

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 2145 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: S3/18/05

A Bill

SENATE BILL 1025

5 By: Senator Madison
6 By: Representative Edwards
7
8

9 **For An Act To Be Entitled**

10 AN ACT CONCERNING THE DAY ON WHICH SPECIAL
11 ELECTIONS SHALL OCCUR IN THE STATE OF ARKANSAS;
12 AND FOR OTHER PURPOSES.
13

14 **Subtitle**

15 AN ACT CONCERNING THE DAY ON WHICH
16 SPECIAL ELECTIONS SHALL OCCUR IN THE
17 STATE OF ARKANSAS.
18
19

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

22 SECTION 1. Arkansas Code § 2-16-504(b), concerning special elections
23 on the issue of Johnson grass control and eradication districts,
24 is amended to read as follows:

25 (b)(1) Immediately upon the submission of the petition to the county
26 court or courts, the court or courts shall notify the county board or boards
27 of election commissioners in writing, and the county board or boards of
28 election commissioners shall call a special election to be held not less than
29 ~~forty five (45)~~ thirty (30) days nor more than sixty (60) days after the
30 filing of the petition. This election shall be held for the purpose of
31 submitting to the landowners of the proposed district the question of whether
32 the district shall be established, and the provisions of this subchapter
33 shall be enforced in the district.

34 (2)(A) The special election shall occur on the second Tuesday of
35 any month, except as provided in subdivision (b)(2)(B) of this section.



1 (B)(i)(a) Special elections held in months in which a
2 presidential preferential primary election, preferential primary election,
3 general primary election, or general election is scheduled to occur shall be
4 held on the date of the presidential preferential primary election,
5 preferential primary election, general primary election, or general election.

6 (b)(1)(A) If a special election is held on the
7 date of the presidential preferential primary election, preferential primary
8 election, or general primary election, the issues or issues to be voted upon
9 at the special election shall be included on the ballot of each political
10 party.

11 (B) However, separate ballots
12 containing only the issue or issues to be voted upon at the special election
13 shall be prepared and made available to voters requesting a separate ballot.

14 (2) No voter shall be required to vote
15 in a political party's presidential preferential primary, preferential
16 primary, or general primary in order to be able to vote in the special
17 election.

18 (ii) Special elections scheduled to occur in a month
19 in which the second Tuesday is a legal holiday shall be held on the third
20 Tuesday of the month.

21
22 SECTION 2. Arkansas Code § 3-9-206(b)(1) and (2), concerning special
23 elections on the issue of on-premises consumption of alcoholic beverages, is
24 amended to read as follows:

25 (b)(1) The election shall be held and conducted and the results
26 certified under the supervision of the county board of election commissioners
27 in the manner provided by the election laws of this state.

28 (2)(A) The county board shall fix the date of the election not
29 less than thirty (30) days nor more than sixty (60) days from the date the
30 election was called pursuant to subdivision (a)(1) or (a)(2) of this section
31 and give notice thereof by publication in a newspaper of general circulation
32 in the city or county by at least two (2) insertions, the last being not less
33 than ten (10) days prior to the election.

34 (B)(i) The election shall occur on the second Tuesday of
35 any month, except as provided in subdivision (b)(2)(B)(ii) of this section.

36 (ii)(a)(1) Elections held in months in which a

1 presidential preferential primary election, preferential primary election,
 2 general primary election, or general election is scheduled to occur shall be
 3 held on the date of the presidential preferential primary election,
 4 preferential primary election, general primary election, or general election.

5 (2)(A)(i) If an election is held on the
 6 date of the presidential preferential primary election, preferential primary
 7 election, or general primary election, the issues or issues to be voted upon
 8 at the election shall be included on the ballot of each political party.

9 (ii) However, separate
 10 ballots containing only the issue or issues to be voted upon at the election
 11 shall be prepared and made available to voters requesting a separate ballot.

12 (B) No voter shall be required to
 13 vote in a political party's presidential preferential primary, preferential
 14 primary, or general primary in order to be able to vote in the election.

15 (b) Elections scheduled to occur in a month in
 16 which the second Tuesday is a legal holiday shall be held on the third
 17 Tuesday of the month.

18
 19 SECTION 3. Arkansas Code § 6-14-102(d), concerning special elections
 20 for the purpose of considering a rate of tax for additional millages for
 21 maintenance and operations or for debt service, is amended to read as
 22 follows:

23 (d) The board of directors of any school district shall have the
 24 authority to request the county board of election commissioners to call a
 25 special election for the purpose of considering a rate of tax for additional
 26 millages for maintenance and operations or for debt service as authorized by
 27 Arkansas Constitution, Amendment 74, provided that:

28 (1) All constitutional and statutory requirements for a special
 29 school election are met;

30 (2) The date of the election is approved by the director; and

31 (3)(A) The special election is held on the second Tuesday of any
 32 month, except as provided in subdivision (d)(3)(B) of this section.

33 (B)(i)(a) Special elections held in months in which a
 34 presidential preferential primary election, preferential primary election,
 35 general primary election, or general election is scheduled to occur shall be
 36 held on the date of the presidential preferential primary election,

1 preferential primary election, general primary election, or general election.

2 (b)(1)(A) If a special election is held on the
 3 date of the presidential preferential primary election, preferential primary
 4 election, or general primary election, the issue or issues to be voted upon
 5 at the special election shall be included on the ballot of each political
 6 party.

7 (B) However, separate ballots
 8 containing only the issue or issues to be voted upon at the special election
 9 shall be prepared and made available to voters requesting a separate ballot.

10 (2) No voter shall be required to vote
 11 in a political party's presidential preferential primary, preferential
 12 primary, or general primary in order to be able to vote at the special
 13 election.

14 (ii) Special elections scheduled to occur in a month
 15 in which the second Tuesday is a legal holiday shall be held on the third
 16 Tuesday of the month.

17
 18 SECTION 4. Arkansas Code § 6-14-105 is amended to read as follows:

19 6-14-105. Special election on petition of school district board of
 20 directors.

21 (a) If the board of directors of a school district deems it advisable
 22 to hold a special election in the district, the board of directors shall
 23 present a petition to the county court of the county of its domicile.

24 (b)(1) If the county court approves of the petition, it shall enter an
 25 order fixing a day for the special election not earlier than thirty (30) days
 26 after the date of the order.

27 (2)(A) The county court shall set the date for the special
 28 election so that the special election is held on the second Tuesday of any
 29 month, except as provided in subdivision (b)(2)(B) of this section.

30 (B)(i)(a) Special elections held in months in which a
 31 presidential preferential primary election, preferential primary election,
 32 general primary election, or general election is scheduled to occur shall be
 33 held on the date of the presidential preferential primary election,
 34 preferential primary election, general primary election, or general election.

35 (b)(1)(A) If a special election is held on the
 36 date of the presidential preferential primary election, preferential primary

1 election, or general primary election, the issue or issues to be voted upon
2 at the special election shall be included on the ballot of each political
3 party.

4 (B) However, separate ballots
5 containing only the issue or issues to be voted upon at the special election
6 shall be prepared and made available to voters requesting a separate ballot.

7 (2) No voter shall be required to vote
8 in a political party's presidential preferential primary, preferential
9 primary, or general primary in order to be able to vote in the special
10 election.

11 (ii) Special elections scheduled to occur in a month
12 in which the second Tuesday is a legal holiday shall be held on the third
13 Tuesday of the month.

14
15 SECTION 5. Arkansas Code § 6-14-122(d), concerning special elections
16 on consolidation or annexation, is amended to read as follows:

17 (d)(1) The special election on consolidation or annexation shall be
18 held by the same officials at the same polling places, and the returns shall
19 be made, canvassed, and published in the same manner as is provided by law
20 for annual school elections.

21 (2)(A) The special election shall occur on the second Tuesday of
22 any month, except as provided in subdivision (d)(2)(B) of this section.

23 (B)(i)(a) Special elections held in months in which a
24 presidential preferential primary election, preferential primary election,
25 general primary election, or general election is scheduled to occur shall be
26 held on the date of the presidential preferential primary election,
27 preferential primary election, general primary election, or general election.

28 (b)(1)(A) If a special election is held on the
29 date of the presidential preferential primary election, preferential primary
30 election, or general primary election, the issue or issues to be voted upon
31 at the special election shall be included on the ballot of each political
32 party.

33 (B) However, separate ballots
34 containing only the issue or issues to be voted upon at the special election
35 shall be prepared and made available to voters requesting a separate ballot.

36 (2) No voter shall be required to vote

1 in a political party's presidential preferential primary, preferential
2 primary, or general primary in order to be able to vote in the special
3 election.

