

CHAPTER 10 ELECTIONS

Sec. 10-1. Adoption of Arkansas Statutes.

There is hereby adopted by reference the provisions of the Arkansas Statutes relating to elections, except those provisions which by their terms can have no application to cities of the first class. Three (3) copies of such statutes are on file in the office of the City Clerk-Treasurer and the same are made a part hereof as is set forth verbatim.

Sec. 10-2. Division into Wards.

The City of Searcy is hereby divided into four (4) wards to be designated the first ward, the second ward, the third ward and the fourth ward. *(Code 1938, § 3)*

Sec. 10-3. First Ward.

Ward 1 shall be bounded Beginning Southeast of the intersection of Highway 16 (N. Maple Street) and Fairview Road at the city limits; thence South along Highway 16 (N. Maple Street) to the intersection of N. Maple Street and W. Race Avenue; thence East along W. Race Avenue to E. Race Avenue; thence East along E. Race Avenue to the intersection of E. Race Avenue and Arkansas State Highway 36/Kensett Highway; thence South along Arkansas State Highway 36/Kensett Highway to the city limits; thence Northeast along the city limits and following the city limits to the point of the beginning. *(Ord. No. 2001-24, § 1, 10-25-2001)*

ANNEXATIONS TO WARD 1

(1) All of Lot One (1) of Lakewood Addition, and that part of Lots Two (2), Three (3), and Four (4) of said addition that lie East of U.S. Highway No. 67, and all of that part of the Southeast Quarter of Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 7, Township 7 North, Range 6 West, that lies North and East of Kensett Highway as now located. *(Code 1938, § 4; Ord. No. 542, §§ 2, 3, 4-4-72; Ord. No. 556, § 1, 12-5-72; Ord. No. 569, § 1, 10-8-74)*

Sec. 10-4. Second Ward.

Ward 2 shall be bounded Beginning at the South corner of the intersection of Highway 16 (N. Maple Street) and Covington Road; thence South along Highway 16 (N. Maple Street) to the intersection of N. Maple Street and W. McRae Avenue; thence West along W. McRae Avenue to the intersection of W. McRae Avenue and N. Sowell Street; thence South along N. Sowell Street to the intersection of N. Sowell Street and W. Academy Avenue; thence West along W. Academy Avenue to the intersection of W. Academy Avenue and N. Lucy Street; thence South along N. Lucy Street to the intersection of N. Lucy Street and W. Arch Avenue; thence West along W. Arch Avenue to the intersection of W. Arch Avenue and N. Ella Street; thence South along N. Ella Street to the intersection of N. Ella Street and W. Beebe Capps Expressway; thence East along W. Beebe

Capps Expressway to the intersection of W. Beebe Capps Expressway and Skyline Drive; thence South along Skyline Drive to the intersection of Skyline Drive and the North section line of Section 16, Township 7N, Range 7W; thence West along the north section line of Section 16, Township 7N, Range 7W to the intersection of the North section line of Section 16, Township 7N, Range 7W and S. Sawmill Road; thence South along S. Sawmill Road to the intersection of S. Sawmill Road and Country Club East Road; thence west along Country Club East Road to the intersection of Country Club East Road and S. Country Club Circle; thence South along S. Country Club Circle to Tarkington Drive; thence South along Tarkington Drive to the city limits; thence West along the city limits and following the city limits to the point of the beginning. (*Code 1938, § 5; Ord. No. 547, § 2, 6-9-72; Ord. No. 556, § 2, 12-5-72; Ord. No. 2001-24, § 2, 10-25-2001*)

Sec. 10-5. Third Ward.

