

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

HOUSE BILL 1250

5 By: Representative D. Douglas  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND THE PROCEDURES FOR ANNEXATION OF  
9 CONTIGUOUS LAND; AND FOR OTHER PURPOSES.

### Subtitle

12 TO AMEND THE PROCEDURES FOR ANNEXATION OF  
13 CONTIGUOUS LAND; AND FOR OTHER PURPOSES.  
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

18  
19 SECTION 1. Arkansas Code § 14-40-303 is amended to read as follows:  
20 14-40-303. Annexation ordinance – Election – Procedures.

21 (a) The annexation ordinance shall:

22 (1) Contain an accurate description of the lands ~~desired~~ to be  
23 annexed;

24 (2) Include a schedule of the services of the annexing  
25 municipality that will be extended to the area within three (3) years after  
26 the date the annexation becomes final; ~~and~~

27 (3) Fix the date for the annexation election ~~provided in~~ under  
28 this section; and

29 (4) Be heard at three (3) consecutive regular meetings of the  
30 governing body of the annexing municipality.

31 (b)(1)(A) The annexation ordinance ~~shall~~ is not ~~become~~ effective until  
32 the question of annexation is submitted to the qualified electors of the  
33 annexing municipality and of the area to be annexed at the next general  
34 election or at a special election.

35 (B) The special election shall be called by ordinance or  
36 proclamation of the mayor of the annexing municipality in accordance with §



1 7-11-201 et seq.

2 (2)(A) If a majority of the qualified electors voting in the  
 3 annexation election vote for the annexation, then no later than fifteen (15)  
 4 days ~~following~~ after the annexation election, the county clerk shall:

5 (i) ~~certify~~ Certify the election results;

6 (ii) ~~and record the same, along with the description~~  
 7 Record in the county records the annexation election results and a map and  
 8 description of the annexed area, ~~in the county records;~~ and

9 (iii) ~~file~~ File a certified copy ~~thereof~~ of the  
 10 annexation election results and a map and description of the annexed area  
 11 with the Secretary of State.

12 (B) The annexation ~~shall be~~ is effective, and the annexed  
 13 lands ~~annexed~~ shall be included within the corporate limits of the annexing  
 14 municipality ~~thirty;~~

15 (i) Thirty (30) days following the date of the  
 16 recording and filing of the description and map, as provided in this section,  
 17 ~~or in the event;~~ or

18 (ii) If an action is filed with the circuit court ~~as~~  
 19 ~~provided in~~ under § 14-40-304, then on the date the judgment of the court  
 20 becomes final.

21 (3) If a majority of the qualified electors voting on the issue  
 22 at the annexation election vote against the annexation, the annexation  
 23 ordinance ~~shall be null and~~ is void.

24 (c)(1)(A) The city clerk shall certify two (2) copies of the  
 25 annexation ordinance and a plat or map of the area to be annexed and convey  
 26 one (1) copy to the county clerk and one (1) copy to the county election  
 27 commission at least sixty (60) days before the annexation election.

28 (B)(i) No later than forty-five (45) days ~~prior to~~ before  
 29 the annexation election, the ~~city~~ municipality shall identify all persons who  
 30 reside or own property within the area proposed to be annexed, and the county  
 31 clerk shall assist the ~~city~~ municipality in determining the names and  
 32 addresses of all qualified electors residing or owning property within that  
 33 area.

34 (ii) The failure to identify all persons residing or  
 35 owning property within the area proposed to be annexed or the failure to  
 36 determine the names and addresses of all qualified electors residing or

1 owning property within that area shall not invalidate or otherwise affect the  
2 results of the annexation election.

3 (C) All of the qualified electors residing or owning  
4 property within the territory to be annexed ~~shall be entitled to~~ may vote in  
5 the annexation election.

6 (D) The city clerk shall give notice of the annexation  
7 election by publication by at least one (1) insertion in some newspaper  
8 having a general circulation in the ~~city~~ municipality.

9 (2)(A) The county clerk shall give notice of the voter  
10 registration deadlines at least forty (40) days before the annexation  
11 election by ordinary mail to those persons whose names and addresses are on  
12 the list provided by the city clerk.

13 (B) The county clerk shall prepare a list by precinct of  
14 all those qualified electors residing or owning property within the area to  
15 be annexed who are qualified to vote in that precinct and furnish that list  
16 to the election officials at the time the ballot boxes are delivered.

