

# 2016 Municipal Election Information

## DEADLINES FOR FILING AND OTHER IMPORTANT DATES

### Filing Dates

Primary Election: From 12 p.m., Nov. 2, 2015, until 12 p.m., Nov. 9, 2015. ACA 7-7-203(c)(1).

General Election (for Independents): From July 29, 2016, until 12 p.m. Aug. 19, 2016.

ACA 14-42-206(b)(1).

OR, by City Ordinance (for Independents): From Feb. 10, 2016, until 12 p.m. Feb. 29, 2016.

ACA 14-42-206(d).

### Election Dates

Preferential Primary Election: March 1, 2016. ACA 7-7-203.

Primary Election (Runoff): March 22, 2016. ACA 7-7-203.

General Election: Tuesday, Nov. 8, 2016. ACA 7-5-102.

General Election (Runoff): Tuesday, Nov. 29, 2016. ACA 7-5-106.

## City Administrator Form of Government

### Deadlines for filing and other important dates:

Deadline for filing statement of candidacy and petition, no more than ninety (90) days (May 11, 2016) or less than seventy-five (75) days by 12 p.m. (May 26, 2016) before a municipal primary election, which is the second Tuesday of August. ACA 14-48-109(a).

Tues., Aug. 9—Primary Election for Directors and Mayor when more than two are seeking the office (second Tuesday in August preceding the municipal general election, which is Nov. 8, 2016). ACA 14-48-109(a)(2).

Tues., May 31—Deadline for clerk to certify names of candidates on the petitions to county board of election commissioners seventy (70) days before municipal primary election which is August 9, 2016. ACA 14-48-109(a)(6)(B).

## City Manager Form of Government

### Deadlines for filing and other important dates:

Deadline for all candidates for petitions of nomination and political practice pledges not more than one-hundred two (102) days (July 29, 2016) nor less than eighty-one (81) days by 12 p.m. (Aug. 19, 2016) before general election which is Nov. 8, 2016. ACA 14-47-110(a)(2).

Tuesday, Aug. 25, 2016—Deadline for city clerk to certify names of candidates for director to county board of election commissioners, unless petition fails to meet standards (seventy-five (75) days before general election, which is November 8, 2016). ACA 14-47-110(a)(3)(D).

### Political Practice Pledge and Affidavit of Eligibility

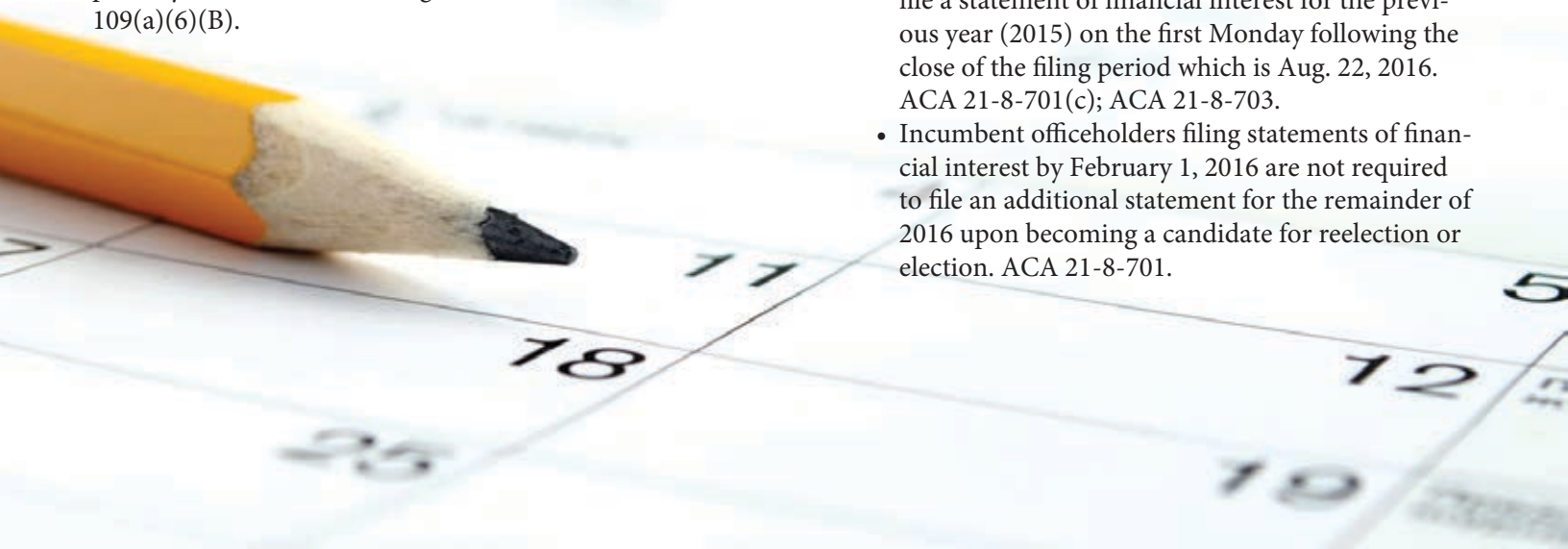
- For candidates in Preferential Primary Election: From 12 p.m. Nov. 2, 2015, until 12 p.m. Nov. 9, 2015. ACA 7-6-102(a); 7-7-301(a).
- For independent candidates: During the period for filing petition for nomination from July 29, 2016, until 12 p.m. Aug. 19, 2016. ACA 7-6-102(a); 14-42-206(b)(3).

