

State of Arkansas
93rd General Assembly
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A Bill

SENATE BILL 20

By: Senator D. Wallace
By: Representative Tosh

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING VACANCY,
SUSPENSION, AND REMOVAL PROCEDURES FOR COUNTY
ELECTIVE, COUNTY QUORUM COURT DISTRICT, AND TOWNSHIP
OFFICERS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING
VACANCY, SUSPENSION, AND REMOVAL
PROCEDURES FOR COUNTY ELECTIVE, COUNTY
QUORUM COURT DISTRICT, AND TOWNSHIP
OFFICERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 14-14-1308 is amended to read as follows:
14-14-1308. Vacancy in office.

A county elective, county quorum court district, or township office
~~shall be considered~~ is vacant if any one (1) of the following conditions
exists:

- (1) The incumbent fails to meet the qualifications for office prescribed by law as evidenced by failure to be commissioned;
- (2) The incumbent refuses or neglects to take and subscribe to the official oath required by law as evidenced by failure to be commissioned;
- (3) The incumbent refuses, neglects, or for any other reason fails to secure an official bond required by law as evidenced by failure to be commissioned;



- (4) The incumbent resigns;
- (5) The incumbent ceases to meet any residence requirements for office;
- (6) The incumbent is removed from office by a judicial proceedings proceeding;
- (7) The election or appointment of the incumbent is declared void by a judicial proceeding;
- (8) The incumbent is convicted of a felony, incompetency, corruption, gross immorality, criminal conduct, malfeasance, misfeasance, or nonfeasance in office by a judicial proceedings proceeding;
- (9) The incumbent ceases to discharge the duties of his or her office for a period of three (3) months, except ~~when prevented by sickness or excused by a quorum court through resolution~~ if:
- (A) Prevented by sickness;
 - (B) Excused by quorum court resolution; or
 - (C) The incumbent is suspended from office by a judicial proceeding under § 21-12-301;
- (10) The incumbent is declared to be of unsound mind by a judicial proceedings proceeding;
- (11) The quorum court determines that the incumbent has become disabled to the degree that he or she cannot perform the duties of his or her office;
- (12) The incumbent holds more than one (1) office or position in conflict with the provisions of Arkansas Constitution, Article 4, § 2, or Arkansas Constitution, Article 19, § 6;
- (13) The quorum court separates elective offices as provided by law; or
- (14) The incumbent dies.

SECTION 2. Arkansas Code § 14-14-1310(a), concerning the fulfillment of vacancies in county elective offices, is amended to read as follows:

(a)(1) County Elective Offices. Vacancies in all county elective offices shall be filled by the county quorum court within thirty (30) days of the declaration of the vacancy through the process of resolution as prescribed by law.

(2) Eligibility Requirements and Term of Office.

(A) Qualifications. All officers appointed to fill a vacant county elective office shall meet all of the requirements for election to that office.

(B) Requirements. All officers appointed by a quorum court shall subscribe to the oath of office, be commissioned, and be bonded as prescribed by law.

(C)(i)(a) Persons Ineligible for Appointment. Any member of the quorum court shall be ineligible for appointment to fill any vacancy occurring in any county office, and resignation shall not remove the ineligibility.

(b) ~~Husbands and wives~~ Spouses of justices of the peace and relatives of the justices or their ~~husbands and wives~~ spouses within the fourth degree of consanguinity or affinity shall likewise be ineligible.

(ii) Any county elected officer who resigns during a term of office shall be ineligible for appointment to any county elective office during the term for which he or she resigned.

(D)(i) Term of Office. All officers so appointed shall serve for the entire unexpired term in the office in which the vacancy occurs, or until their a successor is elected and qualified.

(ii) A county elective officer shall serve a term of four (4) years.

(E) Successive Terms of Appointed Officer Prohibited. A person appointed to fulfill a vacant or unexpired term of an elective county office shall not be eligible for appointment or election to succeed himself or herself.

SECTION 3. Arkansas Code § 21-12-301 is amended to read as follows:

21-12-301. Suspension upon charge of shortage of county funds.

(a)(1) ~~Whenever any~~ If an information, presentment, or indictment shall be is filed in any a circuit court of ~~this state~~ against ~~any county a~~ county elective, county quorum court district, or township officer on ~~any a~~ charge involving a shortage of county funds in his or her office ~~when the shortage has been~~ reported by Arkansas Legislative Audit, the circuit court shall ~~immediately~~ order that the officer be immediately suspended from his or her office ~~until the information or indictment is tried~~ during the pendency

of the judicial proceeding.

~~(2) The suspension shall not extend beyond the next term after the information or indictment is filed in the circuit court, unless the cause is continued on the application of the defendant.~~

~~(b)(1) Whenever any such~~ If a county elective, county quorum court district, or township officer is confined in a jail on a charge involving jailed in connection with a shortage of county funds in his or her office when the shortage has been reported by Arkansas Legislative Audit, he or she shall be suspended immediately from office during the pendency of the judicial proceeding by the circuit court upon the filing of information of the imprisonment.

~~(2) The suspension shall last until the officer is discharged from prison by due process of law, on bail, or otherwise.~~

SECTION 4. Arkansas Code § 21-12-302 is amended to read as follows:
21-12-302. Removal for conviction of certain offenses.

(a) Upon conviction of ~~any county~~ a county elective, county quorum court district, or township officer for an offense involving incompetency, corruption, gross immorality, criminal conduct amounting to a felony, malfeasance, misfeasance, or nonfeasance in office, ~~a part of the sentence of the:~~

~~(1) The circuit court having jurisdiction shall be to remove such the officer from office;~~ and

~~(b) The clerk of the court at the close of the term~~ (2) The circuit clerk shall transmit to the Governor a certified transcript copy of the judgment of the circuit court and the information, presentment, or indictment, with the judgment of the court thereon to the Governor, county judge, and county clerk.

~~(c)(b)~~ The vacancy shall be filled as may be prescribed by law at the time the vacancy occurs.

SECTION 5. Arkansas Code § 21-12-303 is amended to read as follows:
21-12-303. Appointment of temporary replacement.

(a) ~~Whenever any county~~ If a county quorum court district or township officer is suspended from office on account of any information or indictment pending against him or her under § 21-12-301, the Governor ~~may~~ shall

~~temporarily appoint an officer in his or her place who shall hold the office until the disability of the officer so suspended is removed, or an election to fill the vacancy occurs, in case there is a judgment of removal:~~

(1) Until the suspension is lifted; or

(2) For the remainder of the term.

~~(b) Should a vacancy occur in the office of sheriff or clerk during the session of any court of record, the court may appoint some competent person to perform, temporarily, the duties of the office until the Governor makes an appointment as required by this section. If a county elective officer is suspended from office under § 21-12-301, within thirty (30) days of the order of suspension the county quorum court shall temporarily appoint an officer in his or her place who shall hold the office:~~

(1) Until the suspension is lifted; or

(2) For the remainder of the term.