

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

SENATE BILL 70

5 By: Senator Hill
6 By: Representative Evans
7

For An Act To Be Entitled

9 AN ACT TO REPEAL DUPLICATIVE LAW CONCERNING THE
10 REORGANIZATION OF MUNICIPAL GOVERNMENT; AND FOR OTHER
11 PURPOSES.
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Subtitle

15 AN ACT TO REPEAL DUPLICATIVE LAW
16 CONCERNING THE REORGANIZATION OF
17 MUNICIPAL GOVERNMENT; AND FOR OTHER
18 PURPOSES.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 14-38-113 is repealed.

24 ~~14-38-113. Reorganization under different form of government~~

25 ~~(a) When any municipality of this state is entitled by law to become~~
26 ~~reorganized under a different form of municipal government than that under~~
27 ~~which the municipality is operating, whether the form is the mayor-council~~
28 ~~form of government, the city manager form of government, or the commission~~
29 ~~form of government, upon the approval of a majority of the qualified electors~~
30 ~~of the municipality voting on the issue at an election called therefor, an~~
31 ~~election to submit the question of becoming organized under any such form of~~
32 ~~municipal government shall be called and conducted in the manner provided in~~
33 ~~this section.~~

34 ~~(1) When petitions are filed with the mayor containing the~~
35 ~~signatures of qualified electors of the municipality equal in number to~~
36 ~~fifteen percent (15%) of the aggregate number of votes cast at the preceding~~



~~1 general municipal election of all candidates for mayor in the case of a
2 municipality operating under the mayor council form of government or the
3 commission form of government, and for all candidates for the office of
4 director for the director position for which the greatest number of votes
5 were cast in the case of a municipality operating under the manager form of
6 government, requesting that an election be called to submit the proposition
7 of organizing the municipality under any other form of municipal government
8 authorized by the laws of this state, a special election shall be called by
9 the mayor by proclamation, to be held in accordance with § 7-11-201 et seq.
10 The proclamation shall be published one (1) time at length in a newspaper
11 having a general circulation in the municipality, and notice of the election
12 shall be published in the newspaper one (1) time a week for two (2) weeks,
13 with the first publication to be not less than fifteen (15) days before the
14 date set for the election;~~

~~15 (2)(A) At the election, the proposition shall be submitted to the
16 electors in substantially the following form:~~

~~17 "FOR the proposition to organize this city under the.....form of
18 government.....
19 AGAINST the proposition to organize this city under the.....form of
20 government....."~~

~~21 (B) The election thereupon shall be conducted, the votes
22 canvassed, and the results declared in the same manner as is provided by law
23 with respect to other city elections. The county board of election
24 commissioners shall certify the results of any election to the mayor. The
25 result so certified shall be conclusive and not subject to attack unless suit
26 is brought to contest the certification within thirty (30) days after the
27 certification in the circuit court of the county in which the municipality is
28 situated;~~

~~29 (3)(A) If a majority of the votes cast at the election are in
30 favor of the proposition and no suit is brought to contest the certification
31 of the results of the election within the thirty day period after the
32 certification by the county board of election commissioners, the mayor shall
33 file certificates stating that the proposition was adopted with the Secretary
34 of State and the county clerk of the county in which the municipality is
35 situated. Thereafter, the municipality shall proceed to elect officials of
36 the municipality in the manner and at the time provided by law for the~~

1 ~~election of municipal officials in municipalities operating under the form of~~
2 ~~government adopted by the municipality.~~

3 ~~(B)(i) However, if a municipality votes to change its form~~
4 ~~of government and the date of the election to change its form of municipal~~
5 ~~government is six (6) months or more prior to the next regular general~~
6 ~~election for municipal officials, the mayor of the municipality by~~
7 ~~proclamation shall call a special election, to be held in accordance with §~~
8 ~~7-11-201 et seq., for the purpose of electing municipal officials under the~~
9 ~~form of government adopted by the municipality. When the officials are~~
10 ~~elected, the municipality shall proceed to organize and operate under the~~
11 ~~newly adopted form of government.~~

12 ~~(ii) The mayor's proclamation shall be issued within~~
13 ~~one (1) business day after the results of the election have been certified to~~
14 ~~him or her. The proclamation shall be published at least one (1) time a week~~
15 ~~for two (2) weeks in a newspaper having general circulation within the~~
16 ~~municipality, and the date of the special election shall be within ninety~~
17 ~~(90) days from the date of the proclamation calling the special election.~~

18 ~~(iii)(a) When any municipality changes forms of~~
19 ~~government in the manner provided in this section, the question of changing~~
20 ~~the form of government of the municipality shall not again be submitted to~~
21 ~~the electors thereof until the expiration of four (4) years from the date on~~
22 ~~which the first officers are elected for the form of government adopted at~~
23 ~~the election.~~

24 ~~(b) If a majority of the qualified electors of~~
25 ~~a municipality vote against adopting a different form of government, the~~
26 ~~question shall not again be submitted to the electors thereof for a period of~~
27 ~~two (2) years after the date of the election in which the proposed change of~~
28 ~~government in the municipality was rejected; and~~

29 ~~(4)(A) Each signature on a petition filed, as provided in this~~
30 ~~section, shall have been signed within one hundred eighty (180) days prior to~~
31 ~~the filing of the petition. All signatures not signed within this time shall~~
32 ~~be void for the purposes of determining the adequate number of signatures~~
33 ~~required to call an election under this section.~~

34 ~~(B) The date of execution of the petitions may be~~
35 ~~established by affidavit of the person circulating the petition or by the~~
36 ~~person signing the petition affixing the date of signing immediately~~

1 ~~following his or her name.~~

2 ~~(b) It is the intent and purpose of this section to prescribe a uniform~~
3 ~~procedure whereby municipalities of this state may submit to the qualified~~
4 ~~electors of any such municipality the proposition of adopting and becoming~~
5 ~~organized under any form of municipal government authorized under the laws of~~
6 ~~this state.~~

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9 **APPROVED: 2/12/19**

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