisions which conflict with this Amendment are hereby repealed to the extent that they conflict with this amendment.

AMEND. 74.
SCHOOL TAX — BUDGET — APPROVAL OF TAX RATE (CONST., ART. 14, § 3, AS AMENDED BY CONST. AMEND. 11 AND CONST. AMEND. 40, AMENDED)

AMEND. 75.
[ENVIRONMENTAL ENHANCEMENT FUNDS].

§ 1. Statement of purpose.

The people of the State of Arkansas find that fish, wildlife, parks, tourism and natural heritage constitute a major economic and natural resource of the state and they desire to provide additional funds to the Arkansas Game and Fish Commission, the Department of Parks and Tourism, the Department of Heritage and Keep Arkansas Beautiful.

§ 2. [Excise tax levied]

(a) There is hereby levied an additional excise tax of one-eighth of one percent ($^1/_8$ of 1%) upon all taxable sales of property and services subject to the tax levied by the Arkansas Gross Receipts Act (Arkansas Code § 26-52-101 et seq.), and such tax shall be collected, reported, and paid in the same manner and at the same time as is prescribed by law for the collection, reporting and payment of all other Arkansas gross receipts taxes.

(b) There is hereby levied an additional excise tax of one-eighth of one percent ($^1/_8$ of 1%) upon all tangible personal property subject to the tax levied by the Arkansas Compensating Tax Act (Arkansas Code § 26-53-101 et seq.), and such tax shall be collected, reported, and paid in the same manner and at the same time as is prescribed by law for the collection, reporting and payment of Arkansas compensating taxes.

§ 3. Use of proceeds.

(a) Notwithstanding any provision of Amendment 35 or any other provision of the Arkansas Constitution to the contrary, forty-five percent (45%) of all monies collected from the tax levied herein shall be deposited in the State Treasury as special revenues and credited to the Game Protection Fund to be used exclusively by the Arkansas Game and Fish Commission, as appropriated by the General Assembly.

(b) Forty-five percent (45%) of all monies collected from the tax levied herein shall be deposited in the State Treasury as special revenues and credited to the Department of Parks and Tourism Fund Account to be used by the Department of Parks and Tourism for state park purposes, as appropriated by the General Assembly.

(c) Nine percent (9%) of all monies collected from the tax levied herein shall be deposited in the State Treasury as special revenues and credited to the Arkansas Department of Heritage Fund Account to be used exclusively by the Department of Heritage as appropriated by the General Assembly.

(d) One percent (1%) of all monies collected from the tax levied herein shall be deposited in the State Treasury as special revenues and credited to the Keep Arkansas Beautiful Fund Account, which is hereby created on the books of the State Treasurer, State Auditor and the Chief Fiscal Officer of the State, to be used exclusively by Keep Arkansas Beautiful, as appropriated by the General Assembly.

§ 4. [Administrative procedures]

(a) The General Assembly shall provide for the proper administration and enforcement of this amendment by law.

(b) Unless the General Assembly provides another procedure by law, the provisions of the Arkansas Tax Procedure Act, Sections 26-18-101 et seq., shall so far as practicable be applicable to the tax levied by this amendment and the reporting, remitting and enforcement of the tax.

AMEND. 76.
THE CONGRESSIONAL TERM LIMITS AMENDMENT OF 1996 (CONST. AMEND. 73, § 3, AMENDED).

§ 1. Congressional Delegation (Const. Amend. 73, § 3 amended).

Section 3 of Amendment 73 to the Arkansas Constitution is hereby amended to add to the current language the following subsections:

(c) The foregoing provisions in sections (a) and (b) shall be revived upon passage of appropriate federal laws.

(d) It is the official position of the people of the State of Arkansas that all of our elected officials should vote to enact, by amendment to the United States Constitution, term limits for members of the United States Congress that are not longer than: three (3) two-year terms in the United States House of Representatives, nor two (2) six-year terms in the United States Senate, respectively.

(e) It is the will of the people of the State of Arkansas that the following amendment be added to the United States Constitution:

"Congressional Term Limits Amendment

"Section A. No person shall serve in the office of United States Representative for more than three terms, but upon ratification of the Congressional Term Limits Amendment no person who has held the office of United States Representative or who then holds the office shall serve for more than two additional terms.

"Section B. No person shall serve in the office of United States Senator for more than two terms, but upon ratification of the Congressional Term Limits Amendment no person who has held the office of United States Senator or who then holds the office shall serve more than one additional term.

"Section C. This article shall have no time limit within which it must be ratified by the legislatures of three-fourths of the several states.["]

(f)(1) As provided in this subsection, and in subsections (h) and (j) of this section, at each primary, special, and general election for the office of United States Representative, United States Senator, or any state legislator, the ballot shall inform voters regarding any incumbent and non-incumbent candidate's failure to support "The Congressional Term Limits Amendment" proposed above.

(g) Each member of the Arkansas Delegation to the United States Congress is hereby instructed to use all of the powers of the Congressional office to pass the Congressional Term Limits Amendment set forth in subsection (e) above.

(h) All primary, general, and special election ballots shall have the information "DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS" printed adjacent to the name of any United States Representative or United States Senator who:

(1) Failed to vote in favor of the Congressional Term Limits Amendment proposed in subsection (e) when brought to any vote;

(2) Failed to second the Congressional Term Limits Amendment proposed in subsection (e) if it lacked for a second before any proceeding of the legislative body;

(3) Failed to propose or otherwise bring to a vote of the full legislative body the Congressional Term Limits Amendment proposed in subsection (e) above if it otherwise lacked a legislator who so proposed or brought to a vote of the full legislative body the Congressional Term Limits Amendment proposed in subsection (e) above; or

(4) Failed to vote in favor of discharging the Congressional Term Limits Amendment proposed in subsection (e) before any committee or subcommittee upon which the Legislator served in the respective legislative body; or

(5) Failed to vote against or reject any attempt to delay, table, or otherwise prevent a vote by the full legislative body on the Congressional Term Limits Amendment set forth in subsection (e); or

(6) Failed to vote against any term limits proposal with terms longer than those set forth in the Congressional Term Limits Amendment proposed in subsection (e); or

(7) Sponsored or co-sponsored any proposed constitutional amendment or law that proposes term limits longer than those in the Congressional Term Limits Amendment set forth in subsection (e); or

(8) Failed to ensure that all legislative votes on Congressional Term Limits were recorded and made available to the public.

(i) The information "DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS" shall not appear adjacent to the names of candidates for Congress if the Congressional Term Limits

Amendment set forth in subsection (e) is before the states for ratification or has become a part of the United States Constitution.

(j) Notwithstanding any other provision of Arkansas law:

(1) A non-incumbent candidate for the office of United States Representative, United States Senator, State Representative, or State Senator, shall be permitted to sign a "Term Limits Pledge" each time the non-incumbent files as a candidate for such an office. A candidate who declines to sign the "Term Limits Pledge" shall have "DECLINED TO PLEDGE TO SUPPORT TERM LIMITS" printed adjacent to the candidate's name on the election ballot;

(2) Each time a non-incumbent candidate for United States Senator, United States Representative, State Senator, or State Representative files for candidacy for those offices, the candidate shall be offered the "Term Limits Pledge" until the United States Constitution has been amended to limit United States Senators to two terms in office and United States Representative to three terms in office;

(3) The "Term Limits Pledge" that each non-incumbent candidate for state and federal legislative offices shall be offered is as follows:

"I support Congressional Term Limits and pledge to use all of my legislative powers to enact the proposed Congressional Term Limits Amendment set forth in the United States Congressional Term Limits Amendment of 1996. If elected, I pledge to act and to vote in such a way that the information 'DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS' will not appear next to my name."

The pledge form will provide a space for the signature of the candidate and the date of the signature.

(k) The House of Representatives of the State of Arkansas, and the Arkansas Senate, due to the desire of the people of the State of Arkansas to establish term limits for the Congress of the United States, are hereby instructed to make the following application to the United States Congress, pursuant to their powers under Article V of the United States Constitution, to wit:

"We, the people and the legislature of the State of Arkansas, due to our desire to establish term limits on the members of the Congress of the United States, hereby make application to the United States Congress, pursuant to our power under Article V of the United States Constitution, to call a convention for proposing amendments to the Constitution."

(l) Each state legislator is hereby instructed to use all powers delegated to each legislator to pass the Article V application to the United States Congress set forth in subsection (k) above, and to ratify, if proposed, the Congressional Term Limits Amendment set forth above.

(m) Not withstanding any other provision of Arkansas Law:

(1) All primary, general, and special election ballots shall have the information "DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS" printed adjacent to the name of any State Senator or State Representative who:

(A) Failed to vote in favor of the application set forth in subsection (k) above when brought to a vote; or

(B) Failed to second the application set forth in subsection (k) above if it lacked a second; or

(C) Failed to vote in favor of all votes bringing the application set forth in subsection (k) above before any committee or subcommittee upon which the legislator served; or

(D) Failed to propose or otherwise bring to a vote of the full legislative body the application set forth in subsection (k) if it otherwise lacked a legislator who so proposed or brought to a vote of the full legislative body the application set forth above; or

(E) Failed to vote against any attempt to delay, table, or otherwise prevent a vote by the full legislative body on the application set forth in subsection (k) above; or

(F) Failed in any way to ensure that all votes on the application set forth in subsection (k) were recorded and made available to the public; or

(G) Failed to vote against any change, addition, or modification to the application set forth in subsection (k) above; or

(H) Failed to attend a hearing, session, or vote of the legislative body concerning any aspect of consideration of the proposals in subsection (e) and subsection (k) above, where such failure to attend resulted in any failure to obtain a quorum sufficient to conduct business; or

(I) Failed to move for, second, or vote in favor of a roll-call vote on any aspect of consideration of the proposals in subsection (e) and subsection (k) above, where such failure resulted in the defeat of any aspect of subsection (e) and subsection (k) above, without recording the votes of individual legislators to be held accountable at a later time.

