

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

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019

SJR 15

4
5 By: Senator A. Clark
6 By: Representative Dotson

SENATE JOINT RESOLUTION

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9 A CONSTITUTIONAL AMENDMENT TO BE KNOWN AS THE
10 "ARKANSAS TERM LIMITS AMENDMENT"; AN AMENDMENT TO THE
11 ARKANSAS CONSTITUTION CONCERNING THE TERMS SERVED BY
12 CERTAIN ELECTED CONSTITUTIONAL OFFICERS; REDUCING
13 TERM LIMITS FOR MEMBERS OF THE GENERAL ASSEMBLY AND
14 ESTABLISHING TERM LIMITS FOR JUSTICES OF THE SUPREME
15 COURT, JUDGES OF THE COURT OF APPEALS, CIRCUIT
16 JUDGES, AND DISTRICT JUDGES; AND PROVIDING THAT
17 FUTURE REVISIONS TO TERM LIMITS FOR THE GENERAL
18 ASSEMBLY AND THE JUDICIARY SHALL BE PROPOSED BY THE
19 GENERAL ASSEMBLY.

Subtitle

THE ARKANSAS TERM LIMITS AMENDMENT.

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22
23 BE IT RESOLVED BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE
24 STATE OF ARKANSAS, AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL
25 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

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



SECTION 1. LEGISLATIVE INTENT.

(a) The General Assembly finds that:

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

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

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

(b) The General Assembly finds that this proposed constitutional amendment addresses the subject of the terms served by certain elected constitutional officers by reducing the existing term limits for persons first elected to the General Assembly on or after January 1, 2021, establishing judicial term limits for judges first elected on or after January 1, 2021, and reserving the right to amend legislative and judicial term limits in the future to the General Assembly.

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

§ 2. Legislative Branch.

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

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

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

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

1 (ii) A partial legislative term served as a result
 2 of a special election to fill a vacancy in the General Assembly shall not be
 3 included in calculating the total number of consecutive years served by a
 4 member of the General Assembly first elected to the General Assembly on or
 5 after January 1, 2021.

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

9 § 6. Application.

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

14 (b) All laws and constitutional provisions which conflict with this
 15 Amendment are hereby repealed to the extent that they conflict with this
 16 amendment.

17
 18 SECTION 4. Arkansas Constitution, Amendment 73, is amended to add an
 19 additional section to read as follows:

20 § 7. Authority to propose amendments.

21 (a) The citizens of the State of Arkansas find that:

22 (1) While term limits play an important role in state
 23 government, they should be balanced by the need to maintain an experienced
 24 legislative branch that can serve as an effective check on the executive and
 25 judicial branches;

26 (2) Frequent amendments to legislative term limits initiated by
 27 special interests and others outside of the General Assembly weaken the
 28 legislative branch and impair the representation of Arkansas citizens; and

29 (3) The ability to amend legislative term limits in the future
 30 should be limited to a referral to the qualified electors of the state by the
 31 General Assembly to ensure that the legislative branch provides the citizens
 32 of the state with experienced representation and is immune from outside
 33 forces revising term limits in a manner that is not in the best interests of
 34 the state.

35 (b)(1) The power to propose an amendment to this Constitution
 36 amending or repealing term limits for members of the House of Representatives

1 or Senate is reserved to the General Assembly under Arkansas Constitution,
2 Article 19, § 22.

3 (2) The people of the State of Arkansas do not have authority
4 under Arkansas Constitution, Article 5, § 1, to propose an amendment to this
5 Constitution amending or repealing term limits for members of the House of
6 Representatives or Senate.

7
8 SECTION 5. Arkansas Constitution, Amendment 80, § 16, is amended to
9 read as follows:

10 § 16. Qualifications and terms of justices and judges.

11 (A)(1) Justices of the Supreme Court and Judges of the Court of
12 Appeals shall have been licensed attorneys of this state for at least eight
13 (8) years immediately preceding the date of assuming office. They shall serve
14 eight-year terms.

15 (2)(a)(i) A person first elected as a Justice of the Supreme
16 Court on or after January 1, 2021, shall not serve more than twelve (12)
17 consecutive years as a Justice of the Supreme Court.

18 (ii) A Justice of the Supreme Court under this
19 subdivision (A)(2) who serves twelve (12) or more consecutive years shall not
20 be eligible for subsequent service as a Justice of the Supreme Court until
21 four (4) years after the expiration of the last term of office for which he
22 or she was elected.

23 (b) A Justice of the Supreme Court under this subdivision
24 (A)(2) who completes his or her twelfth consecutive year of service during a
25 term of office for which he or she has been elected may serve until the
26 completion of that term of office.

27 (c) Service as an appointed Justice of the Supreme Court
28 to fill a vacancy shall be considered toward the twelve-year limitation under
29 this subdivision (A)(2).

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

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

35 (3)(a)(i) A person first elected as a Judge of the Court of
36 Appeals on or after January 1, 2021, shall not serve more than twelve (12)

1 consecutive years as a Judge of the Court of Appeals.

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

7 (b) A Judge of the Court of Appeals under this subdivision
 8 (A)(3) who completes his or her twelfth consecutive year of service during a
 9 term of office for which he or she has been elected may serve until the
 10 completion of that term of office.

