

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 1733

5 By: Representative Lynch
6

For An Act To Be Entitled

8 AN ACT TO UPDATE LOCAL GOVERNMENT TERMINOLOGY
9 CONCERNING ALDERMEN; AND FOR OTHER PURPOSES.
10

Subtitle

11 TO UPDATE LOCAL GOVERNMENT TERMINOLOGY
12 CONCERNING ALDERMEN.
13
14
15
16

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

19 SECTION 1. Arkansas Code § 7-5-106(f)(1), concerning runoff elections,
20 is amended to read as follows:

21 (f)(1) As used in this section, "municipal office" means offices of
22 cities of the first class and cities of the second class and incorporated
23 towns and includes the offices of ~~aldermen~~ council members, members of boards
24 of managers, or other elective municipal offices elected by the voters of the
25 entire municipality or from wards or districts within a municipality.
26

27 SECTION 2. Arkansas Code § 7-7-304(e)(1), concerning primary election
28 procedures, is amended to read as follows:

29 (e)(1) When there are two (2) or more nominees to be selected for the
30 same office, such as state senator, state representative, justice of the
31 peace, ~~alderman~~ council member, or for any other office, the proper committee
32 shall require the candidates to designate in writing a particular position,
33 i.e., ~~Position Number 1, Position Number 2, Position Number 3~~ position number
34 one, position number two, position number three, etc., at the time that a
35 party pledge is required to be filed with the secretary of the committee.
36



SECTION 3. Arkansas Code § 14-37-109 is amended to read as follows:

14-37-109. Appointment of enumerators to take census.

(a)(1) ~~Whenever any~~ If a city or incorporated town ~~shall desire~~
desires to be made a city of the first class or a city of the second class,
 or if it ~~shall be~~ is deemed necessary to determine the number of inhabitants
 within the ~~town or city~~ or incorporated town for any purpose, on petition of
 ten (10) qualified voters of the ~~town or city~~ or incorporated town filed with
 the recorder ~~thereof~~ of the city or incorporated town, the ~~board of aldermen~~
~~of the town or city~~ or town council shall consider the petition at its next
 regular meeting.

(2) If the ~~board~~ city or town council deems the prayer of
 petitioners well founded and deems that a census of the ~~town or city~~ or
incorporated town should be taken in accordance with the prayer of the
 petitioners, the ~~board~~ city or town council may pass a resolution authorizing
 and directing the taking of a census of the ~~town or city~~ or incorporated
town, and the mayor shall appoint enumerators to take the census, the
 appointees to be approved by the ~~board~~ city or town council.

(b)(1) The resolution authorizing the taking of census shall prescribe
 the duties of the enumerators as to when and how to proceed.

(2)(A) Not more than one (1) enumerator shall be appointed for
 each ward.

(B) However, one (1) enumerator may take more than one (1)
 ward if the ~~board~~ city or town council deems it proper.

SECTION 4. Arkansas Code § 14-40-1206(b)(2)(B), concerning plot
 requirements, is amended to read as follows:

(B) However, ~~no~~ a change in the boundaries of the wards of
 the larger city or incorporated town shall not determine or affect the time
 of service of any previously elected ~~alderman~~ council member of any ward in
 the larger city or incorporated town.

SECTION 5. Arkansas Code § 14-40-1207 is amended to read as follows:

14-40-1207. Special election of ~~aldermen~~ council members or all city
 officials.

(a)(1)(A) Except as provided under subdivision (a)(1)(B) of this
 section, the city or town council shall call a special election of ~~aldermen~~

1 council members, to be held at such times and places as the council may
 2 direct pursuant to a proclamation issued by the mayor in accordance with § 7-
 3 11-101 et seq., in the wards of the smaller municipality and for the election
 4 of ~~aldermen~~ council members from any other new wards that may be created by
 5 the council out of territory included in the larger city or incorporated town
 6 before the annexation, as provided in this subchapter.

7 (B) If the petition calls for a citywide election for all
 8 officials of the new consolidated city or incorporated town, then the city or
 9 town council shall call a special election pursuant to a proclamation issued
 10 by the mayor in accordance with § 7-11-101 et seq. for all city or town
 11 officials to be held at the times and places as ~~it~~ the city or town council
 12 may direct throughout each ward of the consolidated city or incorporated
 13 town.

14 (2) If the implementation of the consolidation of the cities or
 15 towns is delayed, the special election for new ~~aldermen~~ council members to a
 16 city or town council or all city officials shall be held at least forty-five
 17 (45) days before the effective date of the consolidation.

18 (b) Each ward of the consolidated city or incorporated town shall have
 19 two (2) ~~aldermen~~ council members, to be elected in the same manner and for
 20 the same term as ~~aldermen~~ council members are elected in cities and
 21 incorporated towns.

22
 23 SECTION 6. Arkansas Code § 14-40-1208(a), concerning existing
 24 officers, is amended to read as follows:

25 (a) The term of office of all officers, ~~aldermen~~ council members, and
 26 employees of the smaller municipality and all laws in force in the smaller
 27 municipality shall cease upon and after the consolidation.