(J) Failed to vote against any effort to rescind the application.

(K) Failed to vote in favor of the amendment set forth in subsection (e) above, when the amendment was sent to the states for ratification; or

(L) Failed to vote against any term limits amendment with terms longer than the limits set forth in the proposed amendment in subsection (e) above, when such an amendment is ssent [sic] to the states for ratification.

(2) The information "DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS" as required by any of subsection (1)(A) through (1)(J) shall not appear adjacent to the names of the candidates for the state legislature if the State of Arkansas has made application to Congress for a convention for proposing amendments to the United States Constitution pursuant to this amendment and such application is currently effective, has not been withdrawn, and has not expired.

(3) The information "DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS" as required by either of subsections (1)(K) or (1)(L) shall not appear adjacent to the names of the candidates for the state legislature if: The Congressional Term Limits Amendment set forth above has been submitted to the states for ratification and ratified by the Arkansas Legislature; or the Congressional Term Limits Amendment set forth and proposed in subsection (e) has become a part of the United States Constitution.

(n)(1) The Secretary of State of the State of Arkansas shall be responsible for making an accurate determination as to whether a candidate for state or federal legislative office shall have placed next to the candidate's name on the election ballot the information "DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS" or the information "DECLINED TO PLEDGE TO SUPPORT TERM LIMITS" and for certifying the appropriate indication to the appropriate county clerks and other appropriate voting officials.

(2) The Secretary of State, in accordance with subsection (1) of this subsection, shall be responsible for making an accurate determination from any reliable source.

(3) The Secretary of State shall consider timely submitted public comments prior to making the determination required in subsection (1) of this section.

(4) The Secretary of State, in accordance with subsections (1), (2), and (3) of this subsection shall determine and declare what information, if any, shall appear adjacent to the names of each incumbent state and federal legislator if the incumbent were to be a candidate in the next general election and shall certify such information to the appropriate county clerks and other appropriate voting officials.

In the case of United States Representatives and United States Senators, this determination, declaration, and certification shall be made in a fashion necessary to ensure orderly printing of primary and general election ballots with allowance made for all legal action provided in subsections (5), (6) and (7), below, and shall be based upon each Congressional member's actions

during their current term of office and any actions taken in any concluded term, if such action was taken after the determination and declaration was made by the Secretary of State previously.

In the case of incumbent state legislators, this determination and declaration shall be made not later than thirty (30) days after the end of the regular session following each general election, and shall be based upon legislative action in the previous regular session or any action taken in any special session in the previous four (4) years, but in no event upon any actions taken before the adoption of this amendment.

The Secretary of State shall provide official notification to the incumbents by certified mail and to the public by official media statement and legal publication in a newspaper of statewide circulation at least two separate times prior to the election, in accordance with the time frames set forth herein.

(5) The Secretary of State shall determine, declare, and certify what information, if any, shall appear adjacent to the names of non-incumbent candidates for state and federal legislator, not later than five (5) business days after the deadline for filing for the office. The Secretary of State shall provide official notification to the candidate by certified mail and to the public by official media statement and legal publication in a newspaper of statewide circulation at least two separate times prior to the election, in accordance with the time frames set forth herein.

(6) If the Secretary of State makes the determination that the information "DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS" OR "DECLINED TO PLEDGE TO SUPPORT TERM LIMITS" shall not be certified for placement on the ballot adjacent to the name of a candidate for senator or representative for state or federal office, any candidate or elector may appeal such decision to the Arkansas Supreme Court as an original action within five (5) business days after the second official newspaper publication of the determination by the Secretary of State or shall waive any right to appeal such decision. The burden of proof shall be upon the Secretary of State to demonstrate by clear and convincing evidence that the candidate has met the requirements set forth in this act and therefore should not have the information "DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS" or "DECLINED TO PLEDGE TO SUPPORT TERM LIMITS" printed on the ballot adjacent to the candidate's name.

(7) If the Secretary of State determines that the information "DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS" OR "DECLINED TO PLEDGE TO SUPPORT TERM LIMITS" shall be certified for placement on the ballot adjacent to a candidate's name for a senator or representative for state or federal office, the candidate may appeal such decision to the Arkansas Supreme Court as an original action within five (5) business days after receipt of notification or shall waive any right to appeal such decision. The burden of proof shall be upon the candidate to demonstrate by clear and convincing evidence that the candidate should not have the information "DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS" or "DECLINED TO PLEDGE TO SUPPORT TERM LIMITS" printed on the ballot adjacent to the candidate's name.

(o) The Arkansas Supreme Court shall hear the appeal provided for in subsections (n)(6) and (n)(7) of this section, on an expedited basis as the first priority among any Supreme Court case, and shall issue its decision on an expedited basis before any other civil appeals are resolved after submission of the matter to the Arkansas Supreme Court. Failure of the Arkansas Supreme Court to render a timely decision will require the Secretary of State to certify the challenged language for placement on the ballot next to the candidate's name.

(p) At such time as the congressional Term Limits Amendment set forth in subsection (e) has become a part of the United States Constitution, subsections (e) through (o) of this amendment automatically shall be repealed.

(q) Repealer. All laws in conflict with the foregoing are hereby repealed.

(r) Severability. If any portion, clause, or phrase of this Amendment is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, the remaining portions, clauses, and phrases shall not be affected, but shall remain in full force and effect.

AMEND. 77.
[SPECIAL JUDGES (ARK. CONST. ART 7, §§ 9, 21, 22, REPEALED)].

§ 1. [Repealed.]

§ 2. [Circuit, chancery, and probate judges].

Circuit, chancery, and probate judges may temporarily exchange circuits by joint order. Any circuit, chancery, or probate judge who consents may be assigned to another circuit for temporary service under rules prescribed by the Supreme Court.

§ 3. [Repeal of Ark. Const., Art. 7, §§ 9, 21, 22].

Article 7, Section 9, 21, and 22 are hereby repealed.

AMEND. 78.
[CITY AND COUNTY GOVERNMENT REDEVELOPMENT]

§ 1. Redevelopment Projects.

(a) Any city or county may form a redevelopment district for the purpose of financing one (1) or more redevelopment projects within the district.

(b) A city or county which has formed a redevelopment district may issue bonds for the purpose of financing capital improvements for redevelopment projects within the district. The bonds may be secured by and be payable from all or a portion of the division of ad valorem taxes in the district provided for in (d) below. The bonds shall not be considered in calculating debt limits for bonds issued pursuant to Article XII, Section 4, of the Arkansas Constitution and shall not be subject to the provisions of Article XVI, Section 1 of the Arkansas Constitution or Amendments 62 or 65 to the Arkansas Constitution.

(c) For purposes of this section, the term "redevelopment project" means an undertaking for eliminating, or preventing the development or spread of, slums or blighted, deteriorated, or deteriorating areas, for discouraging the loss of commerce, industry, or employment, or for increasing employment, or any combination thereof, as may be defined by the General Assembly.

(d) The General Assembly may provide that the ad valorem taxes levied by any taxing unit, in which is located all or part of an area included in a redevelopment district, may be divided so that all or part of the ad valorem taxes levied against any increase in the assessed value of property in the area obtaining after the effective date of the ordinance approving the redevelopment plan for the district shall be used to pay any indebtedness incurred for the redevelopment project; provided, however, there shall be excluded from the division all ad valorem taxes for debt service approved by voters in a taxing unit prior to the effective date of this amendment.

(e) After the effective date of an ordinance approving the redevelopment plan for the district, no increase in the assessed value of property in a redevelopment district shall be taken into

account for purposes of calculating increases in the aggregate value of taxable real and personal property in a taxing unit pursuant to Article XVI, Section 14 of the Arkansas Constitution.

(f) Any provision of the Constitution of the State of Arkansas in conflict with this section is repealed insofar as it is in conflict with this amendment.

(g) The General Assembly shall provide for the implementation of this section by law.

§ 2. [Short-term financing obligations].

(a) For the purpose of acquiring, constructing, installing or renting real property or tangible personal property having an expected useful life of more than one (1) year, municipalities and counties may incur short-term financing obligations maturing over a period of, or having a term, not to exceed five (5) years. Such obligations may bear interest. The aggregate principal amount of short-term financing obligations incurred by a municipality or a county pursuant to this section shall not exceed five percent (5%) of the assessed value of taxable property located within the municipality or two and one half percent (2.5%) of the assessed value of taxable property located within the county, as determined by the last tax assessment completed before the last obligation was incurred by the city or county. The total annual principal and interest payments in each fiscal year on all outstanding obligations of a municipality or a county pursuant to this section shall be charged against and paid from the general revenues for such fiscal year, which may include road fund revenues. Tax revenues earmarked for solid waste disposal purposes may be used to pay printing and other costs associated with bonds issued under this amendment for solid waste disposal purposes.

