

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

State of Arkansas  
93rd General Assembly  
Regular Session, 2021

HJR 1006

By: Representative Cavanaugh

**HOUSE JOINT RESOLUTION**

AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO CREATE A PROCEDURE FOR THE RECALL OF PERSONS ELECTED TO THE OFFICES OF GOVERNOR, LIEUTENANT GOVERNOR, ATTORNEY GENERAL, SECRETARY OF STATE, TREASURER OF STATE, AUDITOR OF STATE, COMMISSIONER OF STATE LANDS, MEMBER OF THE HOUSE OF REPRESENTATIVES, MEMBER OF THE SENATE, CHIEF JUSTICE OF THE SUPREME COURT, JUSTICE OF THE SUPREME COURT, CHIEF JUDGE OF THE COURT OF APPEALS, JUDGE OF THE COURT OF APPEALS, CIRCUIT JUDGE, OR DISTRICT JUDGE.

**Subtitle**

AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO CREATE A PROCEDURE FOR THE RECALL OF A STATE CONSTITUTIONAL OFFICER, A MEMBER OF THE GENERAL ASSEMBLY, OR AN ELECTED JUDICIAL OFFICER.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD 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. The Arkansas Constitution is amended to add an additional amendment to read as follows:

§ 1. Definitions.

As used in this amendment:

(1) "Elected official" means a person elected to one (1) of the following offices:

- (A) Governor;
- (B) Lieutenant Governor;
- (C) Attorney General;
- (D) Secretary of State;
- (E) Treasurer of State;
- (F) Auditor of State;
- (G) Commissioner of State Lands;
- (H) Member of the House of Representatives;
- (I) Member of the Senate;
- (J) Chief Justice of the Supreme Court;
- (K) Justice of the Supreme Court;
- (L) Chief Judge of the Court of Appeals;
- (M) Judge of the Court of Appeals;
- (N) Circuit court judge; and
- (O) District court judge;

(2) "Recall" means the voting by the electors of the state or the electors of a district to ascertain whether or not it is the desire of the majority of the electors to allow an elected official to remain in that capacity for the duration of his or her elected term; and

(3) "Recall petition" means a petition demanding the recall of an elected official.

§ 2. Petition.

(a) The qualified electors of the state or a district, as the case may be, may petition for the recall of an elected official by filing a recall petition demanding the recall of the elected official.

(b)(1) The recall petition for the recall of an elected official elected statewide shall be signed by qualified electors of the state in a

number of at least twenty-five percent (25%) of the votes cast for Governor at the last general election at which a Governor was elected.

(2) The recall petition for an elected official elected by a district shall be signed by qualified electors of the district in which the elected official is serving in a number of at least twenty-five percent (25%) of the votes cast for Governor within the district at the last general election at which a Governor was elected.

§ 3. Recall of elected officials.

(a)(1) The recall of an elected official shall be initiated by filing a notice of intent to circulate a recall petition with the Secretary of State.

(2) No recall petition shall be circulated before the notice of intent is filed.

(3) The notice of intent to circulate a recall petition shall state the reason the elected official should be recalled.

(4) The filer of the notice of intent to circulate a recall petition shall within five (5) calendar days after filing the notice of intent notify the elected official who will be the subject of a recall petition by certified mail with return receipt requested.

(b) A separate recall petition shall be used for each county and recall petitions from each county shall be kept separate to facilitate voter identification.

(c) The recall petitions shall be filed with the Secretary of State not less than sixty (60) calendar days nor more than eighty (80) calendar days after the filing of the notice of intent to circulate a recall petition.

(d)(1) Within thirty (30) calendar days after the recall petition is filed, the Secretary of State shall determine whether the recall petition is sufficient and, if sufficient, shall state the sufficiency in a letter to the filer of the notice of intent.

(2)(A) If the recall petition is found to be insufficient, the letter shall state the reasons creating the insufficiency.

(B) The recall petition may be amended to correct or amend an insufficiency within thirty (30) calendar days after the original determination of insufficiency by the Secretary of State.

(C) For a statewide recall petition, correction or

amendment of an insufficient petition shall be permitted only if the petition contains valid signatures of legal voters equal to at least seventy-five percent (75%) of the number of statewide signatures of legal voters required.