4 (ii) Special elections scheduled to occur in a month
5 in which the second Tuesday is a legal holiday shall be held on the third
6 Tuesday of the month.

7
8 SECTION 6. Arkansas Code § 6-53-307 is amended to read as follows:

9 6-53-307. County support of technical colleges.

10 (a)(1) Any county quorum court may designate all or any portion of any
11 undedicated county sales or use tax to be used for capital improvements to or
12 the maintenance and operation of any technical college, two-year college,
13 community college, or satellite campus of a community college.

14 (2)(A) In the alternative, the quorum court may refer to a vote
15 of the people at any general or special election the issue of dedicating all
16 or a portion of any undedicated county sales or use tax to any technical
17 college, community college, two-year college, or satellite campus of a
18 community college to be used for capital improvements to or the maintenance
19 and operation of the technical college, community college, two-year college,
20 or satellite campus of a community college.

21 (B) If the voters dedicate all or a portion of the tax, it
22 shall remain so dedicated until the voters decide otherwise.

23 (b) When the quorum court calls an election on the issue of the levy
24 of any county sales or use tax, it may also cause to be placed on the ballot
25 the issue of dedicating all or a portion of the tax for capital improvements
26 to or the maintenance and operation of any technical college, community
27 college, two-year college, or satellite campus of a community college.

28 (c) If a technical college, community college, two-year college, or
29 satellite campus of a community college for which a tax is dedicated or
30 levied under this section thereafter becomes a branch of an existing
31 institution of higher education, the tax dedicated or levied under this
32 section shall continue to be dedicated and levied for the use and benefit of
33 the branch unless reduced or repealed as authorized under this section.

34 (d) A county sales or use tax dedicated or levied under this section
35 may also be dedicated or levied in part for capital improvements to or the
36 maintenance and operation of any public institution of higher education

1 located in the county.

2 (e)(1) Any election called by the quorum court pursuant to this
3 section shall occur on the second Tuesday of any month, except as provided in
4 subdivision (e)(2) of this section.

5 (2)(A)(i) Elections held in months in which a presidential
6 preferential primary election, preferential primary election, general primary
7 election, or general election is scheduled to occur shall be held on the date
8 of the presidential preferential primary election, preferential primary
9 election, general primary election, or general election.

10 (ii)(a)(1) If an election is held on the date of the
11 presidential preferential primary election, preferential primary election, or
12 general primary election, the issue or issues to be voted upon at the
13 election shall be included on the ballot of each political party.

14 (2) However, separate ballots containing
15 only the issue or issues to be voted upon at the election shall be prepared
16 and made available to voters requesting a separate ballot.

17 (b) No voter shall be required to vote in a
18 political party's presidential preferential primary, preferential primary, or
19 general primary in order to be able to vote in the election.

20 (B) Elections scheduled to occur in a month in which the
21 second Tuesday is a legal holiday shall be held on the third Tuesday of the
22 month.

23
24 SECTION 7. Arkansas Code § 6-53-602 is amended to read as follows:
25 6-53-602. Formation of a proposed district.

26 (a)(1) Upon request of the local board of a technical college, or the
27 Arkansas Higher Education Coordinating Board acting as a local board of a
28 technical college, the coordinating board shall determine whether formation
29 of a proposed technical college district is feasible according to criteria
30 established by the coordinating board for the formation of a technical
31 college district.

32 (2) The boundaries of the technical college district are to be
33 determined by the local board, or the coordinating board acting as the local
34 board.

35 (b)(1) Within ten (10) calendar days after the coordinating board
36 determines that the formation of a proposed district is feasible, the local

1 board, or the coordinating board acting as the local board, shall notify the
2 county board of election commissioners in each county of which any portion is
3 in the proposed technical college district that an election will be held to
4 determine whether the district shall be formed and whether an ad valorem tax
5 shall be levied on property in the district to fund site acquisition,
6 construction, equipping, and operation of the college.

7 (2)(A) The local board or acting local board shall set a date
8 for the election to be held at a time not less than thirty (30) calendar days
9 after the local board or acting local board notifies the county boards.

10 (B)(i) The election shall occur on the second Tuesday of
11 any month, except as provided in subdivision (b)(2)(B)(ii) of this section.

12 (ii)(a)(1) Elections held in months in which a
13 presidential preferential primary election, preferential primary election,
14 general primary election, or general election is scheduled to occur shall be
15 held on the date of the presidential preferential primary election,
16 preferential primary election, general primary election, or general election.

17 (2)(A)(i) If an election is held on the
18 date of the presidential preferential primary election, preferential primary
19 election, or general primary election, the issue or issues to be voted upon
20 at the election shall be included on the ballot of each political party.

21 (ii) However, separate
22 ballots containing only the issue or issues to be voted upon at the election
23 shall be prepared and made available to voters requesting a separate ballot.

24 (B) No voter shall be required to
25 vote in a political party's presidential preferential primary, preferential
26 primary, or general primary in order to be able to vote in the special
27 election.

28 (b) Elections scheduled to occur in a month in
29 which the second Tuesday is a legal holiday shall be held on the third
30 Tuesday of the month.

31 (3) The local board or acting local board shall specify the
32 wording of the ballot to be used for the elections utilizing appropriate
33 language similar to that found in § 6-61-513(c), and the county boards of
34 election commissioners shall conduct the election in the manner provided by
35 law for special elections.

36 (c)(1) Except as provided in subdivision (c)(2) of this section, if

1 the establishment of a proposed technical college district fails because of
2 an adverse vote by a majority of the qualified electors of the proposed
3 district voting thereon at the election, no new election for the
4 establishment thereof shall be held within a period of one (1) year after the
5 date of the election.

6 (2)(A) If the formation of a proposed technical college district
7 fails and the majority of votes cast in one (1) or more counties or cities in
8 a proposed district were against the formation of the district, the local
9 board or acting local board may notify the county boards of election
10 commissioners that an election will be held on the issue of forming a
11 proposed district that does not include the county, city, counties, or cities
12 in which the issue failed.

13 (B) The local board or acting local board shall set a date
14 for the election to be held no less than thirty (30) calendar days after the
15 local board or acting local board notifies the county boards.

16 (C) The procedures for an election to form a proposed
17 reconstituted district shall be identical to the procedures for an election
18 to establish a technical college district.

19 (d)(1) If the local board or acting local board of a technical college
20 determines that the question of a tax levy in the technical college district
21 should be submitted to the electors after the district is formed, it shall
22 certify the millage requested to the county board of election commissioners
23 of each county of which any portion is in the technical college district.

24 (2) The county boards shall place the question of the levy on
25 the ballot at the next general election if the date of the general election
26 is not less than thirty (30) calendar days after the county boards receive
27 certification from the local board or acting local board.

28 (3)(A) In the alternative, the local board or acting local board
29 may set a date for a special election at a time not less than thirty (30)
30 calendar days after the local board or acting local board notifies the county
31 boards.

32 (B)(i) The special election shall occur on the second
33 Tuesday of any month, except as provided in subdivision (d)(3)(B)(ii) of this
34 section.

35 (ii)(a)(1) Special elections held in months in which
36 a presidential preferential primary election, preferential primary election,

1 general primary election, or general election is scheduled to occur shall be
2 held on the date of the presidential preferential primary election,
3 preferential primary election, general primary election, or general election.

4 (2)(A)(i) If a special election is held
5 on the date of the presidential preferential primary election, preferential
6 primary election, or general primary election, the issue or issues to be
7 voted upon at the special election shall be included on the ballot of each
8 political party.

9 (ii) However, separate
10 ballots containing only the issue or issues to be voted upon at the special
11 election shall be prepared and made available to voters requesting a separate
12 ballot.

13 (B) No voter shall be required to
14 vote in a political party's presidential preferential primary, preferential
15 primary, or general primary in order to be able to vote in the special
16 election.

17 (b) Special elections scheduled to occur in a
18 month in which the second Tuesday is a legal holiday shall be held on the
19 third Tuesday of the month.

20 (4) The special election shall be conducted in the manner
21 provided by law for other special elections.

22
23 SECTION 8. Arkansas Code § 6-61-512 is amended to read as follows:
24 6-61-512. Formation of district - Election - Date.

25 (a) The date of the election shall be set by the Secretary of State at
26 a time not less than thirty (30) days from the date of notification of the
27 county board of election commissioners.

28 (b)(1) The election shall occur on the second Tuesday of any month,
29 except as provided in subdivision (b)(2) of this section.