(b) As used here:

(1) "Short-term financing obligation" means a debt, a note, an installment purchase agreement, a lease, a lease-purchase contract, or any other similar agreement, whether secured or unsecured; provided, that the obligation shall mature over a period of, or have a term, not to exceed five (5) years.

(2) Repealed.

(c) The provisions of this section shall be self-executing. (Amended by Const. Amend. 89.)

§ 3. [Scope of authority to incur debt].

The authority conferred by this amendment shall be in addition to the authority of municipalities and counties to issue bonds and other debt obligations pursuant to Amendments 62, 65, and 72, and other provisions of the Constitution and laws of the state.

AMEND. 79.
[PROPERTY TAX RELIEF].

§ 1. [Assessing value of real property].

(a) After each county-wide reappraisal, as defined by law, and the resulting assessed value of property for ad valorum tax purposes and after each Tax Division appraisal and the resulting assessed value of utility and carrier real property for ad valorem tax purposes, the county assessor, or other official or officials designated by law, shall compare the assessed value of each parcel of real property reappraised or reassessed to the prior year's assessed value. If the assessed

value of the parcel increased, then the assessed value of the parcel shall be adjusted pursuant to this section.

(b)(1) If the parcel is not a taxpayer's homestead used as the taxpayer's principal place of residence, then for the first assessment following reappraisal, any increase in the assessed value of the parcel shall be limited to not more than ten percent (10%) of the assessed value of the parcel for the previous year. In each year thereafter the assessed value shall increase by an additional ten percent (10%) of the assessed value of the parcel for the year prior to the first assessment that resulted from reappraisal but shall not exceed the assessed value determined by the reappraisal prior to adjustment under this subsection. For utility and carrier real property, any annual increase in the assessed value of the parcel shall be limited to not more than ten percent (10%) of the assessed value for the previous year.

(2) This subsection (b) does not apply to newly discovered real property, new construction, or to substantial improvements to real property.

(c)(1) Except as provided in subsection (d), if the parcel is a taxpayer's homestead used as the taxpayer's principal place of residence then for the first assessment following reappraisal, any increase in the assessed value of the parcel shall be limited to not more than five percent (5%) of the assessed value of the parcel for the previous year. In each year thereafter the assessed value shall increase by an additional five percent (5%) of the assessed value of the parcel for the year prior to the first assessment that resulted from reappraisal but shall not exceed the assessed value determined by the reappraisal prior to adjustment under this subsection.

(2) This subsection (c) does not apply to newly discovered real property, new construction, or to substantial improvements to real property.

(d)(1)(A) A homestead used as the taxpayer's principal place of residence purchased or constructed on or after January 1, 2001 by a disabled person or by a person sixty-five (65) years of age or older shall be assessed thereafter based on the lower of the assessed value as of the date of purchase or construction or a later assessed value.

(B) When a person becomes disabled or reaches sixty-five (65) years of age on or after January 1, 2001, that person's homestead used as the taxpayer's principal place of residence shall thereafter be assessed based on the lower of the assessed value on the person's sixty-fifth birthday, on the date the person becomes disabled or a later assessed value.

(C) If a person is disabled or is at least sixty-five (65) years of age and owns a homestead used as the taxpayer's principal place of residence on January 1, 2001, the homestead shall be assessed based on the lower of the assessed value on January 1, 2001 or a later assessed value.

(2) Residing in a nursing home shall not disqualify a person from the benefits of this subsection (d).

(3) In instances of joint ownership, if one of the owners qualifies under this subsection (d), all owners shall receive the benefits of this amendment.

(4) This subsection (d) does not apply to substantial improvements to real property.

(5) For real property that is subject to Section 2 of this Amendment in lieu of January 1, 2001, the applicable date for this subsection (d) shall be January 1 of the year following the completion of the adjustments to assessed value required by Section 2.

§ 2. [Effect of county-wide reappraisal — Public utility and carrier exception].

(a)(1) Section 1 of this Amendment shall not be applicable to a county in which there has been no county-wide reappraisal, as defined by law, and resulting assessed value of property between January 1, 1986 and December 31, 2000. Real property in such a county shall be adjusted according to the provisions of this section.

(2) Upon the completion of the adjustments to assessed value required by this section each taxpayer of that county shall be entitled to apply the provision of Section 1 of this Amendment to the real property owned by them.

(b) The county assessor, or other official or officials designated by law, shall compare the assessed value of each parcel of real property to the prior year's assessed value. If assessed value of the parcel increased, then the assessed value of the parcel for the first assessment resulting from reappraisal shall be adjusted by adding one-third ($^1/_3$) of the increase to the assessed value of the parcel for the previous year. An additional one-third ($^1/_3$) of the increase shall be added in each of the next two (2) years. This adjustment procedure shall not apply to public utility and carrier property. Public utility and carrier property shall be adjusted pursuant to Section 1.

(c) No adjustment shall be made for newly discovered real property, new construction, or to substantial improvements to real property.

§ 3. [Annual state credit].

The General Assembly shall provide by law for an annual state credit against ad valorem property tax on a homestead in an amount of not less than three hundred dollars ($300). The credit shall not exceed the amount of ad valorem property taxes owed. The credit shall apply beginning for taxes due in calendar year 2001. This section shall be applied in a manner that would not impair a bond holder's interest in ad valorem debt service revenues.

§ 4. [Income adjustments — Personal property millage rate — Uniform property tax rate requirement — Reassessment — Rollback adjustments].

(a) The General Assembly shall, by law, provide for procedures to be followed with respect to adjusting ad valorem taxes or millage pledged for bonded indebtedness purposes, to assure that the tax or millage levied for bonded indebtedness purposes will, at all times, provide a level of income sufficient to meet the current requirements of all principal, interest, paying agent fees, reserves, and other requirements of the bond indenture.

(b) The millage rate levied against taxable personal property and utility and regulated carrier property in each taxing unit in the state shall be equal to the millage rate levied against real property in each taxing unit in the state. Personal property millage rates currently not equal to real estate millage rates shall be reduced to the level of the real estate millage rate; except to the extent necessary to provide a level of income sufficient to meet the current requirements of all principal, interest, paying agent fees, reserves, and other requirements of the bond indenture.

(c) The provisions of this section shall not affect or repeal the required uniform rate of ad valorem property tax set forth in Amendment 74.

(d) The General Assembly may, by law, prescribe the method and means for reassessing real property and establish the frequency of reassessment. However, reassessment shall occur at least once every five (5) years.

(e) Rollback adjustments under Article 16, Section 14 shall be determined after the adjustments are made to assessed value under this Amendment.

AMEND. 80.
[QUALIFICATIONS OF JUSTICES AND JUDGES].

§ 1. Judicial power.

The judicial power is vested in the Judicial Department of state government, consisting of a Supreme Court and other courts established by this Constitution.

§ 2. Supreme Court.

(A) The Supreme Court shall be composed of seven Justices, one of whom shall serve as Chief Justice. The Justices of the Supreme Court shall be selected from the State at large.

(B) The Chief Justice shall be selected for that position in the same manner as the other Justices are selected. During any temporary period of absence or incapacity of the Chief Justice, an acting Chief Justice shall be selected by the Court from among the remaining justices.

(C) The concurrence of at least four justices shall be required for a decision in all cases.

(D) The Supreme Court shall have:

(1) Statewide appellate jurisdiction;

(2) Original jurisdiction to issue writs of quo warranto to all persons holding judicial office, and to officers of political corporations when the question involved is the legal existence of such corporations;

(3) Original jurisdiction to answer questions of state law certified by a court of the United States, which may be exercised pursuant to Supreme Court rule;

(4) Original jurisdiction to determine sufficiency of state initiative and referendum petitions and proposed constitutional amendments; and

(5) Only such other original jurisdiction as provided by this Constitution.

(E) The Supreme Court shall have power to issue and determine any and all writs necessary in aid of its jurisdiction and to delegate to its several justices the power to issue such writs.

(F) The Supreme Court shall appoint its clerk and reporter.

(G) The sessions of the Supreme Court shall be held at such times and places as may be adopted by Supreme Court rule.

§ 3. Rules of pleading, practice, and procedure.

The Supreme Court shall prescribe the rules of pleading, practice and procedure for all courts; provided these rules shall not abridge, enlarge or modify any substantive right and shall preserve the right of trial by jury as declared in this Constitution.

§ 4. Superintending control.

The Supreme Court shall exercise general superintending control over all courts of the state and may temporarily assign judges, with their consent, to courts or divisions other than that for which they were elected or appointed. These functions shall be administered by the Chief Justice.

§ 5. Court of Appeals.

There shall be a Court of Appeals which may have divisions thereof as established by Supreme Court rule. The Court of Appeals shall have such appellate jurisdiction as the Supreme Court shall by rule determine and shall be subject to the general superintending control of the Supreme Court. Judges of the Court of Appeals shall have the same qualifications as Justices of the Supreme Court.

§ 6. Circuit courts.