Political Practice Pledge is filed with the County Clerk at time of filing petition for nomination, a pledge in writing stating that candidate is familiar with the requirements of ACA 7-1-103, 7-1-104, 7-3-108,

7-6-101 through 7-6-104 and will in good faith comply with their terms. See ACA 7-6-102.

### Financial Disclosure Statements

- Party candidates for elective office: Must file a statement of financial interest for the previous year (2014) on the first Monday following the close of the filing period which is Nov. 16, 2015.
- All candidates for elective office must file a statement of financial interest for 2015 by February 1, 2016. \*ACA 21-8-705.
- Independent candidates for elective office: Must file a statement of financial interest for the previous year (2015) on the first Monday following the close of the filing period which is Aug. 22, 2016. ACA 21-8-701(c); ACA 21-8-703.
- Incumbent officeholders filing statements of financial interest by February 1, 2016 are not required to file an additional statement for the remainder of 2016 upon becoming a candidate for reelection or election. ACA 21-8-701.



\*The law requires a deadline of January 31, 2016, however that is a Sunday, therefore the deadline is extended to the following Monday, February 1, 2016. Financial Disclosure Statement(s) must be filed with the City Clerk or Recorder on the first Monday following the close of the period to file as a candidate for the elective office. Any incumbent office holder who has filed the statement for the year 2015 by February 1, 2016, shall not be required to file an additional statement. ACA 21-8-701(c) and 703(a)(3). For party candidates, Financial Disclosure Statements for both 2014 and 2015 are required to be filed.

### **Reports of Contributions and Expenses**

**Pre-election Report**—No later than seven (7) days prior to any preferential primary, runoff, general, or special election. Not required if contributions and expenditures are each less than five hundred dollars (\$500), or if candidate runs unopposed.

**Final Reports**—No later than thirty (30) days after the end of the month in which the candidate's name has appeared on the ballot, regardless of whether a candidate has received contributions and/or expenditures in excess of five hundred dollars (\$500). A candidate who withdraws shall file within thirty (30) days of withdrawal a report of any contributions and expenditures not previously reported.

**Supplemental Reports**—After the final report, within thirty (30) days of contribution or expenditure. ACA 7-6-208.

**Officials elected take office: Jan. 1, 2017.**

## **Mayor-Council Form of Government**

### **Important Statutes**

#### **14-42-206. Municipal elections—Nominating petitions**

(a)(1) The city or town council of any city or town with the mayor-council form of government, by resolution passed no less than sixty (60) days before the party filing period under § 7-7-203, may request the county party committees of recognized political parties under the laws of the state to conduct party primaries for municipal offices for the forthcoming year.

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

(3) When the resolution has been adopted, 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.

(b)(1) Any person desiring to become an independent candidate for municipal office in cities and towns with the mayor-council form of government shall file not more than one hundred two (102) days nor less than eighty-one (81) days before the general election by 12 p.m. with the county clerk the petition of nomination in substantially the following forms:

(A) For all candidates except aldermen in cities of the first class and cities of the second class:

“PETITION OF NOMINATION—We, the undersigned qualified electors of the city (town) of \_\_\_\_\_, Arkansas, being in number not less than ten (10) for incorporated towns and cities of the second (2nd) class, and not less than thirty (30) for cities of the first (1st) class, do hereby petition that the name of \_\_\_\_\_ be placed on the ballot for the office of \_\_\_\_\_ (A candidate for alderman in an incorporated town shall identify the position for which he or she is running) at the next election of municipal officials in 20 \_\_\_\_\_. [Printed name, signature, street address, date of birth, and day of signing.]

