

1 State of Arkansas *As Engrossed: H2/26/15*  
2 90th General Assembly  
3 Regular Session, 2015

HJR 1027

4  
5 By: Representative Ladyman  
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7 **HOUSE JOINT RESOLUTION**

8 PROPOSING AN AMENDMENT TO THE ARKANSAS CONSTITUTION  
9 CONCERNING ELECTED COUNTY OFFICIALS; INCREASING THE  
10 LENGTH OF TERMS OF CIRCUIT CLERKS, COLLECTORS OF  
11 TAXES, COUNTY CLERKS, COUNTY JUDGES, COUNTY SHERIFFS,  
12 COUNTY ASSESSORS, COUNTY CORONERS, COUNTY TREASURERS,  
13 *COUNTY SURVEYORS, AND JUSTICES OF THE PEACE FROM TWO*  
14 *(2) YEARS TO FOUR (4) YEARS; AND PROVIDING THAT*  
15 CERTAIN COUNTY OFFICERS SHALL NOT BE APPOINTED OR  
16 ELECTED TO A CIVIL OFFICE DURING THEIR ELECTED TERM.  
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19 **Subtitle**

20 PROPOSING AN AMENDMENT TO THE ARKANSAS  
21 CONSTITUTION CONCERNING ELECTED COUNTY  
22 OFFICIALS.  
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25 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETIETH GENERAL  
26 ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL  
27 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:  
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29 That the following is proposed as an amendment to the Constitution of  
30 the State of Arkansas, and upon being submitted to the electors of the state  
31 for approval or rejection at the next general election for Representatives  
32 and Senators, if a majority of the electors voting thereon at the election  
33 adopt the amendment, the amendment shall become a part of the Constitution of  
34 the State of Arkansas, to wit:  
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36 SECTION 1. Section 19 of Article 7 of the Arkansas Constitution is



1 amended to read as follows:

2 § 19. Circuit clerks – Election – Term of office – ~~Ex-officio~~ Ex  
3 officio duties – County clerks elected in certain counties.

4 The clerks of the circuit courts shall be elected by the qualified  
5 electors of the several counties for the term of ~~two~~ four (4) years, and  
6 shall be ~~ex-officio~~ ex officio clerks of the county and probate courts and  
7 recorder; provided, that in any county having a population exceeding fifteen  
8 thousand (15,000) inhabitants, as shown by the last Federal census, there  
9 shall be elected a county clerk, in like manner as the clerk of the circuit  
10 court, for the term of four (4) years, and in such case the county clerk  
11 shall be ~~ex-officio~~ ex officio clerk of the probate court of such county  
12 until otherwise provided by the General Assembly.

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14 SECTION 2. Section 29 of Article 7 of the Arkansas Constitution is  
15 amended to read as follows:

16 § 29. County judge – Election – Term – Qualifications.

17 The Judge of the County Court shall be elected by the qualified  
18 electors of the county for the term of ~~two~~ four (4) years. He or she shall  
19 be at least twenty-five (25) years of age, a citizen of the United States, a  
20 ~~man~~ an individual of upright character, of good business education, and a  
21 resident of the State for two (2) years before his or her election; and a  
22 resident of the county at the time of his or her election, and during his or  
23 her continuance in office.

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25 SECTION 3. Section 38 of Article 7 of the Arkansas Constitution is  
26 amended to read as follows:

27 § 38. Justices of the peace – Election – Term – Oath.

28 (a) The Except as provided in subsection (b) of this section, the  
29 qualified electors of each township shall elect the Justices of the Peace for  
30 the term of ~~two~~ four (4) years; who shall be commissioned by the Governor,  
31 and their official oath shall be indorsed on the commission.

32 (b) If a reapportionment of the quorum court following the decennial  
33 census under Arkansas Constitution Amendment 55, § 2, will occur during the  
34 first two (2) years of a four-year term of a Justice of the Peace, a Justice  
35 of the Peace shall be elected for a term of two (2) years rather than four  
36 (4) years.

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SECTION 4. Section 46 of Article 7 of the Arkansas Constitution is amended to read as follows:

§ 46. County executive officers – Compensation of county assessor.

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

SECTION 5. Article 7 of the Arkansas Constitution is amended to add an additional section to read as follows:

§ 53. County officers ineligible to civil office.

A person elected or appointed to the following county offices shall not, during the term for which he or she shall have been elected, be appointed or elected to any civil office under this state:

- (1) County judge;
- (2) Justice of the Peace;
- (3) Sheriff;
- (4) Circuit clerk;
- (5) County clerk;
- (6) Assessor;
- (7) Coroner;
- (8) Treasurer;
- (9) County Surveyor; or
- (10) Collector of Taxes.

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

Election of county clerk.

The provisions for the election of a County Clerk upon a population

1 basis are hereby abolished and there may be elected a County Clerk in like  
2 manner as a Circuit Clerk, for the term of four (4) years, and in such cases,  
3 the County Clerk may be ex officio Clerk of the Probate Court of such county  
4 until otherwise provided by the General Assembly.

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6 *SECTION 7. EFFECTIVE DATE. (a) This amendment shall become effective*  
7 *on and after January 1, 2017.*

8 *(b) Persons elected to the following offices at the 2016 general*  
9 *election shall serve terms of two (2) years:*

10 *(1) County judge;*

11 *(2) Justice of the Peace;*

12 *(3) Sheriff;*

13 *(4) Circuit clerk;*

14 *(5) County clerk;*

15 *(6) Assessor;*

16 *(7) Coroner;*

17 *(8) Treasurer;*

18 *(9) County Surveyor; and*

19 *(10) Collector of Taxes.*

20 *(c) Persons elected to the following offices at the 2018 general*  
21 *election shall serve terms of four (4) years:*

22 *(1) County judge;*

23 *(2) Justice of the Peace;*

24 *(3) Sheriff;*

25 *(4) Circuit clerk;*

26 *(5) County clerk;*

27 *(6) Assessor;*

28 *(7) Coroner;*

29 *(8) Treasurer;*

30 *(9) County Surveyor; and*

31 *(10) Collector of Taxes.*

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33 *SECTION 8. BALLOT TITLE AND POPULAR NAME. When this proposed*  
34 *amendment is submitted to the electors of this state on the general election*  
35 *ballot:*

36 *(1) The title of this joint resolution shall be the ballot*

1 title; and

2 (2) The popular name shall be "A Constitutional Amendment  
3 Concerning Elected County Officials".

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5 */s/Ladyman*

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