

THE ARKANSAS RECALL AND REMOVAL OF GOVERNOR AND ALL ELECTED STATE OFFICERS, MEMBERS OF THE GENERAL ASSEMBLY, JUDGES OF THE SUPREME AND CIRCUIT COURTS, CHANCELLORS AND PROSECUTING ATTORNEYS AMENDMENT

FOR OFFICE USE ONLY
 _____ VALID OF _____
 BY _____ DATE _____

INITIATIVE PETITION: To the Honorable John Thurston, Secretary of State: We, the undersigned legal registered voters of the State of Arkansas, respectfully propose the following amendment to the State Constitution, to wit: The Arkansas Voting Restoration Amendment of 2020 and our petition, order that the same submitted to the people of said state, to the end that the same may be adopted, enacted, or rejected by a vote of the people, at the regular general election to be held on the 3rd day of November 2020, and each of us for him or herself says: I have signed this petition, I am a legal registered voter of the State of Arkansas, 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.

Voters Registered in _____ County

	SIGNATURE	PRINTED NAME	DATE OF BIRTH	ADDRESS	CITY OR TOWN	DATE SIGNED
01.						
02.						
03.						
04.						
05.						
06.						
07.						
08.						
09.						
10.						

FILED
 NOV 25 2019
 Arkansas
 Secretary of State

(FOR CANVASSER ONLY)

Indicate one: Paid Canvasser or Volunteer/Unpaid Canvasser

I, _____ [Canvasser] being first duly sworn, state that the foregoing persons signed this petition, and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name, date or birth, residence or town of residence correctly. I believe that each signer is a registered voter of the State of Arkansas. A complete copy of the Popular Name, Ballot Title, and Text of the

Measure was attached to this signature sheet at all times during its circulation

Signature: _____

Residence: _____

(FOR NOTARY ONLY)

State of Arkansas, County of: _____

On this ____ day of _____, 20____, came, _____ well known to me, (or satisfactorily proven by identification documents provided) to be the person described in the foregoing Canvasser Affidavit and acknowledged that s/he executed the same in the capacity of a Canvasser for the purpose of fulfilling legal requirements of a Canvasser in the State of Arkansas; and that I personally witnessed the signature of the Canvasser.

Signature of Notary: _____

My Commission Expires: _____

Residence County of Notary: _____

Original Draft: November 25, 2019

Sponsor: Roderick Greer Talley * P.O. Box 166218 * Little Rock, AR 72216 * 404-719-7793

Popular Name:

THE ARKANSAS RECALL AND REMOVAL OF GOVERNOR AND ALL ELECTED STATE OFFICERS, MEMBERS OF THE GENERAL ASSEMBLY, JUDGES OF THE SUPREME AND CIRCUIT COURTS, CHANCELLORS AND PROSECUTING ATTORNEYS AMENDMENT.

Ballot Title:

A proposed amendment to the Arkansas Constitution concerning the recall of the Governor and all State officers, members of the General Assembly, Judges of the Supreme and Circuit Courts, and Chancellors and Prosecuting Attorneys by impeachment or majority vote by qualified electors. Article 15 as is only allows for impeachment. The proposed amendment upon being submitted to the electors will provide that all elected officials may be removed from office by qualified electors which establishes a system of true democracy; one that allow citizens to remove elected officials who are not representing the will of its citizens.

Text of proposed measure:

SECTION 1. The Arkansas Constitution, Article 15, is amended to read as follows:

§ 1. Officers subject to impeachment or recall - Grounds.

The Governor and all State officers, members of the General Assembly, Judges of the Supreme, Circuit, and District Courts, Chancellors and Prosecuting Attorneys, shall be liable to impeachment for high crimes and misdemeanors, gross misconduct in office, or removal by the electors qualified to vote for a successor of the incumbent by petition.; but the judgment shall go no further than—removal from office and disqualification to hold any office of honor, trust or profit under this State. An impeachment or removal from office by qualified electors, whether successful or not, shall be no bar to an indictment.

§ 2. Removal By Qualified Electors - Impeachment by House - Trial by Senate - Presiding officer.

The House of Representatives shall have the sole power of impeachment. Qualified electors shall have the sole power of removal by petition. All impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation; no person shall be convicted without the concurrence of ~~two-thirds~~ one-third of the members thereof. The Chief Justice shall preside, unless he is impeached or otherwise disqualified, when the Senate shall select a presiding officer.

