

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 1733

By: Representative Lynch

For An Act To Be Entitled

AN ACT TO UPDATE LOCAL GOVERNMENT TERMINOLOGY
CONCERNING ALDERMEN; AND FOR OTHER PURPOSES.

Subtitle

TO UPDATE LOCAL GOVERNMENT TERMINOLOGY
CONCERNING ALDERMEN.

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

SECTION 1. Arkansas Code § 7-5-106(f)(1), concerning runoff elections, is amended to read as follows:

(f)(1) As used in this section, "municipal office" means offices of cities of the first class and cities of the second class and incorporated towns and includes the offices of ~~aldermen~~ council members, members of boards of managers, or other elective municipal offices elected by the voters of the entire municipality or from wards or districts within a municipality.

SECTION 2. Arkansas Code § 7-7-304(e)(1), concerning primary election procedures, is amended to read as follows:

(e)(1) When there are two (2) or more nominees to be selected for the same office, such as state senator, state representative, justice of the peace, ~~alderman~~ council member, or for any other office, the proper committee shall require the candidates to designate in writing a particular position, i.e., ~~Position Number 1, Position Number 2, Position Number 3~~ position number one, position number two, position number three, etc., at the time that a party pledge is required to be filed with the secretary of the committee.



SECTION 3. Arkansas Code § 14-37-109 is amended to read as follows:

14-37-109. Appointment of enumerators to take census.

(a)(1) ~~Whenever any~~ If a city or incorporated town ~~shall desire~~ desires to be made a city of the first class or a city of the second class, or if it ~~shall be~~ is deemed necessary to determine the number of inhabitants within the ~~town or~~ city or incorporated town for any purpose, on petition of ten (10) qualified voters of the ~~town or~~ city or incorporated town filed with the recorder ~~thereof~~ of the city or incorporated town, the ~~board of aldermen~~ of the town or city or town council shall consider the petition at its next regular meeting.

(2) If the ~~board~~ city or town council deems the prayer of petitioners well founded and deems that a census of the ~~town or~~ city or incorporated town should be taken in accordance with the prayer of the petitioners, the ~~board~~ city or town council may pass a resolution authorizing and directing the taking of a census of the ~~town or~~ city or incorporated town, and the mayor shall appoint enumerators to take the census, the appointees to be approved by the ~~board~~ city or town council.

(b)(1) The resolution authorizing the taking of census shall prescribe the duties of the enumerators as to when and how to proceed.

(2)(A) Not more than one (1) enumerator shall be appointed for each ward.

(B) However, one (1) enumerator may take more than one (1) ward if the ~~board~~ city or town council deems it proper.

SECTION 4. Arkansas Code § 14-40-1206(b)(2)(B), concerning plot requirements, is amended to read as follows:

(B) However, ~~no~~ a change in the boundaries of the wards of the larger city or incorporated town shall not determine or affect the time of service of any previously elected ~~alderman~~ council member of any ward in the larger city or incorporated town.

SECTION 5. Arkansas Code § 14-40-1207 is amended to read as follows:

14-40-1207. Special election of ~~aldermen~~ council members or all city officials.

(a)(1)(A) Except as provided under subdivision (a)(1)(B) of this section, the city or town council shall call a special election of ~~aldermen~~

council members, to be held at such times and places as the council may direct pursuant to a proclamation issued by the mayor in accordance with § 7-11-101 et seq., in the wards of the smaller municipality and for the election of ~~aldermen~~ council members from any other new wards that may be created by the council out of territory included in the larger city or incorporated town before the annexation, as provided in this subchapter.

(B) If the petition calls for a citywide election for all officials of the new consolidated city or incorporated town, then the city or town council shall call a special election pursuant to a proclamation issued by the mayor in accordance with § 7-11-101 et seq. for all city or town officials to be held at the times and places as ~~it~~ the city or town council may direct throughout each ward of the consolidated city or incorporated town.

(2) If the implementation of the consolidation of the cities or towns is delayed, the special election for new ~~aldermen~~ council members to a city or town council or all city officials shall be held at least forty-five (45) days before the effective date of the consolidation.

