

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

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

SJR 1

4
5 By: Senator Glover

SENATE JOINT RESOLUTION

9 PROPOSING AN AMENDMENT TO THE ARKANSAS
10 CONSTITUTION CONCERNING SERVICE BY ELECTED COUNTY
11 OFFICIALS AND JUSTICES OF THE PEACE; INCREASING
12 THE LENGTH OF TERMS OF CIRCUIT CLERKS, COUNTY
13 CLERKS, COUNTY JUDGES, COUNTY SHERIFFS, COUNTY
14 ASSESSORS, COUNTY CORONERS, COUNTY TREASURERS,
15 COUNTY SURVEYORS, COLLECTORS OF TAXES, AND
16 JUSTICES OF THE PEACE FROM TWO (2) YEARS TO FOUR
17 (4) YEARS; AMENDING AMENDMENT 55 OF THE ARKANSAS
18 CONSTITUTION CONCERNING THE QUALIFICATIONS TO
19 SERVE AS A JUSTICE OF THE PEACE AND THE
20 COMMISSION RECEIVED BY A JUSTICE OF THE PEACE;
21 PROVIDING THAT AN ELECTED COUNTY OFFICIAL OR
22 JUSTICE OF THE PEACE SHALL RESIGN HIS OR HER
23 OFFICE BEFORE FILING AS A CANDIDATE FOR A SEAT IN
24 EITHER HOUSE OF THE GENERAL ASSEMBLY UNLESS THE
25 ELECTED COUNTY OFFICIAL OR JUSTICE OF THE PEACE
26 IS SERVING THE FINAL YEAR OF HIS OR HER TERM AND
27 HAS NOT FILED FOR RE-ELECTION; PROVIDING THAT AN
28 ELECTED COUNTY OFFICIAL IN OFFICE ON FEBRUARY 1,
29 2011, SHALL CONTINUE IN OFFICE UNTIL DECEMBER 31,
30 2014 UNLESS A VACANCY OCCURS, IN WHICH CASE THE
31 OFFICE SHALL BE FILLED UNTIL DECEMBER 31, 2014;
32 AND REPEALING OBSOLETE LANGUAGE.

Subtitle

AN AMENDMENT TO THE ARKANSAS



1 person of upright character, of good business education, and a resident of
 2 the State for two (2) years before his or her election; and a resident of the
 3 county at the time of his or her election, and during his or her continuance
 4 in office.

5
 6 SECTION 3. Section 38 of Article 7 of the Arkansas Constitution is
 7 repealed.

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

9 ~~The qualified electors of each township shall elect the Justices of the~~
 10 ~~Peace for the term of two years; who shall be commissioned by the Governor,~~
 11 ~~and their official oath shall be indorsed on the commission.”~~

12
 13 SECTION 4. Section 41 of Article 7 of the Arkansas Constitution is
 14 repealed.

15 ~~§ 41. Qualifications of justice of peace.~~

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

18
 19 SECTION 5. Section 46 of Article 7 of the Arkansas Constitution is
 20 amended to read as follows:

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

22 (a) The qualified electors of each county shall elect one (1) Sheriff,
 23 who shall be ex-officio collector of taxes, unless otherwise provided by law;
 24 one (1) Assessor, one (1) Coroner, one (1) Treasurer, who shall be ex-officio
 25 treasurer of the common school fund of the county, and one (1) County
 26 Surveyor; for the term of ~~two~~ four (4) years, with such duties as are now or
 27 may be prescribed by law: Provided, that no per centum shall ever be paid to
 28 assessors upon the valuation or assessment of property by them.

29 (b) If the qualified electors of a county elect a person to serve as
 30 collector of taxes, that person shall serve for a term of four (4) years.

31
 32 SECTION 6. Article 7 of the Arkansas Constitution is amended to add an
 33 additional section to read as follows:

34 53. Elected county official or justice of the peace as candidate for
 35 General Assembly.

36 (a) As used in this section, “elected county official” means a circuit

1 clerk, county clerk, county judge, county sheriff, county assessor, county
 2 coroner, county treasurer, county surveyor, or collector of taxes.

3 (b)(1) Except as provided in subdivision (b)(2) of this section, an
 4 elected county official or justice of the peace shall not be eligible to file
 5 as a candidate for a seat in either house of the General Assembly unless the
 6 elected county official or justice of the peace resigns his or her office
 7 before filing as a candidate.

8 (2) An elected county official or justice of the peace may file
 9 as a candidate for a seat in either house of the General Assembly without
 10 resigning his or her office if the elected county official or justice of the
 11 peace:

12 (A) Is in the final year of his or her elected term; and

13 (B) Does not file for re-election to his or her elected
 14 office.

15
 16 SECTION 7. Amendment 41 of the Arkansas Constitution is amended to
 17 read as follows:

18 Election of county clerk.

19 The provisions for the election of a County Clerk upon a population
 20 basis are hereby abolished and there may be elected a County Clerk in like
 21 manner as a Circuit Clerk, for the term of four (4) years, and in such cases,
 22 the County Clerk may be ex officio Clerk of the Probate Court of such county
 23 until otherwise provided by the General Assembly.

24
 25 SECTION 8. Section 2 of Amendment 55 of the Arkansas Constitution is
 26 amended to read as follows:

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

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

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

34 (3) A justice of the peace shall be a qualified elector and a
 35 resident of the district from which he or she is elected.

36 (4) A justice of the peace shall be commissioned by the

1 Governor, and his or her official oath shall be endorsed on the commission.

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

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

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

13
 14 SECTION 9. (a) As used in this section, "elected county official"
 15 means a circuit clerk, county clerk, county judge, county sheriff, county
 16 assessor, county coroner, county treasurer, county surveyor, or collector of
 17 taxes.

18 (b)(1) Except as provided in subdivision (b)(2) of this section, an
 19 elected county official taking office on January 1, 2011 shall continue in
 20 office through December 31, 2014.

21 (2) If a vacancy occurs in the office of an elected county
 22 official, that vacancy shall be filled for a term which shall end December
 23 31, 2014.

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 25 SECTION 10. This amendment becomes effective on January 1, 2011.
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