30 (2)(A)(i) Elections held in months in which a presidential
31 preferential primary election, preferential primary election, general primary
32 election, or general election is scheduled to occur shall be held on the date
33 of the presidential preferential primary election, preferential primary
34 election, general primary election, or general election.

35 (ii)(a)(1) If an election is held on the date of the
36 presidential preferential primary election, preferential primary election, or

1 general primary election, the issue or issues to be voted upon at the
2 election shall be included on the ballot of each political party.

3 (2) However, separate ballots containing
4 only the issue or issues to be voted upon at the election shall be prepared
5 and made available to voters requesting a separate ballot.

6 (b) No voter shall be required to vote in a
7 political party's presidential preferential primary, preferential primary, or
8 general primary in order to be able to vote in the election.

9 (B) Elections scheduled to occur in a month in which the
10 second Tuesday is a legal holiday shall be held on the third Tuesday of the
11 month.

12
13 SECTION 9. Arkansas Code § 6-61-602(d)(1), concerning special
14 elections on the issue of millage taxes to support community colleges, is
15 amended to read as follows:

16 (d)(1)(A) When the local board of a community college determines that
17 the question of a tax levy in the district should be submitted to the
18 electors of the district at a special election, it shall adopt a resolution
19 to that effect and shall file a certified copy of the resolution with the
20 county board of election commissioners of each county of which any portion is
21 in the district that a special election shall be held in the district and
22 shall set the date of the election, which shall be not less than thirty (30)
23 days nor more than sixty (60) days after the date of the notice to the county
24 board of election commissioners.

25 (B)(i) The special election shall occur on the second
26 Tuesday of any month, except as provided in subdivision (d)(1)(B)(ii) of this
27 section.

28 (ii)(a)(1) Special elections held in months in which
29 a presidential preferential primary election, preferential primary election,
30 general primary election, or general election is scheduled to occur shall be
31 held on the date of the presidential preferential primary election,
32 preferential primary election, general primary election, or general election.

33 (2)(A)(i) If a special election is held
34 on the date of the presidential preferential primary election, preferential
35 primary election, or general primary election, the issue or issues to be
36 voted upon at the special election shall be included on the ballot of each

1 political party.

2 (ii) However, separate
3 ballots containing only the issue or issues to be voted upon at the special
4 election shall be prepared and made available to voters requesting a separate
5 ballot.

6 (B) No voter shall be required to
7 vote in a political party's presidential preferential primary, preferential
8 primary, or general primary in order to be able to vote in the special
9 election.

10 (b) Special elections scheduled to occur in a
11 month in which the second Tuesday is a legal holiday shall be held on the
12 third Tuesday of the month.

13
14 SECTION 10. Arkansas Code § 6-71-105 is amended to read as follows:

15 6-71-105. Public notice of passage of chapter - Methods of approval.

16 (a) Immediately upon the organization of the commission, or as soon
17 thereafter as it is convenient, it shall give public notice of the passage of
18 this chapter and of the commission's organization and the purposes of this
19 chapter, and that the public improvement herein contemplated is conditioned
20 upon its approval by a majority in value of the owners of real estate within
21 the district or a majority of the electors voting in a special election which
22 may be held upon this chapter.

23 (b) This chapter may be submitted in either or both of the following
24 modes to determine whether it shall become operative:

25 (1)(A) ~~Petition Method.~~ If, at any time within five (5) years
26 from the passage of this act, a petition purporting to be signed by a
27 majority in value of the owners of real property within the district is filed
28 with the commission, the commission shall give public notice of that fact in
29 at least one (1) daily newspaper published in the county and set a day and
30 place for the hearing not less than twenty (20) days after the first
31 publication of the notice.

32 (B) At the place and time so designated, the commissioners
33 shall examine the petition filed and examine the assessment of the real
34 property within the district and, for the purpose of the hearing, may adjourn
35 from day to day from time to time until the hearing is completed.

36 (C) At the hearing, any landowner in the district may be

1 heard and evidence may be taken in such manner as the commission may deem
2 proper to determine the fact as to whether the petition is signed by a
3 majority in value of the landowners of the district, as shown by the last
4 county assessment of the lands within the district.

5 (D)(i) If at the hearing the commissioners find that the
6 petition is not signed by a majority in value of the landowners of the
7 district, as shown by the last county assessment, they shall so declare. Such
8 findings shall terminate proceedings under this chapter unless within the
9 term herein limited another petition purporting to be signed by a majority in
10 value of owners of real estate in the district is filed with the commission,
11 when like proceedings shall again be had to determine whether a majority in
12 value of the landowners of the district have signed the petition. However,
13 the finding that a majority in value has not petitioned for the improvement
14 shall not bar the chapter from becoming effective as provided in subsections
15 (b)(2) and (c) of this section.

16 (ii) If the commission finds that the petition is
17 signed by a majority in value of the landowners of the district as shown by
18 the last county assessment, they shall so declare and shall proceed to carry
19 out the purposes of this chapter.

20 (iii) In either event, public notice shall be given
21 in at least one (1) daily paper published in the county of that fact, and a
22 copy of the findings shall be filed with the county court of the county.

23 (2)(A) ~~Election Method.~~ The commission may call at any time
24 within five (5) years an election to determine whether this chapter shall
25 become operative and may call subsequent elections after the chapter has
26 failed to carry if the commission has good reasons to believe that a majority
27 of the electors then favor this chapter.

28 (B) The election held under this section shall be held
29 conformable as nearly as possible to the laws of the state governing general
30 elections.

31 (C)(i) The election held under this section shall occur on
32 the second Tuesday of any month, except as provided in subdivision
33 (b)(2)(C)(ii) of this section.

34 (ii)(a)(1) Elections held in months in which a
35 presidential preferential primary election, preferential primary election,
36 general primary election, or general election is scheduled to occur shall be

1 held on the date of the presidential preferential primary election,
 2 preferential primary election, general primary election, or general election.

3 (2)(A)(i) If an election is held on the
 4 date of the presidential preferential primary election, preferential primary
 5 election, or general primary election, the issue or issues to be voted upon
 6 at the election shall be included on the ballot of each political party.

7 (ii) However, separate
 8 ballots containing only the issue or issues to be voted upon at the election
 9 shall be prepared and made available to voters requesting a separate ballot.

10 (B) No voter shall be required to
 11 vote in a political party's presidential preferential primary, preferential
 12 primary, or general primary in order to be able to vote in the election.

13 (b) Elections scheduled to occur in a month in
 14 which the second Tuesday is a legal holiday shall be held on the third
 15 Tuesday of the month.

16 ~~(G)(D)~~ The commission shall perform the duties of county
 17 election commissioners as nearly as applicable.

18 ~~(D)(E)~~ All citizens of the city in which the district is
 19 located who possess a right to vote if the election were a general election
 20 for state officers, and no other, shall be entitled to vote in the election.

21 ~~(E)(F)~~ The commission shall canvass the votes cast at the
 22 special elections. If the commission finds that a majority of the votes cast
 23 in the election was in favor of this chapter becoming operative, they shall
 24 so declare and shall proceed to carry out the purposes of this chapter.

25 ~~(F)(G)~~ Public notice shall be given of their findings in
 26 either event in at least one (1) daily newspaper published in the county in
 27 which the district is located, and a copy of their findings shall be filed
 28 with the county clerk of such county.

29 (c) It is the intent of this section to permit this chapter to become
 30 operative if it is approved at any time within five (5) years in either of
 31 the foregoing methods and not to become operative unless approved within this
 32 period by one (1) or the other of the methods provided in this section.

33
 34 SECTION 11. Arkansas Code § 7-5-103 is amended to read as follows:

35 7-5-103. Time of special elections.

36 (a) If no time is otherwise provided by law, all special elections to

1 fill vacancies or to elect any officers where there appears to be a tie vote
 2 shall be held on the second Tuesday of any month at the time specified in the
 3 proclamation issued by the appropriate constituted authority but in no event
 4 earlier than thirty (30) days following the issuance of the proclamation.

5 (b)(1)(A) Special elections held under this section in months in which
 6 a presidential preferential primary election, preferential primary election,
 7 general primary election, or general election is scheduled to occur shall be
 8 held on the date of the presidential preferential primary election,
 9 preferential primary election, general primary election, or general election.

10 (B)(i)(a) If a special election is held on the date of the
 11 presidential preferential primary election, preferential primary election, or
 12 general primary election, the issue or issues to be voted upon at the special
 13 election shall be included on the ballot of each political party.

14 (b) However, separate ballots containing only
 15 the issue or issues to be voted upon at the special election shall be
 16 prepared and made available to voters requesting a separate ballot.