(A) Circuit Courts are established as the trial courts of original jurisdiction of all justiciable matters not otherwise assigned pursuant to this Constitution.

(B) Subject to the superintending control of the Supreme Court, the Judges of a Circuit Court may divide that Circuit Court into subject matter divisions, and any Circuit Judge within the Circuit may sit in any division.

(C) Circuit Judges may temporarily exchange circuits by joint order. Any Circuit Judge who consents may be assigned to another circuit for temporary service under rules adopted by the Supreme Court.

(D) The Circuit Courts shall hold their sessions in each county at such times and places as are, or may be, prescribed by law.

§ 7. District courts.

(A) District Courts are established as the trial courts of limited jurisdiction as to amount and subject matter, subject to the right of appeal to Circuit Courts for a trial de novo.

(B) The jurisdictional amount and the subject matter of civil cases that may be heard in the District Courts shall be established by Supreme Court rule. District Courts shall have original jurisdiction, concurrent with Circuit Courts, of misdemeanors, and shall also have such other criminal jurisdiction as may be provided pursuant to Section 10 of this Amendment.

(C) There shall be at least one District Court in each county. If there is only one District Court in a county, it shall have county-wide jurisdiction. Fines and penalties received by the district court shall continue to be distributed in the manner provided by current law, unless and until the General Assembly shall establish a new method of distribution.

(D) A District Judge may serve in one or more counties. Subject to the superintending control of the Supreme Court, the Judges of a District Court may divide that District Court into subject matter divisions, and any District Judge within the district may sit in any division.

(E) District Judges may temporarily exchange districts by joint order. Any District Judge who consents may be assigned to another district for temporary service under rules adopted by the Supreme Court.

§ 8. Referees, masters and magistrates.

(A) A Circuit Court Judge may appoint referees or masters, who shall have power to perform such duties of the Circuit Court as may be prescribed by Supreme Court rule.

(B) With the concurrence of a majority of the Circuit Court Judges of the Circuit, a District Court judge may appoint magistrates, who shall be subject to the superintending control of

the District Court and shall have power to perform such duties of the District Court as may be prescribed by Supreme Court rule.

§ 9. Annulment or amendment of rules.

Any rules promulgated by the Supreme Court pursuant to Sections 5, 6(B), 7(B), 7(D), or 8 of this Amendment may be annulled or amended, in whole or in part, by a two-thirds ($^2/_3$) vote of the membership of each house of the General Assembly.

§ 10. Jurisdiction, venue, circuits, districts and number of judges.

The General Assembly shall have the power to establish jurisdiction of all courts and venue of all actions therein, unless otherwise provided in this Constitution, and the power to establish judicial circuits and districts and the number of judges for Circuit Courts and District Courts, provided such circuits or districts are comprised of contiguous territories.

§ 11. Right of appeal.

There shall be a right of appeal to an appellate court from the Circuit Courts and other rights of appeal as may be provided by Supreme Court rule or by law.

§ 12. Temporary disqualification of justices or judges.

No Justice or Judge shall preside or participate in any case in which he or she might be interested in the outcome, in which any party is related to him or her by consanguinity or affinity within such degree as prescribed by law, or in which he or she may have been counsel or have presided in any inferior court.

§ 13. Assignment of special and retired judges.

(A) If a Supreme Court Justice is disqualified or temporarily unable to serve, the Chief Justice shall certify the fact to the Governor, who within thirty (30) days thereafter shall commission a Special Justice, unless the time is extended by the Chief Justice upon a showing by the Governor that, in spite of the exercise of diligence, additional time is needed. If the Governor fails to commission a Special Justice within thirty (30) days, or within any extended period granted by the Chief Justice, the Lieutenant Governor shall commission a Special Justice.

(B) If a Judge of the Court of Appeals is disqualified or temporarily unable to serve, the Chief Judge shall certify the fact to the Chief Justice who shall commission a Special Judge.

(C) If a Circuit or District Judge is disqualified or temporarily unable to serve, or if the Chief Justice shall determine there is other need for a Special Judge to be temporarily appointed, a Special Judge may be assigned by the Chief Justice or elected by the bar of that Court, under rules prescribed by the Supreme Court, to serve during the period of temporary disqualification, absence or need.

(D) In naming Special Justices and Judges, the Governor or the Chief Justice may commission, with their consent, retired Justices or Judges, active Circuit or District Judges, or licensed attorneys.

(E) Special and retired Justices and Judges selected and assigned for temporary judicial service shall meet the qualifications of Justices or Judges of the Court to which selected and assigned.

(F) Special and retired judges shall be compensated as provided by law.

§ 14. Prohibition of practice of law.

Justices and Judges, except District Judges, shall not practice law during their respective terms of office. The General Assembly may, by classification, prohibit District Judges from practicing law.

§ 15. Prohibition of candidacy for non-judicial office.

If a Judge or Justice files as a candidate for non-judicial governmental office, that candidate's judicial office shall immediately become vacant.

§ 16. Qualifications and terms of justices and judges.

(A) Justices of the Supreme Court and Judges of the Court of Appeals shall have been licensed attorneys of this state for at least eight years immediately preceding the date of assuming office. They shall serve eight-year terms.

(B) Circuit Judges shall have been licensed attorneys of this state for at least six years immediately preceding the date of assuming office. They shall serve six-year terms.

(C) District Judges shall have been licensed attorneys of this state for at least four years immediately preceding the date of assuming office. They shall serve four-year terms.

(D) All Justices and Judges shall be qualified electors within the geographical area from which they are chosen, and Circuit and District Judges shall reside within that geographical area at the time of election and during their period of service. A geographical area may include any county contiguous to the county to be served when there are no qualified candidates available in the county to be served.

(E) The General Assembly shall by law determine the amount and method of payment of expenses of Justices and Judges. Such expenses may be increased, but not diminished, during the term for which such Justices or Judges are selected or elected.

(F) Circuit, District, and Appellate Court Judges and Justices shall not be allowed any fees or perquisites of office, nor hold any other office of trust or profit under this state or the United States, except as authorized by law. [As amended by Const. Amend. 94, effective November 5, 2014.]

§ 17. Election of circuit and district judges.

(A) Circuit Judges and District Judges shall be elected on a nonpartisan basis by a majority of qualified electors voting for such office within the circuit or district which they serve.

(B) Vacancies in these offices shall be filled as provided by this Constitution.

§ 18. Election of Supreme Court Justices and Court of Appeals Judges.

(A) Supreme Court Justices and Court of Appeals Judges shall be elected on a nonpartisan basis by a majority of qualified electors voting for such office. Provided, however, the General Assembly may refer the issue of merit selection of members of the Supreme Court and the Court of Appeals to a vote of the people at any general election. If the voters approve a merit selection system, the General Assembly shall enact laws to create a judicial nominating commission for the purpose of nominating candidates for merit selection to the Supreme Court and Court of Appeals.

(B) Vacancies in these offices shall be filled by appointment of the Governor, unless the voters provide otherwise in a system of merit selection.

§ 19. Transition provisions, tenure of present justices and judges, and jurisdiction of present courts.

(A) Tenure of Present Justices and Judges.

(1) Justices of the Supreme Court and Judges of the Court of Appeals in office at the time this amendment takes effect shall continue in office until the end of the terms for which they were elected or appointed.

(2) All Circuit, Chancery, and Circuit-Chancery Judges in office at the time this Amendment takes effect shall continue in office as Circuit Judges until the end of the terms for which they were elected or appointed; provided further, the respective jurisdictional responsibilities for matters legal, equitable or juvenile in nature as presently exercised by such Judges shall continue until changed pursuant to law.

(3) Municipal Court Judges in office at the time this Amendment takes effect shall continue in office through December 31, 2004; provided, if a vacancy occurs in an office of a Municipal Judge, that vacancy shall be filled for a term which shall end December 31, 2004.

(B) Jurisdiction of Present Courts.

(1) The Jurisdiction conferred on Circuit Courts established by this Amendment includes all matters previously cognizable by Circuit, Chancery, Probate and Juvenile Courts including those matters repealed by Section 22 of this Amendment. The geographic circuits and subject matter divisions of these courts existing at the time this Amendment takes effect shall become circuits and divisions of the Circuit Court as herein established until changed pursuant to this Amendment. Circuit Courts shall assume the jurisdiction of Circuit, Chancery, Probate and Juvenile Courts.

(2) District Courts shall have the jurisdiction vested in Municipal Courts, Corporation Courts, Police Courts, Justice of the Peace Courts, and Courts of Common Pleas at the time this Amendment takes effect. District Courts shall assume the jurisdiction of these courts of limited jurisdiction and other jurisdiction conferred in this Amendment on January 1, 2005. City Courts shall continue in existence after the effective date of this Amendment unless such City Court is abolished by the governing body of the city or by appropriate action of the General Assembly. Immediately upon abolition of such City Court, the jurisdiction of the City Court shall vest in the nearest District Court in the county where the city is located.

