

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**

# A Bill

**HOUSE BILL**

4 **By: Reps. Flanagan, Tullis and Brown**

5

6

7

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

8 "AN ACT TO REPEAL ARKANSAS CODE 14-42-206 CONCERNING  
9 MUNICIPAL PRIMARY ELECTIONS; TO ALLOW MUNICIPALITIES WITH  
10 THE MAYOR-COUNCIL FORM OF GOVERNMENT TO CONDUCT A PARTY  
11 PRIMARY ON THE SAME DATE AS THE PREFERENTIAL PRIMARY FOR  
12 OTHER OFFICES; AND FOR OTHER PURPOSES."

13

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

15

16 SECTION 1. Arkansas Code 14-42-206 is repealed.

17

18 SECTION 2. (a) The city or town council of any city or town with the  
19 mayor-council form of government, by resolution passed before January 1 of the  
20 year of the election, may request the county party committees of recognized  
21 political parties under the laws of the state to conduct party primaries for  
22 municipal offices for the forthcoming year. When the resolution has been  
23 adopted, the clerk or recorder shall mail a certified copy of the resolution  
24 to the chairmen of the county party committees and to the chairmen of the  
25 state party committees. Candidates nominated for municipal office by  
26 political primaries under this section shall be certified by the county party  
27 committees to the county board of election commissioners and shall be placed  
28 on the ballot at the general election ballot.

29 (b) (1) Any person desiring to become an independent candidate for  
30 municipal office in cities and towns with the mayor-council form of government  
31 shall, not more than eighty (80) days nor less than sixty (60) days prior to  
32 the general election, file with the county board of election commissioners  
33 their petition of nomination in substantially the following forms:

34 (for all candidates except aldermen in cities of the first and second  
35 class)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

PETITION OF NOMINATION

TO THE COUNTY BOARD OF ELECTION COMMISSIONERS

We the undersigned qualified electors of the city (town) of \_\_\_\_\_, Arkansas, being in number not less than ten (10) nor more than fifty (50), do hereby petition that the name of \_\_\_\_\_ be placed on the ballot for the office of \_\_\_\_\_ at the next election of municipal officials in 19\_\_\_\_.

(for all candidates for aldermen in cities of the first and second class)

PETITION OF NOMINATION

TO THE COUNTY BOARD OF ELECTION COMMISSIONERS

We the undersigned qualified electors of Ward \_\_\_\_\_ of the city of \_\_\_\_\_, Arkansas, being in number not less than ten (10) nor more than fifty (50), do hereby petition that the name of \_\_\_\_\_ be placed on the ballot for the office of Alderman, Ward \_\_\_\_\_, position, of the next election of municipal officials in 19\_\_\_\_.

NAME	ADDRESS	VOTING PRECINCT
_____		

(2) Independent candidates for municipal office shall file a political practice pledge no later than sixty (60) days prior to the date of the general election.

(c) (1) (A) If no candidate receives a majority of the votes cast in the general election, the two (2) candidates receiving the highest number of votes cast for the office to be filled shall be the nominees for the respective offices, to be voted upon in a runoff election pursuant to §7-5-106.

(B) In any case, except for the office of mayor, in which only one (1) candidate shall have filed and qualified for the office, the candidate shall be declared elected and the name of the person shall be certified as elected without the necessity of putting the person's name on the general election ballot for the office.

(2) (A) If the office of mayor is unopposed, then the candidate for mayor shall be printed on the general election ballot and the votes for

1 mayor shall be tabulated as in all contested races.

2           (3) Any municipal judge position that is elected other than  
3 citywide will not be affected by this section.

4           (d) Special elections for mayors in cities of the first class and other  
5 special elections of officials required by law in cities and towns shall use  
6 the procedure in this section.

7

8           SECTION 3. (a) Nothing in this act shall repeal Arkansas Code 7-1-107  
9 which allows municipalities to require independent candidates to file before  
10 the preferential primary election.

11           (b) Nothing in this section shall repeal any law pertaining to the city  
12 administrator form of government or the city manager form of government.

13

14           SECTION 4. All provisions of this act of a general and permanent nature  
15 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
16 Revision Commission shall incorporate the same in the Code.

17

18           SECTION 5. If any provision of this act or the application thereof to  
19 any person or circumstance is held invalid, such invalidity shall not affect  
20 other provisions or applications of the act which can be given effect without  
21 the invalid provision or application, and to this end the provisions of this  
22 act are declared to be severable.

23

24           SECTION 6. All laws or parts of laws in conflict with this act are  
25 hereby repealed.

26

27

28

29

30

31

32

33

34

35

1

2

3