

Act 905 of the 1989 Regular Session.

Act 905

HB1683

By: Representative McCuiston

"AN ACT TO PROVIDE FOR A MUNICIPAL PRIMARY ELECTION IN ALL CITIES AND TOWNS WITH A RUN-OFF AT THE GENERAL ELECTION IF NECESSARY; PERMITTING CITY AND TOWN COUNCILS OF CITIES WITH MAYOR-COUNCIL FORM OF GOVERNMENT TO REQUEST A PARTY PRIMARY BE HELD FOR MUNICIPAL OFFICES IN THEIR CITY OR TOWN; REPEALING ALL LAWS IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES."

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

SECTION 1. Candidates for municipal office in all elections in cities and towns shall be nominated by a municipal primary election, and no names shall be placed upon the general election ballot except those selected in the manner prescribed in this Act.

The municipal primary election for nomination for offices to be filled at the general election of municipal officials shall be held on the sixth Tuesday preceding the general election of municipal officials. Such elections shall be conducted under the supervision of the County Board of Election Commissioners and the election judges and clerks appointed for the general election shall be the judges and clerks of such municipal primary elections. Municipal primary elections shall be held in the same places as are designated for the general election, so far as possible, and shall so far as practicable, be conducted in the same manner as other elections under the laws of this State.

Provided, however, the city or town council of any city or town with the mayor-council form of government by resolution passed before January 1st of the year of the election may request the county party committees of recognized political parties under the laws of the state to conduct party primaries for municipal offices for the forthcoming year. When such resolution has been adopted, the clerk or recorder shall mail a certified copy of such resolution to the chairmen of the county party committees and to the chairmen of the state party committees. Candidates nominated for municipal office by political primaries shall be certified by said county party committees to the county board of election commissioners and shall be placed on the ballot at the municipal primary and/or general election ballot as the case may be.

SECTION 2. Any person desiring to become an independent candidate for municipal office in cities and towns with the mayor-council form of government, shall not more than eighty (80) days nor less than sixty (60) days prior to said municipal primary election, file with the county board of election commissioners their Petition of Nomination in substantially the following forms:

"(for all candidates except aldermen in cities of the first and second class)"

PETITION OF NOMINATION

TO THE COUNTY BOARD OF ELECTION COMMISSIONERS

We the undersigned qualified electors of the city (town) of _____, Arkansas being in number not less than ten (10) nor more than fifty (50), do hereby petition that the name of _____

be placed on the ballot for the office of _____ at the next election of municipal office in 19__.
(for all candidates for aldermen in cities of the first and second class)

PETITION OF NOMINATION
TO THE COUNTY BOARD OF ELECTION COMMISSIONERS
We the undersigned qualified electors of Ward _____ of the city of _____, Arkansas being in number not less than ten (10) nor more than fifty (50) do hereby petition that the name of _____ be placed on the ballot for the office of Alderman, Ward _____, position, of the next election of municipal officials in 19__.

NAME	ADDRESS	VOTING PRECINCT
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SECTION 3. If more than two (2) candidates qualify for an office, the name of all such candidates shall appear on the ballot at the municipal primary as provided for herein.

If no candidate receives a majority of the votes cast in the municipal primary, the two (2) candidates receiving the highest number of votes cast for the office to be filled shall be the nominees for the respective offices, to be voted upon in the general election.

If no more than two (2) persons qualify for an office, no municipal primary election shall be held for such position and the names of the two (2) qualified candidates shall be placed on the ballot at the general election.

In any case, except for the office of Mayor, in which only one (1) candidate shall have filed and qualified for the office, or if a candidate received a clear majority of the votes cast in the municipal primary election, the said candidate shall be declared elected and the name of such person shall be certified as elected without the necessity of putting such person's name on the general election ballot for such office.

If the office of Mayor is unopposed, then the candidate for Mayor shall be printed on the general election ballot and the votes for Mayor shall be tabulated as in all contested races.

If one of the candidates for Mayor receives a clear majority in the municipal primary, then that total vote for Mayor shall be used to determine the sufficiency of petitions under Amendment 7 to the Arkansas Constitution.

Any municipal judge position that is elected other than citywide will not be affected by this Act.

SECTION 4. Special elections for Mayors in cities of the first class and other special elections of officials required by law in cities and towns shall use the procedure in this Act.

SECTION 5. Independent candidates for municipal office shall file a political practice pledge no later than sixty (60) days prior to the date of the municipal primary.

SECTION 6. Subsection (c) of Arkansas Code 14-47-109 is hereby amended to read as follows:

"(c) The candidate for any designated position on the board of directors who, in any general or special election, shall receive votes greater in number than those cast in favor of any other candidate for the position shall be deemed to be elected.

SECTION 7. Paragraph (1)(a)(2)(B)(i) of Arkansas Code 14-48-109 is hereby amended to read as follows:

"(B)(i) The primary elections, other than the initial primary, for those nominations for offices to be filled at the municipal general election shall be held on the fourth Tuesday preceding the municipal general election."

SECTION 8. Each city and town shall be responsible for the cost of municipal primary elections conducted in the city or town.

SECTION 9. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 10. All laws and parts of laws in conflict with this Act are hereby repealed.

APPROVED: March 23, 1989
