

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

1 State of Arkansas *As Engrossed: S3/18/19*

2 92nd General Assembly

3 Regular Session, 2019

SJR 15

4

5 By: Senators A. Clark, *Caldwell*, B. Davis, L. Eads, T. Garner, Hill, M. Johnson, Rice, B. Sample, G.

6 *Stubblefield*

7 By: Representatives Dotson, *Cozart*, Della Rosa

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SENATE JOINT RESOLUTION

10 A CONSTITUTIONAL AMENDMENT TO BE KNOWN AS THE
11 "ARKANSAS TERM LIMITS AMENDMENT"; AN AMENDMENT TO THE
12 ARKANSAS CONSTITUTION CONCERNING THE TERMS SERVED BY
13 CERTAIN ELECTED CONSTITUTIONAL OFFICERS; AMENDING THE
14 TERM LIMITS APPLICABLE TO MEMBERS OF THE GENERAL
15 ASSEMBLY; AND ESTABLISHING TERM LIMITS FOR JUSTICES
16 OF THE SUPREME COURT, JUDGES OF THE COURT OF APPEALS,
17 CIRCUIT JUDGES, AND DISTRICT JUDGES.

18

19

20

Subtitle

21 THE ARKANSAS TERM LIMITS AMENDMENT.

22

23

24 BE IT RESOLVED BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE
25 STATE OF ARKANSAS, AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL
26 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

27

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

34

35 SECTION 1. LEGISLATIVE INTENT.

36 (a) The General Assembly finds that:



1 (1) The Arkansas Constitution establishes several elected
2 positions to serve the citizens of the State of Arkansas, including the
3 elected constitutional officers of the executive branch, the members of the
4 General Assembly, and judges;

5 (2) These elected officials serve as representatives of the
6 people of the State of Arkansas; and

7 (3) Each provision of this amendment is intended to allow the
8 citizens of the State of Arkansas to amend the Arkansas Constitution
9 concerning the terms served by certain elected constitutional officers in
10 this state.

11 (b) The General Assembly finds that this proposed constitutional
12 amendment addresses the subject of the terms served by certain elected
13 constitutional officers by amending the term limits applicable to members of
14 the General Assembly and establishing term limits for Justices of the Supreme
15 Court, Judges of the Court of Appeals, Circuit Judges, and District Judges.

16
17 SECTION 2. Arkansas Constitution, Amendment 73, § 2, is amended to
18 read as follows:

19 § 2. Legislative Branch.

20 (a) The Arkansas House of Representatives shall consist of members to
21 be chosen every second year by the qualified electors of the several
22 counties.

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

25 (c)(1)(A) A Except as provided in subdivision (c)(1)(E) of this
26 section, a person first elected as a member of the General Assembly before
27 January 1, 2021, shall serve no more than sixteen (16) years, whether
28 consecutive or nonconsecutive.

29 ~~(2)(B)~~ A member first elected as a member of the General
30 Assembly before January 1, 2021, who completes his or her sixteenth year of
31 service during a term of office for which he or she has been elected may
32 serve until the completion of that term of office.

33 ~~(3)(C)~~ The years of service in both the Senate and the
34 House of Representatives shall be added together and included to determine
35 the total number of years in office of a member of the General Assembly first
36 elected as a member of the General Assembly before January 1, 2021.

1 ~~(4)~~(D) A partial legislative term served as a result of a
2 special election under Article 5, § 6, or a two-year term served as a result
3 of apportionment of the Senate shall not be included in calculating the total
4 number of years served by a member of the General Assembly first elected as a
5 member of the General Assembly before January 1, 2021.

6 (E)(i) A person who has served sixteen (16) years in the General
7 Assembly under subdivision (c)(1)(A) of this section shall not be eligible
8 for subsequent service in the General Assembly until four (4) years after the
9 expiration of the last term of office in the General Assembly for which he or
10 she was elected.

11 (ii) Subsequent service in the General Assembly
12 under subdivision (c)(1)(E)(i) of this section shall be as provided under
13 subdivision (c)(2) of this section.

14 (2)(A)(i) A person first elected as a member of the General
15 Assembly on or after January 1, 2021, shall serve no more than twelve (12)
16 consecutive years.

