

Stricken language would be deleted from and underlined language would be added to the Arkansas Constitution.

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021

HJR 1006

4
5 By: Representative Cavanaugh

HOUSE JOINT RESOLUTION

8 AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO CREATE A
9 PROCEDURE FOR THE RECALL OF PERSONS ELECTED TO THE
10 OFFICES OF GOVERNOR, LIEUTENANT GOVERNOR, ATTORNEY
11 GENERAL, SECRETARY OF STATE, TREASURER OF STATE,
12 AUDITOR OF STATE, COMMISSIONER OF STATE LANDS, MEMBER
13 OF THE HOUSE OF REPRESENTATIVES, MEMBER OF THE
14 SENATE, CHIEF JUSTICE OF THE SUPREME COURT, JUSTICE
15 OF THE SUPREME COURT, CHIEF JUDGE OF THE COURT OF
16 APPEALS, JUDGE OF THE COURT OF APPEALS, CIRCUIT
17 JUDGE, OR DISTRICT JUDGE.

Subtitle

21 AN AMENDMENT TO THE ARKANSAS CONSTITUTION
22 TO CREATE A PROCEDURE FOR THE RECALL OF A
23 STATE CONSTITUTIONAL OFFICER, A MEMBER OF
24 THE GENERAL ASSEMBLY, OR AN ELECTED
25 JUDICIAL OFFICER.

26
27
28 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL
29 ASSEMBLY OF THE STATE OF ARKANSAS, AND BY THE SENATE, A MAJORITY OF ALL
30 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

31
32 That the following is proposed as an amendment to the Constitution of
33 the State of Arkansas, and upon being submitted to the electors of the state
34 for approval or rejection at the next general election for Representatives
35 and Senators, if a majority of the electors voting thereon at the election
36 adopt the amendment, the amendment shall become a part of the Constitution of



1 the State of Arkansas, to wit:

2
3 SECTION 1. The Arkansas Constitution is amended to add an additional
4 amendment to read as follows:

5 § 1. Definitions.

6 As used in this amendment:

7 (1) "Elected official" means a person elected to one (1) of the
8 following offices:

9 (A) Governor;

10 (B) Lieutenant Governor;

11 (C) Attorney General;

12 (D) Secretary of State;

13 (E) Treasurer of State;

14 (F) Auditor of State;

15 (G) Commissioner of State Lands;

16 (H) Member of the House of Representatives;

17 (I) Member of the Senate;

18 (J) Chief Justice of the Supreme Court;

19 (K) Justice of the Supreme Court;

20 (L) Chief Judge of the Court of Appeals;

21 (M) Judge of the Court of Appeals;

22 (N) Circuit court judge; and

23 (O) District court judge;

24 (2) "Recall" means the voting by the electors of the state or
25 the electors of a district to ascertain whether or not it is the desire of
26 the majority of the electors to allow an elected official to remain in that
27 capacity for the duration of his or her elected term; and

28 (3) "Recall petition" means a petition demanding the recall of
29 an elected official.

30
31 § 2. Petition.

32 (a) The qualified electors of the state or a district, as the case may
33 be, may petition for the recall of an elected official by filing a recall
34 petition demanding the recall of the elected official.

35 (b)(1) The recall petition for the recall of an elected official
36 elected statewide shall be signed by qualified electors of the state in a

1 number of at least twenty-five percent (25%) of the votes cast for Governor
2 at the last general election at which a Governor was elected.

3 (2) The recall petition for an elected official elected by a
4 district shall be signed by qualified electors of the district in which the
5 elected official is serving in a number of at least twenty-five percent (25%)
6 of the votes cast for Governor within the district at the last general
7 election at which a Governor was elected.

8
9 § 3. Recall of elected officials.

10 (a)(1) The recall of an elected official shall be initiated by filing
11 a notice of intent to circulate a recall petition with the Secretary of
12 State.

13 (2) No recall petition shall be circulated before the notice of
14 intent is filed.

15 (3) The notice of intent to circulate a recall petition shall
16 state the reason the elected official should be recalled.

17 (4) The filer of the notice of intent to circulate a recall
18 petition shall within five (5) calendar days after filing the notice of
19 intent notify the elected official who will be the subject of a recall
20 petition by certified mail with return receipt requested.

21 (b) A separate recall petition shall be used for each county and
22 recall petitions from each county shall be kept separate to facilitate voter
23 identification.

24 (c) The recall petitions shall be filed with the Secretary of State
25 not less than sixty (60) calendar days nor more than eighty (80) calendar
26 days after the filing of the notice of intent to circulate a recall petition.

27 (d)(1) Within thirty (30) calendar days after the recall petition is
28 filed, the Secretary of State shall determine whether the recall petition is
29 sufficient and, if sufficient, shall state the sufficiency in a letter to the
30 filer of the notice of intent.

31 (2)(A) If the recall petition is found to be insufficient, the
32 letter shall state the reasons creating the insufficiency.

33 (B) The recall petition may be amended to correct or amend
34 an insufficiency within thirty (30) calendar days after the original
35 determination of insufficiency by the Secretary of State.

36 (C) For a statewide recall petition, correction or

1 amendment of an insufficient petition shall be permitted only if the petition
 2 contains valid signatures of legal voters equal to at least seventy-five
 3 percent (75%) of the number of statewide signatures of legal voters required.

