

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Representative Young

A Bill

HOUSE BILL 1822

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE §§ 14-61-113 AND 14-61-114
TO PROVIDE THAT A CITY WITH A CITY MANAGER FORM OF
GOVERNMENT UNDER A FEDERAL COURT ORDER TO REDISTRICIT WARDS
MAY CALL A SPECIAL ELECTION TO CHANGE ITS METHOD OF
SELECTING ITS BOARD OF DIRECTORS BY PETITION OF THE
VOTERS; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES."

Subtitle

"TO PROVIDE THAT A CITY WITH A CITY
MANAGER FORM OF GOVERNMENT UNDER A
FEDERAL COURT ORDER TO REDISTRICIT WARDS
MAY PETITION FOR A SPECIAL ELECTION TO
CHANGE ITS BOARD."

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

SECTION 1. Arkansas Code § 14-61-113 is amended to read as follows:

"14-61-113. Petition process for special elections.

Except for questions that may be referred to the voters by the board of directors unless it is a city where a federal court has ordered the redistricting of wards under the federal Voting Rights Act, options provided by this chapter shall be voted on at special elections called as a result of a petition for the special election being filed with the city clerk and provided to the mayor. The following procedure shall be utilized for both initial elections to organize under the management form of government, for reorganization elections by a city already operating under the management form of government and for elections to reorganize the selection of directors in cities where a federal court has ordered the redistricting of wards under

1 the federal Voting Rights Act:

2 (1) A petition that calls for an election on one (1) particular option
3 for selecting members of the board of directors using the form of the
4 question outlined in § 14-61-114(b) shall be filed with the city clerk and
5 provided to the mayor. The city clerk shall note on the petitions the date
6 and time that they were filed. If such a petition contains the signatures of
7 electors equal in number to fifteen percent (15%) of the number of ballots
8 cast for the mayor, or if the mayor is not directly elected, for the director
9 position receiving the highest number of votes, in the last general election,
10 then the mayor shall, by proclamation, submit the question to the electors at
11 a special election, provided:

12 (A)(i) The city clerk shall verify the number of signatures on
13 the petitions within ten (10) days of the date they are filed.

14 (ii) If there are insufficient signatures on the
15 petitions, the petitioners shall not receive any extensions for the petition.

16 (iii) If, however, there are a sufficient number of
17 signatures on the petitions, but the city clerk is unable to verify the
18 required number of signatures as those of qualified electors, then the
19 petitioners will be given ten (10) days to provide a sufficient number of
20 verified signatures;

21 (B) The proclamation calling the special election shall be
22 issued within three (3) working days of the date the city clerk verifies the
23 number of signatures on the petitions;

24 (C) The special election shall be held not less than thirty (30)
25 nor more than sixty (60) days after the proclamation calling the election,
26 provided, that if the county board of election commissioners certifies in
27 writing that it cannot prepare the ballots because of other pending
28 elections, then the election can be held not more than seventy-five (75) days
29 after the proclamation.

30 (2) Except for the provisions of subdivision (1)(A) of this section,
31 if petitions filed with the mayor that call for an election on one (1) of the
32 options set forth in this chapter are found to be insufficient for any reason
33 whatsoever, then new petitions will have to be circulated and filed before
34 the question can be considered again.

35 (3) Notwithstanding subdivision (2) of this section, if two (2) or

1 more groups file petitions seeking a special election on one (1) of the
2 options set forth in this chapter, and the first filed petitions are declared
3 to be insufficient, then the city clerk will determine the sufficiency of the
4 petitions that were filed next in time. Otherwise, upon a declaration that a
5 set of petitions is sufficient and the first in time, then all petitions
6 filed after the first sufficient petitions and before the special election
7 shall be deemed moot and may be destroyed.

8 (4) Once an election has been held pursuant to the provisions of any
9 act that results in a change in the manner of selecting the governing body of
10 a city with the manager form of government, or seeks to reorganize a
11 manager-government city under any other form of government, then none of the
12 options presented by this chapter, or any act concerning the organization of
13 the government under any form of municipal government, may be submitted to
14 the voters for a period of four (4) years from the date of the election.

15 (5) Except as provided in § 14-61-114(a), if an election held pursuant
16 to the provisions of any act fails to result in a change in the manner of
17 selecting the governing body of a city with the manager form of government,
18 or fails to reorganize such a city under any other form of government, then
19 no other petitions seeking to adopt any of the options presented by this
20 chapter, or to reorganize the city under any form of municipal government,
21 may be submitted to the voters for a period of two (2) years from the date of
22 the election."
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24 SECTION 2. Arkansas Code § 14-61-114(a) is amended to read as follows:

25 "(a)(1) Notwithstanding any other provision, the board of directors in
26 a city operating under the management form of government may, by a two-thirds
27 (2/3) vote of all the members, including the mayor, refer to a special or
28 general election, for approval by a majority of the qualified electors voting
29 on the issue, one (1) of the options set forth in § 14-61-107, provided no
30 election on a board-referred option has been held within the previous two (2)
31 years.

32 (2) Notwithstanding the other provisions of this subsection and
33 Arkansas Code § 14-43-201 and 14-61-117, in a city operating under the
34 management form of government where a federal court has ordered the
35 redistricting of wards under the federal Voting Rights Act, the voters of the

1 city are authorized to petition for a special election to vote on the options
2 set forth in Arkansas Code § 14-61-107 for reorganizing the selection of
3 directors, including the election of a mayor at-large, at anytime. The
4 option shall be voted on at special elections called as a result of a
5 petition for the special election being filed with the city clerk and
6 provided to the mayor under Arkansas Code § 14-61-113."

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8 SECTION 3. All provisions of this act of general and permanent nature
9 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
10 Revision Commission shall incorporate the same in the Code.

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12 SECTION 4. If any provisions of this act or the application thereof to
13 any person or circumstance is held invalid, the invalidity shall not affect
14 other provisions or applications of the act which can be given effect without
15 the invalid provisions or application, and to this end the provisions of this
16 act are declared to be severable.

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18 SECTION 5. All laws and parts of laws in conflict with this act are
19 hereby repealed.

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21 SECTION 6. Emergency. It is hereby found and determined by the
22 Eightieth General Assembly of the State of Arkansas that federal courts may
23 order the reorganization of the city governing body in city manager forms of
24 government to provide for the election of all members of the board of
25 directors by wards; that this can result in the loss of citizens being able
26 to elect a mayor by popular vote in the city at-large; and that it is
27 necessary to provide the citizens of cities under federal court orders the
28 option to petition for special elections at anytime to reorganize their city
29 governments. Therefore, in order to allow the municipal citizens of Arkansas
30 the opportunity to reorganize their city government, an emergency is hereby
31 declared to exist, and this act being necessary for the immediate
32 preservation of the public peace, health, and safety, shall be in full force
33 and effect from and after its passage and approval.

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/s/Rep. Young

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