17 (3)(A) If the county clerk or the county election commission  
18 ~~shall fail~~ fails to perform any required duties ~~required of it~~, then any  
19 interested party may apply for a writ of mandamus to require the performance  
20 of the duties.

21 (B) The failure of the county clerk or the county election  
22 commission to perform the duties shall not void the annexation election  
23 unless a court finds that the failure to perform the duties substantially  
24 prejudiced an interested party.

25 (d) If the annexation is approved and becomes final, then as soon as  
26 practical after the annexation the governing body of the ~~city~~ municipality  
27 shall attach and incorporate by ordinance the annexed territory to and in one  
28 (1) or more wards of the ~~city~~ municipality lying adjacent ~~thereto~~ to the  
29 municipality, and the territory ~~se~~ assigned and attached to a ward ~~shall~~  
30 ~~thereafter be~~ is considered and become a part thereof as fully as any other  
31 ~~part~~ of the ~~city~~ municipality.

32 (e) From the map or plat provided by ~~city~~ municipal ordinance of the  
33 assigned wards ~~assigned~~, the county clerk shall ~~proceed to ascertain and~~  
34 determine the voters' ~~proper~~ precinct and ~~shall~~ enter the ~~same upon~~ precinct  
35 on the voter registration records of those inhabitants of the annexed  
36 territory ~~so annexed~~ and give notice of that change within thirty (30) days

1 after the adoption of the ~~city~~ municipal ordinance assigning the territory to  
2 wards.

3 (f)(1) ~~In the event that~~ If, within thirty (30) days of the date that  
4 one (1) ~~city~~ municipality calls for an annexation election, another ~~city~~  
5 municipality calls for an annexation election on all or part of the same land  
6 proposed to be annexed by the first ~~city~~ municipality, then both annexation  
7 elections shall be held, ~~provided~~ except that the second ~~city must~~  
8 municipality shall call for its annexation election to be held on the next  
9 available date ~~in accordance with~~ under § 7-11-201 et seq. before or after  
10 the holding of the first ~~city's~~ municipality's annexation election.

11 (2)(A) If the annexation election held first is approved by the  
12 voters, the results of ~~it~~ the first annexation election shall be stayed until  
13 the second annexation election is held.

14 (B)(i) If only one (1) of the annexation elections is  
15 approved by the voters, then the ~~city~~ municipality that called that  
16 annexation election shall proceed with the annexation of the land.

17 (ii)(a) Except as provided in subdivisions  
18 (f)(2)(B)(ii)(b) and (c) of this section, if both annexation elections are  
19 approved by the voters, then a third annexation election shall be held three  
20 (3) weeks after the second annexation election. The provisions of § 7-11-201  
21 et seq., ~~governing~~ that govern the procedures and dates on which special  
22 elections may be held shall not apply to the third annexation election  
23 provided in this subsection.

24 (b) If the date of the third annexation  
25 election falls ~~upon~~ on a legal holiday, the third annexation election shall  
26 be held four (4) weeks after the second annexation election.

27 (c) If the date of the third annexation  
28 election under subdivision (f)(2)(B)(ii)(b) of this section is a legal  
29 holiday, the third annexation election shall be held five (5) weeks after the  
30 second annexation election.

31 (iii) Notice of the third annexation election shall  
32 be published in a newspaper circulated in the area to be annexed during the  
33 period following the second annexation election.

34 (iv) Only the residents and property owners of the  
35 area proposed to be annexed by both ~~cities~~ municipalities shall vote in the  
36 third annexation election.

1 (v) The issue on the ballot in the third annexation  
 2 election shall be into which of the two (2) ~~cities~~ municipalities the  
 3 residents and property owners of the area want to be annexed.

4 (vi) The area shall be annexed into the ~~city~~  
 5 municipality receiving the most votes in the third annexation election.

6 (vii) In the event of a tie vote in the third  
 7 annexation election, the area shall be annexed to the ~~city~~ municipality that  
 8 had the highest percentage vote in favor of the annexation in the first or  
 9 second annexation election.

10 (3) If the ~~city~~ municipality that does not get to annex the area  
 11 voted on by both ~~cities~~ municipalities included land in its annexation  
 12 election other than the land voted on by both ~~cities~~ municipalities, then  
 13 that land shall be annexed into the ~~city~~ municipality if it is still  
 14 contiguous to the ~~city~~ municipality after the other land is annexed to the  
 15 other ~~city~~ municipality, but the land shall remain part of the county if it  
 16 is not so contiguous.

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