17 (ii) A member of the General Assembly first elected
18 to the General Assembly on or after January 1, 2021, who serves twelve (12)
19 or more consecutive years shall not be eligible for subsequent service in the
20 General Assembly until four (4) years after the expiration of the last term
21 of office in the General Assembly for which he or she was elected.

22 (B) A member first elected to the General Assembly on or
23 after January 1, 2021, who completes his or her twelfth consecutive year of
24 service during a term of office for which he or she has been elected may
25 serve until the completion of that term of office.

26 (C) Consecutive years of service in both the Senate and
27 the House of Representatives shall be added together and included to
28 determine the total number of consecutive years in office of a member first
29 elected to the General Assembly on or after January 1, 2021.

30 (D)(i) A two-year term served as a result of apportionment
31 of the Senate shall be included in calculating the total number of
32 consecutive years served by a member of the General Assembly first elected to
33 the General Assembly on or after January 1, 2021.

34 (ii) A partial legislative term served as a result
35 of a special election to fill a vacancy in the General Assembly shall not be
36 included in calculating the total number of consecutive years served by a

1 member of the General Assembly first elected to the General Assembly on or
2 after January 1, 2021.

3
4 SECTION 3. Arkansas Constitution, Amendment 73, § 6, is amended to
5 read as follows:

6 § 6. Application.

7 (a) ~~This~~ Except as provided in § 2(c) of this Amendment, this
8 Amendment to the Arkansas Constitution shall take effect and be in operation
9 on January 1, 1993, and its provisions shall be applicable to all person
10 thereafter seeking election to the offices specified in this Amendment.

11 (b) All laws and constitutional provisions which conflict with this
12 Amendment are hereby repealed to the extent that they conflict with this
13 amendment.

14
15 SECTION 4. Arkansas Constitution, Amendment 80, § 16, is amended to
16 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. They shall serve
21 eight-year terms.

22 (2)(a)(i) A person first elected as a Justice of the Supreme
23 Court on or after January 1, 2021, shall not serve more than sixteen (16)
24 consecutive years as a Justice of the Supreme Court.

25 (ii) A Justice of the Supreme Court under this
26 subdivision (A)(2) who serves sixteen (16) or more consecutive years shall
27 not be eligible for subsequent service as a Justice of the Supreme Court
28 until four (4) years after the expiration of the last term of office as a
29 Justice of the Supreme Court for which he or she was elected.

30 (b) A Justice of the Supreme Court under this subdivision
31 (A)(2) who completes his or her sixteenth consecutive year of service during
32 a term of office for which he or she has been elected may serve until the
33 completion of that term of office.

34 (c) Service as an appointed Justice of the Supreme Court
35 to fill a vacancy shall be considered toward the sixteen-year limitation
36 under this subdivision (A)(2).

1 (d) A commission to serve as a Special Justice under § 13
2 of this amendment shall not be considered toward the sixteen-year limitation
3 under this subdivision (A)(2).

4 (e) This subdivision (A)(2) does not apply to a person
5 first elected as a Justice of the Supreme Court before January 1, 2021.

6 (3)(a)(i) A person first elected as a Judge of the Court of
7 Appeals on or after January 1, 2021, shall not serve more than sixteen (16)
8 consecutive years as a Judge of the Court of Appeals.

9 (ii) A Judge of the Court of Appeals under this
10 subdivision (A)(3) who serves sixteen (16) or more consecutive years shall
11 not be eligible for subsequent service as a Judge of the Court of Appeals
12 until four (4) years after the expiration of the last term of office as a
13 Judge of the Court of Appeals for which he or she was elected.

14 (b) A Judge of the Court of Appeals under this subdivision
15 (A)(3) who completes his or her sixteenth consecutive year of service during
16 a term of office for which he or she has been elected may serve until the
17 completion of that term of office.

18 (c) Service as an appointed Judge of the Court of Appeals
19 to fill a vacancy shall be considered toward the sixteen-year limitation
20 under this subdivision (A)(3).

