

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.

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

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

Subtitle

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

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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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 Arkansas Code § 14-42-104 is repealed.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~~
36 ~~of the city council.~~



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

4 14-43-411. Alderman vacancy in mayor-council form of government.

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

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

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

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

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

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

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

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35 /s/ G. Jeffress
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