

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

SENATE BILL 70

5 By: Senator Hill  
6 By: Representative Evans  
7

## For An Act To Be Entitled

9 AN ACT TO REPEAL DUPLICATIVE LAW CONCERNING THE  
10 REORGANIZATION OF MUNICIPAL GOVERNMENT; AND FOR OTHER  
11 PURPOSES.  
12  
13

## Subtitle

15 AN ACT TO REPEAL DUPLICATIVE LAW  
16 CONCERNING THE REORGANIZATION OF  
17 MUNICIPAL GOVERNMENT; AND FOR OTHER  
18 PURPOSES.  
19  
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

23 SECTION 1. Arkansas Code § 14-38-113 is repealed.

24 ~~14-38-113. Reorganization under different form of government~~

25 ~~(a) When any municipality of this state is entitled by law to become~~  
26 ~~reorganized under a different form of municipal government than that under~~  
27 ~~which the municipality is operating, whether the form is the mayor-council~~  
28 ~~form of government, the city manager form of government, or the commission~~  
29 ~~form of government, upon the approval of a majority of the qualified electors~~  
30 ~~of the municipality voting on the issue at an election called therefor, an~~  
31 ~~election to submit the question of becoming organized under any such form of~~  
32 ~~municipal government shall be called and conducted in the manner provided in~~  
33 ~~this section.~~

34 ~~(1) When petitions are filed with the mayor containing the~~  
35 ~~signatures of qualified electors of the municipality equal in number to~~  
36 ~~fifteen percent (15%) of the aggregate number of votes cast at the preceding~~

1 ~~general municipal election of all candidates for mayor in the case of a~~  
 2 ~~municipality operating under the mayor council form of government or the~~  
 3 ~~commission form of government, and for all candidates for the office of~~  
 4 ~~director for the director position for which the greatest number of votes~~  
 5 ~~were cast in the case of a municipality operating under the manager form of~~  
 6 ~~government, requesting that an election be called to submit the proposition~~  
 7 ~~of organizing the municipality under any other form of municipal government~~  
 8 ~~authorized by the laws of this state, a special election shall be called by~~  
 9 ~~the mayor by proclamation, to be held in accordance with § 7-11-201 et seq.~~  
 10 ~~The proclamation shall be published one (1) time at length in a newspaper~~  
 11 ~~having a general circulation in the municipality, and notice of the election~~  
 12 ~~shall be published in the newspaper one (1) time a week for two (2) weeks,~~  
 13 ~~with the first publication to be not less than fifteen (15) days before the~~  
 14 ~~date set for the election;~~

15 ~~(2)(A) At the election, the proposition shall be submitted to the~~  
 16 ~~electors in substantially the following form:~~

17 ~~“FOR the proposition to organize this city under the.....form of~~  
 18 ~~government.....~~  
 19 ~~AGAINST the proposition to organize this city under the.....form of~~  
 20 ~~government.....~~

21 ~~(B) The election thereupon shall be conducted, the votes~~  
 22 ~~canvassed, and the results declared in the same manner as is provided by law~~  
 23 ~~with respect to other city elections. The county board of election~~  
 24 ~~commissioners shall certify the results of any election to the mayor. The~~  
 25 ~~result so certified shall be conclusive and not subject to attack unless suit~~  
 26 ~~is brought to contest the certification within thirty (30) days after the~~  
 27 ~~certification in the circuit court of the county in which the municipality is~~  
 28 ~~situated;~~

29 ~~(3)(A) If a majority of the votes cast at the election are in~~  
 30 ~~favor of the proposition and no suit is brought to contest the certification~~  
 31 ~~of the results of the election within the thirty day period after the~~  
 32 ~~certification by the county board of election commissioners, the mayor shall~~  
 33 ~~file certificates stating that the proposition was adopted with the Secretary~~  
 34 ~~of State and the county clerk of the county in which the municipality is~~  
 35 ~~situated. Thereafter, the municipality shall proceed to elect officials of~~  
 36 ~~the municipality in the manner and at the time provided by law for the~~

1 ~~election of municipal officials in municipalities operating under the form of~~  
2 ~~government adopted by the municipality.~~

3 ~~(B)(i) However, if a municipality votes to change its form~~  
4 ~~of government and the date of the election to change its form of municipal~~  
5 ~~government is six (6) months or more prior to the next regular general~~  
6 ~~election for municipal officials, the mayor of the municipality by~~  
7 ~~proclamation shall call a special election, to be held in accordance with §~~  
8 ~~7-11-201 et seq., for the purpose of electing municipal officials under the~~  
9 ~~form of government adopted by the municipality. When the officials are~~  
10 ~~elected, the municipality shall proceed to organize and operate under the~~  
11 ~~newly adopted form of government.~~

12 ~~(ii) The mayor's proclamation shall be issued within~~  
13 ~~one (1) business day after the results of the election have been certified to~~  
14 ~~him or her. The proclamation shall be published at least one (1) time a week~~  
15 ~~for two (2) weeks in a newspaper having general circulation within the~~  
16 ~~municipality, and the date of the special election shall be within ninety~~  
17 ~~(90) days from the date of the proclamation calling the special election.~~

18 ~~(iii)(a) When any municipality changes forms of~~  
19 ~~government in the manner provided in this section, the question of changing~~  
20 ~~the form of government of the municipality shall not again be submitted to~~  
21 ~~the electors thereof until the expiration of four (4) years from the date on~~  
22 ~~which the first officers are elected for the form of government adopted at~~  
23 ~~the election.~~

24 ~~(b) If a majority of the qualified electors of~~  
25 ~~a municipality vote against adopting a different form of government, the~~  
26 ~~question shall not again be submitted to the electors thereof for a period of~~  
27 ~~two (2) years after the date of the election in which the proposed change of~~  
28 ~~government in the municipality was rejected; and~~

29 ~~(4)(A) Each signature on a petition filed, as provided in this~~  
30 ~~section, shall have been signed within one hundred eighty (180) days prior to~~  
31 ~~the filing of the petition. All signatures not signed within this time shall~~  
32 ~~be void for the purposes of determining the adequate number of signatures~~  
33 ~~required to call an election under this section.~~

34 ~~(B) The date of execution of the petitions may be~~  
35 ~~established by affidavit of the person circulating the petition or by the~~  
36 ~~person signing the petition affixing the date of signing immediately~~

1 following his or her name.

2       ~~(b) It is the intent and purpose of this section to prescribe a uniform~~  
3 ~~procedure whereby municipalities of this state may submit to the qualified~~  
4 ~~electors of any such municipality the proposition of adopting and becoming~~  
5 ~~organized under any form of municipal government authorized under the laws of~~  
6 ~~this state.~~

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36