

Stricken language would be deleted from and underlined language would be added to the law as it existed  
prior to this session of the General Assembly.  
**Act 580 of the Regular Session**

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007  
4

# A Bill

SENATE BILL 204

5 By: Senator Altes  
6  
7

## For An Act To Be Entitled

9 AN ACT CONCERNING ELECTIONS FOR DIRECTOR AND  
10 MAYOR IN MUNICIPALITIES WITH A CITY ADMINISTRATOR  
11 FORM OF GOVERNMENT; AND FOR OTHER PURPOSES.  
12

## Subtitle

13 CONCERNING ELECTIONS FOR DIRECTOR AND  
14 MAYOR IN MUNICIPALITIES WITH A CITY  
15 ADMINISTRATOR FORM OF GOVERNMENT.  
16  
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18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
20

21 SECTION 1. Arkansas Code § 14-48-109 is amended to read as follows:

22 14-48-109. Election of directors and mayor - Oath.

23 (a) Candidates for the office of director and mayor shall be  
24 nominated and elected as follows:

25 (1)(A)(i) A special election for the election of the initial  
26 membership of the board of directors and mayor shall be called by the  
27 Secretary of State as provided in § 14-48-108.

28 (ii) The proclamation shall be published through one  
29 (1) insertion in some newspaper having a bona fide circulation in the  
30 municipality. The publication shall be not less than ~~sixty (60)~~ eighty (80)  
31 days before the date of the primary election.

32 (iii) For the initial election of directors and  
33 mayor, any person desiring to become a candidate shall file within twenty  
34 (20) days following the date of the proclamation by the Secretary of State  
35 with the city clerk or recorder a statement of candidacy in the form and with



1 the supporting signatures as provided in this section. In all other respects,  
2 the initial elections shall be governed by the provisions of this chapter for  
3 holding municipal elections.

4 (B)(i) Special elections to fill any vacancy under § 14-  
5 48-115 shall be called through a resolution of the board.

6 (ii) A proclamation of the election shall be signed  
7 by the mayor and published not less than ~~sixty (60)~~ eighty (80) days prior to  
8 the date of the election in some newspaper having a bona fide circulation in  
9 the municipality;

10 (2)(A) Candidates to be voted on at all elections to be held  
11 under the provisions of this chapter shall be nominated by primary election,  
12 and no names shall be placed upon the general election ballot except those  
13 selected in the manner prescribed in this chapter.

14 (B)(i) The primary elections, other than the initial  
15 primary, for those nominations for offices to be filled at the municipal  
16 general election shall be held on the second Tuesday of August preceding the  
17 municipal general election.

18 (ii)(a) The elections shall be under the supervision  
19 of the county board of election commissioners, and the election judges and  
20 clerks appointed for the general election shall be the judges and clerks of  
21 the primary elections.

22 (b) Primary elections shall be held in the  
23 same places as are designated for the general election, so far as possible,  
24 and shall, so far as practicable, be conducted in the same manner as other  
25 elections under the laws of this state;

26 (3) Any person desiring to become a candidate for mayor or  
27 director shall file with the city clerk not less than ~~forty (40)~~ sixty (60)  
28 days nor more than ~~sixty (60)~~ eighty (80) days prior to the primary election  
29 by twelve o'clock noon a statement of his or her candidacy in substantially  
30 the following form:

31  
32 "STATE OF ARKANSAS

33  
34 COUNTY OF. . . . .

35  
36 I, . . . . ., being first duly sworn, state

1 that I reside at. . . . . Street, City of. . . . .  
2 . . . . . , County and State  
3 aforesaid; that I am a qualified elector of said city and the ward in which I  
4 reside; that I am a candidate for nomination to the office of  
5 ....., to be voted upon at

6  
7 (Mayor) (Director)

8  
9 the primary election to be held on the. . . . . day of ....., 20. .  
10 . , and I hereby request that my name be placed upon the official primary  
11 election ballot for nomination by such primary election for such office and I  
12 herewith deposit the sum of ten dollars (\$10.00), the fee prescribed by  
13 law.";