(B) For candidates for alderman elected by ward in cities of the first class and cities of the second class, the nominating petitions shall be signed only by qualified electors of the ward in the following manner:

“PETITION OF NOMINATION—We, the undersigned qualified electors of Ward \_\_\_\_\_ of the city of \_\_\_\_\_, Arkansas, being in number not less than ten (10) for cities of the second (2nd) class, and not less than thirty (30) for cities of the first (1st) class, do hereby petition that the name of \_\_\_\_\_ be placed on the ballot for the office of Alderman, Ward \_\_\_\_\_, position \_\_\_\_\_, of the next election of municipal officials in 20 \_\_\_\_\_. [Printed name, signature, street address, date of birth, and day of signing.]

(C) For at-large candidates for alderman of a ward in cities of the first class and cities of the second class, the nominating petitions shall be signed by a qualified elector of the city in the following manner:

“PETITION OF NOMINATION—We, the undersigned qualified electors of the city of \_\_\_\_\_, Arkansas, being in number not less than ten (10) for cities of the second (2nd) class, and not less than thirty (30) for cities of the first (1st) class, do hereby petition that the name of \_\_\_\_\_ be placed on the ballot for the office of Alderman, Ward \_\_\_\_\_, position \_\_\_\_\_, of the next election of municipal officials in 20 \_\_\_\_\_. [Printed name, signature, street address, date of birth, and day of signing.]

(2)(A) An independent candidate for municipal office may qualify by a petition of not fewer than ten (10) electors for incorporated towns and cities of the second class and not fewer than thirty (30) electors for cities of

the first class of the ward or city in which the election is to be held.

(B)(i) The county clerk shall determine no later than ten (10) days from filing whether the petition contains the names of a sufficient number of qualified electors.

(ii) The county clerk's determination shall be made no less than seventy-five (75) days before the general election.

(C) The county clerk promptly shall notify the candidate of the result.

(3) Independent candidates for municipal office shall file a political practices pledge and an affidavit of eligibility at the time of filing their petitions.

(4)(A) An independent candidate shall state the position, including the position number, if any, on his or her petition.

(B) When a candidate has identified the position sought on the notice of candidacy, the candidate shall not be allowed to change the position but may withdraw a notice of candidacy and file a new notice of candidacy designating a different position before the deadline for filing.

(5) The sufficiency of a petition filed under this section may be challenged in the same manner as election contests under § 7-5-801 et seq.

(6) A person who has been defeated in a party primary shall not file as an independent candidate in the general election for the office for which he or she was defeated in the party primary.

(c)(1)(A) If no candidate receives a majority of the votes cast in the general election, the two (2) candidates receiving the highest number of votes cast for the office to be filled shall be the nominees for the respective offices, to be voted upon in a runoff election pursuant to § 7-5-106.

(B) In any case, except for the office of mayor, in which only one (1) candidate has filed and qualified for the office, the candidate shall be declared elected and the name of the person shall be certified as elected without the necessity of putting the person's name on the general election ballot for the office.

(2) If the office of mayor is unopposed, then the candidate for mayor shall be printed on the general election ballot and the votes for mayor shall be tabulated as in all contested races.

(d)(1)(A) The governing body of any city of the first class, city of the second class, or incorporated town may enact an ordinance requiring independent candidates for municipal office to file petitions for nomination as independent candidates with the county clerk:

(i) No earlier than twenty (20) days prior to the preferential primary election; and

(ii) No later than 12 p.m. on the day before the preferential primary election.

(B) The governing body may establish this filing deadline for municipal offices even if the municipal offices are all independent or otherwise nonpartisan.

(2)(A) The ordinance shall be enacted no later than ninety (90) days prior to the filing deadline.

(B) The ordinance shall be published at least one (1) time a week for two (2) consecutive weeks immediately following adoption of the ordinance in a newspaper having a general circulation in the city.

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

(f) This section does not apply in any respect to the election of district judges.

