

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 87th General Assembly
3 Regular Session, 2009
4

A Bill

HOUSE BILL 1023

5 By: Representatives Pennartz, Glidewell
6 By: Senator Altes
7

For An Act To Be Entitled

10 AN ACT TO REQUIRE CONTINUED RESIDENCY, AFTER
11 ELECTION, OF CITY DIRECTORS IN A CITY
12 ADMINISTRATOR FORM OF GOVERNMENT; AND FOR OTHER
13 PURPOSES.
14

Subtitle

15 TO REQUIRE CONTINUED RESIDENCY, AFTER
16 ELECTION, OF CITY DIRECTORS IN A CITY
17 ADMINISTRATOR FORM OF GOVERNMENT.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code § 14-48-110 is amended to read as follows:
24 14-48-110. Board of directors and mayor generally.

25 (a)(1) The seven (7) directors elected by a city reorganized under
26 this chapter shall be known and designated as the board of directors of the
27 city.

28 (2) The board of directors shall constitute the legislative and
29 executive body of the city, subject to the powers of the mayor in § 14-48-
30 111, and shall be vested with all powers and authority which, immediately
31 prior to the effective date of the reorganization, were vested under then-
32 existing laws, ordinances, and resolutions in the governing body of the city
33 and in its board of public affairs subject to the powers of the city
34 administrator in § 14-48-117.

35 (3) Except ~~where~~ when expressly permitted under this chapter,
36 the mayor or ~~board member~~ director may not serve the city in any other



1 capacity.

2 (b)(1) The positions upon the board of directors shall, for election
 3 purposes, be permanently designated as positions, numbered respectively, one,
 4 two, three, four, five, six, and seven.

5 (2)(A) Each candidate for election to membership on the board of
 6 directors shall specify the position for which he or she is running.

7 (B) The electors shall vote separately on the candidates
 8 for each position, and the position sought by each candidate shall be shown
 9 on the ballot.

10 (c)(1) Except in the instances ~~where~~ in which the mayor and directors
 11 are elected at special elections as provided in §§ 14-48-108 and 14-48-109,
 12 the mayor and ~~members of the board~~ directors shall be elected at the general
 13 elections held biennially for the election of state and county offices.

14 (2) Each such general election shall be utilized for the
 15 election of successors to the mayor and to those directors whose terms expire
 16 on December 31 following the election.

17 (d)(1) All primary, general, and special elections of the mayor and
 18 directors shall be nonpartisan, and the ballots shall show no party
 19 designation.

20 (2)(A) In all primary, general, and special elections, each
 21 candidate for the office of mayor or director shall be elected by the
 22 electors of the city as follows:

23 (i) The persons elected to fill director positions
 24 one, two, three, and four, respectively, shall be qualified electors of the
 25 respective wards and shall be elected by the qualified electors of the
 26 respective wards; and

27 (ii) The persons elected to fill the position of
 28 mayor and director positions five, six, and seven, respectively, shall be
 29 qualified electors of the city and shall be elected by the qualified electors
 30 of the entire city.

31 (B) Neither the mayor nor a director shall be prohibited
 32 from holding successive terms of office.

33 (C)(i)(a) The persons elected to fill director positions
 34 one, two, three, and four, respectively, shall continue to reside in the ward
 35 from which he or she was elected for the term for which he or she was
 36 elected.

1 (b) The persons elected to fill the position
2 of mayor and director positions five, six, and seven, respectively, shall
3 continue to reside in the city from which he or she was elected for the term
4 for which he or she was elected.

5 (ii) If a duly elected director shall cease to
6 reside in the ward or the city from which he or she was elected, the director
7 shall be disqualified to hold the office and a vacancy shall exist that shall
8 be filled as prescribed by law.

9 (e)(1) The mayor and any director elected at a special election shall
10 take office on the first Monday following the certification, as required in
11 this chapter, of his or her election.

12 (2) The mayor and any director elected at a general election
13 shall take office on January 1 following his or her election.

14 (f)(1) At any primary, general, or special election for the election
15 of the mayor or any director, any adult person who has resided within the
16 municipality for at least six (6) months and is qualified to vote at an
17 election of county or state offices shall be deemed a qualified elector.

18 (2) Any person ~~more than~~ twenty-one (21) years of age or older
19 possessing these same qualifications also shall be eligible to run for the
20 office of mayor or director.

21 (g) When a city is reorganized under this chapter, the mayor and board
22 of directors will be divided into two (2) classes, and the tenure of office
23 of those in each class shall be as follows:

24 (1) Director positions one, two, three, and four shall be Class
25 Number One. Class 1 Number One directors shall serve until and including
26 December 31 following the first general election held after their term of
27 office commences and until their successors have been elected and qualified.
28 Thereafter, those in Class 1 Number One shall serve four-year terms; and

29 (2) The mayor and director positions five, six, and seven shall
30 be Class Number Two. Class 2 Number Two directors shall serve until and
31 including December 31 following the second general election held after their
32 term of office commences, and until their successors have been elected and
33 qualified. Thereafter, those in Class 2 Number Two shall serve four-year
34 terms.

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