(C) Continuation of Courts. The Supreme Court provided for in this Amendment shall be a continuation of the Supreme Court now existing. The Court of Appeals shall be regarded as a continuation of the Court of Appeals now existing. All laws and parts of laws relating to the Supreme Court and to the Court of Appeals which are not in conflict or inconsistent with this Amendment shall remain in full force and effect and shall apply to the Supreme Court and Court of Appeals, respectively, established by this Amendment until amended, repealed or superseded by appropriate action of the General Assembly or the Supreme Court pursuant to this Amendment. The Circuit Courts shall be regarded as a continuation of the Circuit, Chancery, Probate and Juvenile Courts now existing. Effective January 1, 2005, the District Courts shall be regarded as a continuation of the Municipal Courts, Corporation Courts, Police Courts, Justice of the Peace Courts and Courts of Common Pleas now existing. All the papers and records pertaining to these courts shall be transferred accordingly, and no suit or prosecution of any kind or nature shall abate because of any change made by this Amendment. All writs, actions, suits, proceedings, civil or

criminal liabilities, prosecutions, judgments, decrees, orders, sentences, regulations, causes of action and appeals existing on the effective date of this Amendment shall continue unaffected except as modified in accordance with this Amendment.

§ 20. Prosecuting attorneys.

A Prosecuting Attorney shall be elected by the qualified electors of each judicial circuit. Prosecuting Attorneys shall have been licensed attorneys of this state for at least four years immediately preceding the date of assuming office. They shall be qualified electors within the judicial circuit from which they are elected and shall reside within that geographical area at the time of the election and during their period of service. They shall serve four-year terms.

§ 21. Effective date.

This Amendment shall become effective on July, 2001.

§ 22. Repealer.

(A) The following sections of Article 7 of the Constitution of the State of Arkansas are hereby repealed effective July 1, 2001; 1 through 18; 20 through 22; 24; 25; 32; 34; 35; 39; 40; 42; 44; 45 and 50.

(B) Sections 34 and 35 of Article 7 of the Constitution of the State of Arkansas, as amended by Sections 1 and 2 of Amendment 24, are hereby repealed effective July 1, 2001.

(C) Section 43 of Article 7 of the Constitution of the State of Arkansas is hereby repealed effective January 1, 2005.

(D) Section 1 of Amendment 58 of the Constitution of the State of Arkansas is hereby repealed effective July 1, 2001.

(E) Section 1 of Amendment 64 of the Constitution of the State of Arkansas is hereby repealed effective January 1, 2005.

(F) Section 1 of Amendment 77 of the Constitution of the State of Arkansas is hereby repealed effective July 1, 2001.

(G) No other provision of the Constitution of the State of Arkansas shall be repealed by this Amendment unless the provision is in irreconcilable conflict with the provisions of this Amendment.

AMEND. 81.
[PROTECTION OF THE SECRECY OF INDIVIDUAL VOTES (CONST., AMEND. 50, § 3, REPEALED)].

AMEND. 82.
[OBLIGATION BONDS FOR ECONOMIC DEVELOPMENT].

(a) In order for the State of Arkansas to effectively compete for large economic development projects, the Arkansas General Assembly, meeting in special or regular session, may authorize the Arkanas Development Finance Authority to issue general obligation bonds to finance infrastructure or other needs to attract large economic development projects.

(b) Bonds may be issued for an amount up to five percent (5%) of state general revenues collected during the most recent fiscal year.

(c) Infrastructure needs may include, but are not limited to:

(1) Land acquisition;
(2) Site preparation;
(3) Road and highway improvements;
(4) Rail spur construction; water service;
(5) Wastewater treatment;
(6) Employee training which may include equipment for such purpose;
(7) Environmental mitigation; and
(8) Training and research facilities and the necessary equipment therefore.

(d) The General Assembly may authorize the issuance of bonds bearing the full faith and credit of the State of Arkansas if the prospective employer planning an economic development project is eligible under criteria established by law.

(e) The bonds shall be paid for in full by general or special revenues appropriated by the General Assembly until the bonds have been retired and all obligations associated with the issuance of the bonds have been met.

(f) Bonds may be issued under this amendment pursuant to an act of the General Assembly without voter approval. (Amended by Const. Amend. 90.)

AMEND. 83.
[MARRIAGE].

§ 1. Marriage.

Marriage consists only of the union of one man and one woman.

§ 2. Marital status.

Legal status for unmarried persons which is identical or substantially similar to marital status shall not be valid or recognized in Arkansas, except that the legislature may recognize a common law marriage from another state between a man and a woman.

§ 3. Capacity, rights, obligations, privileges, and immunities.

The legislature has the power to determine the capacity of persons to marry, subject to this amendment, and the legal rights, obligations, privileges, and immunities of marriage.

AMEND. 84.
[AUTHORIZED BINGO OR RAFFLES].

(a) As used in this section:

(1) "Authorized bingo and raffles organization" means a nonprofit tax-exempt religious, educational, veterans, fraternal, service, civic, medical, volunteer rescue service, volunteer firefighters organization, or volunteer police organization that has been in continuing existence as a nonprofit tax-exempt organization in this state for a period of not less than five (5) years immediately prior to conducting the game of bingo or raffles;

(2)(A) "Game of bingo" means a single game of the activity commonly known as "bingo" in which the participants pay a sum of money for the use of one (1) or more bingo cards.

(B) "Game of bingo" shall include only games in which the winner receives a preannounced, fixed-dollar prize and in which the winner is determined by the matching of letters and numbers on a bingo card imprinted with at least twenty-four (24) numbers, with letters and numbers appearing on objects randomly drawn and announced by a caller, in contemporaneous competition among all players in the game; and

(3) "Raffle" means the selling of tickets or chances to win a prize awarded through a random drawing.

(b)(1) The game of bingo or raffles conducted by an authorized bingo and raffles organization shall not be a lottery prohibited by Section 14 of Article 19 of the Arkansas Constitution if all net receipts over and above the actual cost of conducting the game or raffle are used only for charitable, religious, or philanthropic purposes.

(2) No receipts shall be used to compensate in any manner any person who works for or is in any way affiliated with the authorized bingo and raffles organization.

(c) The General Assembly shall provide by law for the licensure and regulation of authorized bingo and raffles organizations to conduct the game or bingo or raffles and may levy taxes on the activities.

AMEND. 85.
[VOTING AND ELECTIONS AMENDMENT (CONST. AMENDS. ART. 3, §§ 1, 2, 8, AND 10, AMENDED, CONST. ART. 3, § 5, REPEALED)].

AMEND. 86.
[GENERAL ASSEMBLY SESSIONS (CONST. AMENDS. ART. 5, §§ 5, 17, 29, 34, 39, 40 AND AMEND. 35, § 7, AMENDED)].

AMEND. 87.
[STATE LOTTERY ESTABLISHED (CONST. AMENDS. ART. 19, § 14, AMENDED)].

AMEND. 88.
[WILDLIFE CONSERVATION AND MANAGEMENT].

§ 1. [Right to Hunt, Fish, Trap, and Harvest Wildlife]

(a)(1) Citizens of the State of Arkansas have a right to hunt, fish, trap, and harvest wildlife.

(2) The right to hunt, fish, trap, and harvest wildlife shall be subject only to regulations that promote sound wildlife conservation and management and are consistent with Amendment 35 of the Arkansas Constitution.

(b) Public hunting, fishing, and trapping shall be a preferred means of managing and controlling nonthreatened species and citizens may use traditional methods for harvesting wildlife.

(c) Nothing in this amendment shall be construed to alter, repeal, or modify:

(1) Any provision of Amendment 35 to the Arkansas Constitution;

(2) Any common law or statute relating to trespass, private property rights, eminent domain, public ownership of property, or any law concerning firearms unrelated to hunting; or

(3) The sovereign immunity of the State of Arkansas.

AMEND. 89.
[GOVERNMENTAL BONDS AND LOANS — INTEREST RATES — ENERGY EFFICIENCY PROJECTS (CONST. ART. 19, § 13, REPEALED, CONST. AMEND. 30, § 5, AMEND. 38, § 5, AMEND. 62, § 1, AMEND. 65, § 4, AND AMEND. 78, § 2, AMENDED)].

§ 1. Governmental Bonds and Loans.

(a) The maximum lawful rates of interest on bonds issued by governmental units in the State of Arkansas as set forth in various provisions and amendments to the Arkansas Constitution of 1874, including Article 19, § 13, and Amendment Nos. 30, 38, 62, 65, and 78 are removed.

(b) The maximum lawful rate of interest on loans made by or to governmental units in the State of Arkansas as set forth in Article 19, § 13 of the Arkansas Constitution of 1874 is removed.

(c) Except as may be established by the General Assembly pursuant to Section 8 of this amendment, there shall be no maximum lawful rate on bonds issued by and loans made by or to governmental units.

§ 2. Loans by Federally Insured Depository Institutions.

The maximum lawful rate of interest, discount points, finance charges, or other similar charges that may be charged, taken, received, or reserved from time to time in any loan or financing transaction by or to any federally insured depository institution having its main office in this State shall be the maximum rate of interest that was applicable to federally insured depository institutions under 12 U.S.C. § 1831u effective on March 1, 2009.

§ 3. Other Loans.

The maximum lawful rate of interest on loans or contracts not described in Sections 1 and 2 shall not exceed seventeen percent (17%) per annum.

§ 4. Energy Efficiency Project Bonds – Issuance – Terms and Conditions.

