

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

A Bill

HOUSE BILL 1168

4
5 By: Representative M. Steele
6
7

For An Act To Be Entitled

8
9 "AN ACT TO AMEND VARIOUS SECTIONS OF ARKANSAS CODE
10 TITLE 14, CHAPTER 43 TO ESTABLISH FOUR YEAR TERMS OF
11 OFFICE FOR MUNICIPAL OFFICERS IN MAYOR-COUNCIL CITIES
12 WITH A POPULATION OF 25,000 PERSONS OR MORE; AND FOR
13 OTHER PURPOSES. "

Subtitle

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16 "AN ACT TO ESTABLISH FOUR YEAR TERMS OF
17 OFFICE FOR MUNICIPAL OFFICERS IN MAYOR-
18 COUNCIL CITIES WITH A POPULATION OF
19 25,000 PERSONS OR MORE. "

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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code 14-43-303 is amended to read as follows:

25 "14-43-303. Officials in mayor-council cities of ~~50,000~~ 25,000 or more.

26 (a)(1)(A) In the general election in the year 1960, and every four (4)
27 years thereafter, cities of the first class which have a population of ~~fifty~~
28 ~~thousand (50,000)~~ twenty-five thousand (25,000) persons or more, according to
29 the latest decennial federal census or special federal census, and which also
30 have the mayor-council form of government shall elect the following officials:

31 (i) One (1) mayor;

32 (ii) One (1) city clerk; and

33 (iii) One (1) alderman from each ward of the city.

34 (B) All of these officials shall hold office for a term of
35 four (4) years and until their successors are elected and qualified.

36 (2)(A) At the general election in the year 1960, the city shall

1 also elect:

- 2 (i) One (1) city attorney;
- 3 (ii) One (1) city treasurer; and
- 4 (iii) One (1) alderman from each ward of the city.

5 (B) All of these officials shall hold office for a term of
6 two (2) years and until their successors are elected and qualified.

7 (3)(A) At the general election in the year 1962, and every four
8 (4) years thereafter, the city shall elect:

- 9 (i) One (1) city attorney;
- 10 (ii) One (1) city treasurer;
- 11 (iii) One (1) municipal judge; and
- 12 (iv) One (1) alderman from each ward of the city.

13 (B) All of these officials shall hold office for a term of
14 four (4) years and until their successors are elected and qualified.

15 (b) In all primaries or general elections, the candidates for the
16 office of alderman shall reside in their respective wards. However, all
17 qualified electors residing in these cities and entitled to vote in the
18 elections shall have the right to vote at their several voting precincts for
19 each and every candidate so to be nominated or elected.

20 (c) All odd-year elections for municipal officials in the cities of the
21 first class which have a population of ~~fifty thousand (50,000)~~ twenty-five
22 thousand (25,000) or more persons, according to the latest federal census, and
23 which also have the mayor-council form of government are abolished.

24 (d) If a city first attains a population of ~~fifty thousand (50,000)~~
25 twenty-five thousand (25,000) as shown in a decennial federal census or
26 special federal census completed after January 1, 1997, and the mayor or other
27 elected official of such city last elected before the census was elected to a
28 four-year term and such term will expire two (2) years before the quadrennial
29 general election year at which city officials are elected as provided in
30 subsection (a) of this section, the terms of such officials shall be extended
31 for a period of two (2) years in order that the terms will coincide with the
32 next quadrennial general election year. At that quadrennial general election
33 and at each quadrennial general election thereafter, the mayor and such other
34 municipal officials shall be elected to terms of four (4) years as provided in
35 this section. The provisions of this subsection shall not affect in any way
36 the provisions of this section which provide for staggering the terms of

1 office of aldermen so that one (1) alderman will be elected from each ward
2 every two (2) years."

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4 SECTION 2. Arkansas Code 14-43-305 is amended to read as follows:

5 "14-43-305. Mayors in mayor-council cities of less than ~~50,000~~ 25,000.

6 (a) The qualified voters of cities of the first class having a
7 population of less than ~~fifty thousand (50,000)~~ twenty-five thousand (25,000)
8 and having the mayor-council form of government, on the Tuesday following the
9 first Monday in November of 1970 and every four (4) years thereafter, shall
10 elect a mayor for four (4) years.

11 (b) Incumbent mayors shall continue in office until their successors
12 are elected and qualified."

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14 SECTION 3. Arkansas Code 14-43-312 is amended to read as follows:

15 "14-43-312. Aldermen in mayor-council cities of less than ~~50,000~~ 25,000.

16 (a) On the Tuesday following the first Monday in November 1966, and
17 every two (2) years thereafter, the qualified voters of all cities of the
18 first class with less than ~~fifty thousand (50,000)~~ twenty-five thousand
19 (25,000) inhabitants having the mayor-council form of government shall elect
20 two (2) aldermen from each ward for a term of two (2) years.