(b) Each ward of the consolidated city or incorporated town shall have two (2) ~~aldermen~~ council members, to be elected in the same manner and for the same term as ~~aldermen~~ council members are elected in cities and incorporated towns.

SECTION 6. Arkansas Code § 14-40-1208(a), concerning existing officers, is amended to read as follows:

(a) The term of office of all officers, ~~aldermen~~ council members, and employees of the smaller municipality and all laws in force in the smaller municipality shall cease upon and after the consolidation.

SECTION 7. Arkansas Code § 14-40-1212(b), concerning annexed territory, is amended to read as follows:

(b)(1) ~~Aldermen~~ Council members representing the wards composing the territory of the smaller municipal corporation before consolidation ~~shall~~ have a right~~;~~:

(1) ~~at~~ At all times, to demand of the city or town council the benefit of the revenue collected from the wards, as provided for in this section~~;~~ and

(2) On the refusal ~~of~~ by the city or town council of the demand made under subdivision (b)(1) of this section, ~~the aldermen shall have a right~~ to enforce the revenue rights by mandamus or other appropriate proceedings.

SECTION 8. Arkansas Code § 14-40-1212(c), concerning consolidation, is amended to read as follows:

(c) In the event the ~~aldermen~~ council members, or fifty (50) qualified electors of the territory annexed, feel aggrieved in reference to the amount of revenue expended on the territory or as to the other rights guaranteed in this section to the annexed municipality, they may submit the matter to the circuit court, which is authorized by appropriate orders to compel the consolidated city or incorporated town to give the former territory of the smaller municipal corporation the full benefit of its revenue as provided in this section.

SECTION 9. Arkansas Code § 14-42-102 is amended to read as follows:

14-42-102. Corporate authority of cities.

The corporate authority of cities that are organized shall be vested in one (1) principal officer, to be called the mayor, and one (1) board of ~~aldermen~~ council members, to be called the city council, together with such other officers as are mentioned in this subtitle or may be created under its authority.

SECTION 10. Arkansas Code § 14-42-106 is amended to read as follows:

14-42-106. Oath and bond required.

(a) All officers elected or appointed in any municipal corporation shall take the oath or affirmation prescribed for officers by the Arkansas Constitution.

(b)(1) Except as provided in subdivision (b)(2) of this section, the officers shall take their oaths before the Secretary of State or his or her official designee, any justice or judge, judge of the county court, clerk of the county court, clerk of the circuit court, or justice of the peace.

(2) The ~~aldermen~~ council members also may take their oaths before the mayor of the municipality.

(c) The ~~aldermen or~~ council members of a municipal corporation may

require from the officers, as they think proper, a bond with good and sufficient security and with a proper penalty for the faithful discharge of their office and duty.

(d) The council ~~or aldermen~~ members shall have the power to declare the office of any elected or appointed person vacant who shall fail to take the oath of office or give the bond required in this section within ten (10) days of the first day of January after his or her election or within ten (10) days after he or she has been notified of his or her appointment. In such case, the council ~~or aldermen~~ members shall proceed to appoint as in other cases of vacancy.

SECTION 11. Arkansas Code § 14-42-107 is amended to read as follows:
14-42-107. Interest in offices or contracts prohibited.

(a)(1) ~~No alderman, member of any council,~~ A council member or elected official of a municipal corporation, during the term for which he or she has been elected or one (1) year thereafter, shall not be appointed to any municipal office that was created or the emoluments of which have been increased during the time for which he or she has been elected except to fill a vacancy in the office of mayor, ~~alderman~~ council member, clerk, clerk-treasurer, recorder, or recorder-treasurer.

(2) ~~No alderman or~~ A council member shall not be appointed to any municipal office, except in cases provided for in this subtitle, during the time for which he or she may have been elected.

(b)(1) ~~No A alderman,~~ A council member, official, or municipal employee shall not be interested, directly or indirectly, in the profits of any contract for furnishing supplies, equipment, or services to the municipality unless the governing body of the city has enacted an ordinance specifically permitting ~~aldermen,~~ council members, officials, or municipal employees to conduct business with the city and prescribing the extent of this authority.