28
 29 SECTION 7. Arkansas Code § 14-40-1212(b), concerning annexed
 30 territory, is amended to read as follows:

31 (b)~~(1)~~ ~~Aldermen~~ Council members representing the wards composing the
 32 territory of the smaller municipal corporation before consolidation ~~shall~~
 33 have a right~~;~~:

34 (1) ~~at~~ At all times, to demand of the city or town council the
 35 benefit of the revenue collected from the wards, as provided for in this
 36 section~~;~~ and

1 (2) On the refusal ~~of~~ by the city or town council of the demand
 2 made under subdivision (b)(1) of this section, the aldermen shall have a
 3 ~~right~~ to enforce the revenue rights by mandamus or other appropriate
 4 proceedings.

5
 6 SECTION 8. Arkansas Code § 14-40-1212(c), concerning consolidation, is
 7 amended to read as follows:

8 (c) In the event the ~~aldermen~~ council members, or fifty (50) qualified
 9 electors of the territory annexed, feel aggrieved in reference to the amount
 10 of revenue expended on the territory or as to the other rights guaranteed in
 11 this section to the annexed municipality, they may submit the matter to the
 12 circuit court, which is authorized by appropriate orders to compel the
 13 consolidated city or incorporated town to give the former territory of the
 14 smaller municipal corporation the full benefit of its revenue as provided in
 15 this section.

16
 17 SECTION 9. Arkansas Code § 14-42-102 is amended to read as follows:

18 14-42-102. Corporate authority of cities.

19 The corporate authority of cities that are organized shall be vested in
 20 one (1) principal officer, to be called the mayor, and one (1) board of
 21 ~~aldermen~~ council members, to be called the city council, together with such
 22 other officers as are mentioned in this subtitle or may be created under its
 23 authority.

24
 25 SECTION 10. Arkansas Code § 14-42-106 is amended to read as follows:

26 14-42-106. Oath and bond required.

27 (a) All officers elected or appointed in any municipal corporation
 28 shall take the oath or affirmation prescribed for officers by the Arkansas
 29 Constitution.

30 (b)(1) Except as provided in subdivision (b)(2) of this section, the
 31 officers shall take their oaths before the Secretary of State or his or her
 32 official designee, any justice or judge, judge of the county court, clerk of
 33 the county court, clerk of the circuit court, or justice of the peace.

34 (2) The ~~aldermen~~ council members also may take their oaths
 35 before the mayor of the municipality.

36 (c) The ~~aldermen or~~ council members of a municipal corporation may

1 require from the officers, as they think proper, a bond with good and
 2 sufficient security and with a proper penalty for the faithful discharge of
 3 their office and duty.

4 (d) The council ~~or aldermen~~ members shall have the power to declare
 5 the office of any elected or appointed person vacant who shall fail to take
 6 the oath of office or give the bond required in this section within ten (10)
 7 days of the first day of January after his or her election or within ten (10)
 8 days after he or she has been notified of his or her appointment. In such
 9 case, the council ~~or aldermen~~ members shall proceed to appoint as in other
 10 cases of vacancy.

11
 12 SECTION 11. Arkansas Code § 14-42-107 is amended to read as follows:
 13 14-42-107. Interest in offices or contracts prohibited.

14 (a)(1) ~~No alderman, member of any council,~~ A council member or elected
 15 official of a municipal corporation, during the term for which he or she has
 16 been elected or one (1) year thereafter, shall not be appointed to any
 17 municipal office that was created or the emoluments of which have been
 18 increased during the time for which he or she has been elected except to fill
 19 a vacancy in the office of mayor, ~~alderman~~ council member, clerk, clerk-
 20 treasurer, recorder, or recorder-treasurer.

21 (2) ~~No alderman or~~ A council member shall not be appointed to
 22 any municipal office, except in cases provided for in this subtitle, during
 23 the time for which he or she may have been elected.

24 (b)(1) ~~No A alderman,~~ A council member, official, or municipal employee
 25 shall not be interested, directly or indirectly, in the profits of any
 26 contract for furnishing supplies, equipment, or services to the municipality
 27 unless the governing body of the city has enacted an ordinance specifically
 28 permitting ~~aldermen,~~ council members, officials, or municipal employees to
 29 conduct business with the city and prescribing the extent of this authority.

30 (2) The prohibition prescribed in this subsection ~~shall~~ does not
 31 apply to contracts for furnishing supplies, equipment, or services to be
 32 performed for a municipality by a corporation in which no ~~alderman,~~ council
 33 member, official, or municipal employee holds any executive or managerial
 34 office or by a corporation in which a controlling interest is held by
 35 stockholders who are not ~~aldermen or~~ council members.

36

1 SECTION 12. Arkansas Code § 14-42-201(c)(2), concerning election of
 2 officers, is amended to read as follows:

3 (2) In cities of the first class and cities of the second class,
 4 candidates for the position of ~~alderman~~ council member shall reside within
 5 the corporate limits and their respective wards at the time they file as
 6 candidates for ~~alderman~~ council member and when holding that office.

7
 8 SECTION 13. Arkansas Code § 14-42-203(b), concerning special elections
 9 of city mayors, is amended to read as follows:

10 (b) In all cities there shall be a place appointed in each ward for
 11 holding elections, except in cities of the second class electing their
 12 ~~aldermen~~ council members citywide, where there may be one (1) public place
 13 only for holding elections.