History—Acts of 1991, Act 59, §§ 2, 3; Acts of 1991, Act 430, §§ 2, 3; Acts of 1995, Act 82, § 1; Acts of 1995, Act 665, § 1; Acts of 1997, Act 645, § 3; Acts of 1999, Act 752, § 1, eff. July 30, 1999; Acts of 2001, Act 1789, § 8, eff. Aug. 13, 2001; Acts of 2003, Act 542, § 3, eff. July 16, 2003; Acts of 2003, Act 1104, § 1, eff. July 16, 2003; Acts of 2003, Act 1165, § 10, eff. July 16, 2003; Acts of 2003, Act 1185, § 24, eff. July 16, 2003; Acts of 2007, Act 149, § 1, eff. July 31, 2007; Acts of 2007, Act 1020, § 21, eff. July 31, 2007; Acts of 2007, Act 1049, § 45, eff. July 31, 2007; Acts of 2009, Act 1480, § 63, eff. April 10, 2009; Acts of 2011, Act 519, § 1, eff. July 27, 2011; Acts of 2011, Act 1185, §§ 18, 19, eff. Oct. 2, 2011. Act 4 of the First Extraordinary Session of 2015.

### **7-5-106. Runoff elections for county and municipal officers**

(a)(1) If there are more than two (2) candidates for election to any county elected office, including the office of justice of the peace, at any general election held in this state and no candidate for the county elected office receives a majority of the votes cast for the county elected office, there shall be a runoff general election held in that county three (3) weeks following the date of the general election at which the names of the two (2) candidates receiving the highest number of votes, but not a majority, shall be placed on the ballot to be voted upon by the qualified electors of the county.

(2)(A) The following procedure will govern if there are more than two (2) candidates for election to any municipal office at any general election held in this state in which no candidate for the municipal office receives either:

(i) A majority of the votes cast; or

(ii) A plurality of forty percent (40%) of the votes cast.

(B)(i) A candidate who receives a plurality of forty percent (40%) of the votes cast must obtain at least twenty percent (20%) more of the votes cast than the second-place candidate for the municipal office to avoid a runoff general election against the second-place candidate

(ii) If required, the runoff general election between the two (2) candidates shall be held in that municipality three (3) weeks following the date of the general election with the names of the two (2) candidates placed on the ballot to be voted upon by the qualified electors of the municipality.

(b) If two (2) candidates receive the highest number of votes and receive the same number of votes, a tie is deemed to exist and the names of the two (2) candidates

shall be placed on the runoff general election ballot to be voted upon by the qualified electors of the county or the municipality, as the case may be.

(c)(1) If there is one (1) candidate who receives the highest number of votes, but not a majority of the votes, and two (2) other candidates receive the same number of votes for the next highest number of votes cast, a tie is deemed to exist between the two (2) candidates.

(2) The county board of election commissioners shall determine the runoff candidate by lot at a public meeting and in the presence of the two (2) candidates.

(d) If one (1) of the two (2) candidates who received the highest number of votes for a county elected office or a municipal office but not a majority of the votes in a county for a county elected office or either a majority or both forty percent (40%) of the votes cast and at least twenty percent (20%) more of the votes cast than the second-place candidate in a municipality for a municipal office in the general election withdraws before certification of the result of the general election, the remaining candidate who received the most votes at the general election shall be declared elected to the county elected office or municipal office and there shall be no runoff general election.

(e)(1) The person receiving the majority of the votes cast for the county elected office or municipal office at the runoff general election shall be declared elected.

(2) However, if the two (2) candidates seeking election to the same county elected office or municipal office receive the same number of votes in the runoff general election, a tie is deemed to exist, and the county board shall determine the winner of the runoff general election by lot at an open public meeting and in the presence of the two (2) candidates.

(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, 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.

(2) “Municipal office” does not include offices of cities having a city manager form of government.

(g) This section does not apply to election of members of the boards of directors and other officials of cities having a city manager form of government.

(h) This section is intended to be in addition to and supplemental to the laws of this state pertaining to the election of officers for county elected offices and municipal offices at general elections.

History—Acts of 1983, Act 909, §§ 1, 2; Acts of 1991, Act 53, § 1; Acts of 1997, Act 451, § 3; Acts of 1999, Act 554, § 1, eff. July 30, 1999; Acts of 2003, Act 1165, § 3, eff. July 16, 2003; Acts of 2007, Act 1049, § 14, eff. July 31, 2007; Acts of 2011, Act 1211, § 1, eff. July 27, 2011.

Formerly—ASA 1947, §§ 3-616, 3-617.

## **Mayor-Council Form of Government**

### **The following offices will be elected in 2016:**

#### **Incorporated towns**

Aldermen—five (5) elected for two (2) year terms if there has been no approval of four-year terms and the requisite election procedures. Aldermen run by Position Nos. 1, 2, 3, 4 or 5. ACA 7-7-304(e). Voted on by all electors of the town. ACA 14-45-102. If the voters have approved a four year election cycle then initially, positions one (1), three (3), and five (5) shall have four (4)-year terms with alderman representing positions numbered two (2) and four (4) to have two-year terms and thereafter four (4)-year terms.