17 (ii) No voter shall be required to vote in a
 18 political party's presidential preferential primary, preferential primary, or
 19 general primary in order to be able to vote in the special election.

20 (2) Special elections scheduled to occur in a month in which the
 21 second Tuesday is a legal holiday shall be held on the third Tuesday of the
 22 month.

23
 24 SECTION 12. Arkansas Code § 7-7-104(e)(1), concerning special
 25 elections on the issue of vacancies in nominations, is amended to read as
 26 follows:

27 (e)(1)(A) If the party notifies the Governor within the time
 28 prescribed in subsection (c) of this section of the desire to have a special
 29 election, the Governor shall within five (5) days issue a proclamation
 30 calling the special election and establishing the deadline for filing as a
 31 candidate for nomination, which shall be no more than twenty (20) days after
 32 the proclamation. The special election shall occur no earlier than thirty
 33 (30) days nor later than ~~forty five (45)~~ sixty (60) days after the end of the
 34 filing deadline.

35 (B)(i) The special election shall occur on the second
 36 Tuesday of any month, except as provided in subdivision (e)(1)(B)(ii) of this

1 section.

2 (ii)(a) Special elections held in months in which a
3 presidential preferential primary election, preferential primary election,
4 general primary election, or general election is scheduled to occur shall be
5 held on the date of the presidential preferential primary election,
6 preferential primary election, general primary election, or general election.

7 (b) Special elections scheduled to occur in a
8 month in which the second Tuesday is a legal holiday shall be held on the
9 third Tuesday of the month.

10 (2) A runoff election, if required, shall be held ~~two (2)~~ three
11 (3) weeks after the date of the special election.

12
13 SECTION 13. Arkansas Code § 7-7-105(1)(D), concerning special primary
14 elections for filling vacancies in certain offices, is amended to read as
15 follows:

16 (D)(i) The date of the special primary election shall be at
17 least thirty (30) days but no more than ~~forty five (45)~~ sixty (60) days
18 subsequent to the date fixed as a deadline for qualifying as a candidate for
19 nomination. This date shall be at least ten (10) days prior to the date fixed
20 in the proclamation for holding the special election to fill the vacancy in
21 office.

22 (ii)(a) The special primary election shall occur on
23 the second Tuesday of any month, except as provided in subdivision
24 (1)(D)(ii)(b) of this section.

25 (b)(1)(A) Special primary elections held in
26 months in which a presidential preferential primary election, preferential
27 primary election, general primary election, or general election is scheduled
28 to occur shall be held on the date of the presidential preferential primary
29 election, preferential primary election, general primary election, or general
30 election.

31 (2) Special primary elections scheduled
32 to occur in a month in which the second Tuesday is a legal holiday shall be
33 held on the third Tuesday of the month.

34
35 SECTION 14. Arkansas Code § 7-8-102 is amended to read as follows:

36 7-8-102. Filling Senate vacancies.

1 (a) When any vacancy shall happen in the representation of the State
2 of Arkansas in the United States Senate by death, resignation, or otherwise,
3 the Governor shall have the power and authority to fill the vacancy by
4 temporary appointment until the people fill the vacancy by election at the
5 next-ensuing general election for state and county officers to be held more
6 than sixty (60) days and less than twelve (12) months after the vacancy shall
7 occur.

8 (b)(1) If no general election for state and county officers shall
9 occur within twelve (12) months after the vacancy, the Governor shall call a
10 special election to be held not less than sixty (60) days and not more than
11 one hundred twenty (120) days after the vacancy shall occur.

12 (2)(A) The special election shall occur on the second Tuesday of
13 any month, except as provided in subdivision (b)(2)(B) of this section.

14 (B)(i)(a) Special elections held in months in which a
15 presidential preferential primary election, preferential primary election, or
16 general primary election is scheduled to occur shall be held on the date of
17 the presidential preferential primary election, preferential primary
18 election, or general primary election.

19 (b)(1)(A) If a special election is held on the
20 date of the presidential preferential primary election, preferential primary
21 election, or general primary election, the issue or issues to be voted upon
22 at the special election shall be included on the ballot of each political
23 party.

24 (B) However, separate ballots
25 containing only the issue or issues to be voted upon at the special election
26 shall be prepared and made available to voters requesting a separate ballot.

27 (2) No voter shall be required to vote
28 in a political party's presidential preferential primary, preferential
29 primary, or general primary in order to be able to vote in the special
30 election.

31 (ii) Special elections scheduled to occur in a month
32 in which the second Tuesday is a legal holiday shall be held on the third
33 Tuesday of the month.

34
35 SECTION 15. Arkansas Code § 7-9-111(h), concerning special elections
36 on the issue of municipal referendum petition measures, is amended to read as

1 follows:

2 (h)(1) Municipal referendum petition measures shall be submitted to
3 the electors at a regular general election unless the petition expressly
4 calls for a special election. If the date set by the petition does not allow
5 sufficient time to comply with election procedures, then the city or town
6 council shall fix the date for any special election on the referendum
7 measure. The date of any special election shall not be more than one hundred
8 twenty (120) calendar days after the date of certification of sufficiency by
9 the municipal clerk.

10 (2)(A) The special election shall occur on the second Tuesday
11 of any month, except as provided in subdivision (h)(2)(B) of this section.

12 (B)(i)(a) Special elections held in months in which a
13 presidential preferential primary election, preferential primary election,
14 general primary election, or general election is scheduled to occur shall be
15 held on the date of the presidential preferential primary election,
16 preferential primary election, general primary election, or general election.

17 (b)(1)(A) If a special election is held on the
18 date of the presidential preferential primary election, preferential primary
19 election, or general primary election, the issue or issues to be voted upon
20 at the special election shall be included on the ballot of each political
21 party.

22 (B) However, separate ballots
23 containing only the issue or issues to be voted upon at the special election
24 shall be prepared and made available to voters requesting a separate ballot.

25 (2) No voter shall be required to vote
26 in a political party's presidential preferential primary, preferential
27 primary, or general primary in order to be able to vote in the special
28 election.

29 (ii) Special elections scheduled to occur in a month
30 in which the second Tuesday is a legal holiday shall be held on the third
31 Tuesday of the month.

32
33 SECTION 16. Arkansas Code § 12-10-318(a), concerning special elections
34 for emergency telephone service charges, is amended to read as follows:

35 12-10-318. Emergency telephone service charges - Imposition -
36 Liability.

1 (a)(1)(A) When so authorized by a majority of the persons voting
2 within the political subdivision in accordance with the law, the governing
3 authority of each political subdivision may levy an emergency telephone
4 service charge in the amount assessed by the political subdivision on a per
5 access line basis as of January 1, 1997, or the amount up to five percent
6 (5%) of the tariff rate, except that any political subdivision with a
7 population of fewer than twenty-seven thousand five hundred (27,500)
8 according to the 1990 Federal Decennial Census may, by a majority vote of the
9 electors voting on the issue, levy an emergency telephone charge in an amount
10 assessed by the political subdivision on a per access line basis as of
11 January 1, 1997, or an amount up to twelve percent (12%) of the tariff rate.

12 (B) The governing authority of a political subdivision
13 that has been authorized under subdivision (a)(1)(A) of this section to levy
14 an emergency telephone service charge in an amount up to twelve percent (12%)
15 of the tariff rate may decrease the percentage rate to not less than four
16 percent (4%) of the tariff rate for those telephone service users that are
17 served by a telephone company with fewer than two hundred (200) access lines
18 in this state as of the date of the election conducted under subdivision
19 (a)(1)(A) of this section.

20 (2)(A) The governing authority of the political subdivision may,
21 upon its own initiative, call such a special election.

22 (B)(i) The special election shall occur on the second
23 Tuesday of any month, except as provided in subdivision (a)(2)(B)(ii) of this
24 section.

25 (ii)(a)(1) Special elections held in months in which
26 a presidential preferential primary election, preferential primary election,
27 general primary election, or general election is scheduled to occur shall be
28 held on the date of the presidential preferential primary election,
29 preferential primary election, general primary election, or general election.

30 (2)(A)(i) If a special election is held
31 on the date of the presidential preferential primary election, preferential
32 primary election, or general primary election, the issue or issues to be
33 voted upon at the special election shall be included on the ballot of each
34 political party.

35 (ii) However, separate
36 ballots containing only the issue or issues to be voted upon at the special

1 election shall be prepared and made available to voters requesting a separate
2 ballot.

3 (B) No voter shall be required to
4 vote in a political party's presidential preferential primary, preferential
5 primary, or general primary in order to be able to vote in the special
6 election.

7 (b) Special elections scheduled to occur in a
8 month in which the second Tuesday is a legal holiday shall be held on the
9 third Tuesday of the month.

