

1 State of Arkansas

2 82nd General Assembly

3 Regular Session, 1999

A Bill

HOUSE BILL 1757

4
5 By: Representatives Harris, Shoffner, T. Thomas, Elliott, King, Haak, Bush, R. Smith, Womack, J.
6 Lewellen, Cleveland, Booker, White, Broadway, L. Thomas, W. Walker, Agee, C. Johnson
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For An Act To Be Entitled

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10 "AN ACT TO AMEND ARKANSAS CODE 14-40-303 PERTAINING TO
11 ELECTION PROCEDURES FOR ANNEXATION; AND FOR OTHER
12 PURPOSES. "

Subtitle

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15 "TO AMEND ARKANSAS CODE 14-40-303
16 PERTAINING TO ELECTION PROCEDURES FOR
17 ANNEXATION. "

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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code 14-40-303(c) is amended to read as follows:

23 "(c)(1)(A) The city clerk shall certify two (2) copies of the
24 annexation ordinance and a plat or map of the area to be annexed and convey
25 one (1) copy to the county clerk and one (1) copy to the county election
26 commission at least sixty (60) days before the election.

27 (B)(i) No later than forty-five (45) days prior to the
28 election, the city shall identify all persons who reside within the area
29 proposed to be annexed, and the county clerk shall assist the city in
30 determining the names and addresses of all qualified electors residing within
31 that area.

32 (ii) The failure to identify all persons residing
33 within the area proposed to be annexed or the failure to determine the names
34 and addresses of all qualified electors residing within that area shall not
35 invalidate or otherwise affect the results of the election.

36 (C) All of the qualified electors residing within the

1 territory to be annexed shall be entitled to vote in the election.

2 (D) The city clerk shall give notice of the election by
3 publication by at least one (1) insertion in some newspaper having general
4 circulation in the city.

5 (2)(A) The county clerk shall give notice of the voter
6 registration deadlines at least ~~twenty (20)~~ forty (40) days before the
7 election by ordinary mail to those persons whose names and addresses are on
8 the list provided by the city clerk.

9 (B) The county clerk shall prepare a list by precinct of
10 all those qualified electors residing within the area to be annexed who are
11 qualified to vote in that precinct and furnish that list to the election
12 officials at the time the ballot boxes are delivered.

13 (3) If the county clerk or the county election commission shall
14 fail to perform any duties required of it, then any interested party may apply
15 for a writ of mandamus to require the performance of the duties, but the
16 failure to perform the duties shall not void the annexation election unless a
17 court finds that the failure to perform the duties substantially prejudiced an
18 interested party."

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20 SECTION 2. All provisions of this act of a general and permanent nature
21 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
22 Revision Commission shall incorporate the same in the Code.

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24 SECTION 3. If any provision of this act or the application thereof to
25 any person or circumstance is held invalid, such invalidity shall not affect
26 other provisions or applications of the act which can be given effect without
27 the invalid provision or application, and to this end the provisions of this
28 act are declared to be severable.

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