14
 15 SECTION 14. Arkansas Code § 14-42-206(b)(1), concerning municipal
 16 elections, is amended to read as follows:

17 (b)(1) Any person desiring to become an independent candidate for
 18 municipal office in cities and towns with the mayor-council form of
 19 government shall file not more than one hundred two (102) days nor less than
 20 eighty-one (81) days before the general election by 12:00 noon with the
 21 county clerk the petition of nomination in substantially the following forms:

22 (A) For all candidates except ~~aldermen~~ council members in
 23 cities of the first class and cities of the second class:

24
 25 "PETITION OF NOMINATION

26 We, the undersigned qualified electors of the city (town) of _____,
 27 Arkansas, being in number not less than ten (10) for incorporated towns and
 28 cities of the second (~~2nd~~) class, and not less than thirty (30) for cities of
 29 the first (~~1st~~) class, do hereby petition that the name of _____ be placed on
 30 the ballot for the office of _____ (A candidate for ~~alderman~~ council member
 31 in an incorporated town shall identify the position for which he or she is
 32 running) at the next election of municipal officials in 20 ____.

33 Printed Name Signature Street Address Date of Birth Date of
 34 Signing"

35
 36 (B) For candidates for ~~alderman~~ council member elected by

1 ward in cities of the first class and cities of the second class, the
2 nominating petitions shall be signed only by qualified electors of the ward
3 in the following manner:

4
5 "PETITION OF NOMINATION

6 We, the undersigned qualified electors of Ward _____ of the city of
7 _____, Arkansas, being in number not less than ten (10) for cities of the
8 second ~~(2nd)~~ class, and not less than thirty (30) for cities of the first
9 ~~(1st)~~ class, do hereby petition that the name of _____ be placed on the
10 ballot for the office of ~~Alderman~~ council member, Ward _____, position _____,
11 of the next election of municipal officials in 20 _____.

12 Printed Name Signature Street Address Date of Birth Date of
13 Signing"

14
15 (C) For at-large candidates for ~~alderman~~ council member of
16 a ward in cities of the first class and cities of the second class, the
17 nominating petitions shall be signed by a qualified elector of the city in
18 the following manner:

19
20 "PETITION OF NOMINATION

21 We, the undersigned qualified electors of the city of _____, Arkansas,
22 being in number not less than ten (10) for cities of the second ~~(2nd)~~ class,
23 and not less than thirty (30) for cities of the first ~~(1st)~~ class, do hereby
24 petition that the name of _____ be placed on the ballot for the office of
25 ~~Alderman~~ council member, Ward _____, position _____, of the next election of
26 municipal officials in 20 _____.

27 Printed Name Signature Street Address Date of Birth Date
28 of Signing"

29
30 SECTION 15. Arkansas Code § 14-43-303 is amended to read as follows:

31 14-43-303. Officials in mayor-council cities of 50,000 or more.

32 (a)(1)(A) In the general election in the year 1960, and every four (4)
33 years thereafter, cities of the first class that have a population of fifty
34 thousand (50,000) persons or more, according to the latest decennial federal
35 census or special federal census, and that also have the mayor-council form
36 of government shall elect the following officials:

1 (i) One (1) mayor;
 2 (ii) One (1) city clerk; and
 3 (iii) One (1) ~~alderman~~ council member from each ward
 4 of the city.

5 (B) All of these officials shall hold office for a term of
 6 four (4) years and until their successors are elected and qualified.

7 (2)(A) At the general election in the year 1962 and every four
 8 (4) years thereafter, the city shall elect:

9 (i) One (1) city attorney;
 10 (ii) One (1) city treasurer; and
 11 (iii) One (1) ~~alderman~~ council member from each ward
 12 of the city.

13 (B) All of these officials shall hold office for a term of
 14 four (4) years and until their successors are elected and qualified.

15 (b) In all primaries or general elections, the candidates for the
 16 office of ~~alderman~~ council member shall reside in their respective wards.
 17 However, all qualified electors residing in these cities and entitled to vote
 18 in the elections ~~shall have the right to~~ may vote at their several voting
 19 precincts for each and every candidate so to be nominated or elected.

20 (c) All odd-year elections for municipal officials in the cities of
 21 the first class that have a population of fifty thousand (50,000) or more
 22 persons, according to the latest federal census, and that also have the
 23 mayor-council form of government are abolished.

24 (d)(1) If a city first attains a population of fifty thousand (50,000)
 25 as shown in a decennial federal census or special federal census completed
 26 after January 1, 1997, and the mayor or other elected official of the city
 27 last elected before the census was elected to a four-year term and the term
 28 will expire two (2) years before the quadrennial general election year at
 29 which city officials are elected as provided in subsection (a) of this
 30 section, the terms of such officials shall be extended for a period of two
 31 (2) years in order that the terms will coincide with the next quadrennial
 32 general election year. At that quadrennial general election and at each
 33 quadrennial general election thereafter, the mayor and such other municipal
 34 officials shall be elected to terms of four (4) years as provided in this
 35 section.

