

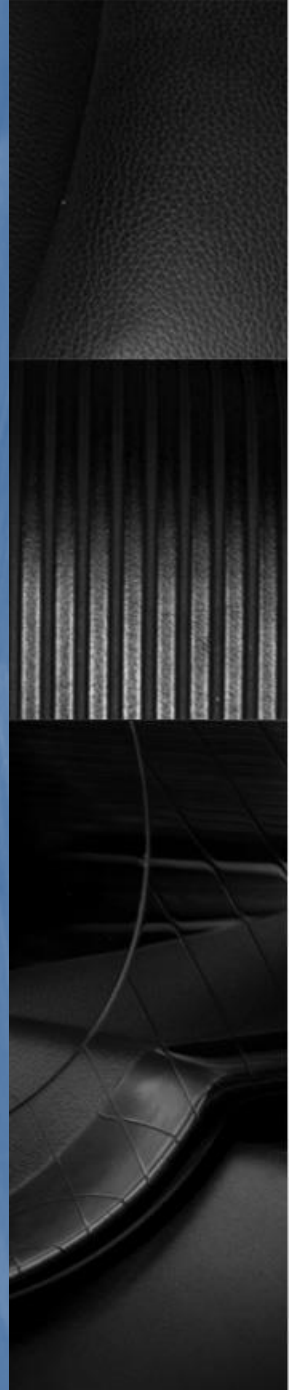
Arkansas Municipal Election Law

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2016 Municipal Election Information

- City and Town Magazine p. 12, Jan 2014.
- Available online -<http://www.arml.org/resources/legal-faqs/>





Deadlines for Filing

- General Election: Friday, July 29, 2016, until noon Friday, August 19, 2016 (independents). ACA 14-42-206(b)(1); ACA 7-6-102(a)(3).
- OR, by City Ordinance: Wednesday, February 10, 2016, until noon Monday, February 29, 2016. ACA 14-42-206(d).

Qualifications for Office

- US Citizen. Ark. Const. Art. 3 § 1.
- Resident of municipality or ward represented (“domiciled”). Ark. Const. Art. 19 sec. 3; ACA 14-42-201(c).
- Eighteen years of age at time of taking office. U.S. Const. Amend. 26, Ark. Const. Art. 3 § 1.
- Qualified elector and eligible at time of filing. ACA 7-5-207(b).
- No felony conviction or conviction for crime of dishonesty, including misdemeanors, theft. Exception if conviction has been sealed. See https://static.ark.org/eeuploads/arml/2016_Municipal_Election_Information.pdf
- Do not claim right to vote in another county or state. Ark. Const. Amend 51 § 6.
- Not presently judged mentally incompetent by a court. *Id.*



Election Dates

- General Election: Tuesday, Nov. 8, 2016
- Runoff: Tues, Nov. 29, 2016.
 - See City and Town article for information on runoffs.



Petition for Nomination

- Forms provided in ACA 14-42-206
- 30 signatures needed in city of the first class.
- First form: for non-alderman candidates
- Aldermen elected at large: third form
 - May solicit signatures city-wide if city has not provided for voting by ward residents only).
- Form must “substantially” comply with statutory language



Political Practices Pledge

- Indies file at time of filing nominating petition
- ACA 7-6-102 provides
 - Candidates file pledge stating they are familiar with §§ 7-1-103, 7-1-104, 7-3-108, 7-6-101, 7-6-103, 7-6-104, and this section and will comply in good faith with their terms.



Misdemeanor Offenses 7-1-103

- Examples of offenses included (not all by any means!)
 - Public employee or officer offenses – campaigning with public resources, coercion, use of public building, etc.
 - Paid political ad statements
 - Electioneering by election officials on election days
 - Literature, signatures within 100 feet of polling site entrance
 - False swearing re qualifications
 - Altering ballots after cast
 - Wagering on election results

Violation is Class A misdemeanor



Felonies ACA 7-1-104

- Examples – review statute for complete list
 - Fraudulent certificate of nomination
 - Voting if not registered and allowing same
 - Buying votes
 - Threatening voters
 - Handing out campaign cards, placards, except as allowed by law
 - Tampering with voting machine, election returns or materials
 - Voting more than once
 - Disclosing how someone has voted



Other statutes

- Campaign services contracts must be in writing to be enforceable. 7-6-101.
- District, circuit or appellate judges may not participate in campaign of any candidate other than their own. 7-6-103
- Broadcasters not liable for defamation in cases where federal law prohibits censoring the script. 7-6-104
- Candidates may operate sound equipment between 8:00 am and 9:00 pm regardless of local ordinances. 7-6-105.
 - Interference is a Class B misdemeanor



Campaign Finance

- Review 7-6-201 through 7-6-229.



Financial Disclosure Statement

- Financial Disclosure Statement
- For incumbents: Monday, Feb. 1, 2016.
- For Independent Candidates who did not file as an incumbent: First Monday following close of filing period
 - (unless as an incumbent you filed on or before Feb. 1, 2016).
 - ACA 21-8-701(c)



Reports of Contributions and Expenses

- Pre-election Report—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 Report—No later than thirty (30) days after the end of the month in which the candidate's name has appeared on the ballot, even if contributions and/or expenditures are over 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 Report—After the final report, within thirty (30) days of contribution or expenditure. ACA 7-6-208.



If you are elected:

- 1. Congratulations!
- 2. Take the oath of office within 10 days of January 1.
 - Otherwise, council may declare vacancy and appoint someone else!
 - They usually don't. Get sworn in ASAP if you don't make the deadline.
- 3. Mayor may administer the oath to aldermen only.
- 4. Other officers may take the oath from:
 - Secretary of State or designee
 - Any justice or judge, including judge of the county court and JPs
 - Clerk of the county or Circuit court
- ACA 14-42-106.



I have to be bonded? Really?

- 14-42-106 says council may require this.
- However, state fidelity bond covers all city officials and employees “automatically.”

For some real expertise:

- The Secretary of State shall designate at least one (1) member of his or her staff to become knowledgeable of the election laws as they pertain to elections in the State of Arkansas for the purpose of answering procedural questions concerning elections and to aid the candidates and their agents in filing for election.

Ark. Code Ann. § 7-1-106.

- <http://www.sos.arkansas.gov/elections/Pages/electionInformation.aspx>

Thank you

- For your attendance and your interest in city government!

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