

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

1 State of Arkansas *As Engrossed: H2/22/23*

2 94th General Assembly

3 Regular Session, 2023

HJR 1003

4

5 By: Representatives Cavanaugh, G. Hodges

6 By: Senator J. Payton

7

8

**HOUSE JOINT RESOLUTION**

9 AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO CREATE A  
10 PROCEDURE FOR THE RECALL OF PERSONS ELECTED TO THE  
11 OFFICES OF GOVERNOR, LIEUTENANT GOVERNOR, ATTORNEY  
12 GENERAL, SECRETARY OF STATE, TREASURER OF STATE,  
13 AUDITOR OF STATE, COMMISSIONER OF STATE LANDS, MEMBER  
14 OF THE HOUSE OF REPRESENTATIVES, MEMBER OF THE  
15 SENATE, CHIEF JUSTICE OF THE SUPREME COURT, JUSTICE  
16 OF THE SUPREME COURT, CHIEF JUDGE OF THE COURT OF  
17 APPEALS, JUDGE OF THE COURT OF APPEALS, CIRCUIT  
18 JUDGE, DISTRICT JUDGE, PROSECUTING ATTORNEY, COUNTY  
19 JUDGE, JUSTICE OF THE PEACE, SHERIFF, CIRCUIT CLERK,  
20 COUNTY CLERK, ASSESSOR, CORONER, TREASURER, COUNTY  
21 SURVEYOR, COLLECTOR OF TAXES, OR CONSTABLE.

22

23

24

**Subtitle**

25 *A CONSTITUTIONAL AMENDMENT TO CREATE A*  
26 *PROCEDURE FOR THE RECALL OF CERTAIN*  
27 *ELECTED OFFICIALS.*

28

29

30 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL  
31 ASSEMBLY OF THE STATE OF ARKANSAS, AND BY THE SENATE, A MAJORITY OF ALL  
32 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

33

34 THAT the following is proposed as an amendment to the Constitution of  
35 the State of Arkansas, and upon being submitted to the electors of the state  
36 for approval or rejection at the next general election for Representatives



1 and Senators, if a majority of the electors voting thereon at the election  
2 adopt the amendment, the amendment shall become a part of the Constitution of  
3 the State of Arkansas, to wit:

4  
5 SECTION 1. The Arkansas Constitution is amended to add an additional  
6 amendment to read as follows:

7 § 1. Definitions.

8 As used in this amendment:

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

11 (A) Governor;

12 (B) Lieutenant Governor;

13 (C) Attorney General;

14 (D) Secretary of State;

15 (E) Treasurer of State;

16 (F) Auditor of State;

17 (G) Commissioner of State Lands;

18 (H) Member of the House of Representatives;

19 (I) Member of the Senate;

20 (J) Chief Justice of the Supreme Court;

21 (K) Justice of the Supreme Court;

22 (L) Chief Judge of the Court of Appeals;

23 (M) Judge of the Court of Appeals;

24 (N) Circuit court judge;

25 (O) District court judge;

26 (P) Prosecuting attorney;

27 (Q) County judge;

28 (R) Justice of the peace;

29 (S) Sheriff;

30 (T) Circuit clerk;

31 (U) County clerk;

32 (V) Assessor;

33 (W) Coroner;

34 (X) Treasurer;

35 (Y) County surveyor;

36 (Z) Collector of taxes; or

1                    (AA) Constable.

2                    (2) "Recall" means the voting by the electors of the state or a  
3 district, circuit, county, or township, as the case may be, to ascertain  
4 whether or not it is the desire of the majority of the electors to allow an  
5 elected official to remain in that office for the duration of his or her  
6 elected term; and

7                    (3) "Recall petition" means one (1) or more sheets of signatures  
8 of qualified electors demanding the recall of an elected official.

9  
10                   § 2. Petition.

11                   (a) The qualified electors of the state or a district, circuit,  
12 county, or township, as the case may be, may petition for the recall of an  
13 elected official by filing a recall petition demanding the recall of the  
14 elected official.

15                   (b)(1)(A) The recall petition for the recall of an elected official  
16 elected statewide shall be signed by qualified electors of the state in a  
17 number of at least twenty-five percent (25%) of the votes cast for Governor  
18 at the last general election at which a Governor was elected.

19                   (B) At least ten percent (10%) of the number of statewide  
20 signatures of qualified electors collected under subdivision (b)(1)(A) of  
21 this section shall be from at least fifty (50) different counties of the  
22 state.

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

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

33                   (4) The recall petition for an elected official elected by  
34 a county shall be signed by qualified electors of the county in which the  
35 elected official is serving in a number of at least twenty-five percent (25%)  
36 of the votes cast for Governor within the county at the last general election

1 at which a Governor was elected.

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

7 (c) If an elected official's position requires performing the duties  
8 of more than one (1) office under § 1(1) of this amendment, a single recall  
9 petition is required which shall encompass all offices.

10  
11 § 3. Recall of elected officials.

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

15 (B) If the Secretary of State is the subject of the recall  
16 petition, the notice of intent shall be filed with the Attorney General.

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

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

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

25 (b)(1) Each sheet of a recall petition shall contain signatures from  
26 only one (1) county.

27 (2) The sheets of a recall petition shall be organized by county  
28 to facilitate voter identification.