36 (2) The provisions of this subsection shall not affect in any

1 way the provisions of this section that provide for staggering the terms of
 2 office of ~~aldermen~~ council member so that one (1) ~~alderman~~ council member
 3 will be elected from each ward every two (2) years.

4
 5 SECTION 16. Arkansas Code § 14-43-307 is amended to read as follows:

6 14-43-307. Election of ~~aldermen~~ council members at large or by ward.

7 (a)(1) Candidates for the office of ~~alderman~~ council member in cities
 8 of the first class shall reside in the ward from which they seek to be
 9 elected and shall run at large.

10 (2)(A) All of the qualified electors of these cities shall be
 11 entitled to vote in the election.

12 (B)(i) Provisions shall be made by the election
 13 commissioners in these cities so that the qualified electors of each ward
 14 shall have at least one (1) voting precinct in each ward where the resident
 15 electors thereof may cast their ballots.

16 (ii) Cities of the second class that elect their
 17 ~~aldermen~~ council members citywide may have one (1) public place only for
 18 holding elections.

19 (b)(1)(A) The city council of any such city or the governing body of
 20 any city in transition to the mayor-council form of government ~~is empowered~~
 21 ~~and authorized to provide, by ordinance, may provide by ordinance~~ that all
 22 ~~aldermen~~ council members be elected by ward, in which event each ~~alderman~~
 23 council member shall be voted upon by the qualified electors of the ward from
 24 which ~~the person~~ he or she is a candidate.

25 (B)(i) When so provided by city ordinance, the name of the
 26 candidate shall appear upon the ballot only in the ward in which he or she is
 27 a candidate.

28 (ii) The city council of these cities may provide
 29 for the election of one (1) ~~alderman~~ council member from each ward citywide
 30 and the other ~~aldermen~~ council members from each ward by the voters of the
 31 ward only.

32 (2) All such cities choosing to elect all ~~aldermen~~ council
 33 members by wards or in part by wards shall provide, in the manner provided by
 34 law, for the establishment of wards of substantially equal population in
 35 order that each ~~alderman~~ council member elected from each ward shall
 36 represent substantially the same number of people in the city.

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
36

SECTION 17. Arkansas Code § 14-43-308 is amended to read as follows:

14-43-308. Residence qualifications of ~~aldermen~~ council members in primaries.

(a)(1) In all primaries held in any city of the first class by any organized political party, the candidates for nomination for the office of ~~alderman~~ council member shall reside in their respective wards.

(2) All qualified electors residing in these cities and entitled to vote in the primaries ~~shall have the right to~~ may vote at their several voting precincts for each and every candidate so to be nominated.

(b)(1) The city council ~~is authorized and empowered to provide, by ordinance,~~ may provide by ordinance that the candidate shall only be voted upon by qualified voters of the ward who are entitled to vote in the primary from which the person is a candidate.

(2) When ~~so provided by ordinance,~~ any of the candidates in such a case provided by ordinance, a candidate under subdivision (b)(1) of this section shall appear upon the ballot only in the ward in which he or she is a candidate.

SECTION 18. Arkansas Code § 14-43-309 is amended to read as follows:

14-43-309. Residence qualifications of ~~aldermen~~ council members in general elections.

(a)(1) In all general elections for ~~aldermen~~ council members in cities of the first class, the ~~aldermen~~ council members so elected shall reside in their respective wards, as provided by law.

(2) All qualified electors residing in these cities ~~shall have the right to~~ may vote at their several voting precincts for each ~~and every~~ alderman council member so to be elected.

(b)(1) The city council of ~~any such city is empowered and authorized to provide, by ordinance,~~ a city of the first class may provide by ordinance that ~~the aldermen~~ each council member shall only be voted upon by qualified voters of the ward from which the person is a candidate.

(2) When ~~so~~ provided by ordinance, the name of the candidate shall appear upon the ballot only in the ward in which he or she is a candidate.

1 SECTION 19. Arkansas Code § 14-43-310 is amended to read as follows:
 2 14-43-310. ~~Alderman~~ Council member ceasing to reside in ward.

3 If any duly elected ~~alderman~~ council member shall cease to reside in
 4 the ward from which he or she was elected, that person shall be disqualified
 5 to hold the office and a vacancy shall exist which shall be filled as
 6 prescribed by law.

7
 8 SECTION 20. Arkansas Code § 14-43-311 is amended to read as follows:
 9 14-43-311. Redistricting of wards.

10 (a)(1)(A) City councils in cities of the first class ~~shall have the~~
 11 ~~authority to~~ may redistrict the wards in their city when they determine that
 12 the people can best be served by adding wards, combining wards, or changing
 13 ward boundary lines to equalize the population in the various wards.

14 (B) ~~It shall be the duty of the council to see~~ The city
 15 council shall ensure that each ward has as nearly an equal population as
 16 would best serve the interest of the people of the city.

17 (2)(A) Within ninety (90) days after redistricting, if one
 18 hundred (100) or more qualified electors in the city are dissatisfied with
 19 the redistricting of the city into wards, ~~they shall have the authority to~~
 20 the electors may petition the circuit court.

