

1 **State of Arkansas**

2 **79th General Assembly**

3 **Regular Session, 1993**

H.J.R. 1004

4 **By: Representative Pryor, Choate, Dietz and Wingfield**

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HOUSE JOINT RESOLUTION

8 PROPOSING AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO
9 AUTHORIZE THE GOVERNOR TO FILL VACANCIES IN THE GENERAL
10 ASSEMBLY AND OFFICE OF LIEUTENANT GOVERNOR; TO PROVIDE FOR
11 SUCCESSION TO THE OFFICE OF GOVERNOR; TO PROVIDE THAT THE
12 GOVERNOR SHALL RETAIN ALL POWERS WHEN OUT OF STATE; AND TO
13 PROVIDE THAT WHEN ANY MEMBER OF THE EXECUTIVE DEPARTMENT,
14 THE ARKANSAS SENATE OR HOLDER OF A JUDICIAL OFFICE FILES
15 AS A CANDIDATE FOR ANOTHER OFFICE DURING MIDTERM SUCH
16 PERSON SHALL FORFEIT HIS CURRENT OFFICE.

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Subtitle

19 CONSTITUTIONAL AMENDMENT REGARDING GOVERNOR_S POWER TO
20 FILL VACANCIES AND SUCCESSION TO GOVERNORSHIP AND MIDTERM
21 ELECTIONS.

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

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29 That the following is hereby proposed as an amendment to the Constitution
30 of the state of Arkansas (*provided however that if four amendments are to be*
31 *placed on the ballot pursuant to Article XIX, Section 22 of the Constitution*
32 *of the State of Arkansas, as of April 30, 1994, then this proposed amendment*
33 *shall not be submitted to the electors*), and upon being submitted to the
34 electors of the state for approval or rejection at the next general election
35 for Representatives and Senators, if a majority of the electors voting thereon

1 at such election, adopt such amendment, the same shall become a part of the
2 Constitution of the state of Arkansas, to wit:

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4 "SECTION 1. Sections 1 and 2 of Amendment 29 to the Arkansas
5 Constitution are amended to read as follows:

6 _§1. Vacancies in the office of United States Senator, and in all
7 elective state, district, circuit, county, and township offices, except
8 Representative in the Congress of the United States, shall be filled by
9 appointment by the Governor.

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

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18 SECTION 2. Sections 4 and 5 of Amendment 6 to the Arkansas Constitution
19 are amended to read as follows:

20 _§4. Lieutenant Governor--Succession to the Governorship.

21 In case of the Governor_s removal from office, death, inability to
22 discharge the powers and duties of the said office, or resignation, the
23 Lieutenant Governor shall become Governor for the residue of the term, or
24 serve as Governor until the disability shall cease. In the event the
25 Lieutenant Governor is unable to assume the Office of Governor, the President
26 Pro Tempore of the Senate shall assume the Office of Governor and, in the
27 event the President Pro Tempore of the Senate is unable to assume the Office
28 of Governor, the Speaker of the House of Representatives shall assume the
29 Office of Governor. In the event that none of the aforesaid officers is able
30 to assume the Office of Governor, the line of succession shall be determined
31 by law.

32 §5. Qualifications and duties of Lieutenant Governor.

33 The Lieutenant Governor shall possess the same qualifications of
34 eligibility for the office as the Governor. He shall be President of the
35 Senate, but shall have only a casting vote therein in case of a tie vote._

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2 SECTION 3. No person holding elective office in this State with a term
3 exceeding two (2) years shall be a candidate for election to any other office
4 at a mid-term election unless, at least ten (10) calendar days prior to the
5 beginning of the filing period for office, the person files written notice
6 with the Secretary of State regarding the person_s intent to seek another
7 office. Upon filing such statement of intent, the person_s term of office
8 shall expire on January 1 of the year following the next general election and
9 the office being vacated by the person shall be on the ballot at that general
10 election in order to complete the residue of the term. Provided, however, the
11 provisions of this section do not apply when the person is seeking the Office
12 of President or Vice President of the United States._"

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14 SECTION 4. *The provisions of Section 1 of this amendment shall not be*
15 *construed as affecting the appointment power of the quorum courts under*
16 *Amendment 55 of this Constitution.*

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18 SECTION 5. *Section 10 of Article 5 of the Arkansas Constitution is*
19 *hereby modified to allow members of the Arkansas Senate to seek another office*
20 *during their mid-term under the procedure prescribed in Section 3 of this*
21 *amendment.*

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23 SECTION 6. Sections 12 and 13 of Article 6 of the Arkansas Constitution
24 are hereby repealed.

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26 SECTION 7. This amendment shall become effective on January 1, 1995.

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28 SECTION 8. If any provision of this act or the application thereof to
29 any person or circumstance is held invalid, such invalidity shall not affect
30 other provisions or applications of the act which can be given effect without
31 the invalid provision or application, and to this end the provisions of this
32 act are declared to be severable.

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/s/M. Pryor, et al

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As Engrossed: 2/18/93 4/6/93

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