(2) The prohibition prescribed in this subsection ~~shall~~ does not apply to contracts for furnishing supplies, equipment, or services to be performed for a municipality by a corporation in which no ~~alderman,~~ council member, official, or municipal employee holds any executive or managerial office or by a corporation in which a controlling interest is held by stockholders who are not ~~aldermen or~~ council members.

(i) One (1) mayor;
 (ii) One (1) city clerk; and
 (iii) One (1) ~~alderman~~ council member from each ward
 of the city.

(B) All of these officials shall hold office for a term of four (4) years and until their successors are elected and qualified.

(2)(A) At the general election in the year 1962 and every four (4) years thereafter, the city shall elect:

(i) One (1) city attorney;
 (ii) One (1) city treasurer; and
 (iii) One (1) ~~alderman~~ council member from each ward
 of the city.

(B) All of these officials shall hold office for a term of four (4) years and until their successors are elected and qualified.

(b) In all primaries or general elections, the candidates for the office of ~~alderman~~ council member shall reside in their respective wards. However, all qualified electors residing in these cities and entitled to vote in the elections ~~shall have the right to~~ may vote at their several voting precincts for each and every candidate so to be nominated or elected.

(c) All odd-year elections for municipal officials in the cities of the first class that have a population of fifty thousand (50,000) or more persons, according to the latest federal census, and that also have the mayor-council form of government are abolished.

(d)(1) If a city first attains a population of fifty thousand (50,000) as shown in a decennial federal census or special federal census completed after January 1, 1997, and the mayor or other elected official of the city last elected before the census was elected to a four-year term and the term will expire two (2) years before the quadrennial general election year at which city officials are elected as provided in subsection (a) of this section, the terms of such officials shall be extended for a period of two (2) years in order that the terms will coincide with the next quadrennial general election year. At that quadrennial general election and at each quadrennial general election thereafter, the mayor and such other municipal officials shall be elected to terms of four (4) years as provided in this section.

(2) The provisions of this subsection shall not affect in any

way the provisions of this section that provide for staggering the terms of office of ~~aldermen~~ council member so that one (1) ~~alderman~~ council member will be elected from each ward every two (2) years.

SECTION 16. Arkansas Code § 14-43-307 is amended to read as follows:

14-43-307. Election of ~~aldermen~~ council members at large or by ward.

(a)(1) Candidates for the office of ~~alderman~~ council member in cities of the first class shall reside in the ward from which they seek to be elected and shall run at large.

(2)(A) All of the qualified electors of these cities shall be entitled to vote in the election.

(B)(i) Provisions shall be made by the election commissioners in these cities so that the qualified electors of each ward shall have at least one (1) voting precinct in each ward where the resident electors thereof may cast their ballots.

(ii) Cities of the second class that elect their ~~aldermen~~ council members citywide may have one (1) public place only for holding elections.

(b)(1)(A) The city council of any such city or the governing body of any city in transition to the mayor-council form of government ~~is empowered and authorized to provide, by ordinance, may provide by ordinance~~ that all ~~aldermen~~ council members be elected by ward, in which event each ~~alderman~~ council member shall be voted upon by the qualified electors of the ward from which ~~the person~~ he or she is a candidate.

(B)(i) When so provided by city ordinance, the name of the candidate shall appear upon the ballot only in the ward in which he or she is a candidate.

(ii) The city council of these cities may provide for the election of one (1) ~~alderman~~ council member from each ward citywide and the other ~~aldermen~~ council members from each ward by the voters of the ward only.

(2) All such cities choosing to elect all ~~aldermen~~ council members by wards or in part by wards shall provide, in the manner provided by law, for the establishment of wards of substantially equal population in order that each ~~alderman~~ council member elected from each ward shall represent substantially the same number of people in the city.

SECTION 17. Arkansas Code § 14-43-308 is amended to read as follows:

14-43-308. Residence qualifications of ~~aldermen~~ council members in primaries.

(a)(1) In all primaries held in any city of the first class by any organized political party, the candidates for nomination for the office of ~~alderman~~ council member shall reside in their respective wards.