21 (B) The court, after due hearing, ~~shall have authority to~~
 22 may redistrict the city into such wards as the court shall deem best if the
 23 court finds that the redistricting action by the city council was arbitrary
 24 and capricious.

25 (b) At the next city election held, more than twenty (20) days after
 26 the approval of redistricted wards, there shall be elected from each of the
 27 new wards two (2) ~~aldermen~~ council members who shall organize the new city
 28 council at the first council meeting in January after their election.

29 (c)(1)(A) All ~~aldermen~~ council members elected in the city prior to
 30 redistricting of wards shall give up their positions to the new ~~aldermen~~
 31 council members at the time for the organization of the new city council, as
 32 provided in subsection (b) of this section.

33 (B) From that date the terms of office of all previously
 34 elected ~~aldermen~~ council members shall cease and terminate.

35 (2)(A) It shall be lawful to increase the number of wards or
 36 continue the same number of wards without affecting the terms of office of

1 incumbent ~~aldermen~~ council members of the city.

2 (B)(i) When the wards are reapportioned so as to increase
 3 the number of wards or readjust existing wards so that ~~such~~ the wards contain
 4 nearly equal population, ~~the aldermen who remain~~ a council member who remains
 5 in ~~their~~ his or her old ward, or part thereof, shall continue in office.

6 (ii) New ~~aldermen~~ council members shall be elected
 7 only for new wards actually formed out of the territory of old wards.

8 (d)(1) All clerk's costs and other costs incurred in the proceedings
 9 authorized in this section shall be paid by the persons at whose instance the
 10 services were rendered.

11 (2)(A) In case these proceedings result in the redistricting of
 12 the city into new wards, the compensation of those individuals making the
 13 redistricting shall be fixed by the circuit judge, certified to the city
 14 council, and paid out of the city treasury.

15 (B) This compensation shall not exceed the sum of twenty-
 16 five dollars (\$25.00) each.

17
 18 SECTION 21. Arkansas Code § 14-43-312 is amended to read as follows:

19 14-43-312. ~~Aldermen~~ Council members in mayor-council cities of fewer
 20 than 50,000.

21 (a)(1) On the Tuesday following the first Monday in November 1966 and
 22 every two (2) years thereafter, the qualified voters of all cities of the
 23 first class having the mayor-council form of government with fewer than fifty
 24 thousand (50,000) inhabitants shall elect two (2) ~~aldermen~~ council members
 25 from each ward for a term of two (2) years, except that by ordinance any city
 26 of the first class may refer the question to voters to elect two (2) ~~aldermen~~
 27 council members from each ward to four-year terms as more particularly set
 28 out in subdivision (a)(2)(A) of this section.

29 (2)(A) On or before February 1 of the election year when the
 30 procedure will go into effect, any city of the first class, by ordinance
 31 referred to and approved by the voters at the previous general election or at
 32 a special election called for that purpose, may elect two (2) ~~aldermen~~
 33 council members from each ward to four-year terms, except for the initial
 34 terms as provided in subdivision (a)(2)(B) of this section.

35 (B)(i) If this procedure is adopted by ordinance referred
 36 to and approved by the voters of the city, the ~~alderman~~ council member

1 representing position number one from each ward ~~will~~ shall be elected to a
2 four-year term at the next general election.

3 (ii) The ~~alderman~~ council member representing
4 position number two from each ward ~~will~~ shall be elected to an initial two-
5 year term at the next election, and thereafter ~~will~~ shall be elected to four-
6 year terms, resulting in staggered terms with one (1) ~~alderman~~ council
7 members being elected to a four-year term from each ward every two (2) years.

8 (b)(1) The ~~aldermen~~ council members shall be designated as "~~alderman~~
9 council member number one" and "~~alderman~~ council member number two".

10 (2)(A) A candidate for the office of ~~alderman~~ council member
11 shall designate the number of the ~~alderman's~~ council member's office which
12 the candidate is seeking on the petition filed under § 14-42-206.

13 (B) When this designation has been made, the candidate
14 shall not be permitted thereafter to change the designation on that petition.

15 (C) The county clerk shall not accept a petition for
16 filing that does not designate the number of the office for ~~alderman~~ council
17 member sought.

18 (D) Each city shall maintain in its records a document
19 showing the name of each ~~alderman~~ council member and the number of the office
20 which the candidate holds.

21 (c)(1)(A) The city council may refer an ordinance to voters on the
22 question of returning a city to electing ~~aldermen~~ council members to two-year
23 terms.

24 (B) The ordinance ~~must~~ shall be passed by a two-thirds
25 vote of the city council before it is referred to and approved by voters at a
26 general election.

27 (2) If the voters approve returning the city to electing
28 ~~aldermen~~ council members to two-year terms, all ~~aldermen~~ council members
29 shall be elected to two-year terms at the next general election and
30 thereafter, except that those ~~aldermen~~ council members serving four-year
31 terms shall complete their terms.

32 (3) The city council may not refer another question to voters on
33 electing ~~aldermen~~ council members to four-year terms or on returning the city
34 to electing ~~aldermen~~ council members to two-year terms unless at least four
35 (4) years have passed since the last election on changing the terms of
36 ~~aldermen~~ council members.

