Opinion No. 2013-069

December 23, 2013

The Honorable Mark Martin
Secretary of State
State Capitol, Suite 256
Little Rock, Arkansas 72201-1094

Dear Mr. Martin:

You have requested my opinion on the following questions concerning the preparation of a popular name for a resolution of the Arkansas General Assembly that was passed at the 2013 regular session:[1]

1. Does the Attorney General still have the statutory authority to prepare a Popular Name for the constitutional amendments referred by the Eighty-Ninth General Assembly? If the answer is "yes," I request that you prepare a Popular Name for HJR 1009 (Issue No. 3).

2. If the answer to the first question is "no," what is the proper course for preparing a Popular Name for HJR 1009 (Issue No. 3)?

RESPONSE

The answer to your first question appears to be "no" for the reasons explained in Attorney General Opinion 2013-067, which I recently issued in response to your request for my opinion on these same questions concerning another joint

[1] Pursuant to Article 19, Section 22 of the Arkansas Constitution, the General Assembly may propose up to three constitutional amendments for referral to the voters. The resolution at issue, House Joint Resolution (HJR) 1009 (Issue No. 3), was passed by the 89th General Assembly and will appear on the state's November 4, 2014 General Election ballot.

resolution (SJR 7). I will not restate the basis for this conclusion, but instead refer you to Opinion 2013-067 for the analysis.

In response to your second question, as also explained in Opinion 2013-067, there currently is no express statutory course for identifying legislatively referred constitutional amendments on the ballot when the General Assembly has not designated a popular name or ballot title in the joint resolution. While legislative clarification is therefore indicated, it is my opinion that the Secretary of State may, pending such clarification, supply a popular name as a means of identifying HJR 1009 on the ballot. As stated in Opinion 2013-067 with respect to SJR 7, my office is available for consultation in this regard.

Deputy Attorney General Elisabeth A. Walker prepared the foregoing opinion, which I hereby approve.

Sincerely,

DUSTIN MCDANIEL
Attorney General

DM:EAW/cyh