

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

SENATE BILL 20

5 By: Senator D. Wallace
6 By: Representative Tosh
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING VACANCY,
10 SUSPENSION, AND REMOVAL PROCEDURES FOR COUNTY
11 ELECTIVE, COUNTY QUORUM COURT DISTRICT, AND TOWNSHIP
12 OFFICERS; AND FOR OTHER PURPOSES.
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Subtitle

15 TO AMEND THE LAW CONCERNING
16 VACANCY, SUSPENSION, AND REMOVAL
17 PROCEDURES FOR COUNTY ELECTIVE, COUNTY
18 QUORUM COURT DISTRICT, AND TOWNSHIP
19 OFFICERS.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code § 14-14-1308 is amended to read as follows:
26 14-14-1308. Vacancy in office.

27 A county elective, county quorum court district, or township office
28 ~~shall be considered~~ is vacant if any one (1) of the following conditions
29 exists:

30 (1) The incumbent fails to meet the qualifications for office
31 prescribed by law as evidenced by failure to be commissioned;

32 (2) The incumbent refuses or neglects to take and subscribe to
33 the official oath required by law as evidenced by failure to be commissioned;

34 (3) The incumbent refuses, neglects, or for any other reason
35 fails to secure an official bond required by law as evidenced by failure to
36 be commissioned;



- 1 (4) The incumbent resigns;
- 2 (5) The incumbent ceases to meet any residence requirements for
3 office;
- 4 (6) The incumbent is removed from office by a judicial
5 ~~proceedings~~ proceeding;
- 6 (7) The election or appointment of the incumbent is declared
7 void by a judicial proceeding;
- 8 (8) The incumbent is convicted of a felony, incompetency,
9 corruption, gross immorality, criminal conduct, malfeasance, misfeasance, or
10 nonfeasance in office by a judicial proceedings proceeding;
- 11 (9) The incumbent ceases to discharge the duties of his or her
12 office for a period of three (3) months, except ~~when prevented by sickness or~~
13 ~~excused by a quorum court through resolution~~ if:
- 14 (A) Prevented by sickness;
- 15 (B) Excused by quorum court resolution; or
- 16 (C) The incumbent is suspended from office by a judicial
17 proceeding under § 21-12-301;
- 18 (10) The incumbent is declared to be of unsound mind by a
19 ~~judicial proceedings~~ proceeding;
- 20 (11) The quorum court determines that the incumbent has become
21 disabled to the degree that he or she cannot perform the duties of his or her
22 office;
- 23 (12) The incumbent holds more than one (1) office or position in
24 conflict with the provisions of Arkansas Constitution, Article 4, § 2, or
25 Arkansas Constitution, Article 19, § 6;
- 26 (13) The quorum court separates elective offices as provided by
27 law; or
- 28 (14) The incumbent dies.

29
30 SECTION 2. Arkansas Code § 14-14-1310(a), concerning the fulfillment
31 of vacancies in county elective offices, is amended to read as follows:

32 (a)(1) County Elective Offices. Vacancies in all county elective
33 offices shall be filled by the county quorum court within thirty (30) days of
34 the declaration of the vacancy through the process of resolution as
35 prescribed by law.

36 (2) Eligibility Requirements and Term of Office.

1 (A) Qualifications. All officers appointed to fill a
2 vacant county elective office shall meet all of the requirements for election
3 to that office.

4 (B) Requirements. All officers appointed by a quorum
5 court shall subscribe to the oath of office, be commissioned, and be bonded
6 as prescribed by law.

7 (C)(i)(a) Persons Ineligible for Appointment. Any member
8 of the quorum court shall be ineligible for appointment to fill any vacancy
9 occurring in any county office, and resignation shall not remove the
10 ineligibility.

11 (b) ~~Husbands and wives~~ Spouses of justices of
12 the peace and relatives of the justices or their ~~husbands and wives~~ spouses
13 within the fourth degree of consanguinity or affinity shall likewise be
14 ineligible.

15 (ii) Any county elected officer who resigns during a
16 term of office shall be ineligible for appointment to any county elective
17 office during the term for which he or she resigned.