(2) All qualified electors residing in these cities and entitled to vote in the primaries ~~shall have the right to~~ may vote at their several voting precincts for each and every candidate so to be nominated.

(b)(1) The city council ~~is authorized and empowered to provide, by ordinance,~~ may provide by ordinance that the candidate shall only be voted upon by qualified voters of the ward who are entitled to vote in the primary from which the person is a candidate.

(2) When ~~so provided by ordinance,~~ any of the candidates in such a case provided by ordinance, a candidate under subdivision (b)(1) of this section shall appear upon the ballot only in the ward in which he or she is a candidate.

SECTION 18. Arkansas Code § 14-43-309 is amended to read as follows:

14-43-309. Residence qualifications of ~~aldermen~~ council members in general elections.

(a)(1) In all general elections for ~~aldermen~~ council members in cities of the first class, the ~~aldermen~~ council members so elected shall reside in their respective wards, as provided by law.

(2) All qualified electors residing in these cities ~~shall have the right to~~ may vote at their several voting precincts for each ~~and every~~ alderman council member so to be elected.

(b)(1) The city council of ~~any such city is empowered and authorized to provide, by ordinance,~~ a city of the first class may provide by ordinance that ~~the aldermen~~ each council member shall only be voted upon by qualified voters of the ward from which the person is a candidate.

(2) When ~~so~~ provided by ordinance, the name of the candidate shall appear upon the ballot only in the ward in which he or she is a candidate.

SECTION 19. Arkansas Code § 14-43-310 is amended to read as follows:
 14-43-310. ~~Alderman~~ Council member ceasing to reside in ward.

If any duly elected ~~alderman~~ council member shall cease to reside in the ward from which he or she was elected, that person shall be disqualified to hold the office and a vacancy shall exist which shall be filled as prescribed by law.

SECTION 20. Arkansas Code § 14-43-311 is amended to read as follows:
 14-43-311. Redistricting of wards.

(a)(1)(A) City councils in cities of the first class ~~shall have the authority to~~ may redistrict the wards in their city when they determine that the people can best be served by adding wards, combining wards, or changing ward boundary lines to equalize the population in the various wards.

(B) ~~It shall be the duty of the council to see~~ The city council shall ensure that each ward has as nearly an equal population as would best serve the interest of the people of the city.

(2)(A) Within ninety (90) days after redistricting, if one hundred (100) or more qualified electors in the city are dissatisfied with the redistricting of the city into wards, ~~they shall have the authority to~~ the electors may petition the circuit court.

(B) The court, after due hearing, ~~shall have authority to~~ may redistrict the city into such wards as the court shall deem best if the court finds that the redistricting action by the city council was arbitrary and capricious.

(b) At the next city election held, more than twenty (20) days after the approval of redistricted wards, there shall be elected from each of the new wards two (2) ~~aldermen~~ council members who shall organize the new city council at the first council meeting in January after their election.

(c)(1)(A) All ~~aldermen~~ council members elected in the city prior to redistricting of wards shall give up their positions to the new ~~aldermen~~ council members at the time for the organization of the new city council, as provided in subsection (b) of this section.

(B) From that date the terms of office of all previously elected ~~aldermen~~ council members shall cease and terminate.

(2)(A) It shall be lawful to increase the number of wards or continue the same number of wards without affecting the terms of office of

incumbent ~~aldermen~~ council members of the city.

(B)(i) When the wards are reapportioned so as to increase the number of wards or readjust existing wards so that ~~such the~~ wards contain nearly equal population, ~~the aldermen who remain~~ a council member who remains in ~~their~~ his or her old ward, or part thereof, shall continue in office.

(ii) New ~~aldermen~~ council members shall be elected only for new wards actually formed out of the territory of old wards.

(d)(1) All clerk's costs and other costs incurred in the proceedings authorized in this section shall be paid by the persons at whose instance the services were rendered.

(2)(A) In case these proceedings result in the redistricting of the city into new wards, the compensation of those individuals making the redistricting shall be fixed by the circuit judge, certified to the city council, and paid out of the city treasury.

(B) This compensation shall not exceed the sum of twenty-five dollars (\$25.00) each.

