

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

State of Arkansas
92nd General Assembly
Regular Session, 2019

HJR 1021

By: Representative G. Hodges

HOUSE JOINT RESOLUTION

AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO
ESTABLISH A PROCESS FOR THE REMOVAL OF CERTAIN
CONSTITUTIONAL OFFICERS.

Subtitle

AN AMENDMENT TO THE ARKANSAS CONSTITUTION
TO ESTABLISH A PROCESS FOR THE REMOVAL OF
CERTAIN CONSTITUTIONAL OFFICERS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SECOND 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. Removal of constitutional officer.

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

- (1) Governor;
- (2) Lieutenant Governor;
- (3) Attorney General;
- (4) Secretary of State;



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 3. 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 to Establish a Process for the Removal of Certain Constitutional Officers".