

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

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019

HJR 1021

4
5 By: Representative G. Hodges
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7 **HOUSE JOINT RESOLUTION**

8 AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO
9 ESTABLISH A PROCESS FOR THE REMOVAL OF CERTAIN
10 CONSTITUTIONAL OFFICERS.
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13 **Subtitle**

14 AN AMENDMENT TO THE ARKANSAS CONSTITUTION
15 TO ESTABLISH A PROCESS FOR THE REMOVAL OF
16 CERTAIN CONSTITUTIONAL OFFICERS.
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19 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SECOND GENERAL
20 ASSEMBLY OF THE STATE OF ARKANSAS, AND BY THE SENATE, A MAJORITY OF ALL
21 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:
22

23 That the following is proposed as an amendment to the Constitution of
24 the State of Arkansas, and upon being submitted to the electors of the state
25 for approval or rejection at the next general election for Representatives
26 and Senators, if a majority of the electors voting thereon at the election
27 adopt the amendment, the amendment shall become a part of the Constitution of
28 the State of Arkansas, to wit:
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30 SECTION 1. Removal of constitutional officer.

31 (a) As used in this section, "constitutional officer" means a person
32 holding the office of:

- 33 (1) Governor;
34 (2) Lieutenant Governor;
35 (3) Attorney General;
36 (4) Secretary of State;



- 1 (5) Auditor of State;
- 2 (6) Treasurer of State;
- 3 (7) Commissioner of State Lands; or
- 4 (8) Member of the General Assembly.

5 (b) A constitutional officer is subject to removal from the office by
 6 a majority vote of the qualified electors in the:

- 7 (1) State for a statewide office; or
- 8 (2) District for a districtwide office.

9 (c) The procedure to effect the removal of a constitutional officer is
 10 as follows:

11 (1) If a petition requesting the removal of the constitutional
 12 officer signed by qualified electors equal in number to forty percent (40%)
 13 of the total number of votes cast for all candidates for that office at the
 14 preceding general election at which the office was on the ballot is filed
 15 with the Secretary of State, the Secretary of State shall determine the
 16 sufficiency of the petition within thirty (30) days from the date of the
 17 filing;

18 (2) Once the Secretary of State has verified the required number
 19 of signatures, he or she may determine the petition to be sufficient without
 20 verification of the remainder of the submitted signatures;

21 (3) If the Secretary of State deems the petition sufficient, the
 22 question shall be placed on the ballot at a special election in a manner
 23 provided by law;

24 (4) At the special election, the question shall be submitted to
 25 the electors in substantially the following form:

26
 27 “FOR the removal of _____ [name of constitutional officer] _____ from the
 28 office of _____ [name of office] _____

29
 30 AGAINST the removal of _____ [name of constitutional officer] _____ from
 31 the office of _____ [name of office] _____ ”; and

32
 33 (5)(A) If a majority of the qualified electors voting on the
 34 question at the special election vote for the removal of the constitutional
 35 officer, a vacancy shall exist in the office.

36 (B) If a majority of the qualified electors voting on the

1 question at the special election vote against the removal of the officer, the
2 officer shall continue to serve during the term for which he or she was
3 elected.

4 (d) A petition requesting removal shall not be filed against a
5 constitutional officer until he or she has held the office for at least six
6 (6) months.

7 (e) The General Assembly shall enact laws necessary to implement this
8 amendment, including without limitation laws concerning:

9 (1) The form of a petition requesting the removal of a
10 constitutional officer;

11 (2) The circulation and filing of a petition requesting the
12 removal of a constitutional officer;

13 (3) The deadline for filing a petition for the removal of a
14 constitutional officer in advance of a general election; and

15 (4) The procedure for calling a special election concerning the
16 removal of a constitutional officer after a petition is deemed sufficient.

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18 SECTION 2. This amendment shall be effective on and after January 1,
19 2021.

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21 SECTION 3. BALLOT TITLE AND POPULAR NAME. When this proposed
22 amendment is submitted to the electors of this state on the general election
23 ballot:

24 (1) The title of this joint resolution shall be the ballot
25 title; and

26 (2) The popular name shall be "A Constitutional Amendment to
27 Establish a Process for the Removal of Certain Constitutional Officers".