

Stricken language would be deleted from and underlined language would be added to present law.
Act 995 of the Regular Session

State of Arkansas
95th General Assembly
Regular Session, 2025

As Engrossed: S3/31/25 S4/9/25

A Bill

HOUSE BILL 1555

By: Representative Painter

By: Senator Hester

For An Act To Be Entitled

AN ACT TO ESTABLISH UNIFORM PROCEDURES FOR FILLING A
VACANCY IN A MUNICIPAL OFFICE; AND FOR OTHER
PURPOSES.

Subtitle

TO ESTABLISH UNIFORM PROCEDURES FOR
FILLING A VACANCY IN A MUNICIPAL OFFICE.

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

SECTION 1. Arkansas Code § 14-42-103 is amended to read as follows:

14-42-103. Vacancies in municipal offices generally.

~~(a)(1) Vacancies in municipal offices that are authorized by state law to be filled by appointment by the city or town governing body require a majority vote of the remaining members of the governing body.~~

~~(2) However, a majority of a quorum of the whole number of the governing body is required to fill the vacancy.~~

~~(b)(1) The governing body may appoint any qualified elector, including members of a governing body, to fill the vacancy.~~

~~(2) However, a member of the governing body shall not vote on his or her own appointment.~~

~~(c) This section does not apply to circumstances prescribed under § 14-43-501(a) or § 14-43-411(a)~~ A vacancy of a municipal office in a municipality, regardless of the classification or form of government of the municipality, shall be filled according to one (1) of the following methods:

(1)(A) At the first council meeting after the declaration of the vacancy, the governing body of the municipality shall elect by a majority



vote of the governing body of the municipality a person to serve the unexpired term.

(B)(i) Except as otherwise provided under subdivision (a)(1)(B)(ii) of this section, if a vacancy is filled under subdivision (a)(1)(A) of this section, a majority of the remaining members of the governing body of the municipality shall fill the vacancy and the governing body of the municipality may appoint any qualified elector of the municipality.

(ii) A member of the governing body of the municipality shall not be appointed to fill a vacancy under this section in municipalities with a population of fifty thousand (50,000) or more; or

(2)(A) At the first council meeting after the declaration of the vacancy, the governing body of the municipality shall call a special election to be held at the next special election date under § 7-11-101 et seq. to fill the vacant position for the remainder of the term.

(B)(i) If the governing body of a municipality calls for a special election to fill the vacancy under subdivision (a)(2)(A) of this section, the governing body may appoint a qualified elector of the municipality to serve in the office until the office is filled at the special election.

(ii) A member of the governing body of the municipality may be appointed under subdivision (a)(2)(B)(i) of this section to serve in the office until the vacancy is filled at a special election.

(b) For a vacancy filled under subsection (a) of this section in a municipality having a mayor, the appointment is not subject to veto by the mayor.

SECTION 2. Arkansas Code § 14-43-304(d), concerning mayors in a city having a mayor-council form of government, is amended to read as follows:

(d) If a vacancy occurs in the office of mayor of a city described in this section and the unexpired term is more than one (1) year, the vacancy shall be filled ~~by a special election and special runoff election, if necessary, as provided in subsection (c) of this section~~ under § 14-42-103.

SECTION 3. Arkansas Code § 14-43-310 is amended to read as follows:

14-43-310. Council member ceasing to reside in ward.

If any duly elected 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~~ under § 14-42-103.

SECTION 4. Arkansas Code § 14-43-401(b), concerning the office of mayor generally in a city of the first class, is amended to read as follows:

~~(b)(1)(A) In case of the mayor's death, disability, resignation, or other vacation of his or her office, the city council, by vote of a majority of all its members, may appoint some other person to act until the expiration of his or her term or disability if the unexpired term of his or her office is less than one (1) year. Otherwise, an election shall be ordered in accordance with the laws of the state~~ vacancy shall be filled under § 14-42-103.

~~(B)(2) A removal from the city shall be deemed a vacation of his or her office.~~

~~(2)(A) In all cases in which the unexpired term has one (1) year or more to run and a special election has been called to fill the vacancy in the office of mayor, the city governing body may appoint a qualified elector of the city, including any member of the city council, to serve as acting mayor until the office is filled at the special election.~~

~~(B) A member of the council shall not vote on his or her own appointment.~~

SECTION 5. Arkansas Code § 14-43-411 is amended to read as follows:

14-43-411. Council member vacancy in mayor-council form of government.

~~(a)(1)(A) Whenever a vacancy occurs in the office of council member in a city of the first class having a population of less than twenty thousand (20,000) according to the most recent federal decennial census, at the first regular meeting after the occurrence of the vacancy, the city council shall proceed to elect by a majority vote of the remaining members elected to the council a council member to serve for the unexpired term~~ vacancy shall be filled under § 14-42-103.