10
11 SECTION 17. Arkansas Code § 13-2-501(b), concerning special elections
12 on the issue of public libraries, is amended to read as follows:

13 (b)(1) In cities of the first class, on petition of five percent (5%)
14 of the voters requesting the establishment of a public library, the city
15 council or governing body of the municipality within thirty (30) days after
16 the filing of the petition shall call an election to be held within sixty
17 (60) days thereafter.

18 (2)(A) The election shall be advertised and conducted as special
19 elections are required by law to be.

20 (B)(i) The election shall occur on the second Tuesday of
21 any month, except as provided in subdivision (b)(2)(B)(ii) of this section.

22 (ii)(a)(1) Elections held in months in which a
23 presidential preferential primary election, preferential primary election,
24 general primary election, or general election is scheduled to occur shall be
25 held on the date of the presidential preferential primary election,
26 preferential primary election, general primary election, or general election.

27 (2)(A)(i) If an election is held on the
28 date of the presidential preferential primary election, preferential primary
29 election, or general primary election, the issue or issues to be voted upon
30 at the election shall be included on the ballot of each political party.

31 (ii) However, separate
32 ballots containing only the issue or issues to be voted upon at the election
33 shall be prepared and made available to voters requesting a separate ballot.

34 (B) No voter shall be required to
35 vote in a political party's presidential preferential primary, preferential
36 primary, or general primary in order to be able to vote in the election.

1 (iii)(a) The election shall occur on the second
2 Tuesday of any month, except as provided in subdivision (a)(1)(B)(iii)(b) of
3 this section.

4 (b)(1)(A) Elections held in months in which a
5 presidential preferential primary election, preferential primary election,
6 general primary election, or general election is scheduled to occur shall be
7 held on the date of the presidential preferential primary election,
8 preferential primary election, general primary election, or general election.

9 (B)(i)(a) If an election is held
10 on the date of the presidential preferential primary election, preferential
11 primary election, or general primary election, the issue or issues to be
12 voted upon at the election shall be included on the ballot of each political
13 party.

14 (b) However, separate
15 ballots containing only the issue or issues to be voted upon at the election
16 shall be prepared and made available to voters requesting a separate ballot.

17 (ii) No voter shall be
18 required to vote in a political party's presidential preferential primary,
19 preferential primary, or general primary in order to be able to vote in the
20 election.

21 (2) Elections scheduled to occur in a
22 month in which the second Tuesday is a legal holiday shall be held on the
23 third Tuesday of the month.

24 (2) The ordinance enacted by the court shall set forth the terms
25 and conditions on which such dues are to be collected by the county and for
26 the remission of the dues to the volunteer fire departments.

27 (3) Provided, however, active members of the volunteer fire
28 departments whose annual or quarterly dues are collected in this manner may,
29 at the discretion of the volunteer fire department, be exempt from the annual
30 or quarterly dues charged by the department in consideration of providing
31 services to the department.

32
33 SECTION 19. Arkansas Code § 14-37-112(b), concerning special elections
34 for the purpose of electing officers for cities of the second class, is
35 amended to read as follows:

36 (b)(1) The officers of the incorporated town, upon the filing with the

1 Secretary of State of the certified copy of the ordinance, shall immediately
2 become officers of the city of the second class, with full authority to
3 proceed, do, and perform any and all things for, and on behalf of, the city
4 of the second class as if elected as officers of the city of the second
5 class. They shall serve as such officers for the full period of time for
6 which they were elected or until their successors are elected and qualified.

7 (2)(A) At the regular time for holding election of officers of
8 incorporated towns, there shall be an election for the election of officers
9 of the city of the second class who shall hold office as officers of the city
10 of the second class until the next regular time fixed by law for electing
11 officers of a city of the second class or until their successors are elected
12 and qualified.

13 (B)(i) However, the mayor of the incorporated town which
14 has been raised to a city of the second class may call a special election by
15 proclamation effective ~~thirty (30)~~ sixty (60) days after its date which shall
16 be published by two (2) insertions within the ~~thirty-day~~ sixty-day period in
17 a newspaper of general circulation in the county in which the city is
18 located. This special election shall be held for the purpose of electing
19 officers for the city of the second class.

20 (ii)(a) The special election shall occur on the
21 second Tuesday of any month, except as provided in subdivision
22 (b)(2)(B)(ii)(b) of this section.

23 (b)(1)(A) Special elections held in months in
24 which a presidential preferential primary election, preferential primary
25 election, general primary election or general election is scheduled to occur
26 shall be held on the date of the presidential preferential primary election,
27 preferential primary election, general primary election or general election.

28 (B)(i)(a) If a special election is
29 held on the date of the presidential preferential primary election,
30 preferential primary election, or general primary election, the issue or
31 issues to be voted upon at the special election shall be included on the
32 ballot of each political party.

33 (b) However, separate
34 ballots containing only the issue or issues to be voted upon at the special
35 election shall be prepared and made available to voters requesting a separate
36 ballot.

1 (ii) No voter shall be
 2 required to vote in a political party's presidential preferential primary,
 3 preferential primary, or general primary in order to be able to vote in the
 4 special election.

5 (2) Special elections scheduled to occur
 6 in a month in which the second Tuesday is a legal holiday shall be held on
 7 the third Tuesday of the month.

8
 9 SECTION 20. Arkansas Code § 14-38-112(c), concerning special elections
 10 associated with the reactivation of inactive cities or incorporated towns, is
 11 amended to read as follows:

12 (c)(1) The purpose of the hearing shall be to determine the
 13 sufficiency of the petitions.

14 (2)(A) If the county court shall determine that a majority of
 15 the qualified electors of the city or incorporated town, as reflected by the
 16 voter registration records of the county, shall have petitioned for the
 17 calling of a special election to elect the municipal officials of the city or
 18 incorporated town, the county court shall enter an order approving the
 19 petitions and shall call a special election for the election of the officials
 20 of the city or incorporated town.

21 (B)(i) The election shall be called within sixty (60) days
 22 of the order of the county court.

23 (ii) The election shall be conducted in the same
 24 manner as provided by law for the conducting of special elections to elect
 25 officials of a newly incorporated city or town.

26 (iii)(a) The election shall occur on the second
 27 Tuesday of any month, except as provided in subdivision (c)(2)(B)(iii)(b) of
 28 this section.

29 (b)(1)(A) Elections held in months in which a
 30 presidential preferential primary election, preferential primary election,
 31 general primary election, or general election is scheduled to occur shall be
 32 held on the date of the presidential preferential primary election,
 33 preferential primary election, general primary election, or general election.

34 (B)(i)(a) If an election is held
 35 on the date of the presidential preferential primary election, preferential
 36 primary election, or general primary election, the issue or issues to be

1 voted upon at the election shall be included on the ballot of each political
2 party.

3 (b) However, separate
4 ballots containing only the issue or issues to be voted upon at the election
5 shall be prepared and made available to voters requesting a separate ballot.

6 (ii) No voter shall be
7 required to vote in a political party's presidential preferential primary,
8 preferential primary, or general primary in order to be able to vote in the
9 election.

10 (2) Elections scheduled to occur in a
11 month in which the second Tuesday is a legal holiday shall be held on the
12 third Tuesday of the month.

13 (C) The officials so elected shall assume the duties of
14 their respective offices in the same manner and for such terms as provided by
15 law for officials of newly incorporated cities or towns.

16
17 SECTION 21. Arkansas Code § 14-38-113(a)(3), concerning special
18 elections on the issue of reorganization under a different form of
19 government, is amended to read as follows:

20 (3)(A) If a majority of the votes cast at the election shall be
21 in favor of the proposition, and no suit is brought to contest the
22 certification of the results of the election within the thirty-day period
23 after the certification by the county board of election commissioners, the
24 mayor shall file with the Secretary of State and the county clerk of the
25 county in which the municipality is situated certificates stating that the
26 proposition was adopted.

27 (B) Thereafter, the municipality shall proceed to elect
28 officials of the municipality in the manner and at the time provided by law
29 for the election of municipal officials in municipalities operating under the
30 form of government adopted by the municipality.

31 (C)(i) However, if a municipality votes to change its form
32 of government and the date of the election to change its form of municipal
33 government is six (6) months or more prior to the next regular general
34 election for municipal officials, the mayor of the municipality shall, by
35 proclamation, call a special election for the purpose of electing municipal
36 officials under the form of government adopted by the municipality. When the

1 officials are elected, the municipality shall proceed to organize and operate
2 under the newly adopted form of government.