(a) A governmental unit, under laws adopted by the General Assembly, may issue bonds to finance all or a portion of the costs of energy efficiency projects. The bonds may bear such terms, be issued in such manner, and be subject to such conditions as may be authorized by the General Assembly. The bonds authorized by Section 4 shall be governmental bonds subject to the provisions of Section 1 of this amendment.

(b) Bonds may be secured by a pledge of the savings from the energy efficiency project and may be repaid from general revenues, special revenues, revenues derived from taxes or any other revenues available to the governmental unit.

(c) The authority conferred by this Section 4 shall be supplemental to other constitutional provisions which authorize the issuance of bonds.

§ 5. Definitions.

(a) The term "bonds" means all bonds, notes, certificates, financing leases, or other interest-bearing instruments or evidences of indebtedness.

(b) The term "Federal Reserve Primary Credit Rate" means the Primary Credit Rate, or such successor rate, as established by and in effect in the Federal Reserve Bank in the Federal Reserve District in which Arkansas is located.

(c) The term "federally insured depository institution" means a state bank, a national bank, or a savings association, as such terms are defined in 12 U.S.C. § 1813 as such statute existed on January 1, 2009, the deposits of which are insured by the Federal Insurance Deposit Corporation, or its successor.

(d) The term "governmental unit" means the State of Arkansas; any county, municipality, school district, or other political subdivision of the State of Arkansas; any special assessment or taxing district established under the laws of the State of Arkansas; and any agency, board, commission, or instrumentality of any of the foregoing.

(e) The term "loan or financing transaction by or to a federally insured depository institution" means all direct or indirect advances of funds and moneys that are conditioned on the obligation of a person or entity to repay the funds and moneys pursuant to loan agreements, lease agreements, installment sale agreements, security agreements, notes, bill of exchange, or other evidence of debt or other instruments or documents evidencing the indebtedness and are made by or to a federally insured depository institution.

(f) The term "loans made by or to governmental units" means all direct or indirect advances of funds and moneys that are conditioned on the obligation of a person or entity to repay the funds and moneys pursuant to loan agreements, lease agreements, installment sale agreements, security agreements, notes, or other instruments or documents evidencing the indebtedness and are made by or to governmental units.

§ 6. Miscellaneous.

(a) The provisions of this amendment are not intended and shall not be deemed to supersede or otherwise invalidate any provisions of federal law applicable to loans or interest rates including loans secured by residential real property.

(b) All contracts under Section 3 having a rate of interest in excess of the maximum lawful rate shall be void as to principal and interest and the General Assembly shall prohibit the same by law.

§ 7. [Ballot Title]

The ballot title for this amendment shall be:

An amendment providing that constitutional provisions setting the maximum lawful rate of interest on bonds issued by and loans made by or to governmental units are repealed; the maximum lawful rate of interest on loans by federally insured depository institutions shall remain at the rate resulting from the federal preemption effective on March 1, 2009; establishing that the maximum lawful rate of interest on any other loan or contract shall not exceed seventeen percent (17%) per annum; authorizing governmental units to issue bonds to finance energy efficiency projects and

allowing such bonds to be repaid from any source including general revenues derived from taxes; providing that any federal laws applicable to loans or interest rates are not superseded by the amendment; and repealing Article 19, § 13, and the interest rate provisions of Amendment Nos. 30, 38, 62, 65, and 78 of the Arkansas Constitution.

§ 8. [Interest Rate Limits]

Nothing in this amendment shall limit the power of the General Assembly to fix, from time to time, one or more interest rate limits on various types of bonds issued by and loans made by or to governmental units.

§ 9. [Application of Amendment]

If this amendment or the application thereof to any person or circumstances is held invalid, the remainder of the amendment and its application to persons or circumstances other than those to which it is held invalid shall not be affected.

§ 10. [Amendment Provisions]

The provisions of this amendment, other than the provisions of Section 4 of this amendment, shall be self-executing.

§ 11. [Three-fourths vote]

The General Assembly may by a three-fourths vote of each house of the General Assembly amend the provisions of this amendment so long as the amendments are germane to this amendment and consistent with its policy and purposes.

§ 12. [Applicability]

The provisions of this amendment shall apply to all bonds issued and loans made after the effective date of this amendment.

§ 13. [Effective Date]

The effective date of this amendment is January 1, 2011.

§ 14. [Repealer]

This amendment shall repeal Article 19, § 13, and the interest rate provisions of Amendment Nos. 30, 38, 62, 65, and 78 of the Arkansas Constitution.

AMEND. 90.
[BONDS FOR ECONOMIC DEVELOPMENT (CONST. AMEND. 82, AMENDED)].

AMEND. 91.
[GENERAL OBLIGATION FOUR-LANE HIGHWAY CONSTRUCTION AND IMPROVEMENT BONDS].

SECTION 1. Intent.

The people of the State of Arkansas find that:

(a) The state has an outdated and inadequate system of highway funding that is unable to meet the severe and pressing needs to maintain and improve the state's system of state highways, county roads, and city streets;

(b) Increasing investment in the state highway system, county roads, and city streets will create jobs, aid in economic development, improve quality of life, and provide additional transportation infrastructure, including specifically, a four-lane highway construction plan designed to connect all regions of the state; and

(c) To provide additional funding for the state's four-lane highway system, county roads, and city streets, this amendment levies a temporary sales and use tax and authorizes general obligation highway construction and improvement bonds for the state's four-lane highway system.

SECTION 2. Definitions.

As used in this amendment:

(a) "Bonds" means the State of Arkansas General Obligation Four-Lane Highway Construction and Improvement Bonds as authorized in this amendment;

(b) "Chairman" means the chair of the Arkansas Highway Commission;

(c) "Chief fiscal officer" means the Director of the Department of Finance and Administration;

(d) "Commission" means the State Highway Commission;

(e) "Debt service" means all amounts required for the payment of principal of, interest on, and premium, if any, due with respect to the bonds in any fiscal year, along with all associated costs, including without limitation the fees and costs of paying agents and trustees, and remarketing agent fees;

(f) "Designated tax revenues" means:

(1) Taxes collected under this amendment and apportioned to the Arkansas State Highway and Transportation Department Fund under 27-70-206 collected over an approximate ten-year period; and

(2) Other fees or taxes that are dedicated to the repayment of the bonds; and

(g)(1) "Four-lane highway improvements" means construction of and improvements to:

(A) Four-lane roadways;

(B) Bridges;

(C) Tunnels;

(D) Engineering;

(E) Rights-of-way; and

(F) Other related capital improvements and facilities appurtenant or pertaining thereto, including costs of rights-of-way acquisition and utility adjustments.

(2) "Four-lane highway improvements" also means the maintenance of four-lane highway improvements constructed with proceeds of the bonds.

SECTION 3. Levy of Temporary Tax.

(a)(1) Except for food and food ingredients, a temporary additional excise tax of one-half percent (0.5%) is levied on all taxable sales of property and services subject to the tax levied by the Arkansas Gross Receipts Act of 1941.

(2) The tax shall be collected, reported, and paid in the same manner and at the same time as is prescribed by law for the collection, reporting and payment of all other Arkansas gross receipts taxes.

(b)(1) Except for food and food ingredients, a temporary additional excise tax of one-half percent (0.5%) is levied on all tangible personal property and services subject to the tax levied by the Arkansas Compensating Tax Act of 1949.

(2) The tax shall be collected, reported, and paid in the same manner and at the same time as is prescribed by law for the collection, reporting and payment of Arkansas compensating taxes.

SECTION 4. Authorization and purpose.

(a) The State Highway Commission may issue State of Arkansas Four-Lane Highway Construction and Improvement General Obligation Bonds ('bonds') in a total principal amount not to exceed one billion, three hundred million dollars ($1,300,000,000) for the purpose of:

(1) Accelerating four-lane highway improvements in progress or scheduled as of January 1, 2011;

(2) Funding new four-lane highway improvements not in progress or scheduled as of January 1, 2011;

(3) Providing matching funds in connection with federal highway programs for four-lane highway improvements; and

(4) Paying the costs of issuance of the bonds.

(b) The bonds may be issued in one (1) or more series at times, in amounts, and bearing the designations as the commission in consultation with the chief fiscal officer determines.

(c)(1) The bonds shall be general obligations of the State of Arkansas, secured by and payable from the general revenues of the state as set forth in Section 15 of this amendment.

(2) The bonds shall be payable first from the following designated revenues:

(A) Portion of the proceeds of the additional one-half of percent (0.5%) excise tax on gross proceeds or gross receipts; and

(B) Portion of the proceeds of the additional one-half percent (0.5%) compensating excise tax; and

(C) Other revenues designated by the General Assembly for this purpose.

(d)(1) If the amendment is approved, the sales tax and the use tax will be collected over an approximate ten-year period, and so long as the bonds are outstanding.

(2) The sales and use tax shall terminate upon payment in full of the bonds.

(3) If the amendment is not approved, the sales and use taxes shall not be levied and collected.

SECTION 5. Use of proceeds.

(a) There is established on the books of the Treasurer of State, Auditor of State, and the chief fiscal officer of the State a special account within the State Highway and Transportation Department Fund to be designated as the Arkansas Four-Lane Highway Construction and Improvement Bond Account.

