

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
90th General Assembly  
Regular Session, 2015

*As Engrossed: H3/4/15 H3/5/15*

HJR 1024

By: Representative J. Mayberry

## HOUSE JOINT RESOLUTION

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

### Subtitle

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

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

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



the State of Arkansas, to wit:

SECTION 1. Arkansas Constitution, Amendment 6, § 3, is amended to read as follows:

§ 3. Election of Governor and Lieutenant Governor.

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

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

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

§ 4. Lieutenant Governor acting as Governor.

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

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

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

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

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

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

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

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

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

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

§ 7. Additional duties and responsibilities of Lieutenant Governor.

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

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

§ 1. Elective offices – Exceptions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*/s/J. Mayberry*