

.As Engrossed: 10/18/95

1 **State of Arkansas**
2 **80th General Assembly**
3 **First Extraordinary Session, 1995**
4 **By: Senator Dowd**

A Bill **ACT 8 OF 1995** CALL ITEM #6
SENATE BILL 7

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7 **For An Act To Be Entitled**

8 "AN ACT TO ALLOW CERTAIN CITIES WITH THE CITY MANAGER FORM
9 OF GOVERNMENT TO IMPLEMENT A REORGANIZATION PLAN AT A
10 SPECIAL ELECTION; AND FOR OTHER PURPOSES."

11
12 **Subtitle**

13 "AN ACT TO ALLOW CERTAIN CITIES WITH THE
14 CITY MANAGER FORM OF GOVERNMENT TO
15 IMPLEMENT A REORGANIZATION PLAN AT A
16 SPECIAL ELECTION."

17
18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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20 SECTION 1. (a) This act applies only to a city with the city manager
21 *form of government in which the Arkansas city is divided by a street state*
22 *line from an incorporated city or town in an adjoining state and the city or*
23 *town in the adjoining state is of greater population than the Arkansas city or*
24 *town meeting the following criteria:*

25 (1) a special election was held approving the reorganization of
26 the city under the option providing for the election of a mayor at-large and
27 members of the board of directors from wards; and

28 (2) the election approving the option was held after the 1992
29 general election and before the 1994 general election but was not implemented
30 at the 1994 general election.

31
32 SECTION 2. (a) A city meeting the criteria of Section 1 of this act
33 shall be divided into six (6) wards by the county board of election
34 commissioners within ten (10) days after the effective date of this act. Each
35 ward shall be composed of contiguous territory and of substantially equal
36 population. The county board of election commissioners shall designate each

1 ward by number.

2 (b)(1) Within five (5) days after the county board of election
3 commissioners divides the city into wards, the mayor shall, by proclamation,
4 call a special election to be held not less than sixty (60) days nor more than
5 ninety (90) days after the date of the proclamation.

6 (2) The proclamation shall be published at length in a legal
7 newspaper having general circulation in the city, and notice of the election
8 shall be published in a legal newspaper having general circulation in the city
9 once a week for two (2) weeks, the first publication to be not less than forty
10 (40) days before the date set for the election. No other notice of the
11 election is required.

12 (c)(1) The name of each candidate for mayor shall be supported by a
13 petition, signed by at least fifty (50) qualified electors of the
14 municipality, requesting the candidacy of the candidate. The name of each
15 candidate for director shall be supported by a petition, signed by at least
16 fifty (50) qualified electors of the ward, requesting the candidacy of the
17 candidate. The petition supporting the candidacy of each candidate to be
18 voted upon at the special election shall be filed with the city clerk or
19 recorder not less than forty (40) days before the election by twelve o'clock
20 noon.

21 (2) The petition shall show the residence address of each signer
22 and shall carry an affidavit signed by one (1) or more persons, in which the
23 affiant or affiants shall vouch for the eligibility of each signer of the
24 petition.

25 (3) Petitions shall be substantially in the following forms.

26 (A) For candidates for mayor:

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28 "PETITION OF NOMINATION

29 We, the undersigned qualified electors of the city of _____,
30 Arkansas, do hereby petition that the name of _____ be placed on the
31 ballot for the office of mayor at the special election to be held on the ____
32 day of _____, 19____. We further state that we know the person to be a
33 qualified elector of the city and a person of good moral character and
34 qualified in our judgment for the duties of such office."

35

1 (B) For candidates, other than for mayor:

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"PETITION OF NOMINATION

4 We, the undersigned qualified electors of Ward _____ of the city of
5 _____, Arkansas, do hereby petition that the name of
6 _____ be placed on the ballot for the office of director, Ward
7 _____ at the special election to be held on the ____ day of _____,
8 19____. We further state that we know the person to be a qualified elector of
9 the ward and a person of good moral character and qualified in our judgment
10 for the duties of such office."

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12 (4) A petition for nomination shall not show the name of more
13 than one (1) candidate.

14 (5) The name of the candidate mentioned in each petition shall be
15 certified by the city clerk or recorder to the county board of election
16 commissioners not less than thirty-five (35) days before the election unless
17 the clerk or recorder finds that the petition fails to meet the requirements
18 of this act.

19 (d) Except as otherwise provided by this act, the election shall be
20 conducted, the vote canvassed, and the result thereof declared in the same
21 manner as provided by law in respect to other city elections.

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23 SECTION 3. Upon election the mayor and board shall divide into two (2)
24 classes, and the tenure of office of those in each class shall be as follows:

25 (1) Three (3) directors, determined by lot, shall be Class 1 positions
26 and shall serve until January 1 following the first general election held
27 after their term of office commences and until their successors have been
28 elected and qualified. Thereafter, those in Class 1 shall serve four-year
29 terms.

30 (2) Three (3) directors, determined by lot, and the mayor shall be
31 Class 2. Class 2 directors shall serve until January 1 following the second
32 general election held after their term of office commences and until their
33 successors have been elected and qualified. Thereafter, those in Class 2
34 shall serve four-year terms.

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1 SECTION 4. (a) The term of office for the mayor and directors elected
2 at the special election shall begin immediately upon the certification of the
3 results of the election to the city clerk or recorder by the county board of
4 election commissioners. The term of office of the mayor and director serving
5 on the effective date of this act shall expire upon the certification of the
6 results of the election to the city clerk or recorder by the county board of
7 election commissioners.

8 (b) The mayor and each director elected at the special election, before
9 entering upon the discharge of his or her duties, shall take the oath of
10 office required by the Arkansas Constitution, Article 19, Section 20.

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12 SECTION 5. All provisions of this act of a general and permanent
13 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
14 Code Revision Commission shall incorporate the same in the Code.

15

16 SECTION 6. If any provision of this act or the application thereof to
17 any person or circumstance is held invalid, such invalidity shall not affect
18 other provisions or applications of the act which can be given effect without
19 the invalid provision or application, and to this end the provisions of this
20 act are declared to be severable.

21

22 SECTION 7. All laws and parts of laws in conflict with this act are
23 hereby repealed.

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25 SECTION 8. EMERGENCY. It is found and determined by the General
26 Assembly that a city with the city manager form of government that approved a
27 reorganization plan at a special election held before the 1994 general
28 election, but failed to implement the change at the 1994 general election
29 cannot implement the change at a special election; that remedial legislation
30 is necessary; and that this act is immediately necessary. Therefore, an
31 emergency is declared to exist and this act being necessary for the immediate
32 preservation of the public peace, health and safety shall be in full force an
33 effect from and after its passage and approval.

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As Engrossed: 10/18/95

SB 7

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/s/Dowd

APPROVED: 10-19-95