

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

1 State of Arkansas *As Engrossed: H3/18/05 H4/1/05*

2 85th General Assembly

3 Regular Session, 2005

HJR 1015

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5 *By: Representatives Saunders, Mahony*

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**HOUSE JOINT RESOLUTION**

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*PROPOSING AN AMENDMENT TO THE ARKANSAS*

10

*CONSTITUTION CONCERNING INCREASING THE LENGTH OF*

11

*TERMS OF CIRCUIT CLERKS, COUNTY CLERKS, COUNTY*

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*JUDGES, COUNTY SHERIFFS, COUNTY ASSESSORS, COUNTY*

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*CORONERS, COUNTY TREASURERS, COUNTY SURVEYORS,*

14

*AND JUSTICES OF THE PEACE FROM TWO (2) YEARS TO*

15

*FOUR (4) YEARS; AMENDING AMENDMENT 55 OF THE*

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*ARKANSAS CONSTITUTION CONCERNING THE*

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*QUALIFICATIONS TO SERVE AS A JUSTICE OF THE PEACE*

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*AND THE COMMISSION RECEIVED BY A JUSTICE OF THE*

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*PEACE; AND REPEALING OBSOLETE LANGUAGE.*

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**Subtitle**

22

*PROPOSING AN AMENDMENT TO THE ARKANSAS*

23

*CONSTITUTION TO INCREASE THE TERMS OF*

24

*COUNTY OFFICIALS FROM TWO (2) YEARS TO*

25

*FOUR (4) YEARS, AMEND PROVISIONS*

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*CONCERNING JUSTICES OF THE PEACE, AND*

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*REPEAL OBSOLETE LANGUAGE.*

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BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-FIFTH GENERAL

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ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL

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MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

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That the following is proposed as an amendment to the Constitution of

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the State of Arkansas, and upon being submitted to the electors of the state



1 for approval or rejection at the next general election for Representatives  
2 and Senators, if a majority of the electors voting thereon at the election  
3 adopt the amendment, the amendment shall become a part of the Constitution of  
4 the State of Arkansas, to wit:

5  
6 *SECTION 1. Section 19 of Article 7 of the Arkansas Constitution is*  
7 *amended to read as follows:*

8 *§ 19. Circuit clerks - Election - Term of office - Ex-officio duties -*  
9 *County clerks elected in certain counties.*

10 *The clerks of the circuit courts shall be elected by the qualified*  
11 *electors of the several counties for the term of ~~two~~ four years, and shall be*  
12 *ex-officio clerks of the county and probate courts and recorder; provided,*  
13 *that ~~in any county having a population exceeding fifteen thousand~~*  
14 *~~inhabitants, as shown by the last Federal census, there shall be elected~~ may*  
15 *elect a county clerk, in like manner as the clerk of the circuit court, for*  
16 *the term of four years, and in such case the county clerk shall be ex-officio*  
17 *~~clerk of the probate court~~ Clerk of the Probate Court of such county until*  
18 *otherwise provided by the General Assembly.*

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20 *SECTION 2. Section 29 of Article 7 of the Arkansas Constitution is*  
21 *amended to read as follows:*

22 *§ 29. County judge - Election - Term - Qualifications.*

23 *The Judge of the County Court shall be elected by the qualified*  
24 *electors of the county for the term of ~~two~~ four years. He shall be at least*  
25 *twenty-five years of age, a citizen of the United States, a man of upright*  
26 *character, of good business education, and a resident of the State for two*  
27 *years before his election; and a resident of the county at the time of his*  
28 *election, and during his continuance in office.*

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30 *SECTION 3. Section 38 of Article 7 of the Arkansas Constitution is*  
31 *repealed.*

32 *~~38. Justices of the peace - Election - Term - Oath.~~*

33 *~~The qualified electors of each township shall elect the Justices of the~~*  
34 *~~Peace for the term of two years; who shall be commissioned by the Governor,~~*  
35 *~~and their official oath shall be indorsed on the commission."~~*

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1           SECTION 4. Section 41 of Article 7 of the Arkansas Constitution is  
2 repealed.

3           ~~41. Qualifications of justice of peace.~~

4           ~~A Justice of the Peace shall be a qualified elector and a resident of~~  
5 ~~the township for which he is elected.~~

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7           SECTION 5. Section 46 of Article 7 of the Arkansas Constitution is  
8 amended to read as follows:

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

10          The qualified electors of each county shall elect one Sheriff, who  
11 shall be ex-officio collector of taxes, unless otherwise provided by law; one  
12 Assessor, one Coroner, one Treasurer, who shall be ex-officio treasurer of  
13 the common school fund of the county, and one County Surveyor; for the term  
14 of ~~two~~ four years, with such duties as are now or may be prescribed by law:  
15 Provided, that no per centum shall ever be paid to assessors upon the  
16 valuation or assessment of property by them.

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18          SECTION 6. Amendment 41 of the Arkansas Constitution is amended to  
19 read as follows:

20          Election of county clerk.

21          The provisions for the election of a County Clerk upon a population  
22 basis are hereby abolished and there may be elected a County Clerk in like  
23 manner as a Circuit Clerk, for the term of four years, and in such cases, the  
24 County Clerk may be ex officio Clerk of the Probate Court of such county  
25 until otherwise provided by the General Assembly.

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27          SECTION 7. Section 2 of Amendment 55 of the Arkansas Constitution is  
28 amended to read as follows:

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

30          (a)(1) No county's Quorum Court shall be comprised of fewer than nine  
31 (9) justices of the peace, nor comprised of more than fifteen (15) justices  
32 of the peace.

33                 (2) A justice of the peace shall be elected for a term of four  
34 (4) years, except that the term prior to an apportionment shall be a two-year  
35 term.

36                 (3) A justice of the peace shall be a qualified elector and a

1 resident of the district for which he or she is elected.

2 (4) A justice of the peace shall be commissioned by the  
3 Governor, and his or her official oath shall be indorsed on the commission.

4 (5) The number of justices of the peace that comprise a county's  
5 Quorum Court shall be determined by law.

6 (6) The county's Election Commission shall, after each decennial  
7 census, divide the county into convenient and single member districts so that  
8 the Quorum Court shall be based upon the inhabitants of the county with each  
9 member representing, as nearly as practicable, an equal number thereof.

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

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15 /s/ Saunders, et al  
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