(3) Within fifteen (15) calendar days after filing an amended recall petition, the Secretary of State shall examine the recall petition again to determine sufficiency and shall state the sufficiency of the amended recall petition in a letter to the filer of the notice of intent to circulate a recall petition.

(e)(1)(A) Immediately upon finding an original or amended recall petition sufficient, the Secretary of State shall notify the Governor who shall immediately call a special election for the purpose of submitting the recall proposal to the appropriate electors.

(B) If the Governor is the subject of the recall petition, the Secretary of State shall notify the Lieutenant Governor, who shall immediately call a special election.

(2)(A) The special election for the purpose of submitting the recall proposal to the appropriate electors shall be held within ninety (90) calendar days after the call for a special election.

(B) However, if the next following general election is to be held within one hundred twenty (120) calendar days of the original or amended recall petition being found sufficient, the recall proposal shall be submitted at the next following general election.

§ 4. Recall petitions for elected officials.

(a) The recall petition regarding an elected official shall be in substantially the following form:

"PETITION FOR RECALL

To the Secretary of State:

We, the undersigned legal voters of \_\_\_\_\_

(Arkansas or District)

respectfully order that \_\_\_\_\_

(Name of Elected Official)

be referred to the people of \_\_\_\_\_

(Arkansas or District)

to the end that the elected official may be approved or rejected by the vote of the legal voters at an election to be held for this purpose; and each of

us for himself or herself says: I have personally signed this petition; I am a legal voter of [Arkansas or district], and my printed name, date of birth, residence, city or town of residence, and date of signing this petition are correctly written after my signature.”

(b) Each sheet of each recall petition containing the signatures shall be verified in substantially the following form by the person who circulated the sheet of the recall petition by his or her affidavit attached to the recall petition. The affidavit shall be in substantially the following form:

"STATE OF ARKANSAS )  
COUNTY )

I, \_\_\_\_\_ under oath, state that the above-listed persons signed this sheet, and each of them signed his or her name on this sheet in my presence. I believe that each has correctly stated his or her name, date of birth, residence, city or town of residence, and date of signing the petition.

Signature \_\_\_\_\_

Address \_\_\_\_\_

Subscribed and sworn to before me this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Signature \_\_\_\_\_

Notary Public

My Commission Expires: \_\_\_\_\_."

(c) A petition shall be sufficient if it substantially follows the format of this section, disregarding clerical and technical errors.

§ 5. Ballot.

(a) At the election the recall proposal shall be printed on the ballot in substantially the following form:

Name: \_\_\_\_\_ Office: \_\_\_\_\_

“For Permitting \_\_\_\_\_ to continue to serve the term of office for which elected ..... /\_/\_

Name: \_\_\_\_\_ Office: \_\_\_\_\_

Against Permitting \_\_\_\_\_ to continue to serve the term of office for which elected ..... /\_/\_.”

(b)(1) If at the election a majority of the qualified electors voting on the recall proposal vote against permitting the elected official to

continue to serve the term of office to which he or she was elected, an immediate vacancy shall exist in the office, and the vacancy shall be filled in the manner prescribed by law.

(2) If at the election a majority of the qualified electors voting on the recall proposal vote for permitting the elected official to continue to serve the term of office for which he or she elected, the elected official shall serve the full term for which he or she was elected.

§ 6. Frequency of recall.

After one (1) recall petition and election, no further recall petition shall be filed against the same elected official during the same term of office.

§ 7. Recall expenses.

All expenses of an election for the recall of an elected official shall be paid for in the same manner and from the same source as provided by applicable law for election expenses.

§ 8. Ballot question.

(a) A recall proposal shall be considered a ballot question for purposes of applicable laws on measures referred to voters.

(b) An elected official, any person or entity acting on behalf of an elected official, or any other person or entity who receives contributions or makes expenditures for the purpose of attempting to influence the qualification, passage, or defeat of a recall petition or recall proposal shall be considered a ballot question committee and shall comply with applicable laws on measures referred to voters.

SECTION 2. EFFECTIVE DATE. This amendment shall be effective on and after January 1, 2023.

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 Create a Procedure for the Recall of Persons Elected to the Offices of Governor, Lieutenant Governor, Attorney General, Secretary of State, Treasurer of State, Auditor of State, Commissioner of State Lands, Chief Justice of the Supreme Court, Justice of the Supreme Court, Chief Judge of the Court of Appeals, Judge of the Court of Appeals, Circuit Judge, or District Judge".