

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 385 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: S2/25/09

A Bill

SENATE BILL 335

5 By: Senator G. Jeffress
6 By: Representative Pyle
7
8

9 **For An Act To Be Entitled**

10 AN ACT TO CLARIFY THE PROCESS OF FILLING AN
11 ALDERMANIC VACANCY IN A CITY OF THE FIRST CLASS;
12 AND FOR OTHER PURPOSES.
13

14 **Subtitle**

15 AN ACT TO CLARIFY THE PROCESS OF
16 FILLING AN ALDERMANIC VACANCY IN A CITY
17 OF THE FIRST CLASS.
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 14-42-104 is repealed.

23 ~~14-42-104. Vacancies in certain alderman positions.~~

24 ~~When a vacancy occurs in any position of alderman in a city having a~~
25 ~~population of twenty thousand (20,000) or more, according to the most recent~~
26 ~~federal decennial census, and having a mayor council form of government in~~
27 ~~which the electors of each ward elect one (1) or more aldermen, a new~~
28 ~~alderman shall be chosen in the following manner:~~

29 ~~(1) If the unexpired portion of the term of alderman exceeds one~~
30 ~~(1) year, a successor shall be elected by a vote of the electors of the ward.~~
31 ~~The city council shall order a special election to be held pursuant to a~~
32 ~~proclamation issued by the mayor in accordance with 7-5-103(a) no later than~~
33 ~~ninety (90) days after the date the vacancy occurs; and~~

34 ~~(2) If the unexpired portion of the term of alderman is one (1)~~
35 ~~year or less, a successor shall be chosen by a majority vote of the members~~



1 ~~of the city council.~~

2
3 SECTION 2. Arkansas Code 14-43-411, as amended by Section 2 of Act 185
4 of 2009, is amended to read as follows:

5 14-43-411. Alderman vacancy in mayor-council form of government.

6 (a)(1)(A) Whenever a vacancy occurs in the office of alderman in a
7 city of the first class having a population of less than twenty thousand
8 (20,000) according to the most recent federal decennial census, at any the
9 first regular meeting after the occurrence of the vacancy, the city council
10 shall proceed to elect by a majority vote of the remaining members elected to
11 the council an alderman to serve for the unexpired term.

12 (B)(i) However, at least a quorum of the whole number of
13 the city council shall remain in order to fill a vacancy.

14 ~~(C)(ii)~~ The election by the remaining members of the city
15 council is not subject to veto by the mayor.

16 (2) The person elected by the council shall be a resident of the
17 ward where the vacancy occurs at the time of the vacancy.

18 (b) When a vacancy occurs in any position of alderman in a city having
19 a population of ~~fifty thousand (50,000)~~ twenty thousand (20,000) or more,
20 according to the most recent federal decennial census, ~~and having a mayor-~~
21 ~~council form of government in which the electors of each ward elect one (1)~~
22 ~~or more aldermen,~~ a new alderman shall be chosen in the following manner:

23 (1) If the unexpired portion of the term of alderman exceeds one
24 (1) year, ~~a successor shall be elected by a vote of the electors of the ward.~~
25 ~~The city council shall order a special election to be held pursuant to a~~
26 ~~proclamation issued by the mayor in accordance with 7-5-103(a) no later than~~
27 ~~ninety (90) days after the date the vacancy occurs~~ at the first regular
28 meeting after the occurrence of the vacancy, the city council shall proceed
29 to either elect by a majority vote of the remaining members elected to the
30 council an alderman to serve for the unexpired term or call for a special
31 election to be held in accordance with § 7-5-103(a) to fill the vacancy; or

32 (2) If the unexpired portion of the term of alderman is one (1)
33 year or less, a successor shall be chosen by a majority vote of the members
34 of the council.

35
36 /s/ G. Jeffress

APPROVED: 3/10/2009