Marshal (if elected)—two (2) year term. Council may provide by ordinance for appointment or election of city marshal or may create police department. ACA 14-45-109, 14-52-102 and 14-52-103.

#### **Cities of the second class**

Recorder—four (4) year term. ACA 14-44-115.

Treasurer—if separate from recorder, four (4) year term. ACA 14-44-109; ACA 14-44-115.

Aldermen—two (2) from each Ward elected for two (2) year terms and must reside in Ward. File by Position Number (1) or (2), and elected city wide unless otherwise provided by ordinance. ACA 14-44-103 (b)(1) (A) and (B) and (c)(1)(A) and (B). Note: Aldermen may, by ordinance referred to the voters, be elected to four-year staggered terms. ACA 14-44-103(a)(4) through (7). Some alderman will initially be elected to two year terms in order to create the staggered terms.

Marshal (if elected)—two (2) year term. Council may provide by ordinance for appointment or election of city marshal or may create police department. ACA 14-44-111, 14-52-102 and 14-52-103.

Collector (optional)—two (2) year term. ACA 14-44-117.

#### **Cities of first class with less than 50,000 population**

Aldermen—two (2) from each Ward elected for two (2) year terms; must reside in ward, file by Position No. 1 or No. 2 and elected city wide unless otherwise provided by ordinance. ACA 14-43-307, 14-43-312. However, any first class city may, by ordinance referred to the voters, elect its aldermen to four-year staggered terms as provided in ACA 14-43-312. Note that this will mean some aldermen will initially be elected to two year terms in order to create the staggered terms.

### **Cities of first class with over 50,000 population**

Mayor—four (4) year term. ACA 14-43-303(a)(1)(A)(i).

City Clerk, Clerk/Treasurer—four (4) year term. ACA 14-43-303(a)(1)(A)(ii).

Aldermen—one (1) from each ward for four (4) year terms, must reside in the ward, elected city-wide unless City Council passes ordinance to provide otherwise. ACA 14-43-303 (a)(1)(A)(iii).

### **District Court Judges**

District Judge—beginning in 2004, all District Judges were elected to four (4) year terms. Ark. Const. Amend. 80 secs. 16, 19.

### **Election of aldermen**

Aldermen in cities of the first and second class are elected city-wide if the City Council has not adopted one of the following two options:

Option 1. All the aldermen can be elected by wards.

Option 2. One alderman from each ward can be elected city wide and one alderman from each ward can be elected by ward. ACA 14-43-307(b)(1)(B)(ii), and 14-44-103(c)(1)(B)(ii).

### **No election in 2016 of the following offices:**

#### **Incorporated towns**

Mayor—ACA 14-45-104.

City Attorney—ACA 14-42-112(a) (although this law is not entirely clear about when a city attorney should stand for election, stating only “at the time of the election of other officers....” This could mean either the other four-year office holders, or could also include the biannual election of aldermen).

Recorder/Treasurer—ACA 14-45-108.

#### **Cities of the second class**

Mayor—ACA 14-44-105.

City Attorney—See note above under incorporated towns.

#### **Cities of first class with less than 50,000 population**

Mayor—ACA 14-43-305(a).

City Attorney—ACA 14-43-315(a).

City Clerk, Treasurer or Clerk/Treasurer—ACA 14-43-316 and 14-43-405 (note: Treasurer can be appointed or elected as designated by ordinance. If elected the office follows the election cycle of the Clerk or Clerk/Treasurer and will be next elected in 2014).

### **Cities of first class with over 50,000 population**

City Treasurer—unless the office has, by ordinance, been combined with the City Clerk or is appointed rather than elected. ACA 14-43-303(a)(2)(A)(ii) and 14-43-405.

City Attorney—ACA 14-43-303(a)(2)(A)(i).

Aldermen—one (1) from each ward. ACA 14-43-303 (a)(2)(A)(iii) and 14-43-307.

### **Independent candidates—deadline for filing**

Filing deadline for independent candidate (provided that no ordinance was passed pursuant to ACA 14-42-206(d)(1) to shorten the filing period to 12 p.m. of the day before the preferential primary election) is not more than one hundred and two (102) days, nor less than eighty-one (81) days by 12 p.m. before the general election. This translates to July 29, 2016, until 12 p.m., Tuesday, Aug. 19, 2016. ACA 14-42-206(b)(1); ACA 7-6-102(a)(3).