1
2 SECTION 22. Arkansas Code § 14-43-412(a), concerning vacancies in
3 other elected offices, is amended to read as follows:

4 (a) In case any office of an elected officer, except ~~aldermen~~ council
5 members of the ward, becomes vacant before the expiration of the regular
6 term, then the vacancy shall be filled by the city council until a successor
7 is duly elected and qualified.

8
9 SECTION 23. Arkansas Code § 14-43-502(b)(2)(B), concerning powers of
10 the city council, is amended to read as follows:

11 (B) The mayor or any three (3) ~~aldermen~~ council members of
12 any city or town, regardless of size or classification, may call special
13 meetings in the manner as may be provided by ordinance.

14
15 SECTION 24. Arkansas Code § 14-43-504(d)(1)(B)(ii), concerning powers
16 and duties of mayors, is amended to read as follows:

17 (ii) An ordinance, an order, or a resolution or part
18 thereof, vetoed by the mayor is invalid unless, after the written statement
19 is laid before it, the council, by a vote of two-thirds (2/3) of all the
20 ~~aldermen~~ council members elected thereto, passes it over the veto.

21
22 SECTION 25. Arkansas Code § 14-44-103 is amended to read as follows:

23 14-44-103. Election of ~~aldermen~~ council members.

24 (a)(1) Except as provided under subdivision (a)(3) of this section, on
25 the Tuesday following the first Monday in November 1982, and every two (2)
26 years thereafter, the qualified voters in cities of the second class shall
27 elect for each of the wards of these cities two (2) ~~aldermen~~ council members,
28 who shall compose the city council.

29 (2) The qualified electors of every city of the second class
30 shall elect from each ward of the city two (2) ~~aldermen~~ council members, who
31 shall be designated as "~~alderman~~ council member number one" and "~~alderman~~
32 council member number two" of the ward.

33 (3)(A) A candidate for the office of ~~alderman~~ council member
34 shall designate the number of the ~~alderman's~~ council member's office that the
35 candidate is seeking on the petition filed pursuant to § 14-42-206.

36 (B) When this designation has been made, the candidate

1 shall not be permitted thereafter to change the designation on that petition.

2 (C) The county clerk shall not accept a petition for
3 filing that does not designate the number of the office of ~~alderman~~ council
4 member sought.

5 (D) Each city shall maintain in its records a document
6 showing the name of each ~~alderman~~ council member and the number of the office
7 which the candidate holds.

8 (4)(A) The city council of a city of the second class may refer
9 to voters an ordinance on the question of electing the two (2) ~~aldermen~~
10 council members for each ward to four-year terms.

11 (B) The voters shall vote on the ordinance at a general
12 election or at a special election called for that purpose by proclamation of
13 the mayor in accordance with § 7-11-201 et seq. However, the election to
14 approve the four-year election procedure shall be held no later than February
15 1 of the year of the general election in which the procedure is proposed to
16 be effective.

17 (5)(A) If this procedure is adopted by ordinance referred to and
18 approved by the voters of the city, the initial term for the ~~alderman~~ council
19 member designated as "~~alderman~~ council member number one" of each ward shall
20 be a four-year term at the next general election.

21 (B) The initial term for the ~~alderman~~ council member
22 designated as "~~alderman~~ council member number two" of each ward shall be a
23 two-year term at the next general election, and thereafter shall be a four-
24 year term, resulting in staggered terms for the ward.

25 (6)(A) The city council may refer to voters an ordinance on the
26 question of returning the city to electing ~~aldermen~~ council members to two-
27 year terms using the procedures of subdivisions (a)(4)-(7) of this section.

28 (B) If the voters approve returning a city to two-year
29 terms, all ~~aldermen~~ council members shall be elected to two-year terms at the
30 next general election and thereafter.

31 (7) The city council may not refer to voters another question on
32 electing ~~aldermen~~ council members to four-year terms or on returning the city
33 to electing ~~aldermen~~ council members to two-year terms unless at least four
34 (4) years have passed since the last election on changing the ~~aldermanic~~
35 council members' terms.

36 (b)(1)(A) A candidate for the office of ~~alderman~~ council member in a

1 city of the second class shall reside in the ward from which he or she seeks
 2 to be elected and shall run for election at large, except if the ~~alderman~~
 3 council member is elected by ward under subsection (c) of this section.

4 (B) All of the qualified electors of the city ~~shall be~~
 5 ~~entitled to~~ may vote in the election.

6 (C) Provision shall be made by the election commissioners
 7 in these cities so that the qualified electors of each ward shall have at
 8 least one (1) voting precinct in each ward where the resident electors
 9 thereof may cast their ballots.

10 (2) If any duly elected ~~alderman~~ council member shall cease to
 11 reside in the ward from which he or she was elected, that person shall be
 12 disqualified to hold the office and a vacancy shall exist, which shall be
 13 filled as prescribed by law.

14 (c)(1)(A) The city council of any such city ~~is empowered and~~
 15 ~~authorized to provide, by ordinance,~~ may provide by ordinance that all
 16 ~~aldermen~~ council members be elected by ward, in which event each ~~alderman~~
 17 council member shall be voted upon by the qualified electors of the ward from
 18 which the person is a candidate.