Ward 3 shall be bounded Beginning at the Southwest corner of the intersection of Booth Road and Highway 67; thence West along Booth Road to the intersection of Booth Road and Benton Avenue; thence West along Benton Avenue to the intersection of Benton Avenue and Queensway Street; thence North along Queensway Street to E. Lincoln Avenue; thence West along E. Lincoln Avenue to the intersection of E. Lincoln Avenue and S. Main Street; thence North along S. Main Street to N. Main Street; thence North along N. Main Street to the intersection of N. Main Street and E. Race Avenue; thence West along E. Race Avenue to W. Race Avenue; thence West along W. Race Avenue to the intersection of W. Race Avenue and N. Maple Street (Highway 16); thence North along N. Maple Street (Highway 16) to the intersection of N. Maple Street and W. McRae Avenue; thence West along W. McRae Avenue to the intersection of W. McRae Avenue and N. Sowell Street; thence South along N. Sowell Street to the intersection of N. Sowell Street and W. Academy Avenue; thence West along W. Academy Avenue to the intersection of W. Academy Avenue and N. Lucy Street; thence South along N. Lucy Street to the intersection of N. Lucy Street and W. Arch Avenue; thence West along W. Arch Avenue to the intersection of W. Arch Avenue and N. Ella Street; thence South along N. Ella Street to the intersection of N. Ella Street and W. Beebe Capps Expressway; thence East along W. Beebe Capps Expressway to the intersection of W. Beebe Capps Expressway and Skyline Drive; thence South along Skyline Drive to the intersection of Skyline Drive and the North section line of Section 16, Township 7N, Range 7W; thence West along the North section line of Section 16, Township 7N, Range 7W to the intersection of the North section line of Section 16, Township 7N, Range 7W and S. Sawmill Road; thence South along S. Sawmill Road to the intersection of S. Sawmill Road and Country Club East Road; thence West along Country Club East Road to the intersection of Country Club East Road and S. Country Club Circle; thence South along S. Country Club Circle to Tarkington Drive; thence South along Tarkington Drive to the city limits; thence East along the city limits and following the city limits to the point of the beginning. (*Code 1938, § 6; Ord. No. 417, § 1, 2-3-59; Ord. No. 542, § 1, 4-4-72; Ord. No. 556, § 3, 12-5-72; Ord. No. 581, 6-8-76; Ord. No. 2001-24, § 1, 10-25-2001*)

Sec. 10-6. Fourth Ward.

Ward 4 shall be bounded Beginning at the West corner of the intersection of E. Line Road and State Highway 36/Kensett Highway; thence North along State Highway 36/Kensett Highway to the

intersection of State Highway 36/Kensett Highway and E. Race Avenue; thence West along E. Race Avenue to the intersection of E. Race Avenue and N. Main Street; thence South along N. Main Street to S. Main Street; thence South along S. Main Street to the intersection of S. Main Street and E. Lincoln Avenue; thence East along E. Lincoln Avenue to Queensway Street; thence South along Queensway Street to the intersection of Queensway Street and Benton Avenue; thence East along Benton Avenue to the intersection of Benton Avenue and Booth Road; thence East along Booth Road to E. Line Road and the city limits; thence North along the city limits and following the city limits to the point of the beginning. (*Code 1938, § 7; Ord. No. 525, § 1, 3-3-70; Ord. No. 556, § 4, 12-5-72; Ord. No. 2001-24, § 1, 10-25-2001*)

Sec. 10-7. Elections by Wards.

In all primary elections the candidates for Aldermen of the City of Searcy shall be residents of the ward from which they seek election and shall appear on the ballot only in the ward in which they reside, and shall be voted upon only by the qualified electors within that ward. (*Ord. No. 627, § 1, 1980*)

Sec. 10-8. Non-Partisan Candidates for Municipal Offices.

- 10-8-1. Petitions for Nomination. Non-partisan candidates for any municipal office shall comply with the provisions regarding nominating petitions as may be set forth in Ark. Code Ann. § 14-42-206, as may be amended from time to time. These nominating petitions shall be submitted for filing to the White County Clerk for verification pursuant to Arkansas law.

- 10-8-2. Single Position. When a candidate for any office for the City of Searcy has identified the position sought, the candidate shall not be allowed to change the position but may withdraw from this candidacy and file a new notice or petition, as may then be required by Arkansas law, designating a different position if this notice or petition is received prior to the deadline for filing.