3 (ii)(a) The mayor's proclamation shall be issued
4 within one (1) business day after the results of the election have been
5 certified to him or her.

6 (b)(1) The proclamation shall be published at
7 least one (1) time a week for two (2) weeks in a newspaper having general
8 circulation within the municipality, and the date of the special election
9 shall be within fifty-five (55) days from the date of the proclamation
10 calling the special election+.

11 (2)(A) The special election shall occur
12 on the second Tuesday of any month, except as provided in subdivision
13 (a)(3)(C)(ii)(b)(2)(B) of this section.

14 (B)(i)(a) Special elections held
15 in months in which a presidential preferential primary election, preferential
16 primary election, general primary election, or general election is scheduled
17 to occur shall be held on the date of the presidential preferential primary
18 election, preferential primary election, general primary election, or general
19 election.

20 (b)(1)(A) If a special
21 election is held on the date of the presidential preferential primary
22 election, preferential primary election, or general primary election, the
23 issue or issues to be voted upon at the special election shall be included on
24 the ballot of each political party.

25 (B)
26 However, separate ballots containing only the issue or issues to be voted
27 upon at the special election shall be prepared and made available to voters
28 requesting a separate ballot.

29 (2) No voter
30 shall be required to vote in a political party's presidential preferential
31 primary, preferential primary, or general primary in order to be able to vote
32 in the special election.

33 (ii) Special elections
34 scheduled to occur in a month in which the second Tuesday is a legal holiday
35 shall be held on the third Tuesday of the month;

36 (4)(A) When any municipality shall change forms of government in

1 the manner provided in this section, the question of changing the form of
 2 government of the municipality shall not again be submitted to the electors
 3 thereof until the expiration of four (4) years from the date on which the
 4 first officers are elected for the form of government adopted at the
 5 election.

6 (B) If a majority of the qualified electors of a
 7 municipality shall vote against adopting a different form of government, the
 8 question shall not again be submitted to the electors thereof for a period of
 9 two (2) years after the date of the election in which the proposed change of
 10 government in the municipality was rejected;

11 (5)(A) Each signature on a petition filed, as provided in this
 12 section, shall have been signed within one hundred eighty (180) days prior to
 13 the filing of the petition. All signatures not signed within this time shall
 14 be void for the purposes of determining the adequate number of signatures
 15 required to call an election under this section.

16 (B) The date of execution of the petitions may be
 17 established by affidavit of the person circulating the petition or by the
 18 person signing the petition affixing the date of signing immediately
 19 following his name.

20
 21 SECTION 22. Arkansas Code § 14-40-303(b), concerning special elections
 22 on the issue of annexation ordinances, is amended to read as follows:

23 (b)(1)(A)(i) The annexation ordinance shall not become effective until
 24 the question of annexation is submitted to the qualified electors of the
 25 annexing municipality and of the area to be annexed at the next general
 26 election or at a special election. The special election shall be conducted
 27 no earlier than sixty (60) days after the date of enactment of the ordinance.

28 (ii)(a) The special election shall occur on the
 29 second Tuesday of any month, except as provided in subdivision
 30 (b)(1)(A)(ii)(b) of this section.

31 (b)(1)(A) Special elections held in months in
 32 which a presidential preferential primary election, preferential primary
 33 election, general primary election, or general election is scheduled to occur
 34 shall be held on the date of the presidential preferential primary election,
 35 preferential primary election, general primary election, or general election.

36 (B)(i)(a) If a special election is

1 held on the date of the presidential preferential primary election,
2 preferential primary election, or general primary election, the issue or
3 issues to be voted upon at the special election shall be included on the
4 ballot of each political party.

5 (b) However, separate
6 ballots containing only the issue or issues to be voted upon at the special
7 election shall be prepared and made available to voters requesting a separate
8 ballot.

9 (ii) No voter shall be
10 required to vote in a political party's presidential preferential primary,
11 preferential primary, or general primary in order to be able to vote in the
12 special election.

13 (2) Special elections scheduled to occur
14 in a month in which the second Tuesday is a legal holiday shall be held on
15 the third Tuesday of the month.

16 (B)(i) If a majority of the qualified electors voting in
17 the election shall vote for the annexation, the county clerk shall, no later
18 than seven (7) days following the election, certify the election results,
19 record the same, along with the description and a map of the annexed area, in
20 the county records, and file a certified copy thereof with the Secretary of
21 State.

22 (ii) The annexation shall be effective, and the
23 lands annexed shall be included within the corporate limits of the annexing
24 municipality thirty (30) days following the date of recording and filing of
25 the description and map, as provided in this section, or, in the event an
26 action is filed with the circuit court as provided in § 14-40-304 on the date
27 the judgment of the court becomes final.

28 (2) If a majority of the qualified electors voting on the issue
29 at the election vote against the annexation, the annexation ordinance shall
30 be null and void.

31
32 SECTION 23. Arkansas Code § 14-40-1202(a), concerning special
33 elections on the issue of annexation, is amended to read as follows:

34 (a)(1)(A) Upon presentation of the petition to the county court by the
35 authorized persons, the court shall at once order and call a special election
36 in both of the municipal corporations on the question of the annexation and

1 the name of the proposed consolidated municipality.

2 (B) The court shall give thirty (30) days' notice of the
3 election by publication one (1) time a week in some newspaper with a bona
4 fide circulation in the territory and by notices posted in conspicuous places
5 in the territory.

6 (C)(i) The special election shall occur on the second
7 Tuesday of any month, except as provided in subdivision (a)(1)(C)(ii) of this
8 section.

9 (ii)(a)(1) Special elections held in months in which
10 a presidential preferential primary election, preferential primary election,
11 general primary election, or general election is scheduled to occur shall be
12 held on the date of the presidential preferential primary election,
13 preferential primary election, general primary election, or general election.

14 (2)(A)(i) If a special election is held
15 on the date of the presidential preferential primary election, preferential
16 primary election, or general primary election, the issue or issues to be
17 voted upon at the special election shall be included on the ballot of each
18 political party.

19 (ii) However, separate
20 ballots containing only the issue or issues to be voted upon at the special
21 election shall be prepared and made available to voters requesting a separate
22 ballot.

23 (B) No voter shall be required to
24 vote in a political party's presidential preferential primary, preferential
25 primary, or general primary in order to be able to vote in the special
26 election.

27 (b) Special elections scheduled to occur in a
28 month in which the second Tuesday is a legal holiday shall be held on the
29 third Tuesday of the month.

30 (2) The court shall appoint one (1) judge and one (1) clerk in
31 each ward or other division of each municipal corporation, and the mayor and
32 city council of each of the municipal corporations shall select two (2)
33 judges and one (1) clerk for each of the wards or other divisions having the
34 qualifications of electors, to act as judges and clerks of election within
35 the respective wards.

36 (3) The court shall fix all polling places at which the voting

1 shall take place.

2

3 SECTION 24. Arkansas Code § 14-40-1207(a), concerning special
4 elections of aldermen in the case of annexation, is amended to read as
5 follows:

6 (a)(1)(A) Except as provided under subdivision (a)(1)(B) of this
7 section, the city or town council shall call a special election of aldermen,
8 to be held at such times and places as it may direct in the wards of the
9 smaller municipality and for the election of aldermen from any other new
10 wards that may be created by the council out of territory included in the
11 larger city or incorporated town before the annexation, as provided in this
12 subchapter.

13 (B) If the petition calls for a citywide election for all
14 officials of the new consolidated city or incorporated town, then the city or
15 town council shall call a special election for all city or town officials to
16 be held at the times and places as it may direct throughout each ward of the
17 consolidated city or incorporated town.

18 (2) If the implementation of the consolidation of the cities or
19 towns is delayed, the special election for new aldermen or all city officials
20 shall be held at least forty-five (45) days before the effective date of the
21 consolidation.

22 (3)(A) The special election shall occur on the second Tuesday of
23 any month, except as provided in subdivision (a)(3)(B) of this section.

24 (B)(i)(a) Special elections held in months in which a
25 presidential preferential primary election, preferential primary election,
26 general primary election, or general election is scheduled to occur shall be
27 held on the date of the presidential preferential primary election,
28 preferential primary election, general primary election, or general election.

29 (b)(1)(A) If a special election is held on the
30 date of the presidential preferential primary election, preferential primary
31 election, or general primary election, the issue or issues to be voted upon
32 at the special election shall be included on the ballot of each political
33 party.

34 (B) However, separate ballots
35 containing only the issue or issues to be voted upon at the special election
36 shall be prepared and made available to voters requesting a separate ballot.

1 (2) No voter shall be required to vote
2 in a political party's presidential preferential primary, preferential
3 primary, or general primary in order to be able to vote in the special
4 election.