19 (B)(i) When ~~so~~ provided by city ordinance, the name of the
 20 candidate shall appear upon the ballot only in the ward in which he or she is
 21 a candidate.

22 (ii) The city council of these cities may provide
 23 for the election of one (1) ~~alderman~~ council member from each ward citywide
 24 and the other ~~aldermen~~ council members from each ward by the voters of the
 25 ward only.

26 (2) All such cities choosing to elect all ~~aldermen~~ council
 27 members by wards or part by wards shall provide, in the manner provided by
 28 law, for the establishment of wards of substantially equal population in
 29 order that each ~~alderman~~ council member elected from each ward shall
 30 represent substantially the same number of people in the city.

31 (d) Cities of the second class that elect their ~~aldermen~~ council
 32 members citywide may have one (1) public place only for holding elections.

33
 34 SECTION 26. Arkansas Code § 14-44-104 is amended to read as follows:
 35 14-44-104. Vacancy in ~~alderman's~~ council member's office.

36 (a) ~~Whenever~~ If a vacancy occurs in the office of ~~alderman~~ council

1 member in any city of the second class, at the first regular meeting after
 2 the occurrence of the vacancy, the city council shall proceed to elect, by a
 3 majority vote of the council, ~~an alderman~~ a council member to serve for the
 4 unexpired term.

5 (b) The election to fill the vacancy under subsection (a) of this
 6 section is not subject to veto by the mayor.

7
 8 SECTION 27. Arkansas Code § 14-44-106 is amended to read as follows:
 9 14-44-106. Vacancy in mayor's office.

10 ~~Whenever~~ If a vacancy occurs in the office of mayor in any city of the
 11 second class, at the first regular meeting after the occurrence of the
 12 vacancy, the city council shall proceed to either elect by a majority vote of
 13 the ~~aldermen~~ council members a mayor to serve the unexpired term or call for
 14 a special election to be held in accordance with § 7-11-101 et seq. to fill
 15 the vacancy. At this election, a mayor shall be elected to ~~fill out~~ serve the
 16 unexpired term.

17
 18 SECTION 28. Arkansas Code § 14-44-107(b)(2)(B), concerning the powers
 19 of the mayor, is amended to read as follows:

20 (B) ~~No~~ An ordinance, resolution, or order, or part
 21 thereof, vetoed by the mayor shall not have any force or validity unless,
 22 after the written statement is laid before it, the council ~~shall pass~~ passes
 23 it over the veto by a vote of two-thirds (2/3) of all the ~~aldermen~~ council
 24 members elected thereto.

25
 26 SECTION 29. Arkansas Code § 14-44-112 is amended to read as follows:
 27 14-44-112. Vacancy in marshal's office.

28 ~~Whenever~~ If a vacancy ~~shall occur~~ occurs in the office of marshal in
 29 any city of the second class, at the first regular meeting after the
 30 occurrence of the vacancy, the city council shall proceed to elect by a
 31 majority vote of all the ~~aldermen~~ council members a marshal to serve for the
 32 unexpired term.

33
 34 SECTION 30. Arkansas Code § 14-44-116 is amended to read as follows:
 35 14-44-116. Vacancy in office of recorder, treasurer, or recorder-
 36 treasurer.

1 ~~Whenever~~ If a vacancy occurs in the office of recorder, treasurer, or
 2 recorder-treasurer in any city of the second class, at the first regular
 3 meeting after the occurrence of the vacancy, the city council shall elect by
 4 a majority vote of all the ~~aldermen~~ council members a person to serve for the
 5 unexpired term.

6
 7 SECTION 31. Arkansas Code § 14-45-101 is amended to read as follows:
 8 14-45-101. Corporate authority.

9 (a) The corporate authority of incorporated towns shall vest in a town
 10 council composed of the five (5) ~~aldermen~~ council members who shall be
 11 qualified electors residing within the limits of the ~~corporation~~ incorporated
 12 town and who shall hold office until their successors are elected and
 13 qualified.

14 (b) A majority of the whole number of ~~aldermen~~ council members shall
 15 constitute a quorum for the transaction of business.

16
 17 SECTION 32. Arkansas Code § 14-45-102 is amended to read as follows:
 18 14-45-102. Election of ~~aldermen~~ council members.

19 (a)(1) Except as provided in subdivision (a)(2) of this section, on
 20 the Tuesday following the first Monday in November 1982 and every two (2)
 21 years thereafter, the qualified voters of incorporated towns shall elect five
 22 (5) ~~aldermen~~ council members.

23 (2)(A) The town council of an incorporated town may refer to the
 24 voters an ordinance on the question of electing the five (5) ~~aldermen~~ council
 25 members to four-year terms.

26 (B)(i) The voters shall vote on the ordinance at a general
 27 election or at a special election called for that purpose.

28 (ii) The election to approve the four-year election
 29 procedure shall be held no later than February 1 of the year of the general
 30 election in which the procedure is proposed to be effective.