29 (c)(1) The recall petition shall be filed with the Secretary of State  
30 not less than sixty (60) calendar days nor more than eighty (80) calendar  
31 days after the filing of the notice of intent to circulate a recall petition.

32 (2) If the Secretary of State is the subject of the recall  
33 petition, the recall petition shall be filed with the Attorney General.

34 (d)(1)(A) Within thirty (30) calendar days after the recall petition  
35 is filed, the Secretary of State shall determine whether the recall petition  
36 is sufficient and, if the recall petition is sufficient, shall state the

1 sufficiency in a letter to the filer of the notice of intent.

2 (B) If the Secretary of State is the subject of the recall  
3 petition, the Attorney General shall determine whether the recall petition is  
4 sufficient and, if the recall petition is sufficient, shall state the  
5 sufficiency in a letter to the filer of the notice of intent.

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

8 (B)(i) The recall petition may be amended to correct or  
9 amend an insufficiency within thirty (30) calendar days after the original  
10 determination of insufficiency.

11 (ii) An amended or corrected recall petition shall  
12 be filed with the Secretary of State or, if the Secretary of State is the  
13 subject of the recall petition, the Attorney General.

14 (C) For a statewide recall petition, correction or  
15 amendment of an insufficient recall petition shall be permitted only if:

16 (i) The recall petition contains valid signatures of  
17 qualified electors equal to at least seventy-five percent (75%) of the number  
18 of statewide signatures of qualified electors required; and

19 (ii) At least ten percent (10%) of the number of  
20 statewide signatures of qualified electors submitted on the recall petition  
21 are from at least fifty (50) counties of the state.

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

27 (B) If the Secretary of State is the subject of the recall  
28 petition, then within fifteen (15) calendar days after the filing of an  
29 amended recall petition the Attorney General shall examine the recall  
30 petition again to determine sufficiency and shall state the sufficiency of  
31 the amended recall petition in a letter to the filer of the notice of intent  
32 to circulate a recall petition.

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

1 (B) If the Secretary of State is the subject of the recall  
2 petition, the Attorney General shall notify the Governor immediately upon  
3 finding an original or amended recall petition sufficient.

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

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

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

14 (f) If the Attorney General performs one (1) or more duties of the  
15 Secretary of State under this section due to the Secretary of State being the  
16 subject of the recall petition, the Attorney General may employ outside legal  
17 counsel to defend a legal challenge regarding the sufficiency of a recall  
18 petition.

19  
20 § 4. Form of recall petition.

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

23 "PETITION FOR RECALL

24 To the Secretary of State [or the Attorney General, if the Secretary of State  
25 is the subject of the recall petition]:

26 We, the undersigned qualified electors of

27 \_\_\_\_\_  
28 (Arkansas or District, Circuit, County, or Township)

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

30 (Name of Elected Official)

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

32 (Arkansas or District, Circuit, County, or Township)

33 to the end that the recall of the elected official may be approved or  
34 rejected by the vote of the qualified electors at an election to be held for  
35 this purpose; and each of us for himself or herself says: I have personally  
36 signed this petition; I am a qualified elector of (Arkansas or District,

1 Circuit, County, or Township), and my printed name, date of birth, residence,  
2 city or town of residence, and date of signing this petition are correctly  
3 written after my signature.”

4 (b)(1) Each sheet of each recall petition containing the signatures  
5 shall be verified by the person who circulated the sheet of the recall  
6 petition by his or her affidavit attached to the recall petition.

7 (2) The affidavit shall be in substantially the following form:

8 "STATE OF ARKANSAS )

9 COUNTY )

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

15 Signature \_\_\_\_\_

16 Address \_\_\_\_\_

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

18 Signature \_\_\_\_\_

19 Notary Public

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

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

23  
24 § 5. Ballot.

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

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

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

30  
31 Name: \_\_\_\_\_ Office: \_\_\_\_\_

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

34 (b)(1) If at the election a majority of the qualified electors voting  
35 on the recall proposal vote against permitting the elected official to  
36 continue to serve the term of office to which he or she was elected, an

1 immediate vacancy shall exist in the office, and the vacancy shall be filled  
2 in the manner prescribed by law.

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

7  
8 § 6. Frequency of recall.

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

12  
13 § 7. Recall expenses.

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

17  
18 § 8. Ballot question.

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

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

27  
28 SECTION 2. EFFECTIVE DATE. This amendment shall be effective on and  
29 after January 1, 2025.

30  
31 SECTION 3. BALLOT TITLE AND POPULAR NAME. When this proposed  
32 amendment is submitted to the electors of this state on the general election  
33 ballot:

34 (1) The title of this Joint Resolution shall be the ballot  
35 title; and

36 (2) The popular name shall be "A Constitutional Amendment to



1 Create a Procedure for the Recall of Persons Elected to the Offices of  
2 Governor, Lieutenant Governor, Attorney General, Secretary of State,  
3 Treasurer of State, Auditor of State, Commissioner of State Lands, Member of  
4 the House of Representatives, Member of the Senate, Chief Justice of the  
5 Supreme Court, Justice of the Supreme Court, Chief Judge of the Court of  
6 Appeals, Judge of the Court of Appeals, Circuit Judge, District Judge,  
7 County Judge, Justice of the Peace, Sheriff, Circuit Clerk, County Clerk,  
8 Assessor, Coroner, Treasurer, County Surveyor, Collector of Taxes, or  
9 Constable".

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12 /s/Cavanaugh  
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