

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

# A Bill

SENATE BILL 744

5 By: Senator M. Lamoureux  
6

## For An Act To Be Entitled

8 AN ACT TO PROVIDE FOR THE APPOINTMENT OF JUDGES TO  
9 THE COURT OF APPEALS BASED UPON A MERIT SELECTION  
10 SYSTEM SUBJECT TO APPROVAL BY THE VOTERS; AND FOR  
11 OTHER PURPOSES.  
12  
13

## Subtitle

14 TO PROVIDE FOR THE APPOINTMENT OF JUDGES  
15 TO THE COURT OF APPEALS BASED UPON A  
16 MERIT SELECTION SYSTEM SUBJECT TO  
17 APPROVAL BY THE VOTERS.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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### SECTION 1. Legislative findings.

23 The General Assembly of the State of Arkansas finds that:

24 (1) Members of the judicial branch of government shall be  
25 impartial;

26 (2) There is a growing desire to assist the judicial branch by  
27 enhancing the impartiality of the judiciary; and

28 (3) It is important to maintain the integrity of an impartial  
29 judicial branch.  
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### SECTION 2. Authorization.

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32 Section 18 of Amendment 80 of the Arkansas Constitution authorizes the  
33 General Assembly to refer to the people the selection of judges to the Court  
34 of Appeals through a merit selection system at a general election.  
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SECTION 3. Election.

(a) Findings. The selection of judges to the Court of Appeals may be based upon a merit selection system upon a majority of the electors of the state voting on the issue at the next general election and voting "For" the selection of judges to the Court of Appeals based upon a merit selection system.

(b) Certification of measure. The Secretary of State shall certify to the county board of election commissioners of each county the measure provided in subsection (d) of this section to appear on the ballot at the next general election.

(c) Publication. The measure provided in subsection (d) of this section shall be published in the same manner as provided in Arkansas Code §§ 7-9-113 and 7-5-206.

(d) Ballot.

(1) The ballot title shall be in the following form:

"TO AUTHORIZE THE GENERAL ASSEMBLY TO ESTABLISH A MERIT SELECTION SYSTEM FOR THE APPOINTMENT OF JUDGES TO THE COURT OF APPEALS."

(2) The ballot title shall be followed by these words:

"[ ] FOR authorizing the General Assembly to establish a merit selection system for the appointment of judges to the Court of Appeals.

[ ] AGAINST authorizing the General Assembly to establish a merit selection system for the appointment of judges to the Court of Appeals."

SECTION 4. Upon approval by the voters at the 2012 election, the General Assembly shall enact legislation to create a merit selection system that shall include the creation of a judicial nominating commission.