

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

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015

HJR 1024

4  
5 By: Representative J. Mayberry

6  
7 **HOUSE JOINT RESOLUTION**

8 AN AMENDMENT TO THE ARKANSAS CONSTITUTION CONCERNING  
9 THE OFFICE OF LIEUTENANT GOVERNOR; PROVIDING THAT  
10 LIEUTENANT GOVERNOR CANDIDATES RUN JOINTLY WITH  
11 GUBERNATORIAL CANDIDATES; AMENDING THE DUTIES OF THE  
12 LIEUTENANT GOVERNOR BY PROVIDING THAT THE GOVERNOR  
13 RETAIN HIS OR HER POWERS AND DUTIES WHEN ABSENT FROM  
14 THE STATE; ALLOWING THE GOVERNOR TO ASSIGN DUTIES TO  
15 THE LIEUTENANT GOVERNOR; ALLOWING THE GENERAL  
16 ASSEMBLY TO PROVIDE BY LAW FOR ADDITIONAL DUTIES AND  
17 RESPONSIBILITIES OF THE LIEUTENANT GOVERNOR; AND  
18 PROVIDING THAT THE GOVERNOR MAY FILL A VACANCY IN THE  
19 OFFICE OF LIEUTENANT GOVERNOR BY APPOINTMENT.

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21  
22 **Subtitle**

23 AN AMENDMENT TO THE ARKANSAS CONSTITUTION  
24 CONCERNING THE OFFICE OF LIEUTENANT  
25 GOVERNOR.

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

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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. Arkansas Constitution, Amendment 6, § 3, is amended to read  
4 as follows:

5 § 3. Election of Governor and Lieutenant Governor.

6 (a) The Governor and Lieutenant Governor shall be elected at the times  
7 and places of choosing members of the Assembly. A candidate for Lieutenant  
8 Governor shall run jointly with a candidate for Governor, and his or her name  
9 shall appear jointly on the ballot with the candidate for Governor. The  
10 Governor and Lieutenant Governor shall be chosen jointly by the casting of a  
11 single vote applicable to both offices. A candidate for Governor shall  
12 select the candidate for Lieutenant Governor with whom he or she shall run  
13 jointly. A person shall not file as a candidate for Lieutenant Governor. A  
14 candidate for Governor seeking the nomination of a political party shall  
15 select the candidate for Lieutenant Governor with whom he or she shall run  
16 jointly no later than sixty (60) days before the preferential primary  
17 election. The persons ~~respectively~~ jointly having the highest number of  
18 votes for Governor and Lieutenant Governor shall be elected as Governor and  
19 Lieutenant Governor, respectively, but in case ~~two or more shall~~ more than  
20 two (2) joint candidates have an equal and the highest number of votes for  
21 Governor, ~~or for~~ and Lieutenant Governor respectively, the two houses of the  
22 Legislature at its next annual session shall forthwith, by joint ballot,  
23 choose ~~one of~~ among the ~~said persons~~ joint candidates so having an equal and  
24 the highest number of votes for Governor ~~or~~ and Lieutenant Governor for the  
25 office of Governor and Lieutenant Governor, respectively.

26 (b) The General Assembly may enact laws necessary to implement this  
27 section, including without limitation laws necessary to provide that the  
28 Lieutenant Governor shall run jointly with a candidate for Governor.

29  
30 SECTION 2. Arkansas Constitution, Amendment 6, § 4 is amended to read  
31 as follows:

32 § 4. Lieutenant Governor acting as Governor.

33 In case of the impeachment of the Governor, or his or her removal from  
34 office, death, inability to discharge the powers and duties of the said  
35 office, or resignation ~~or absence from the State~~, the powers and duties of  
36 the office, shall devolve upon the Lieutenant Governor for the residue of the

1 term, or until the disability shall cease. ~~But when~~ When the Governor shall,  
 2 with the consent of the Legislature, be out of the State, in time of war, at  
 3 the head of a military force thereof, he or she shall continue commander-in-  
 4 chief of all the military force of the State.

5  
 6 SECTION 3. Arkansas Constitution, Amendment 6, is amended to add an  
 7 additional section to read as follows:

8 § 7. Additional duties and responsibilities of Lieutenant Governor.

9 (a) The Governor may assign duties and responsibilities to the  
 10 Lieutenant Governor as he or she deems necessary.

11 (b) The General Assembly may provide by law for additional duties and  
 12 responsibilities of the Lieutenant Governor.

13  
 14 SECTION 4. Arkansas Constitution, Amendment 29, Section 1, is amended  
 15 to read as follows:

16 § 1. Elective offices – Exceptions.

17 Vacancies in the office of United States Senator, and in all elective  
 18 state, district, circuit, county, and township offices except those of  
 19 ~~Lieutenant Governor~~, Member of the General Assembly and Representative in the  
 20 Congress of the United States, shall be filled by appointment by the  
 21 Governor.

22  
 23 SECTION 5. Arkansas Constitution, Amendment 29, Section 4, is amended  
 24 to read as follows:

25 § 4. Duration of term of appointee – Election to fill vacancy.

26 (a) The Except as provided in subsection (b) of this section, the  
 27 appointee shall serve during the entire unexpired term in the office in which  
 28 the vacancy occurs if such office would in regular course be filled at the  
 29 next General Election if no vacancy had occurred. If such office would not  
 30 in regular course be filled at such next general election the vacancy shall  
 31 be filled as follows: At the next General Election, if the vacancy occurs  
 32 four months or more prior thereto, and at the second General Election after  
 33 the vacancy occurs if the vacancy occurs less than four months before the  
 34 next General Election after it occurs. The person so elected shall take  
 35 office on the 1st day of January following his election.

36 (b) An appointee to fill a vacancy in the office of Lieutenant

1 Governor shall serve during the entire unexpired term regardless of whether  
2 the office would in regular course be filled at the next General Election if  
3 no vacancy had occurred.

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5 SECTION 6. EFFECTIVE DATE. (a) This amendment is effective on and  
6 after January 1, 2019.

7 (b) A candidate for Lieutenant Governor shall run jointly with a  
8 candidate for Governor, and his or her name shall appear jointly on the  
9 ballot with the candidate for Governor, at the 2018 general election.

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11 SECTION 7. BALLOT TITLE AND POPULAR NAME. When this proposed  
12 amendment is submitted to the electors of this state on the general election  
13 ballot:

14 (1) The title of this joint resolution shall be the ballot  
15 title; and

16 (2) The popular name shall be "A Constitutional Amendment  
17 Concerning the Office of Lieutenant Governor and Amending the Method of  
18 Election, Assignment of Duties, and Method of Filling a Vacancy for the  
19 Office of Lieutenant Governor".