

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

A BILL ACT 725 OF 1991
HOUSE BILL 1821

4 **By: Representatives Barclay and McJunkin**

5
6
7

For An Act To Be Entitled

8 "AN ACT TO PROVIDE THAT THE QUESTION OF ANNEXATION UNDER
9 ARKANSAS CODE 14-40-303 SHALL BE SUBMITTED TO THE VOTERS
10 AT A GENERAL OR SPECIAL ELECTION; TO REQUIRE THE CITY TO
11 IDENTIFY ALL PERSONS WHO RESIDE WITHIN THE AREA PROPOSED
12 TO BE ANNEXED; TO REQUIRE THE COUNTY CLERK TO ASSIST THE
13 CITY IN DETERMINING THE NAMES AND ADDRESSES OF ALL
14 QUALIFIED ELECTORS RESIDING IN THE AREA PROPOSED TO BE
15 ANNEXED; AND FOR OTHER PURPOSES."

16

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

18

19 SECTION 1. Arkansas Code 14-40-303 is hereby amended to read as follows:

20 "14-40-303. Annexation ordinance - Election.

21 (a) The annexation ordinance shall:

22 (1) Contain an accurate description of the lands desired to be annexed;

23 (2) Include a schedule of the services of the annexing municipality

24 that will be extended to the area within three (3) years after the date the

25 annexation becomes final; and

26 (3) Fix the date for the election provided in this section.

27 (b) (1) (A) The annexation ordinance shall not become effective until the

28 question of annexation is submitted to the qualified electors of the annexing

29 municipality and of the area to be annexed at the next general election or at

30 a special election. The special election shall be conducted no earlier than

31 sixty (60) days after the date of enactment of the ordinance."

32 (B) (i) If at the election a majority of the qualified electors voting

33 in the election shall vote for the annexation, the county clerk shall, no

34 later than seven (7) days following the election, certify the election results

35 and record the same along with the description and a map of the annexed area

36 in the county records and file a certified copy thereof with the Secretary of

1 State.

2 (ii) The annexation shall be effective and the lands annexed shall be
3 included within the corporate limits of the annexing municipality thirty (30)
4 days following the date of recording/filing of the description and map as
5 provided herein, as provided in this section, or in the event an action is
6 filed with the circuit court, as provided in 14-40-304, on the date the
7 judgment of the court becomes final.

8 (2) If a majority of the qualified electors voting on the issue at the
9 election vote against the annexation, the annexation ordinance shall be null
10 and void.

11 (c) (1) The city clerk shall certify two (2) copies of the annexation
12 ordinance and a plat or map of the area to be annexed and convey one (1) copy
13 to the county clerk and one (1) copy to the County Election Commission at
14 least *sixty (60) days* before the election. *No later than forty-five (45) days*
15 *prior to the election the city shall identify all persons who reside within*
16 *the area proposed to be annexed and the county clerk shall assist the city in*
17 *determining the names and addresses of all qualified electors residing within*
18 *that area. The failure to identify all persons residing within the area*
19 *proposed to be annexed or the failure to determine the names and addresses of*
20 *all qualified electors residing within that area shall not invalidate or*
21 *otherwise affect the results of the election. The city clerk shall give*
22 *notice of the election by publication by at least one (1) insertion in some*
23 *newspaper having general circulation in the city. All of the qualified*
24 *electors residing within the territory to be annexed shall be entitled to vote*
25 *in the election.*

26 (2) The county clerk shall give notice of the voter registration
27 deadlines at least twenty (20) days before the election by ordinary mail to
28 those persons whose names and addresses are on the list provided by the city
29 clerk. The county clerk shall prepare a list by precinct of all those
30 qualified electors residing within the area to be annexed which are qualified
31 to vote in that precinct and furnish that list to the election officials at
32 the time the ballot boxes are delivered.

33 (d) If the annexation is approved and becomes final, the governing body
34 of the city shall, by ordinance, as soon as practical after the annexation,
35 attach and incorporate such annexed territory to and in one (1) or more wards

1 of the city, lying adjacent thereto, and the territory so assigned and
2 attached to a ward shall thereafter be considered and become a part thereof as
3 fully as any other part of the city.

4 (e) From the map or plat provided by city ordinance of the wards
5 assigned, the county clerk shall proceed to ascertain and determine the voters
6 proper precinct and shall enter the same upon the voter registration records
7 of those inhabitants of the territory so annexed and give notice of that
8 change within thirty (30) days after the adoption of the city ordinance
9 assigning the territory to wards.

10

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

14

15 SECTION 3. If any provision of this Act or the application thereof to
16 any person or circumstance is held invalid, such invalidity shall not affect
17 other provisions or applications of the Act which can be given effect without
18 the invalid provision or application, and to this end the provisions of this
19 Act are declared to be severable.

20

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

23

/s/ D. Barclay and L. McJunkin

24

APPROVED: 3-25-91

25

26

27

28

29

30

31