18 (D)(i) Term of Office. All officers so appointed shall
19 serve for the entire unexpired term in the office in which the vacancy
20 occurs, or until their a successor is elected and qualified.

21 (ii) A county elective officer shall serve a term of
22 four (4) years.

23 (E) Successive Terms of Appointed Officer Prohibited. A
24 person appointed to fulfill a vacant or unexpired term of an elective county
25 office shall not be eligible for appointment or election to succeed himself
26 or herself.

27
28 SECTION 3. Arkansas Code § 21-12-301 is amended to read as follows:

29 21-12-301. Suspension upon charge of shortage of county funds.

30 (a)(1) ~~Whenever any~~ If an information, presentment, or indictment
31 ~~shall be~~ is filed in any a circuit court of ~~this state~~ against ~~any county a~~
32 county elective, county quorum court district, or township officer on ~~any a~~
33 charge involving a shortage of county funds in his or her office ~~when the~~
34 ~~shortage has been~~ reported by Arkansas Legislative Audit, the circuit court
35 shall ~~immediately~~ order that the officer be immediately suspended from his or
36 her office ~~until the information or indictment is tried~~ during the pendency

1 of the judicial proceeding.

2 ~~(2) The suspension shall not extend beyond the next term after~~
 3 ~~the information or indictment is filed in the circuit court, unless the cause~~
 4 ~~is continued on the application of the defendant.~~

5 ~~(b)(1) Whenever any such~~ If a county elective, county quorum court
 6 district, or township officer is confined in a jail on a charge involving
 7 jailed in connection with a shortage of county funds in his or her office
 8 ~~when the shortage has been~~ reported by Arkansas Legislative Audit, he or she
 9 shall be suspended immediately from office during the pendency of the
 10 judicial proceeding by the circuit court upon the filing of information of
 11 the imprisonment.

12 ~~(2) The suspension shall last until the officer is discharged~~
 13 ~~from prison by due process of law, on bail, or otherwise.~~

14
 15 SECTION 4. Arkansas Code § 21-12-302 is amended to read as follows:
 16 21-12-302. Removal for conviction of certain offenses.

17 (a) Upon conviction of ~~any county~~ a county elective, county quorum
 18 court district, or township officer for an offense involving incompetency,
 19 corruption, gross immorality, criminal conduct amounting to a felony,
 20 malfeasance, misfeasance, or nonfeasance in office, ~~a part of the sentence of~~
 21 ~~the:~~

22 ~~(1) The circuit court having jurisdiction shall be to remove~~
 23 ~~such the officer from office;~~ and

24 ~~(b) The clerk of the court at the close of the term~~ (2) The circuit
 25 clerk shall transmit to the Governor a certified transcript copy of the
 26 judgment of the circuit court and the information, presentment, or
 27 indictment, with the judgment of the court thereon to the Governor, county
 28 judge, and county clerk.

29 ~~(e)(b)~~ The vacancy shall be filled as may be prescribed by law at the
 30 time the vacancy occurs.

31
 32 SECTION 5. Arkansas Code § 21-12-303 is amended to read as follows:
 33 21-12-303. Appointment of temporary replacement.

34 ~~Whenever any county~~ If a county quorum court district or township
 35 officer is suspended from office on account of any information or indictment
 36 pending against him or her under § 21-12-301, the Governor may shall

1 temporarily appoint an officer in his or her place who shall hold the office
2 ~~until the disability of the officer so suspended is removed, or an election~~
3 ~~to fill the vacancy occurs, in case there is a judgment of removal:~~

4 (1) Until the suspension is lifted; or

5 (2) For the remainder of the term.

6 (b) ~~Should a vacancy occur in the office of sheriff or clerk during~~
7 ~~the session of any court of record, the court may appoint some competent~~
8 ~~person to perform, temporarily, the duties of the office until the Governor~~
9 ~~makes an appointment as required by this section. If a county elective~~
10 ~~officer is suspended from office under § 21-12-301, within thirty (30) days~~
11 ~~of the order of suspension the county quorum court shall temporarily appoint~~
12 ~~an officer in his or her place who shall hold the office:~~

13 (1) Until the suspension is lifted; or

14 (2) For the remainder of the term.

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17 **APPROVED: 3/4/21**
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