

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: S2/16/09
A Bill

HOUSE BILL 1263

5 By: Representatives Hoyt, Reynolds
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8 **For An Act To Be Entitled**

9 AN ACT TO PROVIDE FOR THE INTERIM FILLING OF
10 VACANCIES FOR THE OFFICE OF COUNTY JUDGE AND
11 SHERIFF DURING TIMES OF EMERGENCY; AND FOR OTHER
12 PURPOSES.
13

14 **Subtitle**

15 TO PROVIDE FOR THE INTERIM FILLING OF
16 VACANCIES FOR THE OFFICE OF COUNTY JUDGE
17 AND SHERIFF DURING TIMES OF EMERGENCY.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 14-14-1310, concerning filling vacancies in
23 elective offices, is amended to add an additional subsection to read as
24 follows:

25 (c)(1)(A) Emergency Vacancies. During a declaration of an emergency
26 or circumstances that warrant a declaration of an emergency under § 12-75-107
27 or § 12-75-108, a vacancy in the office of county judge due to death or
28 disability to the degree of inability to perform the duties of office shall
29 be temporarily filled by executive order of the county judge issued prior to
30 the incapacity of the county judge, designating three (3) persons in
31 succession to fill the vacancy of the office of county judge on an interim
32 basis until such time as the vacancy is filled by the quorum court as
33 provided by this chapter or the disability of the county judge is abated.

34 (B) Persons so designated shall be listed in succession
35 and may be identified by title or position.

36 (C) The death or disability of a person in the line of



1 succession shall result in disqualification of the person and appointment of
2 the next successive person.

3 (2)(A) During a declaration of an emergency or circumstances
4 that warrant a declaration of emergency under § 12-75-107 or § 12-75-108, a
5 vacancy in the office of sheriff due to death or disability to the degree of
6 inability to perform the duties of office shall be temporarily filled by a
7 policy statement of the sheriff issued prior to the incapacity of the sheriff
8 and adopted by resolution of the quorum court, designating three (3) persons
9 in succession to fill the vacancy in the office of sheriff on an interim
10 basis until such time as the vacancy is filled by the quorum court as
11 provided by this chapter or the disability of the sheriff is abated.

12 (B) Persons so designated by the sheriff shall be listed
13 in succession and may be identified by title or position.

14 (C) The death or disability of a person in the line of
15 succession shall result in disqualification of the person and appointment of
16 the next successive person.

17 (D) The sheriff shall affix his or her signature to the
18 policy statement and to the resolution of the quorum court to signify that
19 the line of succession for the office of sheriff is in accordance with his or
20 her authority.

21 (3)(A) The county judge and the sheriff shall file the executive
22 order and the resolution with policy statement under subdivisions (c)(1) and
23 (c)(2) of this subsection with the county clerk, and a file-marked copy shall
24 be provided to the Director of the Arkansas Department of Emergency
25 Management no later than sixty (60) days from the beginning of the elected
26 term of office.

27 (B) Members of the quorum court are not eligible to fill
28 the vacancy in the office of county judge or sheriff under this section.

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30 */s/ Hoyt*