31 (C) If this procedure is adopted by an ordinance referred
 32 to and approved by the voters of the incorporated town, the initial terms for
 33 ~~aldermen~~ council members representing positions numbered "one", "three", and
 34 "five" shall be four-year terms at the next general election and the initial
 35 terms for ~~aldermen~~ council members representing positions numbered "two" and
 36 "four" shall be two-year terms and thereafter four-year terms, resulting in

1 staggered terms.

2 (D)(i) The town council may refer to voters an ordinance
 3 on the question of returning the incorporated town to electing ~~aldermen~~
 4 council members to two-year terms using the procedures of subdivision (a)(2)
 5 of this section.

6 (ii) If the voters approve returning a an
 7 incorporated town to two-year terms, all ~~aldermen~~ council members shall be
 8 elected to two-year terms at the next general election and thereafter.

9 (E) The town council may not refer to voters another
 10 question on electing ~~aldermen~~ council members to four-year terms or on
 11 returning the incorporated town to electing ~~aldermen~~ council members to two-
 12 year terms unless at least four (4) years have passed since the last election
 13 on changing the terms of ~~aldermen~~ council members.

14 (b)(1) A candidate for the office of ~~alderman~~ council member shall
 15 designate the number of the office for ~~alderman~~ council member that the
 16 candidate is seeking on the petition filed pursuant to § 14-42-206.

17 (2) If there is a designation under subdivision (b)(1) of this
 18 section, the candidate shall not change the designation on that petition.

19 (3) The county clerk shall not accept a petition for filing that
 20 does not designate the number of the office for ~~alderman~~ council member
 21 sought.

22 (4) Each incorporated town shall maintain in its records a
 23 document showing the name of each ~~alderman~~ council member and the number of
 24 the office that the candidate holds.

25
 26 SECTION 33. Arkansas Code § 14-45-103 is amended to read as follows:
 27 14-45-103. Vacancies.

28 (a) When a vacancy occurs in the office of ~~alderman~~ council member in
 29 an incorporated town, at the first regular meeting after the occurrence of
 30 the vacancy, the town council shall elect by a majority vote of the town
 31 council ~~an alderman~~ a council member to serve for the unexpired term.

32 (b) When a vacancy occurs in the office of mayor in an incorporated
 33 town, at the first regular meeting after the occurrence of the vacancy, the
 34 town council shall:

35 (1) Elect by a majority vote of the ~~aldermen~~ council members a
 36 mayor to serve the unexpired term; or

1 (2)(A) Call for a special election to be held in accordance with
 2 § 7-11-101 et seq. to fill the vacancy.

3 (B) At the special election, a mayor shall be elected to
 4 complete the unexpired term.

5
 6 SECTION 34. Arkansas Code § 14-45-105(b)(2)(B), concerning the powers
 7 of the mayor, is amended to read as follows:

8 (B) ~~No~~ An ordinance, resolution, or order, or part
 9 thereof, vetoed by the mayor shall not have any force or validity unless,
 10 after the written statement is laid before it, the council ~~shall pass~~ passes
 11 it over the veto by a vote of two-thirds (2/3) of all the ~~aldermen~~ council
 12 members elected thereto.

13
 14 SECTION 35. Arkansas Code § 14-55-204 is amended to read as follows:

15 14-55-204. Approval of appropriations.

16 All bylaws, ordinances, resolutions, or orders for the appropriation of
 17 money shall require for their passage or adoption the concurrence of a
 18 majority of the ~~aldermen~~ council members of any municipal corporation.

19
 20 SECTION 36. Arkansas Code § 14-88-305 is amended to read as follows:

21 14-88-305. Removal of member.

22 (a)(1) The city or town council may remove a municipal board of
 23 improvement or any member of the board by a two-thirds vote of the whole
 24 number of ~~aldermen~~ council members elected to the council.

25 (2)(A) Removal shall be for cause only, including without
 26 limitation noncompliance with state or federal law or local ordinance, and
 27 after a hearing upon sworn charges proffered in writing by a real property
 28 owner in the improvement district.

29 (B) Ten (10) days' notice of the hearing of the charges
 30 shall be given.

31 (b) The council may remove the board or any member of the board by a
 32 vote of a majority of the whole number of ~~aldermen~~ council members elected to
 33 the council, upon the written petition of fifteen percent (15%) of the owners
 34 of real property located within the improvement district stating that the
 35 petitioners believe it to be in the best interest of the improvement
 36 district, and after a mandatory hearing upon ten (10) days' notice to each

1 member of the board affected.

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
36

SECTION 37. Arkansas Code § 14-201-325 is amended to read as follows:
14-201-325. Disposition of profits.

Any profits derived by any of the boards of public utilities created under this subchapter, after there has been set aside from the earnings a sum sufficient to pay all outstanding indebtedness of the plants or sewerage systems under the control of the board and a sum sufficient to provide for expenses, extensions, and enlargements found necessary, or which may be reasonably anticipated, shall be used by the board to retire any outstanding bonds or interest thereon issued by any of the boards of improvement of the district constructing the plants under its control. In case there are no such outstanding bonds or interest or when all of such outstanding bonds and interest thereon have been paid, such profits shall be paid to the treasurer of the city or town wherein the board is created. These funds are to be used by the ~~board of aldermen of the~~ city or town council to defray any expense or pay any debt of the city or town.

APPROVED: 04/04/2017