

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 83rd General Assembly
3 Regular Session, 2001

A Bill

SENATE BILL 415

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5 By: Senator Riggs
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For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE 16-17-120 TO DESIGNATE
10 THE METHOD OF ELECTING MUNICIPAL COURT JUDGES PRIOR TO
11 THE IMPLEMENTATION OF AMENDMENT 80; AND FOR OTHER
12 PURPOSES.
13

Subtitle

14 AN ACT TO AMEND ARKANSAS CODE 16-17-120
15 TO DESIGNATE THE METHOD OF ELECTING
16 MUNICIPAL COURT JUDGES PRIOR TO THE
17 IMPLEMENTATION OF AMENDMENT 80.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code 16-17-120 is amended to read as follows:
24 16-17-120. Method of electing judges - Candidate requirements.

25 (a) The judge of any municipal court which has been created or is
26 hereafter created under the provisions of § 16-17-201 et seq., or any other
27 general law authorizing or providing for the establishment of a municipal
28 court, shall be elected by the electors of the entire county or, in the event
29 the county is divided into two (2) judicial districts, by the electors of the
30 judicial district in which the municipality creating the court is located.

31 ~~(b)(1)(A) The provisions of this section shall be applicable with~~
32 ~~respect to the election of the judge of the municipal court next following the~~
33 ~~expiration of the current term of the judge of the municipal court. All~~
34 ~~municipal court judges, elected by the electors of the entire county, shall be~~
35 ~~elected on a non-partisan basis, with no candidate appearing on the ballot as~~
36 ~~a nominee of a political party as defined in § 7-7-102.~~

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1 (B) Candidates for municipal court judgeships, which are
2 electd by the electors of the entire county, may qualify by petition of not
3 fewer than thirty (30) electors of the county in which the election is to be
4 held, and shall file their petitions of nomination with the county clerk prior
5 to the filing deadline for the election.

6 (C) The county clerk shall determine whether the petition
7 contains a sufficient number of qualified electors.

8 (D) The sufficiency of any petition filed under this
9 section may be challenged in the same manner as provided by law for election
10 contests under §§ 7-5-801 through 7-5-810.

11 (2) Any candidate for municipal court judge shall meet all
12 requirements now set by law, but residency in the municipality shall no longer
13 be a requirement.

14 (c) However, the provisions of this section shall not be applicable ~~in~~
15 ~~counties with a population of more than one hundred thousand (100,000) persons~~
16 ~~according to the most recent federal decennial or special census~~ to municipal
17 court judgeships which are not electd by the electors of the entire county on
18 the effective date of the changes made to this subsection by this act of the
19 2001 Regular Session of the General Assembly.

20 (d) Provided, however, the county quorum court of any county electing
21 municipal judges countywide under the provisions of this section may provide,
22 by ordinance, that the judge of the municipal court may be electd by
23 townships rather than by the entire county. This subsection and any ordinances
24 passed under its authority shall not make the affected municipal judgeships a
25 township office for any purpose other than for the election to the office of
26 municipal judge.

27 (e) This section is subject to the implementation of Amendment 80 to
28 the Constitution of the State of Arkansas as approved at the November 7, 2000,
29 General Election.

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31 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General
32 Assembly of the State of Arkansas that the law concerning the election of
33 municipal judges is vague and unclear; that special elections for municipal
34 court judges are scheduled to take place before this act would normally be
35 effective without an emergency clause; and that the implementation of
36 Amendment 80 will not impact the municipal courts for several years.

1 Therefore, an emergency is declared to exist and this act being immediately
2 necessary for the preservation of the public peace, health and safety shall
3 become effective on the date of its approval by the Governor. If the bill is
4 neither approved nor vetoed by the Governor, it shall become effective on the
5 expiration of the period of time during which the Governor may veto the bill.
6 If the bill is vetoed by the Governor and the veto is overridden, it shall
7 become effective on the date the last house overrides the veto.

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