

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas *As Engrossed: H2/26/15 H3/10/15 H3/30/15 H4/1/15*
90th General Assembly
Regular Session, 2015

HJR 1027

By: Representatives Ladyman, *Branscum*

HOUSE JOINT RESOLUTION

PROPOSING AN AMENDMENT TO THE ARKANSAS CONSTITUTION CONCERNING ELECTED OFFICIALS; PROVIDING FOR TERMS OF OFFICE FOR CERTAIN COUNTY OFFICIALS FOR FOUR (4) YEARS; PROVIDING THAT CERTAIN COUNTY OFFICERS SHALL NOT BE APPOINTED OR ELECTED TO A CIVIL OFFICE DURING THEIR ELECTED TERM; ALLOWING A CANDIDATE FOR AN OFFICE TO BE CERTIFIED AS ELECTED WITHOUT APPEARING ON THE BALLOT WHEN HE OR SHE IS THE ONLY CANDIDATE FOR THE OFFICE AT THE ELECTION; AND DEFINING THE TERM "INFAMOUS CRIME" FOR THE PURPOSE OF DETERMINING THE ELIGIBILITY OF ELECTED OFFICIALS TO HOLD OFFICE.

Subtitle

PROPOSING AN AMENDMENT TO THE ARKANSAS CONSTITUTION CONCERNING THE TERMS, ELECTION, AND ELIGIBILITY OF ELECTED OFFICIALS.

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

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



the State of Arkansas, to wit:

SECTION 1. Arkansas Constitution, Article 3, is amended to add an additional section to read as follows:

§ 13. Procedures for elections with one candidate.

(a) As used in this section, "election" means:

- (1) A primary election;*
- (2) A special primary election;*
- (3) A general election; and*
- (4) A special election.*

(b) The General Assembly may enact laws providing that if there is only one (1) person qualified as a candidate for an office after all deadlines for filing as a candidate have passed so that there will be only one (1) name listed on the election ballot for the office and no write-in candidates qualify to appear as candidates for the office on the election ballot:

- (1) The one (1) candidate for the office shall be declared elected and his or her name shall not appear on the election ballot;*
- (2) The name of the candidate declared elected shall be certified as elected in the same manner as if the candidate had been voted upon at the election; and*
- (3) The election shall not be held if no other office or issue is on the election ballot.*

SECTION 2. Arkansas Constitution, Article 5, § 9, is amended to read as follows:

§ 9. Persons convicted ineligible.

(a) No person ~~hereafter~~ convicted of embezzlement of public money, bribery, forgery, or other infamous crime, shall be is eligible to the General Assembly or capable of holding any office of trust or profit in this State state.

(b) As used in this section, "infamous crime" means:

- (1) A felony offense;*
- (2) Abuse of office as defined under Arkansas law;*
- (3) Tampering as defined under Arkansas law; or*
- (4) A misdemeanor offense in which the finder of fact was*

required to find, or the defendant to admit, an act of deceit, fraud, or false statement, including without limitation a misdemeanor offense related to the election process.

SECTION 3. Arkansas Constitution, Article 7, § 19, is amended to read as follows:

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

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

SECTION 4. Arkansas Constitution, Article 7, § 29, is amended to read as follows:

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

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

SECTION 5. Arkansas Constitution, Article 7, § 46, 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~~ sheriff, who shall be ~~ex-officio~~ ex officio collector of taxes, unless otherwise provided by law; one (1) ~~Assessor~~ assessor, one (1) ~~Coroner~~ coroner, one (1) ~~Treasurer~~ treasurer, who shall be ~~ex-officio~~ ex officio

treasurer of the common school fund of the county, and one (1) County Surveyor; county surveyor for the term of ~~two~~ four (4) years, with such duties as are now or may be prescribed by law. ~~Provided,~~ 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 6. Arkansas Constitution, Article 7, is amended to add an additional section to read as follows:

§ 53. County officers ineligible to civil office.

A person elected or appointed to any of the following county offices shall not, during the term for which he or she has been elected, be appointed or elected to any civil office in 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 7. Arkansas Constitution, Amendment 41, is amended to read as follows:

Election of county clerk.

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

SECTION 8. EFFECTIVE DATE. (a) This amendment shall be effective on and after January 1, 2017.

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

- (1) County judge;
- (2) Sheriff;
- (3) Circuit clerk;
- (4) County clerk;
- (5) Assessor;
- (6) Coroner;
- (7) Treasurer;
- (8) County surveyor; and
- (9) Collector of taxes.

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

- (1) County judge;
- (2) Sheriff;
- (3) Circuit clerk;
- (4) County clerk;
- (5) Assessor;
- (6) Coroner;
- (7) Treasurer;
- (8) County surveyor; and
- (9) Collector of taxes.

SECTION 9. BALLOT TITLE AND POPULAR NAME. When this proposed amendment is submitted to the electors of this state on the general election ballot:

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

(2) The popular name shall be "PROPOSING AN AMENDMENT TO THE ARKANSAS CONSTITUTION CONCERNING THE TERMS, ELECTION, AND ELIGIBILITY OF ELECTED OFFICIALS".

/s/Ladyman