

1 State of Arkansas *As Engrossed: H3/4/15 H3/5/15*

2 90th General Assembly

3 Regular Session, 2015

HJR 1024

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5 By: Representative J. Mayberry

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## 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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### Subtitle

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

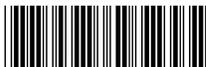
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28 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETIETH GENERAL  
29 ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL  
30 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

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. 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 (a)(1) In case of the impeachment of the Governor, or his or her  
34 removal from office, death, inability to discharge the powers and duties of  
35 the said office, ~~or resignation or absence from the State,~~ the powers and  
36 duties of the office, shall devolve upon the Lieutenant Governor for the

1 *residue of the term, or until the disability shall cease.*

2 *(2)(A) If the Governor is absent from the state, he or she may*  
3 *designate the Lieutenant Governor to act as Governor until the Governor*  
4 *returns to the State.*

5 *(B) A designation under subdivision (a)(2)(A) of this*  
6 *section:*

7 *(i) Shall be made in writing to the Secretary of*  
8 *State; and*

9 *(ii) Shall expire upon the earlier of:*

10 *(a) The Governor's return to the state; or*

11 *(b) The Governor's delivery of a written*  
12 *revocation of the designation to the Secretary of State.*

13 *(b) But when the Governor shall, with the consent of the Legislature,*  
14 *be out of the State, in time of war, at the head of a military force thereof,*  
15 *he or she shall continue commander-in-chief of all the military force of the*  
16 *State.*

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

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

21 The Governor may assign duties and responsibilities to the Lieutenant  
22 Governor as he or she deems necessary.

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24 SECTION 4. Arkansas Constitution, Amendment 29, Section 1, is amended  
25 to read as follows:

26 § 1. Elective offices – Exceptions.

27 Vacancies in the office of United States Senator, and in all elective  
28 state, district, circuit, county, and township offices except those of  
29 ~~Lieutenant Governor~~, Member of the General Assembly and Representative in the  
30 Congress of the United States, shall be filled by appointment by the  
31 Governor.

32  
33 SECTION 5. Arkansas Constitution, Amendment 29, Section 4, is amended  
34 to read as follows:

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

36 (a) The Except as provided in subsection (b) of this section, the

1 appointee shall serve during the entire unexpired term in the office in which  
2 the vacancy occurs if such office would in regular course be filled at the  
3 next General Election if no vacancy had occurred. If such office would not  
4 in regular course be filled at such next general election the vacancy shall  
5 be filled as follows: At the next General Election, if the vacancy occurs  
6 four months or more prior thereto, and at the second General Election after  
7 the vacancy occurs if the vacancy occurs less than four months before the  
8 next General Election after it occurs. The person so elected shall take  
9 office on the 1st day of January following his election.

10 (b) An appointee to fill a vacancy in the office of Lieutenant  
11 Governor shall serve during the entire unexpired term regardless of whether  
12 the office would in regular course be filled at the next General Election if  
13 no vacancy had occurred.

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15 SECTION 6. (a) No later than thirty (30) days after the effective  
16 date of this section, the independent citizens commission shall conduct a  
17 study of the salary of the Lieutenant Governor to determine if new duties and  
18 responsibilities under this amendment require an adjustment to the salary of  
19 the position.

20 (b) The commission shall complete its study under subsection (a) of  
21 this section no later than thirty (30) days after the date it begins the  
22 study.

23 (c)(1) If at the conclusion of its study under subsection (a) of this  
24 section the commission determines that a salary revision for the position of  
25 Lieutenant Governor is appropriate, the commission shall propose an  
26 adjustment under Arkansas Constitution, Article 19, § 31(e).

27 (2) A salary revision for the position of Lieutenant Governor  
28 resulting from the study under subsection (a) of this section is not subject  
29 to Arkansas Constitution, Article 19, § 31(g)(3)(A).

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31 SECTION 7. EFFECTIVE DATE. (a) Except as provided in subsections (b)  
32 and (c) of this section, this amendment is effective on and after January 1,  
33 2023.

34 (b) Section 2 of this amendment shall become effective on January 1,  
35 2017.

36 (c) A candidate for Lieutenant Governor shall run jointly with a

1 candidate for Governor, and his or her name shall appear jointly on the  
2 ballot with the candidate for Governor, at the 2022 general election.

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4 SECTION 8. BALLOT TITLE AND POPULAR NAME. When this proposed  
5 amendment is submitted to the electors of this state on the general election  
6 ballot:

7 (1) The title of this joint resolution shall be the ballot  
8 title; and

9 (2) The popular name shall be "A Constitutional Amendment  
10 Concerning the Office of Lieutenant Governor and Amending the Method of  
11 Election, Assignment of Duties, and Method of Filling a Vacancy for the  
12 Office of Lieutenant Governor".

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14 */s/J. Mayberry*  
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