

1 State of Arkansas

2 80th General Assembly

3 First Extraordinary Session, 1995

4 By: Representative Young

5

6

7

# A Bill

CALL ITEM #6

HOUSE BILL hb1013

## For An Act To Be Entitled

8 "AN ACT TO ALLOW CERTAIN CITIES WITH THE CITY MANAGER FORM  
9 OF GOVERNMENT TO IMPLEMENT A REORGANIZATION PLAN AT A  
10 SPECIAL ELECTION; AND FOR OTHER PURPOSES."

11

12

## Subtitle

13 "AN ACT TO ALLOW CERTAIN CITIES WITH THE  
14 CITY MANAGER FORM OF GOVERNMENT TO  
15 IMPLEMENT A REORGANIZATION PLAN AT A  
16 SPECIAL ELECTION."

17

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

19

20 SECTION 1. (a) This act applies only to a city with the city manager  
21 *form of government in which the Arkansas city is divided by a street state*  
22 *line from an incorporated city or town in an adjoining state and the city or*  
23 *town in the adjoining state is of greater population than the Arkansas city*  
24 *or town meeting the following criteria:*

25 (1) a special election was held approving the reorganization of  
26 the city under the option providing for the election of a mayor at-large and  
27 members of the board of directors from wards; and

28 (2) the election approving the option was held after the 1992  
29 general election and before the 1994 general election but was not implemented  
30 at the 1994 general election.

31

32 SECTION 2. (a) A city meeting the criteria of Section 1 of this act  
33 shall be divided into six (6) wards by the county board of election  
34 commissioners within ten (10) days after the effective date of this act.  
35 Each ward shall be composed of contiguous territory and of substantially

1 equal population. The county board of election commissioners shall designate  
2 each ward by number.

3 (b)(1) Within five (5) days after the county board of election  
4 commissioners divides the city into wards, the mayor shall, by proclamation,  
5 call a special election to be held not less than sixty (60) days nor more  
6 than ninety (90) days after the date of the proclamation.

7 (2) The proclamation shall be published at length in a legal  
8 newspaper having general circulation in the city, and notice of the election  
9 shall be published in a legal newspaper having general circulation in the  
10 city once a week for two (2) weeks, the first publication to be not less than  
11 forty (40) days before the date set for the election. No other notice of the  
12 election is required.

13 (c)(1) The name of each candidate for mayor shall be supported by a  
14 petition, signed by at least fifty (50) qualified electors of the  
15 municipality, requesting the candidacy of the candidate. The name of each  
16 candidate for director shall be supported by a petition, signed by at least  
17 fifty (50) qualified electors of the ward, requesting the candidacy of the  
18 candidate. The petition supporting the candidacy of each candidate to be  
19 voted upon at the special election shall be filed with the city clerk or  
20 recorder not less than forty (40) days before the election by twelve o'clock  
21 noon.

22 (2) The petition shall show the residence address of each signer  
23 and shall carry an affidavit signed by one (1) or more persons, in which the  
24 affiant or affiants shall vouch for the eligibility of each signer of the  
25 petition.

26 (3) Petitions shall be substantially in the following forms.

27 (A) For candidates for mayor:

28

29 "PETITION OF NOMINATION

30 We, the undersigned qualified electors of the city  
31 of \_\_\_\_\_, Arkansas, do hereby petition that the name of  
32 \_\_\_\_\_ be placed on the ballot for the office of mayor at the special  
33 election to be held on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_. We further state  
34 that we know the person to be a qualified elector of the city and a person of  
35 good moral character and qualified in our judgment for the duties of such

1 office."

2

3

(B) For candidates, other than for mayor:

4

5

"PETITION OF NOMINATION

6

We, the undersigned qualified electors of Ward \_\_\_\_\_ of the city of

7

\_\_\_\_\_, Arkansas, do hereby petition that the name of

8

\_\_\_\_\_ be placed on the ballot for the office of director, Ward

9

\_\_\_\_\_ at the special election to be held on the \_\_\_\_ day of \_\_\_\_\_,

10

19\_\_\_\_. We further state that we know the person to be a qualified elector

11

of the ward and a person of good moral character and qualified in our

12

judgment for the duties of such office."

13

14

(4) A petition for nomination shall not show the name of more

15

than one (1) candidate.

16

(5) The name of the candidate mentioned in each petition shall

17

be certified by the city clerk or recorder to the county board of election

18

commissioners not less than thirty-five (35) days before the election unless

19

the clerk or recorder finds that the petition fails to meet the requirements

20

of this act.

21

(d) Except as otherwise provided by this act, the election shall be

22

conducted, the vote canvassed, and the result thereof declared in the same

23

manner as provided by law in respect to other city elections.

24

25

SECTION 3. Upon election the mayor and board shall divide into two (2)

26

classes, and the tenure of office of those in each class shall be as follows:

27

(1) Three (3) directors, determined by lot, shall be Class 1 positions

28

and shall serve until January 1 following the first general election held

29

after their term of office commences and until their successors have been

30

elected and qualified. Thereafter, those in Class 1 shall serve four-year

31

terms.

32

(2) Three (3) directors, determined by lot, and the mayor shall be

33

Class 2. Class 2 directors shall serve until January 1 following the second

34

general election held after their term of office commences and until their

35

successors have been elected and qualified. Thereafter, those in Class 2

1 shall serve four-year terms.

2

3       SECTION 4. (a) The term of office for the mayor and directors elected  
4 at the special election shall begin immediately upon the certification of the  
5 results of the election to the city clerk or recorder by the county board of  
6 election commissioners. The term of office of the mayor and director serving  
7 on the effective date of this act shall expire upon the certification of the  
8 results of the election to the city clerk or recorder by the county board of  
9 election commissioners.

10       (b) The mayor and each director elected at the special election,  
11 before entering upon the discharge of his or her duties, shall take the oath  
12 of office required by the Arkansas Constitution, Article 19, Section 20.

13

14       SECTION 5. All provisions of this act of a general and permanent  
15 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
16 Code Revision Commission shall incorporate the same in the Code.

17

18       SECTION 6. If any provision of this act or the application thereof to  
19 any person or circumstance is held invalid, such invalidity shall not affect  
20 other provisions or applications of the act which can be given effect without  
21 the invalid provision or application, and to this end the provisions of this  
22 act are declared to be severable.

23

24       SECTION 7. All laws and parts of laws in conflict with this act are  
25 hereby repealed.

26

27       SECTION 8. EMERGENCY. It is found and determined by the General  
28 Assembly that a city with the city manager form of government that approved a  
29 reorganization plan at a special election held before the 1994 general  
30 election, but failed to implement the change at the 1994 general election  
31 cannot implement the change at a special election; that remedial legislation  
32 is necessary; and that this act is immediately necessary. Therefore, an  
33 emergency is declared to exist and this act being necessary for the immediate  
34 preservation of the public peace, health and safety shall be in full force an  
35 effect from and after its passage and approval.

1  
2  
3  
4  
5

*/s/Dennis Young*