1 State of Arkansas
2 78th General Assembly
3 Regular Session, 1991
4 By: Senator Scott

A Bill ACT 59 OF 1991

SENATE BILL   78

5

6

For An Act To Be Entitled

8   "AN ACT TO REPEAL ARKANSAS CODE 14-42-206 CONCERNING

9   MUNICIPAL PRIMARY ELECTIONS; TO ALLOW MUNICIPALITIES WITH

10   THE MAYOR-COUNCIL FORM OF GOVERNMENT TO CONDUCT A PARTY

11   PRIMARY ON THE SAME DATE AS THE PREFERENTIAL PRIMARY FOR

12   OTHER OFFICES; AND FOR OTHER PURPOSES."

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

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16   SECTION 1. Arkansas Code 14-42-206 is repealed.

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18   SECTION 2. (a) The city or town council of any city or town with the
19 mayor-council form of government, by resolution passed before January 1 of the
20 year of the election, may request the county party committees of recognized
21 political parties under the laws of the state to conduct party primaries for
22 municipal offices for the forthcoming year. When the resolution has been
23 adopted, the clerk or recorder shall mail a certified copy of the resolution
24 to the chairmen of the county party committees and to the chairmen of the
25 state party committees. Candidates nominated for municipal office by
26 political primaries under this section shall be certified by the county party
27 committees to the county board of election commissioners and shall be placed
28 on the ballot at the general election ballot.

29   (b)(1) Any person desiring to become an independent candidate for
30 municipal office in cities and towns with the mayor-council form of government
31 shall, not more than eighty (80) days nor less than sixty (60) days prior to
32 the general election, file with the county board of election commissioners
33 their petition of nomination in substantially the following forms:

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

36   PETITION OF NOMINATION

1   TO THE COUNTY BOARD OF ELECTION COMMISSIONERS

2   We the undersigned qualified electors of the city (town) of

3 _____ , Arkansas, being in number not less than ten (10) nor more

4 than fifty (50), do hereby petition that the name of _____

5 be placed on the ballot for the office of _____ at the next

6 election of municipal officials in 19____.

7   (for all candidates for aldermen in cities of the first and second

8 class)

9   PETITION OF NOMINATION

10   TO THE COUNTY BOARD OF ELECTION COMMISSIONERS

11   We the undersigned qualified electors of Ward _____ of the city of

12 _____, Arkansas, being in number not less than ten (10) nor more

13 than fifty (50), do hereby petition that the name of _____

14 be placed on the ballot for the office of Alderman, Ward _____,

15 position, of the next election of municipal officials in 19_____.

16   NAME   ADDRESS   VOTING PRECINCT

17

18 _____

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20   (2) Independent candidates for municipal office shall file a

21 political practice pledge no later than sixty (60) days prior to the date of

22 the general election.

23   (c)(1)(A) If no candidate receives a majority of the votes cast in the

24 general election, the two (2) candidates receiving the highest number of

25 votes cast for the office to be filled shall be the nominees for the

26 respective offices, to be voted upon in a runoff election pursuant to §7-5-

27 106.

28   (B) In any case, except for the office of mayor, in which

29 only one (1) candidate shall have filed and qualified for the office, the

30 candidate shall be declared elected and the name of the person shall be

31 certified as elected without the necessity of putting the person's name on the

32 general election ballot for the office.

33   (2)(A) If the office of mayor is unopposed, then the candidate

34 for mayor shall be printed on the general election ballot and the votes for

35 mayor shall be tabulated as in all contested races.

1   (3) Any municipal judge position that is elected other than

2 citywide will not be affected by this section.

3   (d) Special elections for mayors in cities of the first class and other

4 special elections of officials required by law in cities and towns shall use

5 the procedure in this section.

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7   SECTION 3. (a) Nothing in this act shall repeal Arkansas Code 7-1-107

8 which allows municipalities to require independent candidates to file before

9 the preferential primary election.

10   (b) Nothing in this section shall repeal any law pertaining to the city

11 administrator form of government or the city manager form of government.

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13   SECTION 4. All provisions of this act of a general and permanent nature

14 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code

15 Revision Commission shall incorporate the same in the Code.

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17   SECTION 5. If any provision of this act or the application thereof to

18 any person or circumstance is held invalid, such invalidity shall not affect

19 other provisions or applications of the act which can be given effect without

20 the invalid provision or application, and to this end the provisions of this

21 act are declared to be severable.

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23   SECTION 6. All laws or parts of laws in conflict with this act are

24 hereby repealed.

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26   APPROVED: 2-7-91

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