11 (c) Service as an appointed Judge of the Court of Appeals
 12 to fill a vacancy shall be considered toward the twelve-year limitation under
 13 this subdivision (A)(3).

14 (d) A commission to serve as a Special Judge under § 13 of
 15 this amendment shall not be considered toward the twelve-year limitation
 16 under this subdivision (A)(3).

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

19 (B)(1) Circuit Judges shall have been licensed attorneys of this state
 20 for at least six (6) years immediately preceding the date of assuming office.
 21 They shall serve six-year term.

22 (2)(a)(i) A person first elected as a Circuit Judge on or after
 23 January 1, 2021, shall not serve more than twelve (12) consecutive years as a
 24 Circuit Judge.

25 (ii) A Circuit Judge under this subdivision (B)(2)
 26 who serves twelve (12) or more consecutive years shall not be eligible for
 27 subsequent service as a Circuit Judge until four (4) years after the
 28 expiration of the last term of office for which he or she was elected.

29 (b) A Circuit Judge under this subdivision (B)(2) who
 30 completes his or her twelfth consecutive year of service during a term of
 31 office for which he or she has been elected may serve until the completion of
 32 that term of office.

33 (c) Service as an appointed Circuit Judge to fill a
 34 vacancy shall be considered toward the twelve-year limitation under this
 35 subdivision (B)(2).

36 (d) Service as a Special Judge under § 13 of this

1 amendment shall not be considered toward the twelve-year limitation under
2 this subdivision (B)(2).

3 (e) This subdivision (B)(2) does not apply to a person
4 first elected as a Circuit Judge prior to January 1, 2021.

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

8 (2)(a)(i) A person first elected as a District Judge on or after
9 January 1, 2021, shall not serve more than twelve (12) consecutive years as a
10 District Judge.

11 (ii) A District Judge under this subdivision (C)(2)
12 who serves twelve (12) or more consecutive years shall not be eligible for
13 subsequent service as a District Judge until four (4) years after the
14 expiration of the last term of office for which he or she was elected.

15 (b) A District Judge under this subdivision (C)(2) who
16 completes his or her twelfth year of service during a term of office for
17 which he or she has been elected may serve until the completion of that term
18 of office.

19 (c) Service as an appointed District Judge to fill a
20 vacancy shall be considered toward the twelve-year limitation under this
21 subdivision (C)(2).

22 (d) Service as a Special Judge under § 13 of this
23 amendment shall not be considered toward the twelve-year limitation under
24 this subdivision (C)(2).

25 (e) This subdivision (C)(2) does not apply to a person
26 first elected as a District Judge prior to January 1, 2021.

27 (D) All Justices and Judges shall be qualified electors within the
28 geographical area from which they are chosen, and Circuit and District Judges
29 shall reside within that geographical area at the time of election and during
30 their period of service. A geographical area may include any county
31 contiguous to the county to be served when there are no qualified candidates
32 available in the county to be served.

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

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

5
6 SECTION 6. Arkansas Constitution, Amendment 80, is amended to add an
7 additional section to read as follows:

8 § 23. Authority to propose amendments.

9 (a) The citizens of the State of Arkansas find that:

10 (1) The term limits for Justices of the Supreme Court, Judges of
11 the Court of Appeals, Circuit Judges, and District Judges established under
12 this amendment should be balanced by the need to maintain an experienced
13 judicial branch that can serve as an effective check on the executive and
14 legislative branches;

15 (2) Frequent amendments to judicial term limits initiated by
16 special interests and others outside of the General Assembly would serve to
17 weaken the judicial branch and impair the representation of Arkansas
18 citizens; and

19 (3) The ability to amend judicial term limits in the future
20 should be limited to a referral to the qualified electors of the state by the
21 General Assembly to ensure that the judicial branch provides the citizens of
22 the state with experienced representation and is immune from outside forces
23 revising term limits in a manner that is not in the best interests of the
24 state.

25 (b)(1) The power to propose an amendment to this Constitution
26 amending or repealing the term limits for Justices of the Supreme Court,
27 Judges of the Court of Appeals, Circuit Judges, and District Judges
28 established under this amendment is reserved to the General Assembly under
29 Arkansas Constitution, Article 19, § 22.

30 (2) The people of the State of Arkansas do not have authority
31 under Arkansas Constitution, Article 5, § 1, to propose an amendment to this
32 Constitution amending or repealing the term limits for Justices of the
33 Supreme Court, Judges of the Court of Appeals, Circuit Judges, and District
34 Judges established under this amendment.

35
36 SECTION 7. This amendment shall be effective on and after January 1,

1 2021.

2
3 SECTION 8. BALLOT TITLE AND POPULAR NAME. When this proposed
4 amendment is submitted to the electors of this state on the general election
5 ballot:

6 (1) The title of this joint resolution shall be the ballot
7 title; and

8 (2) The popular name shall be "An Amendment to the Arkansas
9 Constitution Addressing Arkansas Term Limits by Reducing Term Limits for
10 Members of the General Assembly, Establishing Term Limits for Justices of the
11 Supreme Court, Judges of the Court of Appeals, Circuit Judges, and District
12 Judges, and Providing that Future Revisions to Term Limits for the General
13 Assembly and the Judiciary Be Proposed by the General Assembly".