4 (3) Within fifteen (15) calendar days after filing an amended
 5 recall petition, the Secretary of State shall examine the recall petition
 6 again to determine sufficiency and shall state the sufficiency of the amended
 7 recall petition in a letter to the filer of the notice of intent to circulate
 8 a recall petition.

9 (e)(1)(A) Immediately upon finding an original or amended recall
 10 petition sufficient, the Secretary of State shall notify the Governor who
 11 shall immediately call a special election for the purpose of submitting the
 12 recall proposal to the appropriate electors.

13 (B) If the Governor is the subject of the recall petition,
 14 the Secretary of State shall notify the Lieutenant Governor, who shall
 15 immediately call a special election.

16 (2)(A) The special election for the purpose of submitting the
 17 recall proposal to the appropriate electors shall be held within ninety (90)
 18 calendar days after the call for a special election.

19 (B) However, if the next following general election is to
 20 be held within one hundred twenty (120) calendar days of the original or
 21 amended recall petition being found sufficient, the recall proposal shall be
 22 submitted at the next following general election.

23
 24 § 4. Recall petitions for elected officials.

25 (a) The recall petition regarding an elected official shall be in
 26 substantially the following form:

27 "PETITION FOR RECALL

28 To the Secretary of State:

29 We, the undersigned legal voters of _____

30 (Arkansas or District)

31 respectfully order that _____

32 (Name of Elected Official)

33 be referred to the people of _____

34 (Arkansas or District)

35 to the end that the elected official may be approved or rejected by the vote
 36 of the legal voters at an election to be held for this purpose; and each of

1 us for himself or herself says: I have personally signed this petition; I am
2 a legal voter of [Arkansas or district], and my printed name, date of birth,
3 residence, city or town of residence, and date of signing this petition are
4 correctly written after my signature.”

5 (b) Each sheet of each recall petition containing the signatures shall
6 be verified in substantially the following form by the person who circulated
7 the sheet of the recall petition by his or her affidavit attached to the
8 recall petition. The affidavit shall be in substantially the following form:

9 "STATE OF ARKANSAS)
10 COUNTY)

11 I, _____ under oath, state that the above-listed persons
12 signed this sheet, and each of them signed his or her name on this sheet in
13 my presence. I believe that each has correctly stated his or her name, date
14 of birth, residence, city or town of residence, and date of signing the
15 petition.

16 Signature _____

17 Address _____

18 Subscribed and sworn to before me this the _____ day of _____, _____.

19 Signature _____

20 Notary Public

21 My Commission Expires: _____."

22 (c) A petition shall be sufficient if it substantially follows the
23 format of this section, disregarding clerical and technical errors.

24
25 § 5. Ballot.

26 (a) At the election the recall proposal shall be printed on the ballot
27 in substantially the following form:

28 Name: _____ Office: _____

29 “For Permitting _____ to
30 continue to serve the term of office for which elected /_/_

31
32 Name: _____ Office: _____

33 Against Permitting _____ to
34 continue to serve the term of office for which elected /_/_."

35 (b)(1) If at the election a majority of the qualified electors voting
36 on the recall proposal vote against permitting the elected official to

1 continue to serve the term of office to which he or she was elected, an
2 immediate vacancy shall exist in the office, and the vacancy shall be filled
3 in the manner prescribed by law.

4 (2) If at the election a majority of the qualified electors
5 voting on the recall proposal vote for permitting the elected official to
6 continue to serve the term of office for which he or she elected, the elected
7 official shall serve the full term for which he or she was elected.

8
9 § 6. Frequency of recall.

10 After one (1) recall petition and election, no further recall petition
11 shall be filed against the same elected official during the same term of
12 office.

13
14 § 7. Recall expenses.

15 All expenses of an election for the recall of an elected official shall
16 be paid for in the same manner and from the same source as provided by
17 applicable law for election expenses.

18
19 § 8. Ballot question.

20 (a) A recall proposal shall be considered a ballot question for
21 purposes of applicable laws on measures referred to voters.

22 (b) An elected official, any person or entity acting on behalf of an
23 elected official, or any other person or entity who receives contributions or
24 makes expenditures for the purpose of attempting to influence the
25 qualification, passage, or defeat of a recall petition or recall proposal
26 shall be considered a ballot question committee and shall comply with
27 applicable laws on measures referred to voters.

28
29 SECTION 2. EFFECTIVE DATE. This amendment shall be effective on and
30 after January 1, 2023.

31
32 SECTION 3. BALLOT TITLE AND POPULAR NAME. When this proposed
33 amendment is submitted to the electors of this state on the general election
34 ballot:

35 (1) The title of this Joint Resolution shall be the ballot
36 title; and

1 (2) The popular name shall be "A Constitutional Amendment to
2 Create a Procedure for the Recall of Persons Elected to the Offices of
3 Governor, Lieutenant Governor, Attorney General, Secretary of State,
4 Treasurer of State, Auditor of State, Commissioner of State Lands, Chief
5 Justice of the Supreme Court, Justice of the Supreme Court, Chief Judge of
6 the Court of Appeals, Judge of the Court of Appeals, Circuit Judge, or
7 District Judge".

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