

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

State of Arkansas  
93rd General Assembly  
Regular Session, 2021

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

## A Bill

HOUSE BILL 1655

By: Representatives Penzo, Dotson

By: Senator Hester

### For An Act To Be Entitled

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

### Subtitle

TO AMEND THE LAW CONCERNING ELECTION TO  
CERTAIN PUBLIC OFFICES.

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

SECTION 1. Arkansas Code § 14-42-206(a), concerning nominating petitions for municipal elections, is amended to read as follows:

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

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

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

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



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

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

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 Arkansas Code § 14-42-206(f), concerning nominating petitions for municipal elections, is repealed.

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

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

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

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

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

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

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

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

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

electors of the respective wards; and

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

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

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

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

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

/s/Penzo