14 (4) The statement of candidacy and the petition for nomination  
15 supporting the candidacy of each candidate to be voted upon at any general or  
16 special election shall be filed with the city clerk or recorder not less than  
17 ~~forty (40)~~ sixty (60) days nor more than ~~sixty (60)~~ eighty (80) days before  
18 the election by twelve o'clock noon;

19 (5) The name of each candidate shall be supported by a petition  
20 for nomination signed by at least fifty (50) qualified electors of the  
21 municipality requesting the candidacy of the candidate. The petition shall  
22 show the residence address of each signer and carry an affidavit signed by  
23 one (1) or more persons in which the affiant or affiants shall vouch for the  
24 eligibility of each signer of the petition. Each petition shall be  
25 substantially in the following form:

26  
27 "The undersigned, duly qualified electors of the City of. . . . .  
28 . . . . . , Arkansas, each signer hereof residing at the address  
29 set opposite his or her signature, hereby requests that the name of. . . . .  
30 . . . . . be placed on the ballot as a candidate for  
31 election to Position No. . . . . on the Board of Directors (or Mayor) of  
32 said City of. . . . . at the election to be held in such city  
33 on the. . . . . day of. . . . .  
34 20. . . . We further state that we know said person to be a qualified  
35 elector of said city and a person of good moral character and qualified in  
36 our judgment for the duties of such office;

1           (6)(A) A petition for nomination shall not show the name of more  
2 than one (1) candidate.

3           (B) The name of the candidate mentioned in each petition,  
4 together with a copy of the election proclamation if the election is a  
5 special election, shall be certified by the city clerk or recorder to the  
6 county board of election commissioners not less than thirty-five (35) days  
7 before the election unless the clerk or recorder finds that the petition  
8 fails to meet with the requirements of this chapter.

9           (C)(i) Whether the names of the candidates so certified to  
10 the county board of election commissioners are to be submitted at a biennial  
11 general election or at a special election held on a different date, the  
12 county board of election commissioners shall have general supervision over  
13 the holding of each municipal election.

14           (ii)(a) In this connection, the election board shall  
15 post the nominations, print the ballots, establish the voting precincts,  
16 appoint the election judges and clerks, determine and certify the results of  
17 the election, and determine the election expense chargeable to the city, all  
18 in the manner prescribed by law in respect to general elections; it is the  
19 intention of this chapter that the general election machinery of this state  
20 shall be utilized in the holding of all general and special elections  
21 authorized under this chapter.

22           (b) The result of the election shall be  
23 certified by the election board to the city clerk or recorder;

24           (7) The names of all candidates at the election shall be printed  
25 upon the ballot in an order determined by draw. If more than two (2)  
26 candidates qualify for an office, the names of all candidates shall appear on  
27 the ballot at the primary election;

28           (8)(A) If no candidate receives a majority of the votes cast in  
29 the primary, the two (2) candidates receiving the highest number of votes for  
30 mayor and for each director position to be filled shall be the nominees for  
31 those respective offices to be voted upon in the general election.

32           (B) If no more than two (2) persons qualify as candidates  
33 for the office of mayor or for any director position to be filled, no  
34 municipal primary election shall be held for these positions, and the names  
35 of the two (2) qualifying candidates for each office or position shall be  
36 placed upon the ballot at the municipal general election as the nominees for

1 the respective positions. Primary elections shall be omitted in wards in  
2 which no primary contest is required.

3 (C) In any case in which only one (1) candidate shall have  
4 filed and qualified for the office of mayor or any director position, or if a  
5 candidate receives a clear majority of the votes cast in a primary election,  
6 that candidate shall be declared elected. The name of the person shall be  
7 certified as elected without the necessity of putting the person's name on  
8 the general municipal election ballot for the office;

9 (9) Any candidate defeated at any municipal primary election or  
10 municipal general election may contest it in the manner provided by law for  
11 contesting other elections.

12 (b) Each member of the board of directors, before entering upon the  
13 discharge of his duties, shall take the oath of office required by Arkansas  
14 Constitution, Article 19, Section 20.

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16 APPROVED: 3/28/2007  
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