

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

As Engrossed: H3/9/21 H4/1/21

# A Bill

HOUSE BILL 1655

5 *By: Representatives Penzo, Dotson*  
6 *By: Senator Hester*  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING ELECTION TO  
10 CERTAIN PUBLIC OFFICES; AND FOR OTHER PURPOSES.

### Subtitle

14 TO AMEND THE LAW CONCERNING ELECTION TO  
15 CERTAIN PUBLIC OFFICES.  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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20 SECTION 1. Arkansas Code § 14-42-206(a), concerning nominating  
21 petitions for municipal elections, is amended to read as follows:

22 (a)(1) ~~The city or town council of any city or town with the mayor-~~  
23 ~~council form of government, may request the county party committees of~~  
24 ~~recognized political parties under the laws of the state shall to conduct~~  
25 ~~party primaries for municipal offices unless the governing body of the~~  
26 ~~municipality passes a resolution that the governing body will conduct~~  
27 ~~nonpartisan municipal elections for the forthcoming year by resolution~~  
28 ~~passed:~~

29 (A) Before January 1 of the year of the election, if the  
30 election will occur in a year in which the preferential primary election is  
31 held in May under § 7-7-203; and

32 (B) No less than sixty (60) days before the party filing  
33 period begins under § 7-7-203, if the election will occur in a year in which  
34 the preferential primary election is held in March under § 7-7-203.

35 (2) The resolution shall remain in effect ~~for the subsequent~~  
36 ~~elections~~ for two (2) years unless revoked by the city or town council.



1           (3) When ~~the~~ a resolution has been adopted under subdivision  
2 (a)(1) of this section, the clerk or recorder shall mail a certified copy of  
3 the resolution to the chairs of the county party committees and to the chairs  
4 of the state party committees.

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

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10          SECTION 2. Arkansas Code § 14-42-206(f), concerning nominating  
11 petitions for municipal elections, is repealed.

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

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15          SECTION 3. Arkansas Code § 14-47-109(d), concerning the election of  
16 directors in a city manager form of government, is amended to read as  
17 follows:

18          ~~(d)(1) All regular and special elections of directors shall be~~  
19 ~~nonpartisan, the ballots to show no party designation.~~

20          ~~(2)~~ In all regular and special elections, each candidate for the  
21 office of director shall be elected by the electors of the city at large.

22          ~~(3)~~(2) A director shall not be prohibited from holding  
23 successive terms of office.

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25          SECTION 4. Arkansas Code § 14-48-110(d), concerning the election of  
26 the mayor and directors of a city administrator form of government, is  
27 amended to read as follows:

28          ~~(d)(1) All primary, general, and special elections of the mayor and~~  
29 ~~directors shall be nonpartisan, and the ballots shall show no party~~  
30 ~~designation.~~

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

34                  ~~(i)~~(A) The persons elected to fill director  
35 positions one, two, three, and four, respectively, shall be qualified  
36 electors of the respective wards and shall be elected by the qualified

1 electors of the respective wards; and

2 ~~(ii)~~(B) The persons elected to fill the position of  
3 mayor and director positions five, six, and seven, respectively, shall be  
4 qualified electors of the city and shall be elected by the qualified electors  
5 of the entire city.

6 ~~(B)~~(2) Neither the mayor nor a director shall be  
7 prohibited from holding successive terms of office.

8 ~~(C)(i)(a)~~(3)(A)(i) The persons elected to fill director  
9 positions one, two, three, and four, respectively, shall continue to reside  
10 in the ward from which he or she was elected for the term for which he or she  
11 was elected.

12 ~~(b)~~(ii) The persons elected to fill the  
13 position of mayor and director positions five, six, and seven, respectively,  
14 shall continue to reside in the city from which he or she was elected for the  
15 term for which he or she was elected.

16 ~~(ii)~~(B) If a duly elected director shall cease to  
17 reside in the ward or the city from which he or she was elected, the director  
18 shall be disqualified to hold the office, and a vacancy shall exist that  
19 shall be filled as prescribed by law.

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21 /s/Penzo  
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