

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

As Engrossed: S3/7/97

A Bill

SENATE BILL 617

4
5 By: Senators Mahony, Brown, Edwards, Hill, Kennedy, and Ross

For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE §§ 14-44-103 AND 14-45-102
10 TO PROVIDE A MECHANISM FOR MEMBERS OF CITY COUNCILS OF
11 SECOND CLASS CITIES AND TOWN COUNCILS IN INCORPORATED
12 TOWNS TO REMOVE ALDERMEN FOR EXCESSIVE ABSENCES FROM
13 COUNCIL MEETINGS; TO DECLARE AN EMERGENCY; AND FOR OTHER
14 PURPOSES."

Subtitle

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17 "TO PROVIDE A MECHANISM FOR MEMBERS OF
18 SECOND CLASS CITY AND TOWN COUNCILS TO
19 REMOVE ALDERMEN FOR EXCESSIVE ABSENCES
20 FROM COUNCIL MEETINGS."

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

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24 SECTION 1. Arkansas Code § 14-44-103 is amended to read as follows:
25 "14-44-103. Election of aldermen - Organization of council.

26 (a)(1) The qualified voters in cities of the second class shall, on the
27 Tuesday following the first Monday in November 1982, and every two (2) years
28 thereafter, elect for each of the wards of these cities two (2) aldermen, who
29 shall compose the city council.

30 (2)(A) The qualified electors of every city of the second class
31 shall elect from each ward of the city two (2) aldermen, who shall be
32 designated as alderman number 1 and alderman number 2 of the ward.

33 (B)(i) Each candidate for the office of alderman in any
34 election for this office shall designate, in writing, the number of the
35 alderman's office that he is seeking at the time that he files as a candidate
36 for the office.

1 (ii) When this designation shall have been made, the
2 candidate shall not be permitted thereafter to change his designation.

3 (b)(1)(A) Candidates for the office of alderman in cities of the second
4 class shall reside in the ward from which they seek to be elected and shall
5 run for election at large. All of the qualified electors of these cities shall
6 be entitled to vote in the election.

7 (B) Provision shall be made by the election commissioners
8 in these cities so that the qualified electors of each ward shall have at
9 least one (1) voting precinct in each ward where the resident electors thereof
10 may cast their ballots.

11 (2) If any duly elected alderman shall cease to reside in the
12 ward from which he was elected, that person shall be disqualified to hold the
13 office and a vacancy shall exist, which shall be filled as prescribed by law.

14 (c)(1)(A) The city council of any such city is empowered and authorized
15 to provide, by ordinance, that all aldermen be elected by ward, in which event
16 each alderman shall be voted upon by the qualified electors of the ward from
17 which the person is a candidate.

18 (B)(i) When so provided by city ordinance, the name of the
19 candidate shall appear upon the ballot only in the ward in which he is a
20 candidate.

21 (ii) The city council of these cities may provide for
22 the election of one (1) alderman from each ward citywide and the other
23 aldermen from each ward by the voters of the ward only.

24 (2) All such cities choosing to elect all aldermen by wards or
25 part by wards shall provide, in the manner provided by law, for the
26 establishment of wards of substantially equal population in order that each
27 alderman elected from each ward shall represent substantially the same number
28 of people in the city.

29 (d) Cities of the second class that elect their aldermen citywide may
30 have one (1) public place only for holding elections.

31 (e)(1) The aldermen elected for each city of the second class shall
32 annually, at the first council meeting in January, assemble and organize the
33 city council.

34 (2) They shall determine the rules of their proceedings and insure
35 a record is kept of the proceedings thereof, which shall be open to the
36 inspection and examination of any citizen. They may also compel the attendance

1 of absent members in such manner and under such penalties as they shall think
2 fit to prescribe or may remove absent members and declare a vacancy when
3 absences are excessive as is otherwise provided for by law.

4 (3)(A) Any alderman who misses three (3) regular and consecutive
5 council meetings during a single calendar year for any reason other than
6 military service of the alderman or an illness verified by a written sworn
7 statement of the alderman's attending physician may be removed from office by
8 a majority vote of the remaining aldermen, without regard to any requirement
9 for a quorum, and his or her office declared to be vacant, but only after an
10 opportunity for a hearing before the city council upon fifteen (15) days
11 notice received by personal delivery or by certified mail return receipt
12 signed by addressee only requested.

13 (B) If the council takes action to remove the alderman and
14 declare the office vacant, the vacancy shall be filled by a majority vote of
15 the remaining alderman, without regard to any requirement for a quorum, and
16 they shall serve the remainder of the unexpired term of the removed alderman."

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18 SECTION 2. Arkansas Code § 14-45-102 is amended to read as follows:

19 "14-45-102. Election of aldermen - Organization of town council.

20 (a) The qualified voters of incorporated towns shall, on the Tuesday
21 following the first Monday in November 1982, and every two (2) years
22 thereafter, elect five (5) aldermen.

23 (b)(1) The aldermen elected for each incorporated town shall annually,
24 at the first council meeting in January, assemble and organize the town
25 council.

26 (2) They shall determine the rules of their proceedings and insure
27 a record is kept of the proceedings thereof, which shall be open to the
28 inspection and examination of any citizen. They may also compel the attendance
29 of absent members in such manner and under such penalties as they shall think
30 fit to prescribe or may remove absent members and declare a vacancy when
31 absences are excessive as is otherwise provided for by law.

32 (3)(A) Any alderman who misses three (3) regular and consecutive
33 council meetings during a single calendar year for any reason other than
34 military service of the alderman or an illness verified by a written sworn
35 statement of the alderman's attending physician may be removed from office by
36 a majority vote of the remaining aldermen, without regard to any requiremnt

1 for a quorum, and his or her office declared to be vacant, but only after an
2 opportunity for a hearing before the town council upon fifteen (15) days
3 notice received by personal delivery or by certified mail return receipt
4 signed by addressee only requested.

5 (B) If the council takes action to remove the alderman and
6 declare the office vacant, the vacancy shall be filled by a majority vote of
7 the remaining alderman, without regard to any requirement for a quorum, and
8 they shall serve the remainder of the unexpired term of the removed alderman."

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

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

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

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23 SECTION 6. Emergency. It is hereby found and determined by the
24 Eighty-First General Assembly of the State of Arkansas that current Arkansas
25 laws for various classes of municipalities in Arkansas do not provide for
26 adequate mechanisms for the municipal legislative bodies to compel the
27 attendance of aldermen or to remove members who are excessively absent; that
28 the very nature of the duties of an alderman of a city or town council
29 requires them to gather for meetings and to deliberate issues as the
30 representatives of the whole of the municipal citizens; that the absence of
31 city and town aldermen from council meetings leaves citizens unrepresented in
32 these deliberations; and that the remaining members of city and town councils
33 should be able to compel the attendance of an absent member and remove members
34 for excessive absences. Therefore, in order to encourage city and town
35 councils of Arkansas to meet and deliberate issues in fulfillment of their
36 duties, an emergency is hereby declared to exist, and this act being necessary

1 for the immediate preservation of the public peace, health, and safety, shall
2 become effective on the date of its approval by the Governor. If the bill is
3 neither approved or vetoed by the Governor, it shall become effective on the
4 expiration of the period of time during which the Governor may veto the bill.
5 If the bill is vetoed by the Governor and the veto is overridden, it shall
6 become effective on the date the last house overrides the veto.

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/s/Mahony et al