SECTION 21. Arkansas Code § 14-43-312 is amended to read as follows:

14-43-312. ~~Aldermen~~ Council members in mayor-council cities of fewer than 50,000.

(a)(1) On the Tuesday following the first Monday in November 1966 and every two (2) years thereafter, the qualified voters of all cities of the first class having the mayor-council form of government with fewer than fifty thousand (50,000) inhabitants shall elect two (2) ~~aldermen~~ council members from each ward for a term of two (2) years, except that by ordinance any city of the first class may refer the question to voters to elect two (2) ~~aldermen~~ council members from each ward to four-year terms as more particularly set out in subdivision (a)(2)(A) of this section.

(2)(A) On or before February 1 of the election year when the procedure will go into effect, any city of the first class, by ordinance referred to and approved by the voters at the previous general election or at a special election called for that purpose, may elect two (2) ~~aldermen~~ council members from each ward to four-year terms, except for the initial terms as provided in subdivision (a)(2)(B) of this section.

(B)(i) If this procedure is adopted by ordinance referred to and approved by the voters of the city, the ~~alderman~~ council member

representing position number one from each ward ~~will~~ shall be elected to a four-year term at the next general election.

(ii) The ~~alderman~~ council member representing position number two from each ward ~~will~~ shall be elected to an initial two-year term at the next election, and thereafter ~~will~~ shall be elected to four-year terms, resulting in staggered terms with one (1) ~~alderman~~ council members being elected to a four-year term from each ward every two (2) years.

(b)(1) The ~~aldermen~~ council members shall be designated as "~~alderman~~ council member number one" and "~~alderman~~ council member number two".

(2)(A) A candidate for the office of ~~alderman~~ council member shall designate the number of the ~~alderman's~~ council member's office which the candidate is seeking on the petition filed under § 14-42-206.

(B) When this designation has been made, the candidate shall not be permitted thereafter to change the designation on that petition.

(C) The county clerk shall not accept a petition for filing that does not designate the number of the office for ~~alderman~~ council member sought.

(D) Each city shall maintain in its records a document showing the name of each ~~alderman~~ council member and the number of the office which the candidate holds.

(c)(1)(A) The city council may refer an ordinance to voters on the question of returning a city to electing ~~aldermen~~ council members to two-year terms.

(B) The ordinance ~~must~~ shall be passed by a two-thirds vote of the city council before it is referred to and approved by voters at a general election.

(2) If the voters approve returning the city to electing ~~aldermen~~ council members to two-year terms, all ~~aldermen~~ council members shall be elected to two-year terms at the next general election and thereafter, except that those ~~aldermen~~ council members serving four-year terms shall complete their terms.

(3) The city council may not refer another question to voters on electing ~~aldermen~~ council members to four-year terms or on returning the city to electing ~~aldermen~~ council members to two-year terms unless at least four (4) years have passed since the last election on changing the terms of ~~aldermen~~ council members.

SECTION 22. Arkansas Code § 14-43-412(a), concerning vacancies in other elected offices, is amended to read as follows:

(a) In case any office of an elected officer, except ~~aldermen~~ council members of the ward, becomes vacant before the expiration of the regular term, then the vacancy shall be filled by the city council until a successor is duly elected and qualified.

SECTION 23. Arkansas Code § 14-43-502(b)(2)(B), concerning powers of the city council, is amended to read as follows:

(B) The mayor or any three (3) ~~aldermen~~ council members of any city or town, regardless of size or classification, may call special meetings in the manner as may be provided by ordinance.

SECTION 24. Arkansas Code § 14-43-504(d)(1)(B)(ii), concerning powers and duties of mayors, is amended to read as follows:

(ii) An ordinance, an order, or a resolution or part thereof, vetoed by the mayor is invalid unless, after the written statement is laid before it, the council, by a vote of two-thirds (2/3) of all the ~~aldermen~~ council members elected thereto, passes it over the veto.

SECTION 25. Arkansas Code § 14-44-103 is amended to read as follows:

14-44-103. Election of ~~aldermen~~ council members.

