

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001

# A Bill

HOUSE BILL 1351

4  
5 By: Representative D. Elliott  
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7

## For An Act To Be Entitled

8  
9 AN ACT TO CHANGE THE ELECTION PROCEDURES IN CERTAIN  
10 ELECTIONS; AND FOR OTHER PURPOSES.  
11

## Subtitle

12  
13 TO CHANGE THE ELECTION PROCEDURES IN  
14 CERTAIN ELECTIONS.  
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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19 SECTION 1. Arkansas Code 14-40-303 is amended to read as follows:  
20 14-40-303. Annexation ordinance - Election - Procedures.

21 (a) The annexation ordinance shall:

22 (1) Contain an accurate description of the lands desired to be  
23 annexed;

24 (2) Include a schedule of the services of the annexing  
25 municipality that will be extended to the area within three (3) years after  
26 the date the annexation becomes final; and

27 (3) Fix the date for the election provided in this section.

28 (b)(1)(A) The annexation ordinance shall not become effective until the  
29 question of annexation is submitted to the qualified electors of the annexing  
30 municipality and of the area to be annexed at the next general election or at  
31 a special election. The special election shall be conducted no earlier than  
32 sixty (60) days after the date of enactment of the ordinance.

33 (B)(i) If a majority of the qualified electors in the  
34 municipality and a majority of the qualified electors in the area to be  
35 annexed voting in the election shall both vote for the annexation, the county  
36 clerk shall, no later than seven (7) days following the election, certify the

1 election results, record the same, along with the description and a map of the  
2 annexed area, in the county records, and file a certified copy thereof with  
3 the Secretary of State.

4 (ii) The annexation shall be effective, and the lands  
5 annexed shall be included within the corporate limits of the annexing  
6 municipality thirty (30) days following the date of recording and filing of  
7 the description and map, as provided in this section, or, in the event an  
8 action is filed with the circuit court as provided in § 14-40-304 on the date  
9 the judgment of the court becomes final.

10 (2) If either a majority of the qualified electors in the  
11 municipality voting on the issue at the election vote against the annexation,  
12 or a majority of the qualified voters in the area to be annexed voting on the  
13 issue at the election vote against the annexation, the annexation ordinance  
14 shall be null and void.

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

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

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

28 (C) All of the qualified electors residing within the  
29 territory to be annexed shall be entitled to vote in the election.

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

33 (2)(A) The county clerk shall give notice of the voter  
34 registration deadlines at least forty (40) days before the election by  
35 ordinary mail to those persons whose names and addresses are on the list  
36 provided by the city clerk.

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

5 (3) If the county clerk or the county election commission shall  
6 fail to perform any duties required of it, then any interested party may apply  
7 for a writ of mandamus to require the performance of the duties. The failure  
8 of the county clerk or the county election commission to perform the duties  
9 shall not void the annexation election unless a court finds that the failure  
10 to perform the duties substantially prejudiced an interested party.

11 (d) If the annexation is approved and becomes final, the governing body  
12 of the city shall, by ordinance, as soon as practical after the annexation,  
13 attach and incorporate such annexed territory to and in one (1) or more wards  
14 of the city lying adjacent thereto, and the territory so assigned and attached  
15 to a ward shall thereafter be considered and become a part thereof as fully as  
16 any other part of the city.

17 (e) From the map or plat provided by city ordinance of the wards  
18 assigned, the county clerk shall proceed to ascertain and determine the  
19 voters' proper precinct and shall enter the same upon the voter registration  
20 records of those inhabitants of the territory so annexed and give notice of  
21 that change within thirty (30) days after the adoption of the city ordinance  
22 assigning the territory to wards.

23 (f)(1) In the event that within thirty (30) days of the date that one  
24 (1) city calls for an annexation election, another city calls for an  
25 annexation election on all or part of the same land proposed to be annexed by  
26 the first city, then both annexation elections shall be held; provided that  
27 the second city must call for its annexation election to be held within thirty  
28 (30) days before or after the holding of the first city's election.

29 (2) If the annexation election held first is approved by the  
30 voters of both the municipality and by a majority of the voters of the area to  
31 be annexed, the results of it shall be stayed until the second annexation  
32 election is held.

33 (A) If only one (1) of the annexation elections is approved  
34 by the voters of both the municipality and residents of the area to be  
35 annexed, then the city which called that election shall proceed with the  
36 annexation of the land.

1 (B) If both annexation elections are approved by the  
2 voters, then a third election shall be held three (3) weeks after the second  
3 annexation election.

4 (i) Only the residents of the area proposed to be  
5 annexed by both cities shall vote in the third election.

6 (ii) The issue on the ballot in the third election  
7 shall be into which of the two (2) cities the residents of the area want to be  
8 annexed.

9 (iii) The area shall be annexed into the city  
10 receiving the most votes in the third election.

11 (iv) In the event of a tie vote in the third  
12 election, the area shall be annexed to the city which, in the first or second  
13 election, had the highest percentage vote in favor of the annexation from  
14 voters in the area proposed to be annexed.

15 (3) If the city which does not get to annex the area voted on by  
16 both cities included land in its annexation election other than the land voted  
17 on by both cities, then that land shall be annexed into such city if it is  
18 still contiguous to such city after the other land is annexed to the other  
19 city, but such land shall remain part of the county if it is not so  
20 contiguous.

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