

Section 1. Policy, duties, rights, and interpretation.

(a) It is vital in a democratic society that public business be performed in an open and public manner so that the electors shall be advised of the performance of public officials and of the decisions that are reached in public activity and in making public policy.

(b) Government transparency is a right of the citizens of Arkansas.

Section 2. Definition.

As used in this Amendment "government transparency" means the government's obligation to:

- (1) Share information with citizens; or
- (2) Deliver information to citizens.

Section 3. Procedure for enacting laws that affect government transparency.

(a)(1)(A) The General Assembly shall not make a law concerning government transparency except as provided in this section.

(B) The General Assembly may propose a law concerning government transparency only by referring a bill adopted by a two thirds (2/3) majority vote of both the House of Representatives and the Senate to the electors at the next general election for approval or rejection of the bill.

(2)(A) If it shall be necessary for the preservation of the public peace, health, and safety that the bill become effective without delay, the General Assembly may declare an emergency by nine tenths (9/10) majority vote of both the House of Representatives and the Senate.

(B) If the emergency declaration is adopted:

- (i) The bill shall become immediately effective; and
- (ii) If the electors reject the referred bill at the next general election, the referred bill will no longer be in effect.

(3) The referred bill shall be published in the manner prescribed under Arkansas Constitution, Article 19, § 22.

(4) A referred bill under this subsection (a) is not a constitutional amendment under Arkansas Constitution, Article 19, § 22.

(b) The General Assembly shall not propose an amendment to this Amendment to be submitted to the people for approval or rejection under Arkansas Constitution, Article 19, § 22.

(c) The people may amend this Amendment or an Arkansas statute concerning government transparency as provided under Arkansas Constitution, Article 5, § 1 or as provided under this section.

Section 4. Immunity and attorney's fees.

(a) The State of Arkansas may be made a defendant in her courts for failure to comply with the requirements of Arkansas law concerning government transparency.

(b) Attorney's fees shall be available to a prevailing citizen for failure to comply with the requirements of Arkansas law concerning government transparency.

Section 5. Inconsistent provisions inapplicable.

(a) Except as provided in subsection (b) of this section, all provisions of the Constitution, statutes, and common law of this State to the extent inconsistent or in conflict with any provision of this Amendment are expressly declared null and void.

(b) This amendment shall not be construed to alter the constitutional powers of the:

(1) State Supreme Court; or

(2) General Assembly to determine the rules that affect the openness of state legislative meetings.

Section 6. Severability.

If any provision or section of this amendment or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of the amendment that can be given effect without the invalid provision or application, and to this end the provisions of this amendment are declared to be severable.

Section 7. Effective date.

This Amendment is effective on and after November 6, 2024.