

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4
5 By: Representative Thyer
6
7

As Engrossed: H2/15/07

HJR 1020

8 **HOUSE JOINT RESOLUTION**

9 PROPOSING AN AMENDMENT TO THE ARKANSAS
10 CONSTITUTION CONCERNING INCREASING THE LENGTH OF
11 TERMS OF CIRCUIT CLERKS, COUNTY CLERKS, COUNTY
12 JUDGES, COUNTY SHERIFFS, COUNTY ASSESSORS, COUNTY
13 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
16 ARKANSAS CONSTITUTION CONCERNING THE
17 QUALIFICATIONS TO SERVE AS A JUSTICE OF THE PEACE
18 AND THE COMMISSION RECEIVED BY A JUSTICE OF THE
19 PEACE; INCREASING THE TERM LIMITS OF MEMBERS OF
20 THE GENERAL ASSEMBLY; AND REPEALING OBSOLETE
21 LANGUAGE.

22
23 **Subtitle**

24 PROPOSING AN AMENDMENT TO THE ARKANSAS
25 CONSTITUTION TO INCREASE THE TERMS OF
26 COUNTY OFFICIALS FROM TWO (2) TO FOUR
27 (4) YEARS AND TERM LIMITS OF GENERAL
28 ASSEMBLY MEMBERS AND AMEND PROVISIONS
29 CONCERNING JUSTICES OF THE PEACE.
30

31
32 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-SIXTH GENERAL
33 ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL
34 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:
35

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



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

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

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

11 (a) The clerks of the circuit courts shall be elected by the qualified
12 electors of the several counties for the term of ~~two~~ four (4) years, and
13 shall be ex-officio clerks of the county and probate courts, ex-officio
14 probate clerks of the circuit courts, and recorder; provided, that in.

15 (b) However, any county having a population exceeding fifteen thousand
16 inhabitants, as shown by the last Federal census, there shall be elected may
17 elect a county clerk, in like manner as the clerk of the circuit court, for
18 the term of four (4) years. ,and in In such a case, the county clerk shall be
19 ex-officio probate clerk of the probate circuit court of such the county
20 until otherwise provided by the General Assembly.

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

24 § 29. County judge - Election - Term - Qualifications.

25 The Judge of the County Court shall be elected by the qualified
26 electors of the county for the term of ~~two~~ four (4) years. He or she shall
27 be:

28 (1) ~~at~~ At least twenty-five (25) years of age;

29 (2) a A citizen of the United States;

30 (3) ~~a man~~ A person of upright character, and of good business
31 education, and;

32 (4) a A resident of the State for two (2) years before his or her
33 election; and

34 (5) a A resident of the county at the time of his or her
35 election, and during his or her continuance in office.

1 SECTION 3. Section 38 of Article 7 of the Arkansas Constitution is
2 repealed.

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

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

7
8 SECTION 4. Section 41 of Article 7 of the Arkansas Constitution is
9 repealed.

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

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

13
14 SECTION 5. Section 46 of Article 7 of the Arkansas Constitution is
15 amended to read as follows:

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

17 (a) The qualified electors of each county shall elect:

18 (1) ~~one~~ One (1) Sheriff, who shall be ex-officio collector of
19 taxes, unless otherwise provided by law;

20 (2) ~~one~~ One (1) Assessor;

21 (3) ~~one~~ One (1) Coroner;

22 (4) ~~one~~ One (1) Treasurer, who shall be ex-officio treasurer of
23 the common school fund of the county; and

24 (5) ~~one~~ One (1) County Surveyor.

25 (b) A person elected under subsection (a) of this section shall serve
26 for the term of ~~two~~ four (4) years, with such duties as are now or may be
27 prescribed by law; ~~Provided, that.~~ However, no per centum shall ever be paid
28 to assessors upon the valuation or assessment of property by them.

29
30 SECTION 6. Amendment 41 of the Arkansas Constitution is amended to
31 read as follows:

32 Election of county clerk.

33 (a) The provisions for the election of a County Clerk upon a
34 population basis are hereby abolished.

35 (b) ~~and there may be elected a~~ A County Clerk may be elected in like
36 manner as a Circuit Clerk, for the term of four (4) years. ~~and in~~ In such

1 cases, the County Clerk ~~may~~ shall be ex officio Probate Clerk of the ~~Probate~~
2 Circuit Court of ~~such~~ the county until otherwise provided by the General
3 Assembly.

4
5 SECTION 7. Section 2 of Amendment 55 of the Arkansas Constitution is
6 amended to read as follows:

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

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

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

14 (3) A justice of the peace shall be a qualified elector and a
15 resident of the district for which he or she is elected.

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

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

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

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

28
29 SECTION 8. Section 2 of Amendment 73 to the Constitution of the State
30 of Arkansas is amended to read as follows:

31 § 2. Legislative Branch.

32 (a)(1) The Arkansas House of Representatives shall consist of members
33 to be chosen every second year by the qualified electors of the several
34 counties.

35 (2) No member of the Arkansas House of Representatives may serve
36 more than ~~three~~ six (6) ~~such two-year~~ two-year terms.

