

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

A Bill

HOUSE BILL 1768

4
5 By: House Committee on State Agencies and Governmental Affairs
6
7

For An Act To Be Entitled

8
9 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED § 14-42-112 TO
10 CLARIFY THE PROCEDURE FOR THE APPOINTMENT OF CITY
11 ATTORNEYS IN CITIES OF THE SECOND CLASS AND IN
12 INCORPORATED TOWNS; TO AMEND ARKANSAS CODE ANNOTATED § 14-
13 42-203 AND § 14-44-106 TO CLARIFY THE TIME AND PROCEDURES
14 FOR SPECIAL ELECTIONS FOR MAYORS IN CITIES OF THE FIRST AND
15 SECOND CLASS; TO AMEND ARKANSAS CODE ANNOTATED § 14-42-206
16 TO REQUIRE INDEPENDENT CANDIDATES FOR MUNICIPAL OFFICE TO
17 FILE PETITIONS OF NOMINATION WITH THE COUNTY CLERK AND TO
18 REQUIRE PETITIONS OF NOMINATION FOR INDEPENDENT CANDIDATES
19 IN CITIES OF THE FIRST CLASS TO HAVE AT LEAST THIRTY (30)
20 SIGNATURES; AND FOR OTHER PURPOSES."
21

Subtitle

22
23 "TO AMEND A.C.A. §§ 14-42-112, 14-42-203,
24 14-42-206 AND 14-44-106 PERTAINING TO
25 MUNICIPAL ELECTIONS."
26

27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
28

29 SECTION 1. Arkansas Code Annotated § 14-42-112 is amended to read as
30 follows:

31 "14-42-112. Municipal attorneys for second-class cities or towns.

32 (a)(1) All cities of the second class and incorporated towns within the
33 State of Arkansas ~~are empowered to may~~ elect a municipal attorney at the time
34 of the election of other officers of these cities of the second class and
35 incorporated towns, if it is not established by ordinance that the office of
36 the city attorney will be appointed.

37 (2) All municipal attorneys elected under the provisions of this

1 section shall be regularly licensed attorneys of this state. When no attorney
2 resides within the limits of the city or town or when no resident attorney has
3 been elected as municipal attorney, the mayor and city or town council may
4 appoint any regularly licensed attorney of this state to serve as the
5 municipal attorney.

6 (b) Any municipal attorney elected or appointed under the provisions of
7 this section shall subscribe to the oath of office as all other officers of
8 these cities or towns.

9 (c) All municipal attorneys are authorized to file information for the
10 arrest of any person for the violation of any ordinance of the city or town or
11 of the laws of this state which are violated within the limits of the city or
12 town.

13 (d)(1) The duties of the municipal attorney shall be to represent the
14 city or town in all actions, both civil and criminal.

15 (2)(A) It shall be the duty of the municipal attorney to:

16 (i) Advise with all city or town officials at any
17 time needed;

18 (ii) Prepare all legal papers, blank forms, etc.;

19 (iii) File a complete report of his work with the
20 city or town council at the end of each year; and

21 (iv) If requested to do so, furnish all information
22 in his possession to the state courts for the prosecution of cases in the
23 state courts.

24 (B) Nothing in this section shall prohibit the city or town
25 council from prescribing other duties, and they are authorized to prescribe
26 such other duties as they desire which shall be done by proper ordinance by
27 the council.

28 ~~_____ (e) [Repealed]."~~

29

30 SECTION 2. Arkansas Code Annotated § 14-42-203(a) is amended to read as
31 follows:

32 "(a) Special elections of mayors of cities of the first and second
33 class shall be held at such time and place as the council shall direct,~~so~~
34 ~~that at least sixty (60) days notice thereof shall be given."~~

35

36 SECTION 3. Arkansas Code Annotated § 14-42-206 is amended to read as

1 follows:

2 "14-42-206. Municipal primary elections - Nominating petitions.

3 (a) The city or town council of any city or town with the mayor-council
4 form of government, by resolution passed before January 1 of the year of the
5 election, may request the county party committees of recognized political
6 parties under the laws of the state to conduct party primaries for municipal
7 offices for the forthcoming year. When the resolution has been adopted, the
8 clerk or recorder shall mail a certified copy of the resolution to the
9 chairmen of the county party committees and to the chairmen of the state party
10 committees. Candidates nominated for municipal office by political primaries
11 under this section shall be certified by the county party committees to the
12 county board of election commissioners and shall be placed on the ballot at
13 the general election ballot.