21 (d) A commission to serve as a Special Judge under § 13 of
22 this amendment shall not be considered toward the sixteen-year limitation
23 under this subdivision (A)(3).

24 (e) This subdivision (A)(3) does not apply to a person
25 first elected as a Judge of the Court of Appeals before January 1, 2021.

26 (B)(1) Circuit Judges shall have been licensed attorneys of this state
27 for at least six (6) years immediately preceding the date of assuming office.
28 They shall serve six-year terms.

29 (2)(a)(i) A person first elected as a Circuit Judge on or after
30 January 1, 2021, shall not serve more than sixteen (16) consecutive years as
31 a Circuit Judge.

32 (ii) A Circuit Judge under this subdivision (B)(2)
33 who serves sixteen (16) or more consecutive years shall not be eligible for
34 subsequent service as a Circuit Judge until four (4) years after the
35 expiration of the last term of office as a Circuit Judge for which he or she
36 was elected.

1 (b) A Circuit Judge under this subdivision (B)(2) who
2 completes his or her *sixteenth* consecutive year of service during a term of
3 office for which he or she has been elected may serve until the completion of
4 that term of office.

5 (c) Service as an appointed Circuit Judge to fill a
6 vacancy shall be considered toward the *sixteen-year* limitation under this
7 subdivision (B)(2).

8 (d) Service as a Special Judge under § 13 of this
9 amendment shall not be considered toward the *sixteen-year* limitation under
10 this subdivision (B)(2).

11 (e) This subdivision (B)(2) does not apply to a person
12 first elected as a Circuit Judge before January 1, 2021.

13 (C)(1) District Judges shall have been licensed attorneys of this
14 state for at least four (4) years immediately preceding the date of assuming
15 office. They shall serve four-year terms.

16 (2)(a)(i) A person first elected as a District Judge on or after
17 January 1, 2021, shall not serve more than *sixteen (16)* consecutive years as
18 a District Judge.

19 (ii) A District Judge under this subdivision (C)(2)
20 who serves *sixteen (16)* or more consecutive years shall not be eligible for
21 subsequent service as a District Judge until four (4) years after the
22 expiration of the last term of office as a District Judge for which he or she
23 was elected.

24 (b) A District Judge under this subdivision (C)(2) who
25 completes his or her *sixteenth* year of service during a term of office for
26 which he or she has been elected may serve until the completion of that term
27 of office.

28 (c) Service as an appointed District Judge to fill a
29 vacancy shall be considered toward the *sixteen-year* limitation under this
30 subdivision (C)(2).

31 (d) Service as a Special Judge under § 13 of this
32 amendment shall not be considered toward the *sixteen-year* limitation under
33 this subdivision (C)(2).

34 (e) This subdivision (C)(2) does not apply to a person
35 first elected as a District Judge before January 1, 2021.

36 (D) All Justices and Judges shall be qualified electors within the

1 geographical area from which they are chosen, and Circuit and District Judges
2 shall reside within that geographical area at the time of election and during
3 their period of service. A geographical area may include any county
4 contiguous to the county to be served when there are no qualified candidates
5 available in the county to be served.

6 (E) The General Assembly shall by law determine the amount and method
7 of payment of expenses of Justices and Judges. Such expenses may be
8 increased, but not diminished, during the term for which such Justices or
9 Judges are selected or elected.

10 (F) Circuit, District, and Appellate Court Judges and Justices shall
11 not be allowed any fees or perquisites of office, nor hold any other office
12 of trust or profit under this state or the United States, except as
13 authorized by law.

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15 SECTION 5. This amendment shall be effective on and after January 1,
16 2021.

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18 SECTION 6. BALLOT TITLE AND POPULAR NAME. When this proposed
19 amendment is submitted to the electors of this state on the general election
20 ballot:

21 (1) The title of this joint resolution shall be the ballot
22 title; and

23 (2) The popular name shall be "A Constitutional Amendment, to be
24 Known as the "Arkansas Term Limits Amendment", to Amend the Term Limits
25 Applicable to Members of the General Assembly and Establish Term Limits for
26 Justices of the Supreme Court, Judges of the Court of Appeals, Circuit
27 Judges, and District Judges".

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30 /s/A. Clark
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