

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Senator Scott

S.J.R. 2

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7 **SENATE 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.

17
18 **Subtitle**

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

22
23 BE IT RESOLVED BY THE SENATE OF THE EIGHTIETH GENERAL ASSEMBLY OF THE STATE
24 OF ARKANSAS AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL MEMBERS
25 ELECTED TO EACH HOUSE AGREEING THERETO:

26
27 That the following is hereby proposed as an amendment to the
28 Constitution of the state of Arkansas, and upon being submitted to the
29 electors of the state for approval or rejection at the next general election
30 for Senators and Representatives, if a majority of the electors voting
31 thereon at such election, adopt such amendment, the same shall become a part
32 of the Constitution of the state of Arkansas, to wit:

33
34 "SECTION 1. Sections 1 and 2 of Amendment 29 to the Arkansas
35 Constitution are amended to read as follows:

1 §1. Vacancies in the office of United States Senator, and in all
2 elective state, district, circuit, county, and township offices, except
3 Representative in the Congress of the United States, shall be filled by
4 appointment by the Governor.

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

12

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

15 §4. Lieutenant Governor--Succession to the Governorship.

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

27 §5. Qualifications and duties of Lieutenant Governor.

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

31

32 SECTION 3. No person holding elective office in this State with a term
33 exceeding two (2) years shall be a candidate for election to any other office
34 at a mid-term election unless, at least ten (10) calendar days prior to the
35 beginning of the filing period for office, the person files written notice

1 with the Secretary of State regarding the person_s intent to seek another
2 office. Upon filing such statement of intent, the person_s term of office
3 shall expire on January 1 of the year following the next general election and
4 the office being vacated by the person shall be on the ballot at that general
5 election in order to complete the residue of the term. Provided, however,
6 the provisions of this section do not apply when the person is seeking the
7 Office of President or Vice President of the United States._"

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9 SECTION 4. The provisions of Section 1 of this amendment shall not be
10 construed as affecting the appointment power of the quorum courts under
11 Amendment 55 of this Constitution.

12

13 SECTION 5. Section 10 of Article 5 of the Arkansas Constitution is
14 hereby modified to allow members of the Arkansas Senate to seek another
15 office during their mid-term under the procedure prescribed in Section 3 of
16 this amendment.

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18 SECTION 6. Sections 12 and 13 of Article 6 of the Arkansas
19 Constitution are hereby repealed.

20

21 SECTION 7. This amendment shall become effective on January 1, 1997.

22

23 SECTION 8. If any provision of this act or the application thereof to
24 any person or circumstance is held invalid, such invalidity shall not affect
25 other provisions or applications of the act which can be given effect without
26 the invalid provision or application, and to this end the provisions of this
27 act are declared to be severable.

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Subtitle

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CONSTITUTIONAL AMENDMENT REGARDING GOVERNOR_S POWER TO
FILL VACANCIES AND SUCCESSION TO GOVERNORSHIP AND MIDTERM
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