

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.

INTERIM STUDY PROPOSAL 2007-218

State of Arkansas
87th General Assembly
Regular Session, 2009

A Bill

KLL/YTC
SENATE BILL

By: Senator Altes

Filed with: Senate Interim Committee on City, County and Local Affairs
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT TO REQUIRE CONTINUED RESIDENCY, AFTER
ELECTION, OF CITY DIRECTORS IN A CITY
ADMINISTRATOR FORM OF GOVERNMENT; AND FOR OTHER
PURPOSES.

Subtitle

TO REQUIRE CONTINUED RESIDENCY, AFTER
ELECTION, OF CITY DIRECTORS IN A CITY
ADMINISTRATOR FORM OF GOVERNMENT.

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

SECTION 1. Arkansas Code § 14-48-110 is amended to read as follows:

14-48-110. Board of directors and mayor generally.

(a)(1) The seven (7) directors elected by a city reorganized under this chapter shall be known and designated as the board of directors of the city.

(2) The board of directors shall constitute the legislative and executive body of the city, subject to the powers of the mayor in § 14-48-111, and shall be vested with all powers and authority which, immediately prior to the effective date of the reorganization, were vested under then-existing laws, ordinances, and resolutions in the governing body of the city and in its board of public affairs subject to the powers of the city administrator in § 14-48-117.

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1 (3) Except ~~where~~ when expressly permitted under this chapter,
2 the mayor or ~~board member~~ director may not serve the city in any other
3 capacity.

4 (b)(1) The positions upon the board of directors shall, for election
5 purposes, be permanently designated as positions, numbered respectively, one,
6 two, three, four, five, six, and seven.

7 (2)(A) Each candidate for election to membership on the board of
8 directors shall specify the position for which he or she is running.

9 (B) The electors shall vote separately on the candidates
10 for each position, and the position sought by each candidate shall be shown
11 on the ballot.

12 (c)(1) Except in the instances ~~where~~ in which the mayor and directors
13 are elected at special elections as provided in §§ 14-48-108 and 14-48-109,
14 the mayor and ~~members of the board~~ directors shall be elected at the general
15 elections held biennially for the election of state and county offices.

16 (2) Each such general election shall be utilized for the
17 election of successors to the mayor and to those directors whose terms expire
18 on December 31 following the election.

19 (d)(1) All primary, general, and special elections of the mayor and
20 directors shall be nonpartisan, and the ballots shall show no party
21 designation.

22 (2)(A) In all primary, general, and special elections, each
23 candidate for the office of mayor or director shall be elected by the
24 electors of the city as follows:

25 (i) The persons elected to fill director positions
26 one, two, three, and four, respectively, shall be qualified electors of the
27 respective wards and shall be elected by the qualified electors of the
28 respective wards; and

29 (ii) The persons elected to fill the position of
30 mayor and director positions five, six, and seven, respectively, shall be
31 qualified electors of the city and shall be elected by the qualified electors
32 of the entire city.

33 (B) Neither the mayor nor a director shall be prohibited
34 from holding successive terms of office.

35 (C)(i)(a) The persons elected to fill director positions
36 one, two, three, and four, respectively, shall continue to reside in the ward

1 from which he or she was elected for the term for which he or she was
2 elected.

3 (b) The persons elected to fill the position
4 of mayor and director positions five, six, and seven, respectively, shall
5 continue to reside in the city from which he or she was elected for the term
6 for which he or she was elected.

7 (ii) If a duly elected director shall cease to live
8 in the ward or the city from which he or she was elected, the director shall
9 be disqualified to hold the office and a vacancy shall exist that shall be
10 filled as prescribed by law.

11 (e)(1) The mayor and any director elected at a special election shall
12 take office on the first Monday following the certification, as required in
13 this chapter, of his or her election.

14 (2) The mayor and any director elected at a general election
15 shall take office on January 1 following his or her election.

16 (f)(1) At any primary, general, or special election for the election
17 of the mayor or any director, any adult person who has resided within the
18 municipality for at least six (6) months and is qualified to vote at an
19 election of county or state offices shall be deemed a qualified elector.

20 (2) Any person ~~more than~~ twenty-one (21) years of age or older
21 possessing these same qualifications also shall be eligible to run for the
22 office of mayor or director.

23 (g) When a city is reorganized under this chapter, the mayor and board
24 of directors will be divided into two (2) classes, and the tenure of office
25 of those in each class shall be as follows:

26 (1) Director positions one, two, three, and four shall be Class
27 Number One. Class 1 Number One directors shall serve until and including
28 December 31 following the first general election held after their term of
29 office commences and until their successors have been elected and qualified.
30 Thereafter, those in Class 1 Number One shall serve four-year terms; and

31 (2) The mayor and director positions five, six, and seven shall
32 be Class Number Two. Class 2 Number Two directors shall serve until and
33 including December 31 following the second general election held after their
34 term of office commences, and until their successors have been elected and
35 qualified. Thereafter, those in Class 2 Number Two shall serve four-year
36 terms.

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