The City Council may fix filing deadline for independent candidates for municipal office:

(i) No earlier than twenty (20) days prior to the preferential primary election; and

(ii) No later than 12 p.m. on the day before the preferential primary election (March 1, 2016). See ACA 14-42-206(d).

The council must enact this ordinance no later than 90 days prior to the filing deadline and publish it for two weeks in a newspaper of general circulation in the city. The deadline may be established even if all offices are independent or otherwise nonpartisan.

Petitions must be signed by not less than ten (10) electors for incorporated towns and cities of the second class and not less than thirty (30) electors for cities of the first class filed with the county clerk. ACA 14-42-206. The county clerk shall determine whether the petition contains a sufficient number of qualified electors. For City Administrator and City manages cities, petitions must have at least 50 signatures. ACA 14-48-109(a)(5) and ACA 14-47-110(a)(3)(A)(i).

**Defeated candidates in primary**—A person who has been defeated in a party primary shall not be an independent candidate in the general election for the office for which he or she was defeated in the party primary. ACA 14-42-206(b)(6).

**No write-in votes**—In all general elections held in cities of the first class, second class cities and incorporated towns for the election of officials of these municipalities, no ballots shall be counted for any person whose name is written thereon. Only votes cast for the regularly nominated, or otherwise qualified candidates whose names are printed on the ballot as candidates in the election, shall be counted by the judges and clerks. ACA 14-43-202.

## Who may seek municipal office:

1. Must be a U.S. citizen. Ark. Const. Art. 3 § 1.
2. Must be a resident of municipality or ward represented. Ark. Const. Art. 19 sec. 3; ACA 14-42-201(c).
3. Must be at least eighteen (18) years of age. Amendment 26, U.S. Const. Ark. Const. Art. 3 § 1.
4. Qualified elector and eligible at time of filing, or in case of age, at time of taking office. ACA 7-5-207(b).
5. Free from felony conviction, or conviction of embezzlement of public money, bribery, forgery, theft or other crime involving dishonesty, including misdemeanors. *State v. Oldner*, 361 Ark. 316, 206 S.W.3d 818 (2005); *Edwards v. Campbell*, 2010 Ark. 398 (misdemeanor theft of campaign sign was disqualifying). An exception to this rule may occur if the conviction has been sealed. See ACA §§ 16-90-1401 to 1419; *Powers v. Bryant*, 309 Ark. 568 (1992) (decided under prior law).
6. Must not claim the right to vote in another county or state. Ark. Const. Amend 51 § 6.
7. Must not presently be judged mentally incompetent by a court. Id.

### Appointed municipal officials may seek election

Officials who have been appointed to their office may run for the office to which they were appointed. Amendment 29 to the Arkansas Constitution prohibits this for federal, state, district, circuit, county and township offices, but Amendment 29 does not apply to municipal offices.

## City Administrator Form of Government

### Important Statutes

#### 14-48-109. Election of directors and mayor—Oath

(a) Candidates for the office of director and mayor shall be nominated and elected as follows:

(1)(A)(i) A special election for the election of the initial membership of the board of directors and mayor shall be called by the Secretary of State as provided in § 14-48-108.

(ii) The proclamation shall be published in accordance with § 7-11-101 et seq.

(iii) For the initial election of directors and mayor, any person desiring to become a candidate shall file within twenty (20) days following the date of the proclamation by the Secretary of State with the city clerk or recorder a statement of candidacy in the form and with the supporting signatures as provided in this section. In all other respects, the initial elections shall be governed by the provisions of this chapter for holding municipal elections.

(B)(i) Special elections to fill any vacancy under § 14-48-115 shall be called through a resolution of the board.

(ii) A proclamation of the election shall be signed by the mayor and published in accordance with § 7-11-101 et seq. in some newspaper having a bona fide circulation in the municipality;

(2)(A) Candidates to be voted on at all elections to be held under the provisions of this chapter shall be nominated by primary election, and no names shall be placed upon the general election ballot except those selected in the manner prescribed in this chapter.

(B)(i) The primary elections, other than the initial primary, for those nominations for offices to be filled at the municipal general election shall be held on the second Tuesday of August preceding the municipal general election.

(ii)(a) The elections shall be under the supervision of the county board of election commissioners, and the election judges and clerks appointed for the general election shall be the judges and clerks of the primary elections.