5 (ii) Special elections scheduled to occur in a month
6 in which the second Tuesday is a legal holiday shall be held on the third
7 Tuesday of the month.

8
9 SECTION 25. Arkansas Code § 14-42-104 is amended to read as follows:
10 14-42-104. Vacancies in certain alderman positions.

11 When a vacancy occurs in any position of alderman in a city having a
12 population of fifty thousand (50,000) or more, according to the most recent
13 federal decennial census and having a mayor-council form of government in
14 which the electors of each ward elect one (1) or more aldermen, a new
15 alderman shall be chosen in the following manner:

16 (1)(A) If the unexpired portion of the term of alderman exceeds
17 one (1) year, a successor shall be elected by a vote of the electors of the
18 ward. The city council shall order a special election to be held within sixty
19 (60) days of the date the vacancy occurs+.

20 (B)(i) The special election shall occur on the second
21 Tuesday of any month, except as provided in subdivision (1)(B)(ii) of this
22 section.

23 (ii)(a)(1) Special elections held in months in which
24 a presidential preferential primary election, preferential primary election,
25 general primary election, or general election is scheduled to occur shall be
26 held on the date of the presidential preferential primary election,
27 preferential primary election, general primary election, or general election.

28 (2)(A)(i) If a special election is held
29 on the date of the presidential preferential primary election, preferential
30 primary election, or general primary election, the issue or issues to be
31 voted upon at the special election shall be included on the ballot of each
32 political party.

33 (ii) However, separate
34 ballots containing only the issue or issues to be voted upon at the special
35 election shall be prepared and made available to voters requesting a separate
36 ballot.

1 (B) No voter shall be required to
2 vote in a political party's presidential preferential primary, preferential
3 primary, or general primary in order to be able to vote in the special
4 election.

5 (b) Special elections scheduled to occur in a
6 month in which the second Tuesday is a legal holiday shall be held on the
7 third Tuesday of the month; and

8 (2) If the unexpired portion of the term of alderman is one (1)
9 year or less, a successor shall be chosen by a majority vote of the members
10 of the city council.

11
12 SECTION 26. Arkansas Code § 14-42-203(a), concerning special elections
13 of city mayors, is amended to read as follows:

14 14-42-203. Special elections of city mayors.

15 (a)(1) Special elections of mayors of cities of the first and second
16 class shall be held at such time and place as the council shall direct.

17 (2)(A) The special election shall be held on the second Tuesday
18 of any month, except as provided by subdivision (a)(2)(B) of this section.

19 (B)(i)(a) Special elections held in months in which a
20 presidential preferential primary election, preferential primary election,
21 general primary election, or general election is scheduled to occur shall be
22 held on the date of the presidential preferential primary election,
23 preferential primary election, general primary election, or general election.

24 (b)(1)(A) If a special election is held on the
25 date of the presidential preferential primary election, preferential primary
26 election, or general primary election, the issue or issues to be voted upon
27 at the special election shall be included on the ballot of each political
28 party.

29 (B) However, separate ballots
30 containing only the issue or issues to be voted upon at the special election
31 shall be prepared and made available to voters requesting a separate ballot.

32 (2) No voter shall be required to vote
33 in a political party's presidential preferential primary, preferential
34 primary, or general primary in order to be able to vote in the special
35 election.

36 (ii) Special elections scheduled to occur in a month

1 in which the second Tuesday is a legal holiday shall be held on the third
2 Tuesday of the month.

3
4 SECTION 27. Arkansas Code § 14-42-304(b), concerning amendments to
5 charters submitted to qualified electors, is amended to read as follows:

6 (b)(1) The amendment shall be submitted to the qualified electors of
7 the municipality at a regular or special election.

8 (2)(A) The special election shall occur on the second Tuesday of
9 any month, except as provided in subdivision (b)(2)(B) of this section.

10 (B)(i)(a) Special elections held in months in which a
11 presidential preferential primary election, preferential primary election,
12 general primary election, or general election is scheduled to occur shall be
13 held on the date of the presidential preferential primary election,
14 preferential primary election, general primary election, or general election.

15 (b)(1)(A) If a special election is held on the
16 date of the presidential preferential primary election, preferential primary
17 election, or general primary election, the issue or issues to be voted upon
18 at the special election shall be included on the ballot of each political
19 party.

20 (B) However, separate ballots
21 containing only the issue or issues to be voted upon at the special election
22 shall be prepared and made available to voters requesting a separate ballot.

23 (2) No voter shall be required to vote
24 in a political party's presidential preferential primary, preferential
25 primary, or general primary in order to be able to vote in the special
26 election.

27 (ii) Special elections scheduled to occur in a month
28 in which the second Tuesday is a legal holiday shall be held on the third
29 Tuesday of the month.

30
31 SECTION 28. Arkansas Code § 14-43-411(b), concerning special elections
32 on the issue of alderman vacancies, is amended to read as follows:

33 (b) When a vacancy occurs in any position of alderman in a city having
34 a population of fifty thousand (50,000) or more, according to the most recent
35 federal decennial census, and having a mayor-council form of government in
36 which the electors of each ward elect one (1) or more aldermen, a new

1 alderman shall be chosen in the following manner:

2 (1)(A) If the unexpired portion of the term of alderman exceeds
3 one (1) year, a successor shall be elected by a vote of the electors of the
4 ward. The city council shall order a special election to be held within ~~sixty~~
5 ~~(60)~~ ninety (90) days of the date the vacancy occurs~~+~~.

6 (B)(i) The special election shall occur on the second
7 Tuesday of any month, except as provided in subdivision (b)(1)(B)(ii) of this
8 section.

9 (ii)(a)(1) Special elections held in months in which
10 a presidential preferential primary election, preferential primary election,
11 general primary election, or general election is scheduled to occur shall be
12 held on the date of the presidential preferential primary election,
13 preferential primary election, general primary election, or general election.

14 (2)(A)(i) If a special election is held
15 on the date of the presidential preferential primary election, preferential
16 primary election, or general primary election, the issue or issues to be
17 voted upon at the special election shall be included on the ballot of each
18 political party.

19 (ii) However, separate
20 ballots containing only the issue or issues to be voted upon at the special
21 election shall be prepared and made available to voters requesting a separate
22 ballot.

23 (B) No voter shall be required to
24 vote in a political party's presidential preferential primary, preferential
25 primary, or general primary in order to be able to vote in the special
26 election.

27 (b) Special elections scheduled to occur in a
28 month in which the second Tuesday is a legal holiday shall be held on the
29 third Tuesday of the month; or

30 (2) If the unexpired portion of the term of alderman is one (1)
31 year or less, a successor shall be chosen by a majority vote of the members
32 of the council.

33
34 SECTION 29. Arkansas Code § 14-44-103(a)(3), concerning elections on
35 the issue of alderman term length, is amended to read as follows:

36 (3)(A) The city council of a city of the second class may refer

1 to voters an ordinance on the question of electing the two (2) aldermen for
2 each ward to four-year terms.

3 (B)(i) The voters shall vote on the ordinance at a general
4 election or at a special election called for that purpose.

5 (ii) However, the election to approve the four-year
6 election procedure shall be held no later than February 1 of the year of the
7 general election in which the procedure is proposed to be effective.

8 (iii)(a) The special election shall occur on the
9 second Tuesday of any month, except as provided in subdivision (a)(B)(ii)(b)
10 of this section.

11 (b)(1)(A) Special elections held in months in
12 which a presidential preferential primary election, preferential primary
13 election, general primary election, or general election is scheduled to occur
14 shall be held on the date of the presidential preferential primary election,
15 preferential primary election, general primary election, or general election.

16 (B)(i)(a) If a special election is
17 held on the date of the presidential preferential primary election,
18 preferential primary election, or general primary election, the issue or
19 issues to be voted upon at the special election shall be included on the
20 ballot of each political party.

21 (b) However, separate
22 ballots containing only the issue or issues to be voted upon at the special
23 election shall be prepared and made available to voters requesting a separate
24 ballot.

25 (ii) No voter shall be
26 required to vote in a political party's presidential preferential primary,
27 preferential primary, or general primary in order to be able to vote in the
28 special election.

29 (2) Special elections scheduled to occur
30 in a month in which the second Tuesday is a legal holiday shall be held on
31 the third Tuesday of the month.

32 (C)(i) If this procedure is adopted by ordinance referred
33 to and approved by the voters of the city, the initial term for the alderman
34 designated as alderman number one of each ward shall be a four-year term at
35 the next general election.