14 (b)(1) Any person desiring to become an independent candidate for
15 municipal office in cities and towns with the mayor-council form of government
16 shall, not more than eighty (80) days nor less than sixty (60) days prior to
17 the general election by twelve o'clock noon, file with the county ~~board of~~
18 ~~election commissioners~~ clerk ~~their~~ the petition of nomination in substantially
19 the following forms:

20 (A) For all candidates except aldermen in cities of the
21 first and second class:

22
23 PETITION OF NOMINATION

24
25 ~~TO THE COUNTY BOARD OF ELECTION COMMISSIONERS~~

26
27 We, the undersigned qualified electors of the city (town) of,
28 Arkansas, being in number not less than ten (10) for incorporated towns and
29 cities of the second (2nd) class, and not less than thirty (30) for cities of
30 the first (1st) class ~~nor more than fifty (50),~~ do hereby petition that the
31 name of be placed on the ballot for the office of at
32 the next election of municipal officials in 19

33
34 NAME STREET ADDRESS VOTING PRECINCT
35
36 _____

1 (B) For all candidates for aldermen in cities of the first
2 and second class:

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4

5 PETITION OF NOMINATION

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7

~~TO THE COUNTY BOARD OF ELECTION COMMISSIONERS~~

8
9

We, the undersigned qualified electors of Ward of the city of
10, Arkansas, being in number not less than ten (10) for incorporated
11 towns and cities of the second (2nd) class, and not less than thirty (30) for
12 cities of the first (1st) class ~~nor more than fifty (50), do~~ hereby petition
13 that the name of be placed on the ballot for the office of
14 Alderman, Ward, position, of the next election of municipal
15 officials in 19

16

17 NAME STREET ADDRESS VOTING PRECINCT

18
19

20 (2) The county clerk shall determine whether the petition
21 contains a sufficient number of qualified electors.

22 ~~(2)(3)~~ Independent candidates for municipal office shall file a
23 political practices pledge no later than sixty (60) days prior to the date of
24 the general election by twelve o'clock noon.

25 (c)(1)(A) If no candidate receives a majority of the votes cast in the
26 general election, the two (2) candidates receiving the highest number of votes
27 cast for the office to be filled shall be the nominees for the respective
28 offices, to be voted upon in a runoff election pursuant to § 7-5-106.

29 (B) In any case, except for the office of mayor, in which
30 only one (1) candidate shall have filed and qualified for the office, the
31 candidate shall be declared elected and the name of the person shall be
32 certified as elected without the necessity of putting the person's name on the
33 general election ballot for the office.

34 (2) If the office of mayor is unopposed, then the candidate for
35 mayor shall be printed on the general election ballot and the votes for mayor
36 shall be tabulated as in all contested races.

1 (3) Any municipal judge position that is elected other than
 2 citywide will not be affected by this section.

3 (d) Special elections for mayors in cities of the first class and other
 4 special elections of officials required by law in cities and towns shall use
 5 the procedure in this section.

6 (e)(1) ~~Nothing in this section shall repeal § 7-1-107 which allows~~
 7 ~~municipalities to require independent candidates to file before the~~
 8 ~~preferential primary election. The governing body of any first class city,~~
 9 ~~second class city, or incorporated town may enact an ordinance requiring~~
 10 ~~independent candidates for municipal office to file petitions for nomination~~
 11 ~~as independent candidates with the county clerk no later than noon on the day~~
 12 ~~before the preferential primary election.~~

13 (2) The ordinance shall be enacted no later than ninety (90) days
 14 prior to the filing deadline. The ordinance shall be published at least once a
 15 week for two (2) consecutive weeks immediately following adoption of the
 16 ordinance in a newspaper having a general circulation in the city.

17 ~~—————(2)(f) Nothing in this section shall repeal any law pertaining to~~
 18 ~~the city administrator form of government or the city manager form of~~
 19 ~~government."~~

20
 21 SECTION 4. Arkansas Code Annotated § 14-44-106 is amended to read as
 22 follows:

23 "14-44-106. Vacancy in mayor's office.

24 Whenever a vacancy shall occur in the office of mayor in any city of the
 25 second class, at the first regular meeting after the occurrence of the
 26 vacancy, the city council shall proceed to either elect, by a majority vote of
 27 the aldermen, a mayor to serve the unexpired term or call for a special
 28 election to be held ~~within thirty (30) days~~ in accordance with Arkansas Code
 29 Annotated § 14-42-206 to fill the vacancy. At this election, a mayor shall be
 30 elected to fill out the unexpired term."

31
 32 SECTION 5. All provisions of this act of a general and permanent nature
 33 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
 34 Revision Commission shall incorporate the same in the Code.

35
 36 SECTION 6. If any provision of this act or the application thereof to

1 any person or circumstance is held invalid, such invalidity shall not affect
2 other provisions or applications of the act which can be given effect without
3 the invalid provision or application, and to this end the provisions of this
4 act are declared to be severable.

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

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