

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

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015

SJR 5

4  
5 By: Senator B. King

**SENATE 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 AND COUNTY SURVEYORS FROM TWO (2) YEARS TO FOUR (4)  
14 YEARS; ALLOWING THE QUORUM COURT TO REFER THE ISSUE  
15 OF TWO-YEAR OR FOUR-YEAR TERMS FOR JUSTICES OF THE  
16 PEACE TO VOTERS AT A GENERAL ELECTION; AND PROVIDING  
17 THAT CERTAIN COUNTY OFFICERS SHALL NOT BE APPOINTED  
18 OR ELECTED TO A CIVIL OFFICE DURING THEIR ELECTED  
19 TERM.

**Subtitle**

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23 PROPOSING AN AMENDMENT TO THE ARKANSAS  
24 CONSTITUTION CONCERNING ELECTED COUNTY  
25 OFFICIALS.

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27  
28 BE IT RESOLVED BY THE SENATE OF THE NINETIETH GENERAL ASSEMBLY OF THE STATE  
29 OF ARKANSAS AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL MEMBERS  
30 ELECTED TO EACH HOUSE AGREEING THERETO:

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32 That the following is proposed as an amendment to the Constitution of  
33 the State of Arkansas, and upon being submitted to the electors of the state  
34 for approval or rejection at the next general election for Representatives  
35 and Senators, if a majority of the electors voting thereon at the election  
36 adopt the amendment, the amendment shall become a part of the Constitution of



1 the State of Arkansas, to wit:

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

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

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

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

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

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

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

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

31 (a) The qualified electors of each township shall elect the Justices  
32 of the Peace for the term of two (2) years; who shall be commissioned by the  
33 Governor, and their official oath shall be indorsed on the commission.

34 (b)(1)(A) The Quorum Court may refer to the voters of the county at a  
35 general election the question of whether Justices of the Peace should be  
36 elected for the term of two (2) years or four (4) years.

1                   (B) The Quorum Court may refer the question under  
2 subdivision (b)(1)(A) of this section upon approval by a majority of the  
3 members of the Quorum Court.

4                   (2)(A) If the Justices of the Peace of a county are elected for  
5 the term of two (2) years and a majority of those voting at a general  
6 election on a question referred under subdivision (b)(1)(A) of this section  
7 approve the election of Justices of the Peace for a term of four (4) years,  
8 then a person elected to the office of Justice of the Peace at the next  
9 general election at which the office of Justice of the Peace appears on the  
10 ballot and subsequent general elections shall be elected for a term of four  
11 (4) years.

12                   (B) If a majority of those voting on a question under  
13 subdivision (b)(2)(A) of this section do not approve the election of Justices  
14 of the Peace for a term of four (4) years, then a person elected to the  
15 office of Justice of the Peace at the next general election at which the  
16 office of Justice of the Peace appears on the ballot and subsequent general  
17 elections shall be elected for a term of two (2) years.

18                   (3)(A) If the Justices of the Peace of a county are elected for  
19 the term of four (4) years and a majority of those voting at a general  
20 election on a question referred under subdivision (b)(1)(A) of this section  
21 approve the election of Justices of the Peace for a term of two (2) years,  
22 then a person elected to the office of Justice of the Peace at the next  
23 general election at which the office of Justice of the Peace appears on the  
24 ballot and subsequent general elections shall be elected for a term of two  
25 (2) years.

26                   (B) If a majority of those voting on a question under  
27 subdivision (b)(3)(A) of this section do not approve the election of Justices  
28 of the Peace for a term of two (2) years, then a person elected to the office  
29 of Justice of the Peace at the next general election at which the office of  
30 Justice of the Peace appears on the ballot and subsequent general elections  
31 shall be elected for a term of four (4) years.

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

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

36                   The qualified electors of each county shall elect one (1) Sheriff, who

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

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

13 § 53. County officers ineligible to civil office.

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

- 17 (1) County judge;
- 18 (2) Justice of the Peace;
- 19 (3) Sheriff;
- 20 (4) Circuit clerk;
- 21 (5) County clerk;
- 22 (6) Assessor;
- 23 (7) Coroner;
- 24 (8) Treasurer;
- 25 (9) County Surveyor; or
- 26 (10) Collector of Taxes.

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

30 Election of county clerk.

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

1           SECTION 7. BALLOT TITLE AND POPULAR NAME. When this proposed  
2 amendment is submitted to the electors of this state on the general election  
3 ballot:

4                   (1) The title of this joint resolution shall be the ballot  
5 title; and

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

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