

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 2009-091

State of Arkansas
87th General Assembly
Regular Session, 2009

A Bill

SENATE BILL 774

By: Senator Madison

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 AMEND ARKANSAS LAW CONCERNING
CONFLICTING ANNEXATION ELECTIONS; AND FOR OTHER
PURPOSES.

Subtitle

TO AMEND ARKANSAS LAW CONCERNING
CONFLICTING ANNEXATION ELECTIONS.

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

SECTION 1. Arkansas Code § 14-40-303(f), concerning conflicting annexation elections, is amended to read as follows:

(f)(1) In the event that within thirty (30) days of the date that one (1) city calls for an annexation election, another city calls for an annexation election on all or part of the same land proposed to be annexed by the first city, then both annexation elections shall be held, provided that the second city must call for its annexation election to be held on the next available date in accordance with § 7-5-103(b) before or after the holding of the first city's election.

(2)(A) If the annexation election held first is approved by the voters, the results of it shall be stayed until the second annexation election is held.

(B)(i) If only one (1) of the annexation elections is approved by the voters, then the city that called that election shall proceed



1 with the annexation of the land.

2 (ii)(a) If Except as provided in subdivision
3 (f)(2)(B)(ii)(b) of this section, if both annexation elections are approved
4 by the voters, then a third election shall be held three (3) weeks after the
5 second annexation election. The provisions of § 7-5-103(b) governing the
6 procedures and dates on which special elections may be held shall not apply
7 to the third annexation election provided in this subsection.

8 (b) If the date of the third election falls
9 upon a legal holiday, the election shall be held on the next second Tuesday
10 of any month. If the next second Tuesday of any month is a legal holiday,
11 the election shall be held on the next third Tuesday of any month.

12 (iii) Notice of the third election shall be
13 published in a newspaper circulated in the area to be annexed during the
14 ~~three-week~~ period following the second election.

15 (iv) Only the residents of the area proposed to be
16 annexed by both cities shall vote in the third election.

17 (v) The issue on the ballot in the third election
18 shall be into which of the two (2) cities the residents of the area want to
19 be annexed.

20 (vi) The area shall be annexed into the city
21 receiving the most votes in the third election.

22 (vii) In the event of a tie vote in the third
23 election, the area shall be annexed to the city that had the highest
24 percentage vote in favor of the annexation in the first or second election.

25 (3) If the city that does not get to annex the area voted on by
26 both cities included land in its annexation election other than the land
27 voted on by both cities, then that land shall be annexed into such city if it
28 is still contiguous to such city after the other land is annexed to the other
29 city, but such land shall remain part of the county if it is not so
30 contiguous.

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36 Filed Date: 04/07/2009 By: MBM\VJF