(a)(1) Except as provided under subdivision (a)(3) of this section, on the Tuesday following the first Monday in November 1982, and every two (2) years thereafter, the qualified voters in cities of the second class shall elect for each of the wards of these cities two (2) ~~aldermen~~ council members, who shall compose the city council.

(2) The qualified electors of every city of the second class shall elect from each ward of the city two (2) ~~aldermen~~ council members, who shall be designated as "~~alderman~~ council member number one" and "~~alderman~~ council member number two" of the ward.

(3)(A) A candidate for the office of ~~alderman~~ council member shall designate the number of the ~~alderman's~~ council member's office that the candidate is seeking on the petition filed pursuant to § 14-42-206.

(B) When this designation has been made, the candidate

shall not be permitted thereafter to change the designation on that petition.

(C) The county clerk shall not accept a petition for filing that does not designate the number of the office of ~~alderman~~ council member sought.

(D) Each city shall maintain in its records a document showing the name of each ~~alderman~~ council member and the number of the office which the candidate holds.

(4)(A) The city council of a city of the second class may refer to voters an ordinance on the question of electing the two (2) ~~aldermen~~ council members for each ward to four-year terms.

(B) The voters shall vote on the ordinance at a general election or at a special election called for that purpose by proclamation of the mayor in accordance with § 7-11-201 et seq. However, the election to approve the four-year election procedure shall be held no later than February 1 of the year of the general election in which the procedure is proposed to be effective.

(5)(A) If this procedure is adopted by ordinance referred to and approved by the voters of the city, the initial term for the ~~alderman~~ council member designated as "~~alderman~~ council member number one" of each ward shall be a four-year term at the next general election.

(B) The initial term for the ~~alderman~~ council member designated as "~~alderman~~ council member number two" of each ward shall be a two-year term at the next general election, and thereafter shall be a four-year term, resulting in staggered terms for the ward.

(6)(A) The city council may refer to voters an ordinance on the question of returning the city to electing ~~aldermen~~ council members to two-year terms using the procedures of subdivisions (a)(4)-(7) of this section.

(B) If the voters approve returning a city to two-year terms, all ~~aldermen~~ council members shall be elected to two-year terms at the next general election and thereafter.

(7) The city council may not refer to voters another question on electing ~~aldermen~~ council members to four-year terms or on returning the city to electing ~~aldermen~~ council members to two-year terms unless at least four (4) years have passed since the last election on changing the ~~alderman's~~ council members' terms.

(b)(1)(A) A candidate for the office of ~~alderman~~ council member in a

city of the second class shall reside in the ward from which he or she seeks to be elected and shall run for election at large, except if the ~~alderman~~ council member is elected by ward under subsection (c) of this section.

(B) All of the qualified electors of the city ~~shall be entitled to~~ may vote in the election.

(C) Provision shall be made by the election commissioners in these cities so that the qualified electors of each ward shall have at least one (1) voting precinct in each ward where the resident electors thereof may cast their ballots.

(2) If any duly elected ~~alderman~~ council member shall cease to reside in the ward from which he or she was elected, that person shall be disqualified to hold the office and a vacancy shall exist, which shall be filled as prescribed by law.

(c)(1)(A) The city council of any such city ~~is empowered and authorized to provide, by ordinance,~~ may provide by ordinance that all ~~aldermen~~ council members be elected by ward, in which event each ~~alderman~~ council member shall be voted upon by the qualified electors of the ward from which the person is a candidate.

(B)(i) When ~~so~~ provided by city ordinance, the name of the candidate shall appear upon the ballot only in the ward in which he or she is a candidate.

(ii) The city council of these cities may provide for the election of one (1) ~~alderman~~ council member from each ward citywide and the other ~~aldermen~~ council members from each ward by the voters of the ward only.

(2) All such cities choosing to elect all ~~aldermen~~ council members by wards or part by wards shall provide, in the manner provided by law, for the establishment of wards of substantially equal population in order that each ~~alderman~~ council member elected from each ward shall represent substantially the same number of people in the city.

(d) Cities of the second class that elect their ~~aldermen~~ council members citywide may have one (1) public place only for holding elections.

