

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.

State of Arkansas
86th General Assembly
Regular Session, 2007

A Bill

HOUSE BILL 2658

By: Representative D. Johnson
By: Senator Steele

For An Act To Be Entitled

AN ACT TO AUTHORIZE AN ELECTION IN A MUNICIPALITY
WITH A CITY MANAGER FORM OF GOVERNMENT TO
INCREASE THE AUTHORITY OF THE MAYOR; AND FOR
OTHER PURPOSES.

Subtitle

TO AUTHORIZE AN ELECTION IN A
MUNICIPALITY WITH A CITY MANAGER FORM OF
GOVERNMENT TO INCREASE THE AUTHORITY OF
THE MAYOR.

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

SECTION 1. Arkansas Code Title 14, Chapter 47, Subchapter 1 is amended
to add an additional section to read as follows:

14-47-140. Authorization for election concerning mayor.

(a)(1) The board of directors by referendum or the qualified electors
by initiative may call a special election in the municipality for the purpose
of authorizing the mayor of the municipality to have the following powers and
duties:

(A)(i) The power to veto an ordinance, a resolution, or an order
adopted by the board of directors.

(ii)(a) The board of directors may override the veto
by a two-thirds (2/3) vote of the number of members of the board.

(b) The mayor shall be entitled to vote only
in case of a tie vote, and his or her presence may be counted to establish a



1 quorum for the conduct of business;

2 (B) The power to appoint, subject to confirmation by a
 3 majority of the members of the board of directors, persons to fill vacancies
 4 on any board, authority, or commission of the municipality;

5 (C) The power to hire the city manager, subject to the
 6 approval of a majority of members of the board of directors;

7 (D) The power to remove the city manager, subject to the
 8 approval of a majority of the members of the board of directors;

9 (E) The power to hire the director of any department of
 10 the municipality, subject to the approval of a majority of the members of the
 11 board of directors;

12 (F) The power to remove the director of any department of
 13 the municipality, subject to the approval of a majority of the members of the
 14 board of directors;

15 (G) The power to prepare and submit to the board of
 16 directors for its approval the annual municipal budget;

17 (H) The power to administer the municipal budget;

18 (I) The power to approve the budget for boards,
 19 authorities, and commissions of the municipality; and

20 (J) The power to perform additional duties as may be
 21 authorized at an election.

22 (2) If the petition under subdivision (a)(1) of this section is
 23 approved by a majority of the qualified electors of the municipality, the
 24 mayor shall have the powers and duties approved.

25 (3)(A) Subdivisions (a)(1) and (2) of this section shall not
 26 apply to offices and employments controlled by any civil service or merit
 27 plan lawfully in effect in the municipality.

28 (B) In municipalities that maintain municipal courts or
 29 police courts, the municipal judge, police judge, and the clerk of both
 30 courts shall be elected and appointed in the manner prescribed by law.

31 (b) The special election under this section shall comply with the
 32 following:

33 (1) A petition under subsection (a) of this section shall be
 34 filed with the clerk of the city;

35 (2) Each signature on a petition filed shall have been signed
 36 within one hundred eighty (180) days prior to filing;

1 (3) The clerk of the city shall note on the petition the date
2 and time filed;

3 (4) If a petition contains the signatures of electors equal in
4 number to fifteen percent (15%) of the number of ballots cast for the
5 mayor in the last mayoral election, or if the mayor is not directly elected,
6 for the director position receiving the highest number of votes in the
7 last general election, then the clerk of the city shall deliver the
8 petitions to the mayor who shall by proclamation submit the question to
9 the electors at a special election, provided that:

10 (i) The clerk of the city shall verify the number
11 of signatures on the petition within ten (10) days of the date they are
12 filed;

13 (ii) If there are insufficient signatures on the
14 petition, the petitioners shall not receive an extension for the petition;

15 (iii) If there are a sufficient number of
16 signatures on the petition but the clerk of the city is unable to verify
17 the required number of signatures, then the petitioners shall be given ten
18 (10) days to provide a sufficient number of verified signatures; and

19 (iv) The proclamation shall be issued within three
20 (3) working days of the date the clerk of the city verifies the number of
21 signatures on the petition;

22 (5) The special election shall be held not less than thirty
23 (30) days nor more than sixty (60) days after the proclamation, provided
24 that if the county board of election commissioners certifies in writing that
25 it cannot prepare the ballots because of other pending elections, then the
26 election can be held not more than seventy-five (75) days after the
27 proclamation;

28 (6)(A) If two (2) or more groups file petitions seeking a
29 special election under subsection (a) of this section and the petition
30 filed first is declared insufficient, then the city clerk shall
31 determine the sufficiency of the petition that was filed next in time.

32 (B) Upon a declaration that a petition is sufficient and
33 first in time, then a petition filed after the first sufficient petition
34 and before the special election shall be deemed moot and shall be destroyed;

35 (7) If an election held under subsection (a) of this
36 section results in the adoption of the question under subsection (a) of this

section, then the adopted question shall not be presented again to the electors for a period of four (4) years from the date of the election;

(8) If an election held under subsection (a) of this section results in the failure to adopt the question under subsection (a) of this section, then the failed question shall not be presented again to the electors for a period of two (2) years from the date of the election;

(9) An election held under subsection (a) of this section may be held during any one (1) or more calendar years, but not more than one (1) special election shall be held under subsection (a) of this section during any particular calendar year;

(10) Notice of the election shall be given by the clerk of the city by one (1) publication in a newspaper having general circulation within the city not less than ten (10) calendar days before the election;

(11) The election shall be held no earlier than thirty-one (31) calendar days and no later than one hundred twenty (120) days after the effective date of the passage of this section;

(12) Within thirty (30) calendar days after completion of the tabulation of the votes, the mayor of the city shall proclaim the results of the election by issuing a proclamation and publishing it one (1) time in a newspaper having general circulation within the city;

(13) The results of the election as stated in the proclamation shall be conclusive unless a suit contesting the proclamation is filed in the circuit court in the county where the election took place within twenty (20) calendar days after the date of publication of the proclamation;

(14) If the question under subsection (a) of this section is approved at an election as provided in this section, that approval shall be final and shall continue in effect thereafter as long as authorized;

(15) The mayor shall continue to be selected under § 14-61-111; and

(16) At the time of a transition after an election as provided in this section, the current mayor shall continue to serve until the end of his or her elected term.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that Arkansas cities are faced with ever-increasing problems of providing services to their citizens caused by a

1 combination of globalization, rapid technological change, rising citizen
2 expectations, mandates from higher levels of government, and a constrained
3 tax base which together have created a context in which more effective and
4 efficient methods of governance have become mandatory; and that this act is
5 immediately necessary to meet these needs and for the efficiency of
6 government. Therefore, an emergency is declared to exist and this act being
7 immediately necessary for the preservation of the public peace, health, and
8 safety shall become effective on:

9 (1) The date of its approval by the Governor;

10 (2) If the bill is neither approved nor vetoed by the Governor,
11 the expiration of the period of time during which the Governor may veto the
12 bill; or

13 (3) If the bill is vetoed by the Governor and the veto is
14 overridden, the date the last house overrides the veto.