

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 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: H3/21/07

A Bill

HOUSE BILL 2453

5 By: Representative Lamoureux
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For An Act To Be Entitled

9 AN ACT CONCERNING FILING AS A CANDIDATE FOR A
10 MUNICIPAL OFFICE; AND FOR OTHER PURPOSES.
11

Subtitle

12 AN ACT CONCERNING FILING AS A CANDIDATE
13 FOR A MUNICIPAL OFFICE.
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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 § 7-7-103(c)(2), concerning filing as an*
20 *independent candidate for municipal elections, is amended to read as follows:*

21 *(2)(A) Independent candidates for municipal office shall file*
22 *their petitions of nomination with the county clerk ~~not more than eighty (80)~~*
23 *~~days nor fewer than sixty (60) days before the general election~~ during*
24 *regular office hours in the period beginning at 12:00 noon on the third*
25 *Tuesday in March and ending at 12:00 noon on the fourteenth day thereafter.*

26 *~~(B) The filing on the last day shall occur before 12:00~~*
27 *~~p.m.~~*
28

29 *SECTION 2. Arkansas Code § 14-42-206, as amended by Act 149 of the*
30 *2007 Regular Session, is amended to read as follows:*

31 *14-42-206. Municipal primary elections - Nominating petitions.*

32 *(a)(1) The city or town council of any city or town with the mayor-*
33 *council form of government, by resolution passed before January 1 of the year*
34 *of the election, may request the county party committees of recognized*
35 *political parties under the laws of the state to conduct party primaries for*
36 *municipal offices for the forthcoming year.*



1 (2) The resolution shall remain in effect for the subsequent
2 elections unless revoked by the city or town council.

3 (3) When the resolution has been adopted, the clerk or recorder
4 shall mail a certified copy of the resolution to the chairs of the county
5 party committees and to the chairs of the state party committees.

6 (4) Candidates nominated for municipal office by political
7 primaries under this section shall be certified by the county party
8 committees to the county board of election commissioners and shall be placed
9 on the ballot at the general election.

10 (b)(1) Any person desiring to become an independent candidate for
11 municipal office in cities and towns with the mayor-council form of
12 government shall file ~~not more than eighty (80) days nor less than sixty (60)~~
13 ~~days prior to the general election by 12:00 noon~~ with the county clerk during
14 regular office hours in the period beginning at 12:00 noon on the third
15 Tuesday in March and ending at 12:00 noon on the fourteenth day thereafter
16 the petition of nomination in substantially the following forms:

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

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21
22 "PETITION OF NOMINATION

23
24 We, the undersigned qualified electors of the city (town) of _____,
25 Arkansas, being in number not less than ten (10) for incorporated towns and
26 cities of the second (2nd) class, and not less than thirty (30) for cities of
27 the first (1st) class, do hereby petition that the name of _____ be placed
28 on the ballot for the office of _____ at the next election of municipal
29 officials in 20 _____.

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32 Printed Signature Street Address Date of Date of
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35 Name Birth Signing
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(B) For candidates for alderman elected by ward in cities of the first class and cities of the second class, the nominating petitions shall be signed only by qualified electors of the ward in the following manner:

"PETITION OF NOMINATION

We, the undersigned qualified electors of Ward _____ of the city of _____, Arkansas, being in number not less than ten (10) for incorporated towns and cities of the second (2nd) class, and not less than thirty (30) for cities of the first (1st) class, do hereby petition that the name of _____ be placed on the ballot for the office of Alderman, Ward _____, position _____, of the next election of municipal officials in 20 _____.

Printed	Signature	Street Address	Date of	Date of
Name			Birth	Signing

.....

(C) For at-large candidates for alderman of a ward in cities of the first class and cities of the second class, the nominating petitions shall be signed by any qualified elector of the city in the following manner:

"PETITION OF NOMINATION

We, the undersigned qualified electors of the city of _____, Arkansas,

1 being in number not less than ten (10) for incorporated towns and cities of
2 the second (2nd) class, and not less than thirty (30) for cities of the first
3 (1st) class, do hereby petition that the name of _____ be placed on the
4 ballot for the office of Alderman, Ward _____, position _____, of the
5 next election of municipal officials in 20 _____.

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8 Printed Signature Street Address Date of
9 Date of

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12 Name Birth Signing

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

21 (3) Independent candidates for municipal office shall file a
22 political practices pledge no later than sixty (60) days prior to the date of
23 the general election by 12:00 noon.

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

29 (B) In any case, except for the office of mayor, in which
30 only one (1) candidate has filed and qualified for the office, the candidate
31 shall be declared elected and the name of the person shall be certified as
32 elected without the necessity of putting the person's name on the general
33 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 (d) Special elections for mayors in cities of the first class and
2 other special elections of officials required by law in cities and towns
3 shall use the procedure in this section.

4 ~~(e)(1)(A) The governing body of any city of the first class, city of~~
5 ~~the second class, or incorporated town may enact an ordinance requiring~~
6 ~~independent candidates for municipal office to file petitions for nomination~~
7 ~~as independent candidates with the county clerk:~~

8 ~~(i) No earlier than twenty (20) days prior to the~~
9 ~~preferential primary election; and~~

10 ~~(ii) No later than noon on the day before the~~
11 ~~preferential primary election.~~

12 ~~(B) The governing body may establish this filing deadline~~
13 ~~for municipal offices even if the municipal offices are all independent or~~
14 ~~otherwise nonpartisan.~~

15 ~~(2)(A) The ordinance shall be enacted no later than ninety (90)~~
16 ~~days prior to the filing deadline.~~

17 ~~(B) The ordinance shall be published at least one (1) time~~
18 ~~a week for two (2) consecutive weeks immediately following adoption of the~~
19 ~~ordinance in a newspaper having a general circulation in the city.~~

20 ~~(f)(e)~~ Nothing in this section shall repeal any law pertaining to the
21 city administrator form of government or the city manager form of government.

22 ~~(g)(f)~~ This section does not apply in any respect to the election of
23 district judges.

24 /s/ Lamoureux

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