

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

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003

HJR 1001

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5 By: Representative Ormond

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8 **HOUSE JOINT RESOLUTION**

9 PROPOSING AN AMENDMENT TO THE ARKANSAS
10 CONSTITUTION TO MODIFY THE TERM LIMITS FOR
11 MEMBERS OF THE ARKANSAS GENERAL ASSEMBLY; TO
12 ESTABLISH FOUR-YEAR TERMS OF OFFICE FOR ELECTED
13 COUNTY, MUNICIPAL, AND TOWNSHIP OFFICERS; TO
14 AUTHORIZE THE QUORUM COURT TO CREATE,
15 CONSOLIDATE, SEPARATE, REVISE, OR ABANDON ANY
16 ELECTIVE TOWNSHIP OFFICE EXCEPT DURING THE TERM
17 THEREOF; TO ESTABLISH TERM LIMITS AND SIX-YEAR
18 TERMS OF OFFICE FOR SUPREME COURT JUSTICES AND
19 COURT OF APPEALS JUDGES; TO ESTABLISH TERM LIMITS
20 AND FOUR-YEAR TERMS OF OFFICE FOR CIRCUIT AND
21 DISTRICT JUDGES; AND FOR OTHER PURPOSES.

22
23 **Subtitle**

24 MODIFY TERM LIMITS FOR THE GENERAL
25 ASSEMBLY; ESTABLISH FOUR-YEAR TERMS FOR
26 LOCAL OFFICIALS; ESTABLISH TERM LIMITS
27 AND TERMS OF OFFICE FOR THE SUPREME
28 COURT, COURT OF APPEALS, CIRCUIT COURT,
29 AND DISTRICT COURT.

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32 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-FOURTH 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 That the following is hereby proposed as an amendment to the
36 Constitution of the State of Arkansas, and upon being submitted to the

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

5
 6 SECTION 1. Section 6 of Article 8 of the Constitution of the State of
 7 Arkansas is amended to read as follows:

8 §6. Election of Senators and Representatives.

9 (a) At the next general election for State and County officers ensuing
 10 after any such apportionment under this article, Representatives and Senators
 11 shall be elected in accordance therewith, ~~Senators shall be elected~~
 12 ~~henceforth according to the apportionment now existing,~~ and their respective
 13 terms of office shall begin on January 1 next following. Representatives and
 14 Senators shall be elected for a term of four (4) years ~~at the expiration of~~
 15 ~~their present terms of office,~~ except that the term prior to an apportionment
 16 shall be a two-year term.

17 (b) Notwithstanding any provision of Amendment 23 of this Constitution
 18 to the contrary, following an apportionment the terms of office of Senators
 19 and Representatives shall not be modified for the purpose of staggering
 20 terms.

21
 22 SECTION 2. Section 2 of Amendment 73 of the Constitution of the State
 23 of Arkansas is amended to read as follows:

24 § 2. Legislative Branch.

25 (a) The Arkansas House of Representatives shall consist of members to
 26 be chosen every ~~second year~~ four (4) years by the qualified electors of the
 27 several ~~counties~~ districts except that at the general election immediately
 28 preceding apportionment, members shall be elected to a two-year term and at
 29 the next general election members shall be elected to a four-year term and
 30 then at the second succeeding general election, members shall be elected to a
 31 four-year term, and that routine shall be repeated during every ten-year
 32 cycle. No member of the Arkansas House of Representatives may serve more
 33 than ~~three such two year terms~~ ten (10) years in the House, except if at the
 34 expiration of a term of office the member has served eight (8) years in the
 35 House, the member is eligible to subsequently serve either a two-year term or
 36 a four-year term in the House.

1 (b) The Arkansas Senate shall consist of members to be chosen every
 2 four (4) years by the qualified electors of the several districts except that
 3 at the general election immediately preceding apportionment members shall be
 4 elected to a two-year term and at the next general election members shall be
 5 elected to a four-year term and then at the second succeeding general
 6 election members shall be elected to a four-year term and that routine shall
 7 be repeated during every ten-year cycle. No member of the Arkansas Senate
 8 may serve more than ~~two such four-year terms~~ ten (10) years in the Senate
 9 except if at the expiration of a term of office the member has served eight
 10 (8) years in the Senate, the member is eligible to subsequently serve either
 11 a two-year term or a four-year term in the Senate.

12 (c)(1)(A) A partial term is not counted when determining whether a
 13 Senator or Representative has served the maximum number of years allowed by
 14 law.

15 (B) A partial term is the remainder of any term resulting
 16 from:

- 17 (i) Resignation;
- 18 (ii) Removal;
- 19 (iii) Expulsion;
- 20 (iv) Death; or
- 21 (v) Disability.

22 (2) Service in the Arkansas House of Representatives or the
 23 Arkansas Senate before January 1, 1993, is not counted when determining
 24 whether a Senator or Representative has served the maximum number of years
 25 allowed by law.

26 (3) All service in the Arkansas House of Representatives after
 27 December 31, 1992, is counted when determining whether a Representative has
 28 served the maximum number of years in the House as allowed by law.

29 (4) All service in the Arkansas Senate after December 31, 1992,
 30 is counted when determining whether a Senator has served the maximum number
 31 of years in the Senate as allowed by law.