(b)(1) On the last day of each month, the Treasurer of State, after making the deductions required from the net special revenues as set out in § 19-5-203(b)(1), shall transfer the revenues derived by the one-half cent (0.5¢) taxes levied under this amendment to the State Highway and Transportation Department Fund, the County Aid Fund and the Municipal Aid Fund in the percentages provided in the Arkansas Highway Revenue Distribution Law, § 27-70-201 and § 27-70-206.

(2) The proceeds of the excise taxes transferred to the State Highway and Transportation Department Fund shall be set aside and transferred to the Arkansas Four-Lane

Highway Construction and Improvement Bond Account and used for the purposes provided for in this amendment.

(3) The tax revenues accruing from this amendment shall not be designated as special revenues for deposit to the Arkansas Department of Aeronautics Fund under § 27-115-110.

SECTION 6. The Arkansas Highway Revenue Distribution Law, which defines highway revenues, shall include taxes levied and collected by this amendment.

SECTION 7. Effective Date.

(a) The taxes levied by this amendment shall not become effective until after a majority of the qualified electors of the state voting on the question approve the issuance of Four-Lane Highway Construction and Improvement General Obligation Bonds to be repaid in part by the taxes levied by this amendment and deposited to the Arkansas Four-Lane Highway Construction and Improvement Bond Account in the State Highway and Transportation Department Fund.

(b) If the tax levies and the issuance of the bonds are approved, the effective date of the temporary taxes levied by this amendment shall be July 1, 2013.

SECTION 8. Termination of tax.

(a) If bonds are issued under this amendment, the temporary taxes levied under this amendment shall be abolished when there are no bonds outstanding to which tax collections are pledged as provided in this amendment.

(b)(1) To provide for the accomplishment of the administrative duties of the chief fiscal officer and to protect the owners of the bonds, the tax shall be abolished on the first day of the calendar month after the expiration of thirty (30) days from the date a written statement identifying the tax and the bonds is signed by the chairman and by the trustee for the bondholders, if a trustee is serving in this capacity, and is filed with the chief fiscal officer.

(2) The written statement shall certify that:

(A) The trustee has or will have sufficient funds set aside to pay the principal of and interest on the bonds when due at maturity or at redemption prior to maturity, and the chairman certifies that the tax is not pledged to any other highway bonds; or

(B) There are no longer any bonds outstanding payable from tax collections.

(c) The Department of Finance and Administration shall continue to collect taxes levied under this section during the time the tax levies were in force but unpaid and remit the tax collections under the Arkansas Highway Revenue Distribution Law.

SECTION 9. [Administration and tax procedures.]

(a) The General Assembly shall provide for the proper administration and enforcement of this amendment by law.

(b) Unless the General Assembly provides another procedure by law, the provisions of the Arkansas Tax Procedure Act, § 26-18-101 et seq., shall apply to the taxes levied under this amendment and to the reporting, remitting, and enforcement of the tax.

SECTION 10. Procedure for issuing bonds.

Before any series of bonds may be issued:

(1)(A) The commission shall, in consultation with the chief fiscal officer, determine the estimated amount of designated tax revenues to be collected by the state in the remainder of the then current fiscal biennium.

(B) The estimated amount of designated tax revenues shall be reported to the commission and Governor;

(2) The commission shall present a report to the Governor that includes the:

(A) Highway construction and improvements to be financed with the proceeds of such series of bonds;

(B) Estimated cost of the four-lane highway construction and improvements;

(C) Amount of bonds necessary to finance such four-lane highway construction and improvements; and

(D) Estimated amount of debt service required to pay the bonds;

(3) Upon receipt of the report required under subdivision (2) of this section, the Governor shall, if he and the Commission determine that the estimated designated tax revenues and any other revenues appropriated by the General Assembly for repayment of bonds will be sufficient to pay the debt service on the series of bonds, by proclamation authorize the commission to proceed with the issuance of such series of bonds.

(4)(A) After the Governor has issued his or her proclamation with respect to one (1) or more series of bonds, the commission shall adopt a resolution authorizing the issuance of the bonds.

(B) Each such resolution shall contain the terms, covenants, and conditions as are desirable and consistent with this amendment, including without limitation the:

(i) Establishment and maintenance of funds and accounts;

(ii) Deposit and investment of tax collections and of bond proceeds; and

(iii) Rights and obligations of the state, its officers and officials, the commission, and the registered owners of the bonds.

(C)(i) Each such resolution of the commission may provide for the execution and delivery by the commission of a trust indenture or trust indentures, with one (1) or more banks or trust companies located within or outside the state, containing any of the terms, covenants, and conditions provided for in this section and other terms and conditions deemed necessary by the commission.

(ii) The trust indenture or trust indentures shall be binding upon the commission, the state, and their respective officers and officials.

SECTION 11. Terms of bonds.

(a)(1) The bonds shall be issued in series as provided for in this section in amounts sufficient to finance all or part of the costs of four-lane highway construction and improvements provided under Section 10 of this amendment.

(2) Each series shall be designated by the year in which the series was issued, and if more than one (1) series is issued in a particular year then by alphabetical designation.

(b) The bonds of each series shall have the date or dates the commission determines and shall mature, or be subject to mandatory sinking fund redemption, over a period ending not later than ten (10) years after the date of implementation of the temporary sales and use tax.

(c)(1) The bonds of each series shall bear interest at the rate or rates determined by the commission at the sale of the bonds.

(2)(A) The bonds may bear interest at either a fixed or a variable rate.

(B) The interest may be taxable or tax-exempt or may be convertible from one (1) interest rate mode to another.

(C) The interest shall be payable at a time determined by the commission.

(d) The bonds:

(1) Shall be issued in the form of bonds registered as to both principal and interest without coupons;

(2) May be in such denominations;

(3) May be made exchangeable for bonds of another form or denomination, bearing the same rate of interest;

(4) May be made payable at places within or outside the state;

(5) May be made subject to redemption prior to maturity in such manner and for such redemption prices; and

(6) May contain other terms and conditions established by the commission.

(e)(1) Each bond shall be executed with the facsimile signatures of the Governor, the chairman, and the Treasurer of the State, and shall have affixed or imprinted on the bond the seal of the State of Arkansas.

(2) Delivery of the executed bonds shall be valid, notwithstanding any change in persons holding the offices occurring after the bonds have been executed.

SECTION 12. Sale of bonds.

(a)(1) The bonds may be sold at a private sale or public sale and at terms as the commission determines to be reasonable and expedient.

(2) The bonds may be sold at a price acceptable to the commission, and the price may include a discount or a premium.

(b)(1) If the bonds are sold at a public sale, the commission shall provide notice of the offering of the bonds in a manner reasonably designed to notify the public finance industry that the offering is being made.

(2) The commission shall set the terms and conditions of bidding, including the basis on which the winning bid will be selected.

(c)(1) The commission may structure the sale of bonds utilizing financing techniques that are recommended by its professional advisors to take advantage of market conditions and obtain the most favorable interest rates consistent with the purposes of this amendment.

(2) The commission may enter into ancillary agreements in connection with the sale of the bonds as necessary and advisable, including without limitation bond purchase agreements, remarketing agreements, letter of credit and reimbursement agreements, and bond insurance agreements.

SECTION 13. Employment of professionals.

The commission may retain professionals it determines are necessary to issue and sell the bonds, including without limitation legal counsel, financial advisors, underwriters, trustees, paying agents, and remarketing agents.

SECTION 14. Investment of proceeds.

Prior to expenditure of the proceeds from the issuance of the bonds, the proceeds from the issuance of the bonds shall be held, maintained, and invested by the trustee as provided in a resolution of the commission or as provided in a trust indenture securing the bonds.

SECTION 15. General obligation.

(a)(1) The bonds issued under this amendment shall be direct general obligations of the State of Arkansas for the payment of the debt service on which the full faith and credit of the State of Arkansas is irrevocably pledged as long as the bonds are outstanding.

(2) The bonds shall be payable from:

(A) The Arkansas Four-Lane Highway Construction and Improvement Bond Account; and

(B) General revenues of the state as that term is defined in the Revenue Stabilization Law, § 19-5-101 et seq.

(3) As necessary, the amount of general revenues is pledged to the payment of debt service on the bonds and shall be and remain pledged for these purposes.

(b)(1) This amendment shall constitute a contract between the State of Arkansas and the registered owners of all bonds issued under this amendment which shall never be impaired, and any violation of its terms, whether under purported legislative authority or otherwise, may be enjoined by the Circuit Court of Pulaski County upon the complaint of a bond owner or a taxpayer.

(2) The court shall, in any suit against the commission, the Treasurer of State, or other officer or official of the state prevent a diversion of any funds pledged under this amendment and shall compel the restoration of diverted funds, by injunction or mandamus.

(3) Without limitation as to any other appropriate remedy at law or in equity, a bond owner may, by an appropriate action, including without limitation injunction or mandamus, compel the performance of all covenants and obligations of the state, its officers, and officials.

(c) This amendment shall not create a right of any character with respect to the bonds, and a right of any character with respect to the bonds shall not arise under the amendment, unless the first series of bonds authorized by this amendment has been sold and delivered.

SECTION 16. Sources of repayment.

(a) Without in any way limiting the general obligation of the state to repay the bonds, the designated tax revenues are pledged to the payment of the debt service on the bonds.