SECTION 26. Arkansas Code § 14-44-104 is amended to read as follows:
14-44-104. Vacancy in ~~alderman's~~ council member's office.

(a) ~~Whenever~~ If a vacancy occurs in the office of ~~alderman~~ council

member in any city of the second class, at the first regular meeting after the occurrence of the vacancy, the city council shall proceed to elect, by a majority vote of the council, ~~an alderman~~ a council member to serve for the unexpired term.

(b) The election to fill the vacancy under subsection (a) of this section is not subject to veto by the mayor.

SECTION 27. Arkansas Code § 14-44-106 is amended to read as follows:
14-44-106. Vacancy in mayor's office.

~~Whenever~~ If a vacancy occurs in the office of mayor in any city of the second class, at the first regular meeting after the occurrence of the vacancy, the city council shall proceed to either elect by a majority vote of the ~~aldermen~~ council members a mayor to serve the unexpired term or call for a special election to be held in accordance with § 7-11-101 et seq. to fill the vacancy. At this election, a mayor shall be elected to ~~fill out~~ serve the unexpired term.

SECTION 28. Arkansas Code § 14-44-107(b)(2)(B), concerning the powers of the mayor, is amended to read as follows:

(B) ~~No~~ An ordinance, resolution, or order, or part thereof, vetoed by the mayor shall not have any force or validity unless, after the written statement is laid before it, the council ~~shall pass~~ passes it over the veto by a vote of two-thirds (2/3) of all the ~~aldermen~~ council members elected thereto.

SECTION 29. Arkansas Code § 14-44-112 is amended to read as follows:
14-44-112. Vacancy in marshal's office.

~~Whenever~~ If a vacancy ~~shall occur~~ occurs in the office of marshal in any city of the second class, at the first regular meeting after the occurrence of the vacancy, the city council shall proceed to elect by a majority vote of all the ~~aldermen~~ council members a marshal to serve for the unexpired term.

SECTION 30. Arkansas Code § 14-44-116 is amended to read as follows:
14-44-116. Vacancy in office of recorder, treasurer, or recorder-treasurer.

~~Whenever~~ If a vacancy occurs in the office of recorder, treasurer, or recorder-treasurer in any city of the second class, at the first regular meeting after the occurrence of the vacancy, the city council shall elect by a majority vote of all the ~~aldermen~~ council members a person to serve for the unexpired term.

SECTION 31. Arkansas Code § 14-45-101 is amended to read as follows:
14-45-101. Corporate authority.

(a) The corporate authority of incorporated towns shall vest in a town council composed of the five (5) ~~aldermen~~ council members who shall be qualified electors residing within the limits of the ~~corporation~~ incorporated town and who shall hold office until their successors are elected and qualified.

(b) A majority of the whole number of ~~aldermen~~ council members shall constitute a quorum for the transaction of business.

SECTION 32. Arkansas Code § 14-45-102 is amended to read as follows:
14-45-102. Election of ~~aldermen~~ council members.

(a)(1) Except as provided in subdivision (a)(2) of this section, on the Tuesday following the first Monday in November 1982 and every two (2) years thereafter, the qualified voters of incorporated towns shall elect five (5) ~~aldermen~~ council members.

(2)(A) The town council of an incorporated town may refer to the voters an ordinance on the question of electing the five (5) ~~aldermen~~ council members to four-year terms.

(B)(i) The voters shall vote on the ordinance at a general election or at a special election called for that purpose.

(ii) The election to approve the four-year election procedure shall be held no later than February 1 of the year of the general election in which the procedure is proposed to be effective.

(C) If this procedure is adopted by an ordinance referred to and approved by the voters of the incorporated town, the initial terms for ~~aldermen~~ council members representing positions numbered "one", "three", and "five" shall be four-year terms at the next general election and the initial terms for ~~aldermen~~ council members representing positions numbered "two" and "four" shall be two-year terms and thereafter four-year terms, resulting in

staggered terms.

(D)(i) The town council may refer to voters an ordinance on the question of returning the incorporated town to electing ~~aldermen~~ council members to two-year terms using the procedures of subdivision (a)(2) of this section.