32
 33 SECTION 3. Section 19 of Article 7 of the Constitution of the State of
 34 Arkansas is amended to read as follows:

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

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

10
 11 SECTION 4. Section 29 of Article 7 of the Constitution of the State of
 12 Arkansas is amended to read as follows:

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

14 The judge of the county court shall be elected by the qualified
 15 electors of the county for the term of ~~two~~ four (4) years. ~~He~~ The judge of
 16 the county court shall be at least twenty-five (25) years of age, a citizen
 17 of the United States, ~~a man~~ of upright character, of good business education
 18 and a resident of the State for two years before ~~his~~ the election, and a
 19 resident of the county at the time of ~~his~~ the election and during his or her
 20 continuance in office.

21
 22 SECTION 5. Section 46 of Article 7 of the Constitution of the State of
 23 Arkansas is amended to read as follows:

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

25 The qualified electors of each county shall elect one sheriff, who
 26 shall be ex-officio collector of taxes, unless otherwise provided by law; one
 27 assessor, one coroner, one treasurer, who shall be ex-officio treasurer of
 28 the common school fund of the county, and one county surveyor, for the term
 29 of ~~two~~ four (4) years, with such duties as are now or may be prescribed by
 30 law. Provided, that no per centum shall ever be paid to assessors upon the
 31 valuation or assessment of property by them.

32
 33 SECTION 6. Section 2 of Amendment 55 of the Constitution of the State
 34 of Arkansas is amended to read as follows:

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

36 (a) No county's Quorum Court shall be comprised of fewer than nine (9)

1 justices of the peace, nor comprised of more than fifteen (15) justices of
 2 the peace. The number of justices of the peace that comprise a county's
 3 Quorum Court shall be determined by law. Justices of the peace shall be
 4 elected for four-year terms of office except that the term prior to an
 5 apportionment shall be a two-year term. The county's Election Commission
 6 shall, after each decennial census, divide the county into convenient and
 7 single member districts so that the Quorum Court shall be based upon the
 8 inhabitants of the county with each member representing, as nearly as
 9 practicable, an equal number thereof.

10 (b) The Quorum Court may create, consolidate, separate, revise, or
 11 abandon any elective county office or offices except during the term thereof;
 12 provided, however, that a majority of those voting on the question at a
 13 general election have approved said action. The Quorum Court may create,
 14 consolidate, separate, revise, or abandon any elective township office or
 15 offices except during the term thereof.

16
 17 SECTION 7. Section 47 of Article 7 of the Constitution of the State of
 18 Arkansas is amended to read as follows:

19 § 47. Constables - Term of office - Certificate of election.
 20 The qualified electors of each township shall elect the constable for the
 21 term of ~~two years~~ four (4) years, who shall be furnished by the presiding
 22 judge of the county court with a certificate of election, on which his
 23 official oath shall be indorsed.

24
 25 SECTION 8. Article 12 of the Constitution of the State of Arkansas is
 26 amended to add an additional section to read as follows:

27 §13. Term of office for municipal officers.

28 (a) All elected officers of cities, towns, and municipal corporations
 29 shall be elected to four-year terms of office.

30 (b) All elected members of the governing bodies of cities, towns, and
 31 municipal corporations shall be elected to four-year terms of office except
 32 that as to any member not elected at-large the term prior to an apportionment
 33 shall be a two-year term.

34
 35 SECTION 9. Section 38 of Article 7 of the Constitution of the State of
 36 Arkansas is repealed.

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

2 ~~The qualified electors of each township shall elect the justices of the peace~~
 3 ~~for the term of two years, who shall be commissioned by the Governor, and~~
 4 ~~their official oath shall be indorsed on the commission.~~

5
 6 SECTION 10. Section 16 of Amendment 80 of the Constitution of the
 7 State of Arkansas is amended to read as follows:

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

9 (A) Justices of the Supreme Court and Judges of the Court of Appeals
 10 shall have been licensed attorneys of this state for at least eight years
 11 immediately preceding the date of assuming office. They shall serve ~~eight~~
 12 ~~year terms~~ six-year terms. No justice or judge shall serve more than two (2)
 13 six-year terms. However, those justices and judges serving on January 1,
 14 2005 may be elected to one (1) six-year term, unless at the end of his or her
 15 current term, the justice or judge will have served at least twelve (12)
 16 years.

17 (B) Circuit Judges shall have been licensed attorneys of this state
 18 for at least six years immediately preceding the date of assuming office.
 19 They shall serve ~~six-year terms~~ four-year terms. No judge shall serve more
 20 than three (3) four-year terms. However, those judges serving on January 1,
 21 2005 may be elected to two (2) four-year terms, unless at the end of his or
 22 her current term, the judge will have served at least twelve (12) years.

23 (C) District Judges shall have been licensed attorneys of this state
 24 for at least four years immediately preceding the date of assuming office.
 25 They shall serve four-year terms. No judge shall serve more than three (3)
 26 four-year terms. However, those judges serving on January 1, 2005 may be
 27 elected to two (2) four-year terms.

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

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

1 Judges are selected or elected. Salaries of Circuit Judges shall be uniform
2 throughout the state.

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

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8 SECTION 11. This amendment becomes effective on January 1, 2005.

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