(b) Primary elections shall be held in the same places as are designated for the general election, so far as possible, and shall, so far as practicable, be conducted in the same manner as other elections under the laws of this state;

(3) Any person desiring to become a candidate for mayor or director shall file with the city clerk not less than seventy-five (75) days nor more than ninety (90) days prior to the primary election by 12 p.m. a statement of his or her candidacy in substantially the following form:

“STATE OF ARKANSAS  
COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, being first duly sworn, state that I reside at \_\_\_\_\_ Street, City of \_\_\_\_\_, County and State aforesaid; that I am a qualified elector of said city and the ward in which I reside; that I am a candidate for nomination to the office of \_\_\_\_\_, to be voted upon at the primary election to be held on the \_\_ day of \_\_, 20\_\_, and I hereby request that my name be placed upon the official primary election ballot for nomination by such primary election for such office and I herewith deposit the sum of ten dollars (\$10), the fee prescribed by law.”

(4) The statement of candidacy and the petition for nomination supporting the candidacy of each candidate to be voted upon at any general or special election shall be filed with the city clerk or recorder not less than seventy-five (75) days nor more than ninety (90) days before the election by 12 p.m.;

(5) The name of each candidate shall be supported by a petition for nomination signed by at least fifty (50) qualified electors of the municipality requesting the candidacy of the candidate. The petition shall show the residence address of each signer and carry an affidavit signed by one (1) or more persons in which the affiant or affiants shall vouch for the eligibility of each signer of

the petition. Each petition shall be substantially in the following form:

“The undersigned, duly qualified electors of the City of \_\_\_\_\_, Arkansas, each signer hereof residing at the address set opposite his or her signature, hereby requests that the name of \_\_\_\_\_ be placed on the ballot as a candidate for election to Position No. \_\_\_ on the Board of Directors (or Mayor) of said City of \_\_\_\_\_ at the election to be held in such city on the \_\_\_ day of \_\_, 20\_\_\_. We further state that we know said person to be a qualified elector of said city and a person of good moral character and qualified in our judgment for the duties of such office.”

(6)(A) A petition for nomination shall not show the name of more than one (1) candidate.

(B) The name of the candidate mentioned in each petition, together with a copy of the election proclamation if the election is a special election, shall be certified by the city clerk or recorder to the county board of election commissioners not less than seventy (70) days before the election unless the clerk or recorder finds that the petition fails to meet with the requirements of this chapter.

(C)(i) Whether the names of the candidates so certified to the county board of election commissioners are to be submitted at a biennial general election or at a special election held on a different date, the county board of election commissioners shall have general supervision over the holding of each municipal election.

(ii)(a) In this connection, the election board shall post the nominations, print the ballots, establish the voting precincts, appoint the election judges and clerks, determine and certify the results of the election, and determine the election expense chargeable to the city, all in the manner prescribed by law in respect to general elections; it is the intention of this chapter that the general election machinery of this state shall be utilized in the holding of all general and special elections authorized under this chapter.

(b) The result of the election shall be certified by the election board to the city clerk or recorder;

(7) The names of all candidates at the election shall be printed upon the ballot in an order determined by draw. If more than two (2) candidates qualify for an office, the names of all candidates shall appear on the ballot at the primary election;

(8)(A) If no candidate receives a majority of the votes cast in the primary, the two (2) candidates receiving the highest number of votes for mayor and for each director position to be filled shall be the nominees for those respective offices to be voted upon in the general election.

(B) If no more than two (2) persons qualify as candidates for the office of mayor or for any director position to be filled, no municipal primary election shall be held for these positions, and the names of the two (2) qualifying candidates for each office or position shall be placed upon the ballot at the municipal general election as the nominees for the respective positions. Primary elections shall be omitted in wards in which no primary contest is required.

(C) In any case in which only one (1) candidate shall have filed and qualified for the office of mayor or any director position, or if a candidate receives a clear majority of the votes cast in a primary election, that candidate shall be declared elected. The name of the person shall be certified as elected without the necessity of putting the person’s name on the general municipal election ballot for the office; and

(9) Any candidate defeated at any municipal primary election or municipal general election may contest it in the manner provided by law for contesting other elections.

(b) Each member of the board of directors, before entering upon the discharge of his or her duties, shall take the oath of office required by Arkansas Constitution, Article 19, Section 20.

