



ISSUE NUMBER 2

(Referred to the people by the Arkansas General Assembly)

Allowing the governor to retain power and duties when absent from the state

POPULAR NAME: A Constitutional Amendment to allow the governor to retain his or her powers and duties when absent from the state.

BALLOT TITLE: An amendment to the Arkansas Constitution to allow the governor to retain his or her powers and duties when absent from the state.

What is being proposed?

The amendment would change the constitution to allow the governor to remain in power when traveling outside the state of Arkansas.

How did this issue get on the ballot?

Arkansas legislators voted to put Senate Joint Resolution 3, or Issue 2, on the 2016 general election ballot. If approved by a majority of the House and Senate, the state legislature has the right to include up to three constitutional amendments on the general election ballot. Constitutional amendments require the approval of a majority of voters in a statewide election.

Who were the main sponsors of this amendment?

Sen. Eddie Joe Williams of Cabot

QUICK LOOK: What does your vote mean?

FOR: A FOR vote means you are in favor of changing the Arkansas Constitution to allow the governor to remain in power when leaving the state.

AGAINST: An AGAINST vote means you are not in favor of changing the Arkansas Constitution to allow the governor to remain in power when leaving the state.

What does the constitution say now?

Arkansas' Constitution describes the role and duties of the governor and who takes over when the governor is unable to lead. The office of lieutenant governor exists to provide clarity in leadership and continuity in governance, according to The Council of State Governments.

Amendment 6 to the Arkansas Constitution shifts the power of governor to lieutenant governor in cases of impeachment, removal from office, resignation, inability to discharge the powers and duties of the office, absence from the state or death.

The following statements are examples of what supporters and opponents have made public either in media statements, campaign literature, on websites or in interviews with Public Policy Center staff. The University of Arkansas System Division of Agriculture does not endorse or validate these statements.

What do supporters say?

- Modern technology, such as cell phones and computers, allow the governor to stay connected and do business while out of state.
- A lieutenant governor or Senate president, who is third in line, would be prevented from signing controversial bills or taking inappropriate actions when the governor is out of Arkansas.

What do opponents say?

There has been no organized or publicized opposition to this amendment.

- In general, a person might be opposed to reducing the role of the lieutenant governor.
- In the 2002 election regarding this same issue, the then-lieutenant governor said there was anxiety over extending the governor's powers and questions about who would be in charge if the governor really was inaccessible.

If the lieutenant governor is also absent from the state, the Senate president is considered acting governor. Once the governor returns to Arkansas, he or she resumes responsibility.

What would this amendment do?

The phrase "absence from the state" would be deleted from Amendment 6 to the Arkansas Constitution, meaning the governor remains in charge when he or she leaves the state to travel to another state or country.

How often does the governor leave the state?

How often the governor leaves the state depends on the governor's schedule, issues and events at the time. According to the Governor's Office, Gov. Asa Hutchinson made four trips for economic development purposes in 2015. Those included trade missions to Asia, Europe and Cuba. He took a small number of additional trips outside the state that, for security reasons, the Governor's Office was not able to provide information about them.

What do other states do?

The United States is nearly split on whether governors keep their power when traveling. Governors in 21 states keep their authority when absent from the state.

States interpret the meaning of "absent" differently, with some courts giving the governor authority to remain in power while traveling. A few states set a time limit on how long the governor can be gone and retain power, or say the governor is in charge only when the absence is related to state business.

For example, the Alabama Constitution shifts power only when the governor has been absent



for 20 days. In New Hampshire, the governor retains power when absent from the state only while on official business.

When was the last time voters had a say on this issue?

Arkansas voters created the role of lieutenant governor in 1914 through Amendment 6, giving the position the responsibility of acting as governor if the state's top leader was absent.

In 2002, voters rejected a constitutional amendment that, among other things, would have allowed the governor to remain in charge while traveling out of state. Not much attention was given to this proposal, which shared the ballot with the governor's race and ballot proposals related to animal cruelty laws, food taxes and secret ballots. At the time, there was some

concern about whether the governor could consistently be reached when traveling out of state and who would be in charge if he wasn't. The proposal also would have made the state's Supreme Court in charge of determining whether the governor was disabled and unable to lead. The court's decision would have been final if voters had approved the proposal.

If passed, when would the legislation take effect?

If approved, the legislation would go into effect 30 days after the election.

Where can I find more information?

The complete wording of this amendment can be found at www.arkleg.state.ar.us/assembly/2015/2015R/Bills/SJR3.pdf.

The following is the proposed constitutional amendment name and title as they will appear on the state's November General Election ballot.

Issue No. 2

(Popular Name)

A Constitutional Amendment to Allow the Governor to Retain His or Her Powers and Duties When Absent From the State.

(Ballot Title)

AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO ALLOW THE GOVERNOR TO RETAIN HIS OR HER POWERS AND DUTIES WHEN ABSENT FROM THE STATE.

FOR

AGAINST