21 (b)(1) The election officials shall designate the aldermen as alderman
22 number 1 and alderman number 2.

23 (2)(A) Candidates for the office of alderman shall designate the number
24 of the alderman's office which they are seeking at the time they file as a
25 candidate for the office.

26 (B) When this designation has been made, the candidate shall not be
27 permitted thereafter to change the designation."

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29 SECTION 4. Arkansas Code 14-43-314 is amended to read as follows:

30 "14-43-314. City attorney in mayor-council cities of ~~50,000~~ 25,000 or
31 more.

32 (a)(1) The city attorney in any city of this state having a mayor-
33 council form of government and having a population of ~~fifty thousand (50,000)~~
34 twenty-five thousand 25,000 or more inhabitants shall be elected by the
35 qualified electors of the city in the same manner as other municipal officials
36 are elected.

1 (2) At the November 1978 general election and each four (4) years
 2 thereafter, the qualified electors of each city under this section shall elect
 3 a city attorney to take office on the next following January 1, to serve for a
 4 term of four (4) years.

5 (b)(1) Any person elected as city attorney under the provisions of this
 6 section shall perform such duties, possess such qualifications, employ such
 7 staff, and be paid such salary and expenses as may be established, by
 8 ordinance, by the city council of the city.

9 (2) [Repealed]. "

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 11 SECTION 5. Arkansas Code 14-43-315 is amended to read as follows:

12 "14-43-315. City attorney in mayor-council cities of less than ~~50,000~~
 13 25,000.

14 (a) The qualified voters of cities of the first class having a
 15 population of less than ~~fifty thousand (50,000)~~ twenty-five thousand 25,000
 16 and having the mayor-council form of government shall, on the Tuesday
 17 following the first Monday in November, 1970, and every four (4) years
 18 thereafter, elect a city attorney for four (4) years.

19 (b) Incumbent city attorneys shall continue in office until their
 20 successors are elected and qualified."

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 22 SECTION 6. Arkansas Code 14-43-316 is amended to read as follows:

23 "14-43-316. City clerk in mayor-council cities of less than ~~50,000~~
 24 25,000.

25 (a) The qualified voters of cities of the first class having a
 26 population of less than ~~fifty thousand (50,000)~~ twenty-five thousand 25,000
 27 and having the mayor-council form of government shall elect one (1) city clerk
 28 on the first Tuesday following the first Monday in November, 1962, and every
 29 four (4) years thereafter. The city clerk shall hold office for four (4) years
 30 and until his successor is elected and qualified.

31 (b) The clerk shall take his oath of office with the other city
 32 officials that are elected in the general election in 1962 and in that manner
 33 every four (4) years thereafter.

34 (c) The clerk shall give the bond and perform the duties as are
 35 prescribed by law and shall receive such salary as prescribed by ordinance in
 36 each of these cities.

1 (d) The incumbent in any city having this population shall continue to
 2 be the clerk and receive such salary and perform such duties until his
 3 successor is elected and qualified.”

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 5 SECTION 7. Arkansas Code 14-43-411 is amended to read as follows:

6 “14-43-411. Alderman vacancy.

7 (a)(1) Whenever a vacancy shall occur, for any reason, in the office of
 8 alderman in any city of the first class, at any regular meeting after the
 9 occurrence of the vacancy, the city council shall proceed to elect by a
 10 majority vote of the remaining members elected to the council an alderman to
 11 serve for the unexpired term. Provided, however, it is necessary that at least
 12 a quorum of the whole number of the city council shall remain in order to fill
 13 a vacancy.

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

16 (b) When a vacancy occurs in any position of alderman in a city having
 17 a population of ~~fifty thousand (50,000)~~ twenty-five thousand 25,000 or more,
 18 according to the most recent federal decennial census, and having a mayor-
 19 council form of government in which the electors of each ward elect one (1) or
 20 more aldermen, a new alderman shall be chosen in the following manner:

21 (1) If the unexpired portion of the term of alderman exceeds one (1)
 22 year, a successor shall be elected by a vote of the electors of the ward. The
 23 city council shall order a special election to be held within sixty (60) days
 24 of the date the vacancy occurs;

25 (2) If the unexpired portion of the term of alderman is one (1) year or
 26 less, a successor shall be chosen by a majority vote of the members of the
 27 council.”

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 29 SECTION 8. All provisions of this act of a general and permanent nature
 30 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
 31 Revision Commission shall incorporate the same in the Code.

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 33 SECTION 9. If any provision of this act or the application thereof to
 34 any person or circumstance is held invalid, such invalidity shall not affect
 35 other provisions or applications of the act which can be given effect without
 36 the invalid provision or application, and to this end the provisions of this

1 act are declared to be severable.

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3 SECTION 10. All laws and parts of laws in conflict with this act are
4 hereby repealed.

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