- 10-8-3. Deadline for Filing Nominating Petitions. Nominations for non-partisan candidates for any office or other elected position in and for the City of Searcy, Arkansas, shall be submitted as and where required by Arkansas law as may be in effect at the time of filing, no earlier than twenty (20) days prior to the preferential primary election as may be established the State of Arkansas, and not later than 12:00 noon on the day before the preferential primary election. (*Ord. No. 691, § 1, 1-14-86, Ord. No. 2015-26*)

Sec. 10.9. Notice of Special Elections.

In the event that the City of Searcy calls for a special election for the purposes of increasing, modifying, or in any way altering any marginal tax on real property, the sales and use of personal property or upon gross receipts from the sale or use of personal property, the City of Searcy shall use best efforts to, not less than thirty (30) days nor more than sixty (60) days from the date that polling shall begin within the City of Searcy, Arkansas, whether by early voting or general voting:

a. Obtain a list from the County Clerk of all registered voters within the city limits of the City of Searcy as of the most recent update available with the office of said County Clerk (the "List");

b. Attempt delivery, by United States Mail, postage pre-paid thereon using postcards or other, similar medium, to all persons identified on the List at the address specified upon the List with such notice to include: (i) a copy of the ballot title (if any) for the proposed measure or, if no ballot title is prepared, a copy of the ordinance setting the special election; and (ii) any other information as the Mayor may deem appropriate in light of then-current technology; provided, however, that nothing herein shall be deemed to require the mailing of more than one (1) notice to any address contained in the List and any such notice shall be addressed only to "resident" or "occupant" and need not identify the elector to be notified or the polling place for such elector. (*Ord. No. 2007-35, § 1, 9-11-2007*)

Sec. 10.10. Referendum Petitions for Measures Adopted by the City of Searcy.

10-10-1. All referendum petitions under Article 5, Section 1, of the Constitution of the State of Arkansas must be filed with the office of the City Clerk on or before that day which is thirty (30) days after the passage of the measure upon which the referendum is sought.

10-10-2. In the event that the City Clerk shall determine that the referendum petitions are sufficient, the effect of the measure subject to these petitions shall be held in abeyance and of no force or effect pending the results of the special election regarding such measure as provided herein.

10-10-3. Whenever any referendum petition is filed, the City Council shall give notice by publication for one insertion of a time not less than five days after the publication of such notice at which they will hear all persons who wish to be heard on the question whether such petition is signed by the requisite number of petitioners. At the time named in this notice, the City Council shall meet and hear all who wish to be heard on the question, and its decision shall be final, unless suit is brought in the White County Circuit Court within thirty (30) days to review the action of the Searcy City Council.

10-10-4. If the City Council finds that such petition is signed by the requisite number of petitioners, it shall order a special election to determine by a vote of the qualified electors of the City of Searcy whether the ordinance shall be retained or be revoked. The date for such election shall be had and conducted as provided by applicable law then in effect in the State of Arkansas,

after consultation with the White County Election Commission, or the entity responsible for the conduct of elections in White County, Arkansas.

10-10-5. If any measure referred to the electors of the City of Searcy is not retained in any such vote, the City Clerk shall make a report of this to the Searcy City Council and shall expunge such ordinance from the records of the City of Searcy, Arkansas, by noting its rejection in an indelible manner. To the extent that any such ordinance modified, amended, repealed, or affected the Searcy Code of Ordinances, the effect of any rejection of such measure shall have the effect of not having been adopted.

10-10-6. In the event that any measure referred to a vote of the electors of the City of Searcy is retained in any such vote, the City Clerk shall make a report of this retention at the next meeting of the Searcy City Council and the terms and provisions of any such measure shall be in full force and effect from and after this meeting.

10-10-7. Any election undertaken under this Section shall, subject to coordination with the White County Election Commission or that body then responsible for the conduct of elections in White County, Arkansas, be undertaken as may be provided by Arkansas law; provided, however, to the extent permitted by law, the conduct of any such election shall take place within one hundred twenty (120) days of the filing of such petitions calling for a referral of such measure with the City Clerk. *(Ord. No. 2010-04, § 1, 2-23-2010)*

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