

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

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

HJR 1012

4
5 By: Representative Ormond
6
7

HOUSE JOINT RESOLUTION

9 PROPOSING AN AMENDMENT TO THE ARKANSAS
10 CONSTITUTION CONCERNING VARIOUS ELECTIVE OFFICES;
11 TO MODIFY THE TERM LIMITS FOR MEMBERS OF THE
12 ARKANSAS GENERAL ASSEMBLY; TO ESTABLISH FOUR-YEAR
13 TERMS OF OFFICE FOR ELECTED COUNTY, MUNICIPAL,
14 AND TOWNSHIP OFFICERS; TO AUTHORIZE THE QUORUM
15 COURT TO CREATE, CONSOLIDATE, SEPARATE, REVISE,
16 OR ABANDON ANY ELECTIVE TOWNSHIP OFFICE EXCEPT
17 DURING THE TERM OF THE OFFICE; TO ESTABLISH TERM
18 LIMITS AND SIX-YEAR TERMS OF OFFICE FOR SUPREME
19 COURT JUSTICES; AND FOR OTHER PURPOSES.
20

Subtitle

21
22 PROPOSING AN AMENDMENT TO THE ARKANSAS
23 CONSTITUTION CONCERNING VARIOUS ELECTIVE
24 OFFICES.
25
26

27 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-FIFTH GENERAL
28 ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL
29 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:
30

31 That the following is proposed as an amendment to the Constitution of
32 the State of Arkansas, and upon being submitted to the electors of the state
33 for approval or rejection at the next general election for Representatives
34 and Senators, if a majority of the electors voting thereon at the election
35 adopt the amendment, the amendment shall become a part of the Constitution of
36 the State of Arkansas, to wit:



1
2 SECTION 1. Section 6 of Article 8 of the Constitution of the State of
3 Arkansas is amended to read as follows:

4 § 6. Election of Senators and Representatives.

5 (a)(1) At the next general election for State and County officers
6 ensuing after any ~~such~~ apportionment under this article, Representatives and
7 Senators shall be elected in accordance therewith, ~~Senators shall be elected~~
8 ~~henceforth according to the apportionment now existing~~, and their respective
9 terms of office shall begin on January 1 next following.

10 (2)(A) Representatives and Senators shall be elected for a term
11 of four (4) years at the expiration of their present terms of office.

12 (B) However, the term immediately prior to an
13 apportionment that follows the 2020 or later federal census shall be a two-
14 year term.

15 (b) Notwithstanding any provision of Amendment 23 of this Constitution
16 to the contrary, following an apportionment, the terms of office of Senators
17 and Representatives shall not be modified for the purpose of staggering
18 terms.

19 (c) This section shall not modify a term of office of a person who was
20 elected to the office in the 2006 general election.

21
22 SECTION 2. Section 2 of Amendment 73 of the Constitution of the State
23 of Arkansas is amended to read as follows:

24 § 2. Legislative Branch.

25 ~~(a) The Arkansas House of Representatives shall consist of members to~~
26 ~~be chosen every second year by the qualified electors of the several~~
27 ~~counties. No member of the Arkansas House of Representatives may serve more~~
28 ~~than three such two year terms.~~

29 ~~(b) The Arkansas Senate shall consist of members to be chosen every~~
30 ~~four years by the qualified electors of the several districts. No member of~~
31 ~~the Arkansas Senate may serve more than two such four year terms.~~

32 (a)(1) The Arkansas House of Representatives shall consist of members
33 to be chosen every four (4) years by the qualified electors of the several
34 districts.

35 (2) However, at the general election immediately preceding an
36 apportionment that follows the 2020 or later federal decennial census,

1 members shall be elected to a two-year term, and at the next general election
2 members shall be elected to a four-year term, and then at the second
3 succeeding general election members shall be elected to a four-year term, and
4 that procedure shall be repeated during every ten-year cycle.

5 (3)(A) A member of the Arkansas House of Representatives first
6 elected to the Arkansas House of Representatives after January 1, 2007, may
7 not serve more than three (3) terms in the Arkansas House of Representatives
8 whether the terms are two-year or four-year terms.

9 (B) A member who has served a total of ten (10) years in
10 the Arkansas House of Representatives after December 31, 1992, and before
11 January 1, 2007, is not eligible to serve any additional terms in the
12 Arkansas House of Representatives.

13 (b)(1) The Arkansas Senate shall consist of members to be chosen every
14 four (4) years by the qualified electors of the several districts.

15 (2) However, at the general election immediately preceding the
16 apportionment that follows the 2020 or later federal decennial census,
17 members shall be elected to a two-year term, and at the next general election
18 members shall be elected to a four-year term, and then at the second
19 succeeding general election members shall be elected to a four-year term, and
20 that procedure shall be repeated during every ten-year cycle.

21 (3)(A) A member of the Arkansas Senate first elected to the
22 Senate after January 1, 2007, may not serve more than three (3) terms in the
23 Arkansas Senate

24 (B) A member who has served a total of twelve (12) years
25 in the Arkansas Senate after December 31, 1992, and before January 1, 2007,
26 is not eligible to serve any additional terms in the Arkansas Senate.

27 (c)(1) A partial term is not counted when determining whether a
28 Senator or Representative has served the maximum number of years allowed by
29 law.

30 (2) A partial term is the remainder of any term resulting from:

31 (A) Resignation;

32 (B) Removal;

33 (C) Expulsion;

34 (D) Death; or

35 (E) Disability.

36 (d) This section shall not shorten a term of office of a person who

1 was elected to the office in the 2006 general election.

2
3 SECTION 3. Section 19 of Article 7 of the Constitution of the State of
4 Arkansas is amended to read as follows:

5 § 19. Circuit clerks - Election - Term of office - Ex-officio duties -
6 County clerks elected in certain counties.