History—Acts of 1967, Act 36, §§ 5, 9; Acts of 1971, Act 439, § 1; Acts of 1989, Act 347, §§ 2, 3; Acts of 1989, Act 905, § 7; Acts of 1997, Act 879, §§ 1, 2; Acts of 2005, Act 67, §§ 27, 28, eff. Aug. 12, 2005; Acts of 2005, Act 489, §§ 1, 2, eff. Aug. 12, 2005; Acts of 2007, Act 580, § 1, eff. July, 31, 2007; Acts of 2007, Act 1049, § 56, eff. July 31, 2007; Acts of 2009, Act 1480, § 74, eff. April 10, 2009. Acts of 2013, Act 313, §§ 1, 2, eff. Aug. 16, 2013.

Formerly—A.S.A. 1947, §§ 19-805, 19-809.

# **City Manager Form of Government**

## **Important Statutes**

### **14-47-110. Election of directors**

(a) Candidates for the office of director shall be nominated and elected as follows:

(1)(A)(i) A special election to elect the initial membership of the board shall be called by the mayor as provided in § 14-47-106.

(ii) The mayor's proclamation shall be in accordance with § 7-11-101 et seq.

(B)(i) A special election to fill any vacancy under § 14-47-113 shall be called through a resolution of the board of directors.

(ii) A proclamation announcing the holding of the election shall be signed by the mayor and published in accordance with § 7-11-101 et seq.;

(2) The petition mentioned in subdivision (a)(3) of this section supporting the candidacy of each candidate to be voted upon at any general or special election shall be filed with the city clerk or recorder not more than one hundred two (102) days nor fewer than eighty-one (81) days before the election by

12 p.m.;

(3)(A)(i) In respect to both special and general elections, the name of each candidate shall be supported by a petition, signed by at least fifty (50) qualified electors of the municipality, requesting the candidacy of the candidate.

(ii) The petition shall show the residence address of each signer and shall carry an affidavit signed by one (1) or more persons, in which the affiant or affiants shall vouch for the eligibility of each signer of the petition.

(B) Each petition shall be substantially in the following form:

“The undersigned, duly qualified electors of the City of \_\_\_\_\_, Arkansas, each signer hereof residing at the address set opposite his or her signature, hereby request that the name \_\_\_\_\_ be placed on the ballot as a candidate for election to Position No. \_\_\_ on the Board of Directors of said City of \_\_\_\_\_ at the election to be held in such City on the \_\_\_ day of \_\_, 20\_\_\_. We further state that we know said person to be a qualified elector of said City and a person of good moral character and qualified in our judgment for the duties of such office.”

(C) A petition for nomination shall not show the name of more than one (1) candidate.

(D)(i) The name of the candidate mentioned in each petition, together with a copy of the election proclamation if the election is a special election, shall be certified by the city clerk or recorder to the county board of election commissioners not less than seventy-five (75) days before the election unless the clerk or recorder finds that the petition fails to meet the requirements of this chapter.

(ii)(a) Whether the names of the candidates so certified to the county board of election commissioners are to be submitted at a biennial general election or at a special election held on a different date, the election board shall have general supervision over the holding of each municipal election.

(b) In this connection, the board shall post the nominations, print the ballots, establish the voting precincts, appoint the election judges and clerks, determine and certify the result of the election, and determine the election expense chargeable to the city, all in the manner prescribed by law in respect to general elections. It is the intention of this chapter that the general election machinery of this state shall be utilized in the holding of all general and special elections authorized under this chapter.

(c) The result of the election shall be certified by the election board to the city clerk or recorder; and

(4) The candidate for any designated position on the board of directors who, in any general or special election, shall receive votes greater in number than those cast in favor of any other candidate for the position shall be deemed to be elected.

(b) Each director, before entering upon the discharge of his or her duties, shall take the oath of office required by the Arkansas Constitution, Article 19, § 20.

History—Acts of 1921, Act 99, §§ 5, 8; Acts of 1957, Act 8, §§ 5, 6; Acts of 1965, Act 6, § 1; Acts of 1989, Act 347, § 1; Acts of 1993, Act 541, § 1; Acts of 2001, Act 552, § 1, eff. Aug. 13, 2001; Acts of 2005, Act 2145, § 33, eff. Aug. 12, 2005; Acts of 2007, Act 1049, § 52, eff. July 31, 2007; Acts of 2009, Act 1480, § 70, eff. April 10, 2009; Acts of 2011, Act 1185, § 20, eff. Oct. 2, 2011.

Formerly—Pope's Dig., §§ 10093, 10096; ASA 1947, §§ 19-705, 19-708.