(b)(1) The Treasurer of State shall establish in the State Highway and Transportation Department a special account known as the Arkansas Four-Lane Highway Construction and Improvement Bond Account.

(2) The Treasurer of State shall deposit in the Arkansas Four-Lane Highway Construction and Improvement Bond Account all designated tax revenues.

(3) The commission may pledge to the repayment of the bonds the full faith and credit of the state and may grant a lien upon the funds on deposit in the Arkansas Four-Lane Highway Construction and Improvement Bond Account.

(c)(1) On or before commencement of each fiscal year, the commission in consultation with the chief fiscal officer shall determine the estimated amount required for payment of debt service due on each series of bonds issued and outstanding under this amendment during the fiscal year and shall certify the estimated amount to the Treasurer of State.

(2) The Treasurer of State shall then make transfers from the Arkansas Four-Lane Highway Construction and Improvement Bond Account in the State Highway and Transportation Department Fund to the trustees of each series of bonds, in such amounts and at such times as shall be specified in the indentures, to:

(A) Pay the maturing debt service on each series of bonds issued and outstanding under this amendment; and

(B) Establish and maintain with the trustee for each series of bonds a reserve or reserves for payment of debt service on each series of bonds.

(d) The obligation to make transfers from the Arkansas Four-Lane Highway Construction and Improvement Bond Account in the State Highway and Transportation Department Fund for the payment of debt service on, and, if applicable, a reserve for, each series of bonds is a first charge against amounts on deposit.

(e) Funds on deposit in the Arkansas Four-Lane Highway Construction and Improvement Bond Account in the State Highway and Transportation Department Fund that are in excess of the obligations set forth in (d) above may be used to:

(1) Redeem bonds prior to maturity in the manner and in accordance with the provisions pertaining to redemption prior to maturity as set forth in the trust indentures authorizing or securing each series of bonds; or

(2) Fund additional four-lane highway construction and improvements in the manner and in accordance with the provisions set forth in the trust indentures authorizing or securing each series of bonds.

(f) If there are insufficient amounts in the Arkansas Four-Lane Highway Construction and Improvement Bond Account in the State Highway and Transportation Department Fund to pay the debt service on bonds issued and outstanding under this amendment or to fund any necessary

reserves at the required level, the State Treasurer shall transfer additional amounts to the Arkansas Four-Lane Highway Construction and Improvement Bond Account in the State Highway and Transportation Department Fund from the general revenues of the State.

SECTION 17. Investment of revenues.

(a) Moneys held in the Arkansas Four-Lane Highway Construction and Improvement Bond Account in the State Highway and Transportation Department Fund and any fund in the State Treasury created under this amendment shall be invested by the State Board of Finance to the full extent practicable pending disbursement for the purposes intended.

(b) Notwithstanding any other provision of law, the investments and disbursements shall be in accordance with the terms of the resolution or trust indenture authorizing or securing the series of bonds to which the fund appertains to the extent the terms of the resolution or trust indenture are applicable.

SECTION 18. Refunding bonds.

(a) The commission may issue bonds for the purpose of refunding bonds previously issued under this amendment if the total amount of bonds outstanding after the refunding is completed does not exceed the total amount authorized by this amendment, and the final maturity of such refunding bonds shall not exceed ten (10) years from the date of implementation of the tax.

(b) The refunding bonds shall be general obligations of the State of Arkansas and shall be secured and sold in accordance with the provisions of this amendment.

SECTION 19. Tax Exemption.

(a)(1) All bonds issued under this amendment and interest on the bonds shall be exempt from all taxes of the State of Arkansas, including income, inheritance, and property taxes.

(2) Profits from the sale of the bonds shall also be exempt from income taxes.

(b) The bonds shall be eligible to secure deposits of all public funds and shall be legal for investment of municipal, county, bank, fiduciary, insurance company, and trust funds.

SECTION 20. State Aid Street Fund.

(a) Upon the adoption of this amendment, the Department of Finance and Administration shall:

(1) Deposit a total of one cent (1¢) per gallon from revenues distributed under the Arkansas Highway Revenue Distribution Law from the proceeds derived from existing motor fuel taxes and distillate fuel taxes; and

(2) Permanently dedicate the revenues to the State Aid Street Fund created under § 27-72-407.

(b) The State Aid Street Funds shall aid city streets under the law.

SECTION 21. Powers of the commission.

(a) All powers granted to the commission under this amendment shall be in addition to the powers as already exist under Amendment 42 to the Arkansas Constitution and the laws of the State of Arkansas.

(b) A member of the commission or other state official shall not be liable personally for any reason arising from the issuance of bonds under this amendment unless the person acts with corrupt intent.

SECTION 22. Form of submission to the electors.

The proposition set forth shall be submitted for approval or rejection by the electors in substantially the following form:

"A TEMPORARY ONE-HALF PERCENT (0.5%) SALES AND USE TAX FOR STATE HIGHWAYS AND BRIDGES, COUNTY ROADS, BRIDGES AND OTHER SURFACE

TRANSPORTATION, AND CITY STREETS, BRIDGES AND OTHER SURFACE TRANSPORTATION, WITH THE STATE'S PORTION TO SECURE STATE OF ARKANSAS GENERAL OBLIGATION FOUR-LANE HIGHWAY CONSTRUCTION AND IMPROVEMENT BONDS AND PERMANENTLY DEDICATING ONE CENT (1¢) PER GALLON OF THE PROCEEDS DERIVED FROM THE EXISTING MOTOR FUEL AND DISTILLATE FUEL TAXES TO THE STATE AID STREET FUND"

On each ballot there shall be printed the following:

"FOR a proposed constitutional amendment to levy a temporary sales and use tax of one-half percent (0.5%) for state highways and bridges, county roads, bridges and other surface transportation, and city streets, bridges and other surface transportation, with the state's portion to secure State of Arkansas General Obligation Four-Lane Highway Construction and Improvement Bonds in the total principal amount not to exceed $1,300,000,000 for the purpose of constructing and improving four-lane highways in the State of Arkansas, prescribing the terms and conditions for the issuance of such bonds which will mature and be paid in full in approximately ten (10) years, which payment in full shall terminate the temporary sales and use tax, describing the sources of repayment of the bonds and permanently dedicating one cent (1¢) per gallon of the proceeds derived from the existing motor fuel and distillate fuel taxes to the State Aid Street Fund."

"AGAINST a proposed constitutional amendment to levy a temporary sales and use tax of one-half percent (0.5%) for state highways and bridges, county roads, bridges and other surface transportation, and city streets, bridges and other surface transportation, with the state's portion to secure State of Arkansas General Obligation Four-Lane Highway Construction and Improvement Bonds in the total principal amount not to exceed $1,300,000,000 for the purpose of constructing and improving four-lane highways in the State of Arkansas, prescribing the terms and conditions for the issuance of such bonds which will mature and be paid in full in approximately ten (10) years, which payment in full shall terminate the temporary sales and use tax, describing the sources of repayment of the bonds and permanently dedicating one cent (1¢) per gallon of the proceeds derived from the existing motor fuel and distillate fuel taxes to the State Aid Street Fund."

AMEND. 92.
[REVIEW AND APPROVAL OF ADMINISTRATIVE RULES (CONST. ART. 5, § 42, ADDED)].

[Amended Ark. Const. Art. 5, by adding § 42.]

AMEND. 93.
[AMENDMENT OF INITIATIVE AND REFERENDUM PETITIONS (CONST. ART. 5, § 1, AMENDED)].

[Amended Ark. Const. Art. 5, § 1.]

AMEND. 94.
THE ARKANSAS ELECTED OFFICIALS ETHICS, TRANSPARENCY, AND FINANCIAL REFORM AMENDMENT OF 2014 (CONST. ART. 19, §§ 28, 29, 30, 31, ADDED, CONST. ART. 5, §§ 29, 30, CONST. ART. 16, §§ 4, 12, CONST. AMEND. 70, § 1, CONST. AMEND. 73, § 2, CONST. AMEND. 80, § 16(E) AMENDED, CONST. ART. 5, § 16, CONST. ART. 19, § 11, CONST. AMEND. 6, § 6, CONST. AMEND. 9, § 2, CONST. AMENDS. 15, 43, CONST. AMEND. 70, § 3, REPEALED).

[Amend. 94, § 1, provided: "This amendment shall be known and may be cited as 'The Arkansas Elected Officials Ethics, Transparency, and Financial Reform Amendment of 2014'."

Amend. 94, § 17, provided: "Severability. In the event any section, subsection, subdivision, paragraph, subparagraph, item, sentence, clause, phrase, or word of this amendment is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of this amendment, which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of this amendment."

Amend. 94, § 18, provided: "Effective date. This amendment shall be effective on November 5, 2014."

Amendment 94 added Ark. Const. Art. 19, §§ 28, 29, 30, and 31; amended Art. 5, §§ 29, 30, Art. 16, §§ 4, 12, Amend. 70, § 1, Amend. 73, § 2, and Amend. 80, § 16(E); and repealed Art. 5, § 16, Art. 19, § 11, Amend. 6, § 6, Amend. 9, § 2, Amend. 15, Amend. 43, and Amend. 70, § 3.]