7 The clerks of the circuit courts shall be elected by the qualified
8 electors of the several counties for the term of ~~two~~ four (4) years, and
9 shall be ex-officio clerks of the county and probate courts and recorder;
10 provided, that in any county having a population exceeding fifteen thousand
11 inhabitants, as shown by the last Federal census, there shall be elected a
12 county clerk to serve a term of four (4) years, in like manner as the clerk
13 of the circuit court, and in such case the county clerk shall be ex-officio
14 clerk of the probate court of such county until otherwise provided by the
15 General Assembly.

16
17 SECTION 4. Section 29 of Article 7 of the Constitution of the State of
18 Arkansas is amended to read as follows:

19 § 29. County judge - Election - Term - Qualifications.

20 The Judge of the County Court shall be elected by the qualified
21 electors of the county for the term of ~~two~~ four (4) years. ~~He~~ The judge of
22 the county court shall be at least twenty-five (25) years of age, a citizen
23 of the United States, ~~a man~~ of upright character, of good business education
24 and a resident of the State for two years before ~~his~~ the election, and a
25 resident of the county at the time of ~~his~~ the election and during his or her
26 continuance in office.

27
28 SECTION 5. Section 46 of Article 7 of the Constitution of the State of
29 Arkansas is amended to read as follows:

30 § 46. County executive officers - Compensation of county assessor.

31 The qualified electors of each county shall elect one Sheriff, who
32 shall be ex-officio collector of taxes, unless otherwise provided by law; one
33 Assessor, one Coroner, one Treasurer, who shall be ex-officio treasurer of
34 the common school fund of the county, and one County Surveyor, for the term
35 of ~~two~~ four (4) years, with such duties as are now or may be prescribed by
36 law. Provided, that no per centum shall ever be paid to assessors upon the

1 valuation or assessment of property by them.

2
 3 SECTION 6. Section 2 of Amendment 55 of the Constitution of the State
 4 of Arkansas is amended to read as follows:

5 § 2. Composition of quorum court - Power over elective offices.

6 (a) No county's Quorum Court shall be comprised of fewer than nine (9)
 7 justices of the peace, nor comprised of more than fifteen (15) justices of
 8 the peace. The number of justices of the peace that comprise a county's
 9 Quorum Court shall be determined by law. Justices of the peace shall be
 10 elected for four-year terms of office, except that the term prior to an
 11 apportionment shall be a two-year term. The county's Election Commission
 12 shall, after each decennial census, divide the county into convenient and
 13 single member districts so that the Quorum Court shall be based upon the
 14 inhabitants of the county with each member representing, as nearly as
 15 practicable, an equal number thereof.

16 (b)(1) The Quorum Court may create, consolidate, separate, revise, or
 17 abandon any elective county office or offices except during the term thereof;
 18 provided, however, that a majority of those voting on the question at a
 19 general election have approved said action.

20 (2) The Quorum Court may create, consolidate, separate, revise,
 21 or abandon any elective township office or offices except during the term of
 22 the office.

23
 24 SECTION 7. Section 47 of Article 7 of the Constitution of the State of
 25 Arkansas is amended to read as follows:

26 § 47. Constables - Term of office - Certificate of election.

27 The qualified electors of each township shall elect the Constable for the
 28 term of ~~two years~~ four (4) years, who shall be furnished by the presiding
 29 Judge of the county court with a certificate of election, on which his
 30 official oath shall be indorsed.

31
 32 SECTION 8. Article 12 of the Constitution of the State of Arkansas is
 33 amended to add an additional section to read as follows:

34 § 13. Term of office for municipal officers.

35 (a) All elected officers of cities, towns, and municipal corporations
 36 shall be elected to four-year terms of office.

1 (b) All elected members of the governing bodies of cities, towns, and
 2 municipal corporations shall be elected to four-year terms of office, except
 3 that as to any member not elected at-large the term prior to an apportionment
 4 shall be a two-year term.

5 (c) This section shall not shorten a term of office that began before
 6 January 1, 2007.

7
 8 SECTION 9. Section 38 of Article 7 of the Constitution of the State of
 9 Arkansas is repealed.

10 ~~§ 38. Justices of the peace—Election—Term—Oath.~~

11 ~~The qualified electors of each township shall elect the justices of the~~
 12 ~~peace for the term of two years, who shall be commissioned by the Governor,~~
 13 ~~and their official oath shall be indorsed on the commission.~~

14
 15 SECTION 10. Section 16 of Amendment 80 of the Constitution of the
 16 State of Arkansas is amended to read as follows:

17 § 16. Qualifications and terms of justices and judges.

18 (A)(1) Justices of the Supreme Court and Judges of the Court of
 19 Appeals shall have been licensed attorneys of this state for at least eight
 20 (8) years immediately preceding the date of assuming office.

21 (2) Justices of the Supreme Court shall serve six-year terms.
 22 ~~They~~ Judges of the Court of Appeals shall serve eight year terms.

23 (3) A Justice of the Supreme Court shall not serve more than two
 24 (2) six-year terms on the Supreme Court. However, a Justice of the Supreme
 25 Court serving on January 1, 2007, may be elected to one (1) additional term
 26 of six (6) years as a Justice on the Supreme Court, unless at the end of his
 27 or her term existing on January 1, 2007, the justice will have served at
 28 least twelve (12) years on the Supreme Court.

29 (4) This subdivision (A) of this section shall not shorten a
 30 term of office of a Justice of the Supreme Court that began before January 1,
 31 2007.

32
 33 SECTION 11. This amendment becomes effective on January 1, 2007.
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