

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**  
4 **By: Representative Flanagin**

# A Bill

**HOUSE BILL**

## **For An Act To Be Entitled**

8 "AN ACT TO AUTHORIZE CITIES OF THE FIRST CLASS WITH THE  
9 MAYOR-COUNCIL FORM OF GOVERNMENT TO PROVIDE BY ORDINANCE  
10 THAT THE OFFICE OF CITY CLERK MAY BE FILLED BY APPOINTMENT  
11 INSTEAD OF ELECTION IF THE ELECTORS OF THE CITY HAVE  
12 APPROVED THE CHANGE BY MAJORITY VOTE AT A GENERAL  
13 ELECTION; AND FOR OTHER PURPOSES."

14  
15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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17 SECTION 1. (a) Notwithstanding Arkansas Code §§14-43-303, 14-43-313,  
18 14-43-316, 14-43-317, or any other law to the contrary, the city council of  
19 cities of the first class which have the mayor-council form of government may,  
20 by ordinance, provide that the office of city clerk or clerk-treasurer be  
21 filled by appointment by the mayor, instead of by election, and subject to  
22 confirmation by the city council if the electors of the city have approved the  
23 adoption of the proposed change by majority vote at a general election.

24 (b) If the city council shall adopt such an ordinance, the question of  
25 changing the office of city clerk or, where combined, clerk-treasurer to an  
26 appointive office shall be submitted to the electors of the city at the  
27 general election next following the adoption of the ordinance. At the  
28 election on the question of whether to change the office of city clerk or  
29 clerk-treasurer to an appointive office, the ballot shall contain the  
30 following question:

31 FOR changing the Office of City Clerk (or Clerk-Treasurer) to an  
32 appointive office.

33 AGAINST changing the Office of City Clerk (or Clerk-Treasurer) to  
34 an appointive office.

35 (c) If a majority of the votes cast are in favor of the question of

1 changing the office of city clerk or clerk-treasurer to an appointive office,  
2 then the ordinance proposing the change shall become effective on January 1  
3 following the general election at which the question was approved by the  
4 electors, or, if the term of the current city clerk is not complete, on  
5 January 1 two (2) years following the general election at which the question  
6 was approved by the electors.

7 (d) The incumbent city clerk in any city having proposed the change and  
8 the question having been approved by the electors may continue to serve as  
9 clerk and receive the salary and perform the duties until his or her successor  
10 is appointed and confirmed.

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12 SECTION 2. All provisions of this Act of a general and permanent nature  
13 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
14 Revision Commission shall incorporate the same in the Code.

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16 SECTION 3. Severability. In the event any provision of this act is  
17 declared or adjudged to be invalid or unconstitutional, such declaration or  
18 adjudication shall not affect the remaining portions of this act which can be  
19 given effect without the invalid or unconstitutional provision. The remaining  
20 portions of this act shall remain in full force and effect as if the portion  
21 declared or adjudged invalid or unconstitutional was not originally a part of  
22 the act.

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24 SECTION 4. All laws and parts of laws in conflict with this Act are  
25 hereby repealed.

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27 SECTION 5. Emergency. It is hereby found and determined by the  
28 Seventy-Eighth General Assembly of State of Arkansas that cities with a mayor-  
29 council form of government should have the discretion to decide whether the  
30 office of city clerk or, in cities which have combined the offices, the office  
31 of clerk-treasurer should be an elected position or an appointed position;  
32 that this act grants those cities that authority; and that this act should go  
33 into effect immediately in order to authorize the city councils to adopt an  
34 ordinance changing from elected city clerks to appointed city clerks as soon  
35 as possible and thereby give adequate notice to persons who may be serving in

1 those offices. Therefore, an emergency is hereby declared to exist and this  
2 Act being immediately necessary for the preservation of the public peace,  
3 health and safety shall be in full force and effect from and after its passage  
4 and approval.

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