(1) When petitions requesting the removal of the Governor and all state officers signed by qualified electors equal in number to twenty-five (25%) percent of the total number of votes cast from at least forty-five (45) counties for that candidates office at the preceding general election at which the office was on the ballot are filed with the Secretary of State, the Secretary of State shall determine the sufficiency of the petitions within fifteen (15) days from the date of filing;

(2) If the petitions are deemed sufficient the Governor; unless disqualified in which the Lt. Governor shall immediately issue a proclamation calling a special election on the question and shall fix a date holding it not more than ninety (90) days from the date of the certification of the petitions by the Secretary of State;

(3) When petitions requesting the removal of members of the General Assembly, Judges of the Supreme, Circuit and District Courts, Chancellors and Prosecuting Attorneys signed by qualified electors of their respective district or county equal in number to fifty-one (51%) percent of the total number of votes cast for that candidates office at the preceding general election at which the office was on the ballot are filed with the Secretary of State, the Secretary of State shall determine the sufficiency of the petition within fifteen (15) days from the date of filing;

(4) If the petitions are deemed sufficient the Governor shall immediately issue a proclamation calling a special election on the question and shall fix a date holding it not more than ninety (90) days from the date of certification of the petitions by the Secretary of State;

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

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

(B) If a majority of the qualified electors voting on the question at the election shall vote against the removal of the officer, the officer shall continue to serve during the term for which elected.

(6) No petition to remove shall be filed against any Governor, State officer, member of the General Assembly, Judge of the Supreme Court, Judge of the Circuit Courts, Chancellors, or Prosecuting Attorney until he or she have held his or her office for at least six (6) months.

§ 3. Officers removable by Governor upon address.

The governor, upon the joint address of two-thirds of all the members elected to each House of the General Assembly, for good cause, may remove the Auditor, Treasurer, Secretary of State, Attorney-General, Judges of the Supreme, ~~and Circuit, Courts,~~ and District Courts, Chancellors and Prosecuting Attorneys.

SECTION 3. Amendment

Notwithstanding the General Assembly's authority to propose amendments to the constitution under Article 19 § 22 of the Constitution, the General Assembly does not have authority to propose an amendment to the Constitution to amend or repeal an initiated Amendment to the Arkansas Constitution. An initiated amendment may only be changed by another vote of the people unless otherwise specified therein. The power to propose an amendment to the Constitution to amend or repeal the removal of Governor and elected State officers is reserved to the people under Article 5, Section 1 of the Constitution, as amended by Amendment 7.

SECTION 4. Effective Date.

This Amendment shall be Effective on and after January 01, 2021.

Instructions to Canvassers and Signers

1. The Arkansas Constitution gives Arkansas citizens the power to (a) initiate legislation by petition of 8% of the legal voters or constitutional amendments by petition of 10% of legal voters, or (b) order the referendum against any general act or any item of an appropriation bill or measure passed by the General Assembly by petition of 6% of legal voters. A proposed measure must be submitted at a regular election. Referendum petitions may be referred at special elections on petition of 15% of the registered voters. Any measure submitted to the people becomes law when approved by a majority of the votes cast upon such measure.
2. Only registered voters may sign. All signatures must be in the signer's own handwriting and in the presence of the person circulating the petition. Each petition part should contain only the signatures of voters residing in a single county.
3. Printed name, date of birth, residence, city or town of residence, and date of signing must be given. If a petition signer needs assistance with this information due to disability, another person may print the signer's information and that person shall sign and print their name in the margin of the petition.
4. Pursuant to Ark. Code Ann. § 7-9-103, a person commits a Class A misdemeanor, punishable by a fine of up to \$2,500 and confinement of up to one year in jail, if the person knowingly prints a name, address, or birth date other than his or her own to a petition or prints the date of signing for another person unless the signer requires assistance due to disability and the person complies with § 7-9-103.
5. Pursuant to Ark. Code Ann. § 5-55-601(c), each of the following activities constitutes "petition fraud," which is a Class D felony and is punishable by a fine of up to \$10,000 and imprisonment for up to six years. Subsection (b) states: "A person commits the offense of petition fraud:
 - 1) If the person knowingly:
 - a) Signs a name other than his or her name to a petition;
 - b) Signs his or her name more than one (1) time to a petition; or
 - c) Signs a petition when he or she is not legally entitled to sign the petition;
 - 2) If the person acting as a canvasser, notary, sponsor as defined under § 79-101, or agent of a sponsor:
 - a) Signs a name other than his or her own to a petition;
 - b) Prints a name, address, or birth date other than his or her own to a petition unless the signor requires assistance due to disability and the person complies with § 7-9-103;
 - c) Solicits or obtains a signature to a petition knowing that the person signing is not qualified to sign the petition;
 - d) Knowingly pays a person any form of compensation in exchange for signing a petition as a petitioner;
 - e) Accepts or pays money or anything of value for obtaining signatures on a petition when the person acting as a canvasser, sponsor, or agent of a sponsor knows that the person acting as a canvasser's name or address is not included on the sponsor's list filed with the Secretary of State under § 7-9-601; or
 - f) Knowingly misrepresents the purpose and effect of the petition or the measure affected for the purpose of causing a person to sign a petition;
 - 3) If the person acting as a canvasser knowingly makes a false statement on a petition verification form; [or]
 - g) ***
- 5) If the person acting as a sponsor files a petition or a part of a petition with the official charged with verifying the signatures knowing that the petition or part of the petition contains one (1) or more false or fraudulent signatures unless each false or fraudulent signature is clearly stricken by the sponsor before filing."

JOHN THURSTON SECRETARY OF STATE