~~(B)(i) However, at least a quorum of the whole number of the city council shall remain in order to fill a vacancy.~~

~~(ii) The election by the remaining members of the~~

~~city council is not subject to veto by the mayor.~~

~~(2) The person elected by the council shall be a resident of the ward where the vacancy occurs at the time of the vacancy.~~

(b) When a vacancy occurs in any position of council member in a city having a population of twenty thousand (20,000) or more according to the most recent federal decennial census, ~~a new council member shall be chosen in the following manner:~~

~~(1) If the unexpired portion of the term of a council member exceeds one (1) year, 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 remaining members elected to the council a council member to serve for the unexpired term or call for a special election to be held in accordance with § 7-11-101 to fill the vacancy; or~~

~~(2) If the unexpired portion of the term of a council member is one (1) year or less, a successor shall be chosen by a majority vote of the members of the council the vacancy shall be filled under § 14-42-103.~~

SECTION 6. Arkansas Code § 14-43-412 is amended to read as follows:
14-43-412. Vacancies in other elected offices.

~~(a) In case any office of an elected officer, except 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.~~

~~(b) The successor shall be elected for the unexpired term at the first general election that occurs after the vacancy has happened under § 14-42-103.~~

SECTION 7. Arkansas Code § 14-44-103(b)(2), concerning the filling of vacancies for council members in a city of the second class, is amended to read as follows:

(2) If any duly elected 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~~ under § 14-42-103.

SECTION 8. Arkansas Code § 14-44-104 is amended to read as follows:

14-44-104. Vacancy in council member's office.

~~(a) If a vacancy occurs in the office of 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, 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~~ vacancy shall be filled under § 14-42-103.

SECTION 9. Arkansas Code § 14-44-106 is amended to read as follows:

14-44-106. Vacancy in office.

If a vacancy occurs in the office of mayor, marshal, 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 proceed to elect a person to fill the vacancy ~~either by a majority vote of the council members or by a call for a special election to be held in accordance with § 7-11-101 et seq~~ under § 14-42-103.

SECTION 10. Arkansas Code § 14-45-103 is amended to read as follows:

14-45-103. Vacancies.

(a) When a vacancy occurs in the office of 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 a council member to serve for the unexpired term~~ the vacancy shall be filled under § 14-42-103.

(b) When a vacancy occurs in the office of recorder-treasurer 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 a recorder-treasurer to serve for the unexpired term~~ the vacancy shall be filled under § 14-42-103.

(c) 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 council members a mayor to serve the unexpired term; or~~

~~(2)(A) Call for a special election to be held under § 7-11-101~~

~~et seq. to fill the vacancy.~~

~~(B) At the special election, a mayor shall be elected to complete the unexpired term the vacancy shall be filled under § 14-42-103.~~

(d) When a vacancy occurs in the office of marshal in an incorporated town and the marshal was elected under § 14-45-109, at the first regular meeting after the occurrence of the vacancy the ~~town council shall elect by a majority vote of the town council a marshal to serve for the unexpired term~~ vacancy shall be filled under § 14-42-103.

SECTION 11. Arkansas Code § 14-47-113 is amended to read as follows:

14-47-113. ~~Director~~ Mayor or director vacancy.

~~Whenever a vacancy shall occur by any reason in the office of a director, the board of directors shall elect a person by majority vote to fill the vacancy and serve for the unexpired term thereof~~ If a vacancy occurs in the office of mayor or the office of a member of the board of directors, the board of directors shall fill the vacancy under § 14-42-103 at the first regular meeting after the vacancy occurs.

SECTION 12. Arkansas Code § 14-47-117(b)(2)(A), concerning a vacancy in the office of assistant mayor in a city manager form of government, is amended to read as follows:

(2)(A) If a vacancy in the office of mayor occurs, the assistant mayor shall perform the duties of mayor until a successor mayor is elected or appointed under § 14-42-103.

SECTION 13. Arkansas Code § 14-47-117(b)(2)(B)(i), concerning a vacancy in the office of assistant mayor in a city manager form of government, is amended to read as follows:

(B)(i) If the mayor shall be continuously absent or disabled for more than six (6) months, his or her office will automatically become vacant and a successor mayor shall be elected or appointed under § 14-42-103.

SECTION 14. Arkansas Code § 14-48-112(b)(2)(A), concerning a vacancy in the office of assistant mayor or vice mayor in a city administrator form of government, is amended to read as follows:

(2)(A) If a vacancy in the office of mayor occurs, the assistant mayor or vice mayor shall perform the duties of mayor until a successor mayor is elected or appointed under § 14-42-103.

SECTION 15. Arkansas Code § 14-48-112(b)(2)(B)(i), concerning a vacancy in the office of assistant mayor or vice mayor in a city administrator form of government, is amended to read as follows:

(B)(i) If the mayor is continuously absent or disabled for more than six (6) months, his or her office will automatically become vacant, and a successor mayor shall be elected or appointed under § 14-42-103.

SECTION 16. Arkansas Code § 14-48-115 is amended to read as follows:
14-48-115. Mayor or director vacancy.

In the case of a vacancy in the office of mayor or in the office of a member of the board of directors, the board, at the first regular meeting after the occurrence of the vacancy ~~and by majority vote, shall appoint a person or call for a special election to be held in accordance with § 7-11-101 et seq. to fill the vacancy for the remainder of the unexpired term~~ fill the vacancy under § 14-42-103.

/s/Painter

APPROVED: 4/22/25