

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

A Bill

SENATE BILL 204

4
5 By: Senator Altes
6
7

For An Act To Be Entitled

8
9 AN ACT CONCERNING ELECTIONS FOR DIRECTOR AND
10 MAYOR IN MUNICIPALITIES WITH A CITY ADMINISTRATOR
11 FORM OF GOVERNMENT; AND FOR OTHER PURPOSES.
12

Subtitle

13
14 CONCERNING ELECTIONS FOR DIRECTOR AND
15 MAYOR IN MUNICIPALITIES WITH A CITY
16 ADMINISTRATOR FORM OF GOVERNMENT.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 14-48-109 is amended to read as follows:

22 14-48-109. Election of directors and mayor - Oath.

23 (a) Candidates for the office of director and mayor shall be
24 nominated and elected as follows:

25 (1)(A)(i) A special election for the election of the initial
26 membership of the board of directors and mayor shall be called by the
27 Secretary of State as provided in § 14-48-108.

28 (ii) The proclamation shall be published through one
29 (1) insertion in some newspaper having a bona fide circulation in the
30 municipality. The publication shall be not less than ~~sixty (60)~~ eighty (80)
31 days before the date of the primary election.

32 (iii) For the initial election of directors and
33 mayor, any person desiring to become a candidate shall file within twenty
34 (20) days following the date of the proclamation by the Secretary of State
35 with the city clerk or recorder a statement of candidacy in the form and with
36 the supporting signatures as provided in this section. In all other respects,



1 the initial elections shall be governed by the provisions of this chapter for
2 holding municipal elections.

3 (B)(i) Special elections to fill any vacancy under § 14-
4 48-115 shall be called through a resolution of the board.

5 (ii) A proclamation of the election shall be signed
6 by the mayor and published not less than ~~sixty (60)~~ eighty (80) days prior to
7 the date of the election in some newspaper having a bona fide circulation in
8 the municipality;

9 (2)(A) Candidates to be voted on at all elections to be held
10 under the provisions of this chapter shall be nominated by primary election,
11 and no names shall be placed upon the general election ballot except those
12 selected in the manner prescribed in this chapter.

13 (B)(i) The primary elections, other than the initial
14 primary, for those nominations for offices to be filled at the municipal
15 general election shall be held on the second Tuesday of August preceding the
16 municipal general election.

17 (ii)(a) The elections shall be under the supervision
18 of the county board of election commissioners, and the election judges and
19 clerks appointed for the general election shall be the judges and clerks of
20 the primary elections.

21 (b) Primary elections shall be held in the
22 same places as are designated for the general election, so far as possible,
23 and shall, so far as practicable, be conducted in the same manner as other
24 elections under the laws of this state;

25 (3) Any person desiring to become a candidate for mayor or
26 director shall file with the city clerk not less than ~~forty (40)~~ sixty (60)
27 days nor more than ~~sixty (60)~~ eighty (80) days prior to the primary election
28 by twelve o'clock noon a statement of his or her candidacy in substantially
29 the following form:

30

31 "STATE OF ARKANSAS

32

33 COUNTY OF.

34

35 I,, being first duly sworn, state
36 that I reside at. Street, City of.

1, County and State
2 aforesaid; that I am a qualified elector of said city and the ward in which I
3 reside; that I am a candidate for nomination to the office of
4, to be voted upon at

5
6 (Mayor) (Director)

7
8 the primary election to be held on the. day of, 20. .
9 . , and I hereby request that my name be placed upon the official primary
10 election ballot for nomination by such primary election for such office and I
11 herewith deposit the sum of ten dollars (\$10.00), the fee prescribed by
12 law.";

13 (4) The statement of candidacy and the petition for nomination
14 supporting the candidacy of each candidate to be voted upon at any general or
15 special election shall be filed with the city clerk or recorder not less than
16 ~~forty (40)~~ sixty (60) days nor more than ~~sixty (60)~~ eighty (80) days before
17 the election by twelve o'clock noon;

18 (5) The name of each candidate shall be supported by a petition
19 for nomination signed by at least fifty (50) qualified electors of the
20 municipality requesting the candidacy of the candidate. The petition shall
21 show the residence address of each signer and carry an affidavit signed by
22 one (1) or more persons in which the affiant or affiants shall vouch for the
23 eligibility of each signer of the petition. Each petition shall be
24 substantially in the following form:

25
26 "The undersigned, duly qualified electors of the City of.
27, Arkansas, each signer hereof residing at the address
28 set opposite his or her signature, hereby requests that the name of.
29 be placed on the ballot as a candidate for
30 election to Position No. on the Board of Directors (or Mayor) of
31 said City of. at the election to be held in such city
32 on the. day of.
33 20. . . . We further state that we know said person to be a qualified
34 elector of said city and a person of good moral character and qualified in
35 our judgment for the duties of such office;

36 (6)(A) A petition for nomination shall not show the name of more

1 than one (1) candidate.

2 (B) The name of the candidate mentioned in each petition,
 3 together with a copy of the election proclamation if the election is a
 4 special election, shall be certified by the city clerk or recorder to the
 5 county board of election commissioners not less than thirty-five (35) days
 6 before the election unless the clerk or recorder finds that the petition
 7 fails to meet with the requirements of this chapter.

8 (C)(i) Whether the names of the candidates so certified to
 9 the county board of election commissioners are to be submitted at a biennial
 10 general election or at a special election held on a different date, the
 11 county board of election commissioners shall have general supervision over
 12 the holding of each municipal election.

13 (ii)(a) In this connection, the election board shall
 14 post the nominations, print the ballots, establish the voting precincts,
 15 appoint the election judges and clerks, determine and certify the results of
 16 the election, and determine the election expense chargeable to the city, all
 17 in the manner prescribed by law in respect to general elections; it is the
 18 intention of this chapter that the general election machinery of this state
 19 shall be utilized in the holding of all general and special elections
 20 authorized under this chapter.

21 (b) The result of the election shall be
 22 certified by the election board to the city clerk or recorder;

23 (7) The names of all candidates at the election shall be printed
 24 upon the ballot in an order determined by draw. If more than two (2)
 25 candidates qualify for an office, the names of all candidates shall appear on
 26 the ballot at the primary election;

27 (8)(A) If no candidate receives a majority of the votes cast in
 28 the primary, the two (2) candidates receiving the highest number of votes for
 29 mayor and for each director position to be filled shall be the nominees for
 30 those respective offices to be voted upon in the general election.

31 (B) If no more than two (2) persons qualify as candidates
 32 for the office of mayor or for any director position to be filled, no
 33 municipal primary election shall be held for these positions, and the names
 34 of the two (2) qualifying candidates for each office or position shall be
 35 placed upon the ballot at the municipal general election as the nominees for
 36 the respective positions. Primary elections shall be omitted in wards in

1 which no primary contest is required.

2 (C) In any case in which only one (1) candidate shall have
3 filed and qualified for the office of mayor or any director position, or if a
4 candidate receives a clear majority of the votes cast in a primary election,
5 that candidate shall be declared elected. The name of the person shall be
6 certified as elected without the necessity of putting the person's name on
7 the general municipal election ballot for the office;

8 (9) Any candidate defeated at any municipal primary election or
9 municipal general election may contest it in the manner provided by law for
10 contesting other elections.

11 (b) Each member of the board of directors, before entering upon the
12 discharge of his duties, shall take the oath of office required by Arkansas
13 Constitution, Article 19, Section 20.

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