

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 287

4  
5 By: Senator Madison  
6 By: Representative Edwards

## For An Act To Be Entitled

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10 AN ACT TO CLARIFY THE CALLING OF SPECIAL  
11 ELECTIONS FOR MAYOR OR DIRECTOR VACANCIES IN  
12 MUNICIPALITIES WITH A CITY ADMINISTRATOR FORM OF  
13 GOVERNMENT; AND FOR OTHER PURPOSES.

## Subtitle

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16 AN ACT TO CLARIFY THE CALLING OF SPECIAL  
17 ELECTIONS FOR MAYOR OR DIRECTOR  
18 VACANCIES IN MUNICIPALITIES WITH A CITY  
19 ADMINISTRATOR FORM OF GOVERNMENT.

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

23  
24 SECTION 1. Arkansas Code § 14-48-108 is amended to read as follows:  
25 14-48-108. Calling of elections for directors and mayor.

26 (a)(1) Within ten (10) days after the designation of the four (4)  
27 wards, the Secretary of State by proclamation shall call special primary and  
28 general elections to be held in the municipality for the purpose of electing  
29 seven (7) directors and a mayor.

30 (2)(A)(i) The primary election shall be held not less than  
31 thirty (30) days nor more than seventy-five (75) days from the date of the  
32 proclamation.

33 (ii) The primary election shall occur on the second  
34 Tuesday of any month, except as provided in ~~subdivision~~ subdivisions  
35 (a)(2)(A)(iii)-(vi) of this section.

36 (iii) ~~Primary elections held in months~~ A primary



1 election held in a month in which a presidential preferential primary  
 2 election, preferential primary election, general primary election, or general  
 3 election is scheduled to occur shall be held on the date of the presidential  
 4 preferential primary election, preferential primary election, general primary  
 5 election, or general election.

6 (iv) If a primary election is held on the date of  
 7 the presidential preferential primary election, preferential primary  
 8 election, or general primary election, the issue or issues to be voted upon  
 9 at the special election shall be included on the ballot of each political  
 10 party. However, separate ballots containing only the issue or issues to be  
 11 voted upon at the primary election shall be prepared and made available to  
 12 voters requesting a separate ballot.

13 (v) No voter shall be required to vote in a  
 14 political party's presidential preferential primary, preferential primary, or  
 15 general primary in order to be able to vote in the primary election.

16 (vi) ~~Primary elections~~ A primary election scheduled  
 17 to occur in a month in which the second Tuesday is a legal holiday shall be  
 18 held on the third Tuesday of the month.

19 (B) The general election shall be held on ~~a Tuesday not~~  
 20 ~~less than seven (7) days nor more than fifteen (15) days after the primary~~  
 21 ~~election~~ the second Tuesday of the month following the primary election,  
 22 except as provided in subdivisions (a)(2)(A)(iii)-(vi) of this section.

23 (b) These elections shall be called and conducted, and the results  
 24 shall be determined and certified, as provided in § 14-48-109.

25  
 26 SECTION 2. Arkansas Code § 14-48-115 is amended to read as follows:  
 27 14-48-115. Mayor or director vacancy.

28 (a) In the case of a vacancy in the office of mayor or in the office  
 29 of a member of the board of directors as a result of death, resignation, a  
 30 recall election as provided for in § 14-48-114, or for any other reason, the  
 31 board, by majority vote, shall appoint a person to fill the vacancy if the  
 32 vacancy occurs less than six (6) months before the next general municipal  
 33 election at which the remainder of the unexpired term shall be filled.

34 (b)(1)(A) If the vacancy occurs more than (6) months prior to the next  
 35 general municipal election, a special election shall be called to fill the  
 36 vacancy.

1                   (B)(i) A primary election may be conducted to determine  
2 candidates for the special election.

3                   (ii)(a) The primary election shall be held not less  
4 than thirty (30) days nor more than seventy-five (75) days from the calling  
5 of the special election and shall occur pursuant to subdivision (b)(2) of  
6 this section.

7                   (b) The special election shall occur on the  
8 second Tuesday of the month following the primary election, except as  
9 provided in subdivisions (b)(2)(B)-(E) of this section.

10                   (iii) If a primary election is not conducted, the  
11 special election shall be held not less than thirty (30) days nor more than  
12 seventy-five (75) days from the calling of the special election.

13                   (2)(A) The special election and any primary election to  
14 determine candidates for the special election shall occur on the second  
15 Tuesday of any month, except as provided in subdivisions (b)(2)(B)-(E) of  
16 this section.

17                   (B) ~~Special elections~~ A special election or a primary  
18 election held in ~~months~~ a month in which a presidential preferential primary  
19 election, preferential primary election, general primary election, or general  
20 election is scheduled to occur shall be held on the date of the presidential  
21 preferential primary election, preferential primary election, general primary  
22 election, or general election.

23                   (C)(i) If a special election or primary election is held  
24 on the date of the presidential preferential primary election, preferential  
25 primary election, or general primary election, the issue or issues to be  
26 voted upon at the special election shall be included on the ballot of each  
27 political party.

28                   (ii) However, separate ballots containing only the  
29 issue or issues to be voted upon at the special election shall be prepared  
30 and made available to voters requesting a separate ballot.

31                   (D) No voter shall be required to vote in a political  
32 party's presidential preferential primary, preferential primary, or general  
33 primary in order to be able to vote in the special election or primary  
34 election.

35                   (E) ~~Special elections~~ A special election or a primary  
36 election scheduled to occur in a month in which the second Tuesday is a legal

1 holiday shall be held on the third Tuesday of the month.

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