



STATE OF ARKANSAS
OFFICE OF THE ATTORNEY GENERAL
JUSTICE BUILDING, LITTLE ROCK 72201

STEVE CLARK
ATTORNEY GENERAL

(501) 371-2007

OPINION NO. 86-46
March 13, 1986

Mr. G.T. Blackman
Bradley County Election Commission
Route 1, Box 230
Warren, AR 71671

Dear Mr. Blackman:

This is in response to your request for an opinion concerning Ark. Stat. Ann. §§22-375 and 22-375.2. Section 22-375 created one additional circuit judgeship and one additional chancery judgeship for the tenth judicial district. §22-375.2 authorizes the circuit and chancery judges of the Tenth Circuit to exchange circuits and try matters in each others courts.

The question you have posed is whether the Election Commission should accept the filing fee of the appointed circuit judge if he chooses to file for the newly created chancery judgeship insomuch as the judges could have by agreement, changed courts at any time. I am aware of Amendment 29 of the Arkansas Constitution which prohibits an appointee from running to succeed himself. However, in this particular case should the appointed circuit judge choose to file for the newly created chancery judgeship he would not be attempting to succeed himself. Even though §22-375.2 authorizes circuit and chancery judges of the tenth circuit to exchange circuits and try matters in each others courts, it is my understanding that the circuit judge was commissioned as circuit judge only.

For the foregoing reasons, the Bradley County Election Commission should accept the circuit judge's filing fee should he choose to file for the chancery judgeship.

The foregoing opinion, which I hereby approve, was prepared by Assistant Attorney General E. Jeffery Story.

Sincerely,

A handwritten signature in dark ink, appearing to read "Steve Clark", written in a cursive style.

STEVE CLARK
Attorney General

SC/EJS/ljm