

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4 By: Representative Flanagin

A Bill

HOUSE BILL 1139

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 14-43-411 TO PRESCRIBE
9 THAT A MAJORITY OF THE REMAINING MEMBERS OF THE CITY
10 COUNCIL IN CITIES OF THE FIRST CLASS MAY FILL A VACANCY ON
11 THE COUNCIL; AND FOR OTHER PURPOSES."

Subtitle

14 "TO ALLOW A MAJORITY OF THE REMAINING
15 MEMBERS OF THE CITY COUNCIL TO FILL A
16 VACANCY ON THE COUNCIL."

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

20 SECTION 1. Arkansas Code § 14-43-411 is amended to read as follows:
21 "14-43-411. Alderman vacancy.

22 (a)(1) Whenever a vacancy shall occur, for any reason, in the office of
23 alderman in any city of the first class, at any regular meeting after the
24 occurrence of the vacancy, the city council shall proceed to elect by a
25 majority vote of ~~all the remaining~~ members elected to the council an alderman
26 to serve for the unexpired term. Provided, however, it is necessary that at
27 least a quorum of the whole number of the city council shall remain in order
28 to fill a vacancy.

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

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

36 (1) If the unexpired portion of the term of alderman exceeds one

1 (1) year, a successor shall be elected by a vote of the electors of the ward.
2 The city council shall order a special election to be held within sixty (60)
3 days of the date the vacancy occurs;

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

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8 SECTION 2. 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 3. 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 4. All laws and parts of laws in conflict with this act are
19 hereby repealed.

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