

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

# A Bill

SENATE BILL 215

5 By: Senator Irvin  
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## For An Act To Be Entitled

8 AN ACT CONCERNING THE FILING FOR A MUNICIPAL OFFICE;  
9 AND FOR OTHER PURPOSES.  
10  
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## Subtitle

12 CONCERNING THE FILING FOR A MUNICIPAL  
13 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 § 14-42-206 is amended to read as follows:

20 14-42-206. Municipal elections – Nominating petitions. [Effective  
21 October 2, 2011.]

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

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

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

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

36 (b)(1) Any person desiring to become an independent candidate for



municipal office in cities and towns with the mayor-council form of government shall file not more than one hundred two (102) days nor less than eighty-one (81) days before the general election by 12:00 noon with the county clerk the petition of nomination in substantially the following forms:

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

“PETITION OF NOMINATION

We, the undersigned qualified electors of the city (town) 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 \_\_\_\_\_ (A candidate for alderman in an incorporated town shall identify the position for which he or she is running) at the next election of municipal officials in 20 \_\_\_\_\_.

|                |                  |                       |                |                |
|----------------|------------------|-----------------------|----------------|----------------|
| <u>Printed</u> | <u>Signature</u> | <u>Street Address</u> | <u>Date of</u> | <u>Date of</u> |
| <u>Name</u>    |                  |                       | <u>Birth</u>   | <u>Signing</u> |

.....”

(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 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 \_\_\_\_\_.

|                |                  |                       |                |                |
|----------------|------------------|-----------------------|----------------|----------------|
| <u>Printed</u> | <u>Signature</u> | <u>Street Address</u> | <u>Date of</u> | <u>Date of</u> |
| <u>Name</u>    |                  |                       | <u>Birth</u>   | <u>Signing</u> |

.....”

(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 a qualified elector of the city in the following manner:

“PETITION OF NOMINATION

We, the undersigned qualified electors of the city of \_\_\_\_\_, Arkansas, being in number not less than ten (10) for 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 \_\_\_\_\_.

|                |                  |                       |                |                |
|----------------|------------------|-----------------------|----------------|----------------|
| <u>Printed</u> | <u>Signature</u> | <u>Street Address</u> | <u>Date of</u> | <u>Date of</u> |
| <u>Name</u>    |                  |                       | <u>Birth</u>   | <u>Signing</u> |

.....”

(2)(A) An independent candidate for municipal office may qualify by a petition of not fewer than ten (10) electors for incorporated towns and cities of the second class and not fewer than thirty (30) electors for cities of the first class of the ward or city in which the election is to be held.

(B)(i) The county clerk shall determine no later than ten (10) days from filing whether the petition contains the names of a sufficient number of qualified electors.

(ii) The county clerk’s determination shall be made no less than seventy-five (75) days before the general election.

(C) The county clerk promptly shall notify the candidate of the result.

(3) Independent candidates for municipal office shall file a political practices pledge and an affidavit of eligibility at the time of filing their petitions.

(4)(A) An independent candidate shall state the position, including the position number, if any, on his or her petition.

(B) When a candidate has identified the position sought on the notice of candidacy, the candidate shall not be allowed to change the position but may withdraw a notice of candidacy and file a new notice of candidacy designating a different position before the deadline for filing.

(5) The sufficiency of a petition filed under this section may be challenged in the same manner as election contests under § 7-5-801 et seq.

(6) A person who has been defeated in a party primary shall not file as an independent candidate in the general election for the office for which he or she was defeated in the party primary.

(c)(1)(A) If no candidate receives a majority of the votes cast in the general election, the two (2) candidates receiving the highest number of

1 votes cast for the office to be filled shall be the nominees for the  
2 respective offices, to be voted upon in a runoff election pursuant to § 7-5-  
3 106.

4 (B) In any case, except for the office of mayor, in which  
5 only one (1) candidate has filed and qualified for the office, the candidate  
6 shall be declared elected and the name of the person shall be certified as  
7 elected without the necessity of putting the person's name on the general  
8 election ballot for the office.

9 (2) If the office of mayor is unopposed, then the candidate for  
10 mayor shall be printed on the general election ballot and the votes for mayor  
11 shall be tabulated as in all contested races.

12 (d)(1)(A) The governing body of any city of the first class, city of  
13 the second class, or incorporated town may enact an ordinance requiring  
14 independent candidates for municipal office to file petitions for nomination  
15 as independent candidates with the county clerk:

16 (i) No earlier than twenty (20) days prior to the  
17 preferential primary election; and

18 (ii) No later than 12:00 noon on the day before the  
19 preferential primary election.

20 (B) The governing body may establish this filing deadline  
21 for municipal offices even if the municipal offices are all independent or  
22 otherwise nonpartisan.

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

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

28 (e) A person filing for municipal office may file for only one (1)  
29 municipal office during the municipal filing period.

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

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