(ii) If the voters approve returning a an incorporated town to two-year terms, all ~~aldermen~~ council members shall be elected to two-year terms at the next general election and thereafter.

(E) The town council may not refer to voters another question on electing ~~aldermen~~ council members to four-year terms or on returning the incorporated town to electing ~~aldermen~~ council members to two-year terms unless at least four (4) years have passed since the last election on changing the terms of ~~aldermen~~ council members.

(b)(1) A candidate for the office of ~~alderman~~ council member shall designate the number of the office for ~~alderman~~ council member that the candidate is seeking on the petition filed pursuant to § 14-42-206.

(2) If there is a designation under subdivision (b)(1) of this section, the candidate shall not change the designation on that petition.

(3) The county clerk shall not accept a petition for filing that does not designate the number of the office for ~~alderman~~ council member sought.

(4) Each incorporated town shall maintain in its records a document showing the name of each ~~alderman~~ council member and the number of the office that the candidate holds.

SECTION 33. Arkansas Code § 14-45-103 is amended to read as follows:
14-45-103. Vacancies.

(a) When a vacancy occurs in the office of ~~alderman~~ council member in an incorporated town, at the first regular meeting after the occurrence of the vacancy, the town council shall elect by a majority vote of the town council ~~an alderman~~ a council member to serve for the unexpired term.

(b) When a vacancy occurs in the office of mayor in an incorporated town, at the first regular meeting after the occurrence of the vacancy, the town council shall:

(1) Elect by a majority vote of the ~~aldermen~~ council members a mayor to serve the unexpired term; or

(2)(A) Call for a special election to be held in accordance with § 7-11-101 et seq. to fill the vacancy.

(B) At the special election, a mayor shall be elected to complete the unexpired term.

SECTION 34. Arkansas Code § 14-45-105(b)(2)(B), concerning the powers of the mayor, is amended to read as follows:

(B) ~~No~~ An ordinance, resolution, or order, or part thereof, vetoed by the mayor shall not have any force or validity unless, after the written statement is laid before it, the council ~~shall pass~~ passes it over the veto by a vote of two-thirds (2/3) of all the ~~aldermen~~ council members elected thereto.

SECTION 35. Arkansas Code § 14-55-204 is amended to read as follows:

14-55-204. Approval of appropriations.

All bylaws, ordinances, resolutions, or orders for the appropriation of money shall require for their passage or adoption the concurrence of a majority of the ~~aldermen~~ council members of any municipal corporation.

SECTION 36. Arkansas Code § 14-88-305 is amended to read as follows:

14-88-305. Removal of member.

(a)(1) The city or town council may remove a municipal board of improvement or any member of the board by a two-thirds vote of the whole number of ~~aldermen~~ council members elected to the council.

(2)(A) Removal shall be for cause only, including without limitation noncompliance with state or federal law or local ordinance, and after a hearing upon sworn charges proffered in writing by a real property owner in the improvement district.

(B) Ten (10) days' notice of the hearing of the charges shall be given.

(b) The council may remove the board or any member of the board by a vote of a majority of the whole number of ~~aldermen~~ council members elected to the council, upon the written petition of fifteen percent (15%) of the owners of real property located within the improvement district stating that the petitioners believe it to be in the best interest of the improvement district, and after a mandatory hearing upon ten (10) days' notice to each

member of the board affected.

SECTION 37. Arkansas Code § 14-201-325 is amended to read as follows:
14-201-325. Disposition of profits.

Any profits derived by any of the boards of public utilities created under this subchapter, after there has been set aside from the earnings a sum sufficient to pay all outstanding indebtedness of the plants or sewerage systems under the control of the board and a sum sufficient to provide for expenses, extensions, and enlargements found necessary, or which may be reasonably anticipated, shall be used by the board to retire any outstanding bonds or interest thereon issued by any of the boards of improvement of the district constructing the plants under its control. In case there are no such outstanding bonds or interest or when all of such outstanding bonds and interest thereon have been paid, such profits shall be paid to the treasurer of the city or town wherein the board is created. These funds are to be used by the ~~board of aldermen of the~~ city or town council to defray any expense or pay any debt of the city or town.

APPROVED: 04/04/2017