



STATE OF ARKANSAS
THE ATTORNEY GENERAL
DUSTIN MCDANIEL

Opinion No. 2014-061

July 25, 2014

The Honorable Jeremy Gillam
State Representative
1825 Missile Base Road
Judsonia, Arkansas 72081-9169

Dear Representative Gillam:

You have asked for my opinion on the following two questions:

1. Does a city ordinance that changes filing deadlines for a municipal election need to be filed with the county clerk?
2. If so, is there a set time frame or number of days that an ordinance must be filed prior to the filing period for municipal elections?

RESPONSE

No state law requires, as a general matter, that municipal ordinances be filed with the county clerk. Nor does any state law require that municipal ordinances specifically relating to municipal elections be filed with the county clerk. Accordingly, the answer to your first question is “no,” in my opinion.

Given that your second question refers to the filing period for municipal elections, I assume that the sort of ordinance you have in mind is the one described in A.C.A. § 14-42-206(d). Under that subsection, the governing body of a city or town “may enact an ordinance requiring independent candidates for municipal office to file petitions for nomination as independent candidates” within a certain

timeframe.¹ As my immediate predecessor noted, “there is no requirement,” in subsection -206(d), “that the ordinance establishing the earlier filing deadline be ‘filed in the county clerk’s office.’”² Because the answer to your first question is “no,” your second question is moot.

Assistant Attorney General Ryan Owsley prepared this opinion, which I hereby approve.

Sincerely,



DUSTIN MCDANIEL
Attorney General

DM/RO:cyh

¹ A.C.A. § 14-42-206(d)(1)(A) (Supp. 2013).

² Op. Att’y Gen, 2006-108.