36 (ii) The initial term for the alderman designated as

1 alderman number two of each ward shall be a two-year term at the next general
 2 election, and thereafter shall be a four-year term, resulting in staggered
 3 terms for the ward.

4 (D)(i) The city council may refer to voters an ordinance
 5 on the question of returning the city to electing aldermen to two-year terms
 6 using the procedures of this subdivision (a)(3).

7 (ii) If the voters approve returning a city to two-
 8 year terms, all aldermen shall be elected to two-year terms at the next
 9 general election and thereafter.

10 (E) The city council may not refer to voters another
 11 question on electing aldermen to four-year terms or on returning the city to
 12 electing aldermen to two-year terms unless at least four (4) years have
 13 passed since the last election on changing the aldermanic terms.

14

15 SECTION 30. Arkansas Code § 14-44-106 is amended to read as follows:
 16 14-44-106. Vacancy in mayor's office.

17 (a) Whenever a vacancy shall occur in the office of mayor in any city
 18 of the second class, at the first regular meeting after the occurrence of the
 19 vacancy, the city council shall proceed to either elect, by a majority vote
 20 of the aldermen, a mayor to serve the unexpired term or call for a special
 21 election to be held in accordance with § 14-42-206 to fill the vacancy. At
 22 this election, a mayor shall be elected to fill out the unexpired term.

23 (b)(1) The special election shall occur on the second Tuesday of any
 24 month, except as provided in subdivision (b)(2) of this section.

25 (2)(A)(i) Special elections held in months in which a
 26 presidential preferential primary election, preferential primary election,
 27 general primary election, or general election is scheduled to occur shall be
 28 held on the date of the presidential preferential primary election,
 29 preferential primary election, general primary election, or general election.

30 (ii)(a)(1) If a special election is held on the date
 31 of the presidential preferential primary election, preferential primary
 32 election, or general primary election, the issue or issues to be voted upon
 33 at the special election shall be included on the ballot of each political
 34 party.

35 (2) However, separate ballots containing
 36 only the issue or issues to be voted upon at the special election shall be

1 prepared and made available to voters requesting a separate ballot.

2 (b) No voter shall be required to vote in a
 3 political party's presidential preferential primary, preferential primary, or
 4 general primary in order to be able to vote in the special election.

5 (B) Special elections scheduled to occur in a month in
 6 which the second Tuesday is a legal holiday shall be held on the third
 7 Tuesday of the month.

8
 9 SECTION 31. Arkansas Code § 14-47-106(b)(1)(A), concerning special
 10 elections on the issue of the city manager form of government, is amended to
 11 read as follows:

12 (b) The proceeding shall be in the following manner:

13 (1)(A)(i) When petitions therefor containing the signatures of
 14 electors equal in number to fifteen percent (15%) of the aggregate number of
 15 ballots cast for all candidates for mayor in the preceding general city
 16 election shall be presented to the mayor, the mayor shall, by proclamation,
 17 submit the question of organizing the city under the manager form of
 18 government to the electors of the city at a special election to be held not
 19 less than thirty (30) days after the date of the proclamation.

20 (ii) The proclamation shall be published at length
 21 in some newspaper published in the city for one (1) time, and notice of the
 22 election shall be published in some newspaper published in the city once a
 23 week for two (2) weeks, the first publication to be not less than fifteen
 24 (15) days before the date set for the election. No other notice of the
 25 election shall be necessary.

26 (iii)(a) The special election shall occur on the
 27 second Tuesday of any month, except as provided in subdivision
 28 (b)(1)(A)(iii)(b) of this section.

29 (b)(1)(A) Special elections held in months in
 30 which a presidential preferential primary election, preferential primary
 31 election, general primary election, or general election is scheduled to occur
 32 shall be held on the date of the presidential preferential primary election,
 33 preferential primary election, general primary election, or general election.

34 (B)(i)(a) If a special election is
 35 held on the date of the presidential preferential primary election,
 36 preferential primary election, or general primary election, the issue or

1 issues to be voted upon at the special election shall be included on the
2 ballot of each political party.

3 (b) However, separate
4 ballots containing only the issue or issues to be voted upon at the special
5 election shall be prepared and made available to voters requesting a separate
6 ballot.

7 (ii) No voter shall be
8 required to vote in a political party's presidential preferential primary,
9 preferential primary, or general primary in order to be able to vote in the
10 special election.

11 (2) Special elections scheduled to occur
12 in a month in which the second Tuesday is a legal holiday shall be held on
13 the third Tuesday of the month.

14
15 SECTION 32. Arkansas Code § 14-47-107(a), concerning elections on the
16 aldermanic form of government, is amended to read as follows:

17 (a)(1)(A) After the expiration of six (6) years after the date on
18 which the first board of directors takes office in a city organized under
19 this chapter, a petition may be presented to the mayor. It shall be signed by
20 electors equal in number to fifteen percent (15%) of the aggregate number of
21 ballots cast for all candidates for director in that position for which the
22 greatest number of ballots were cast in the preceding general election.
23 Whereupon, the mayor shall, by proclamation, submit the question of
24 organization of the city under the aldermanic form of government at a special
25 election to be held at a time specified therein, not less than thirty (30)
26 days after the date of the proclamation.

27 (B)(i) The special election shall occur on the second
28 Tuesday of any month, except as provided in subdivision (a)(1)(B)(ii) of this
29 section.

30 (ii)(a)(1) Special elections held in months in which
31 a presidential preferential primary election, preferential primary election,
32 general primary election, or general election is scheduled to occur shall be
33 held on the date of the presidential preferential primary election,
34 preferential primary election, general primary election, or general election.

35 (2)(A)(i) If a special election is held
36 on the date of the presidential preferential primary election, preferential

1 primary election, or general primary election, the issue or issues to be
2 voted upon at the special election shall be included on the ballot of each
3 political party.

4 (ii) However, separate
5 ballots containing only the issue or issues to be voted upon at the special
6 election shall be prepared and made available to voters requesting a separate
7 ballot.

8 (B) No voter shall be required to
9 vote in a political party's presidential preferential primary, preferential
10 primary, or general primary in order to be able to vote in the special
11 election.

12 (b) Special elections scheduled to occur in a
13 month in which the second Tuesday is a legal holiday shall be held on the
14 third Tuesday of the month.

15 (2) The proclamation shall be published at length in some
16 newspaper published in the city for one (1) time. Notice of the election
17 shall be published in some newspaper published in the city once a week for
18 two (2) weeks, the first publication to be not less than fifteen (15) days
19 before the date set for the election. No other notice of the election shall
20 be necessary.

21
22 SECTION 33. Arkansas Code § 14-47-110(a)(1), concerning the election
23 of directors, is amended to read as follows:

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

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

28 (ii) The mayor's proclamation shall be published
29 through one (1) insertion in some newspaper having a bona fide circulation in
30 the municipality not less than sixty (60) days before the date of the
31 election.

32 (B)(i) A special election to fill any vacancy under § 14-
33 47-113 shall be called through a resolution of the board of directors.

34 (ii) A proclamation announcing the holding of the
35 election shall be signed by the mayor and published not less than sixty (60)
36 days prior to the date of the election in some newspaper having a bona fide

1 circulation in the municipality.

2 (C)(i) The special election shall occur on the second
3 Tuesday of any month, except as provided in subdivision (a)(1)(C)(ii) of this
4 section.

5 (ii)(a)(1) Special elections held in months in which
6 a presidential preferential primary election, preferential primary election,
7 general primary election, or general election is scheduled to occur shall be
8 held on the date of the presidential preferential primary election,
9 preferential primary election, general primary election, or general election.

10 (2)(A)(i) If a special election is held
11 on the date of the presidential preferential primary election, preferential
12 primary election, or general primary election, the issue or issues to be
13 voted upon at the special election shall be included on the ballot of each
14 political party.

15 (ii) However, separate
16 ballots containing only the issue or issues to be voted upon at the special
17 election shall be prepared and made available to voters requesting a separate
18 ballot.

19 (B) No voter shall be required to
20 vote in a political party's presidential preferential primary, preferential
21 primary, or general primary in order to be able to vote in the special
22 election.

23 (b) Special elections scheduled to occur in a
24 month in which the second Tuesday is a legal holiday shall be held on the
25 third Tuesday of the month.

26
27 SECTION 34. Arkansas Code § 14-48-104(b), concerning special elections
28 on the issue of the city administrator form of government, is amended to read
29 as follows:

30 (b)(1) If the number of signatures certified by the clerk is equal to,
31 or greater than, fifteen percent (15%) of the aggregate number of votes cast,
32 as prescribed, the Secretary of State shall, by proclamation, call a special
33 election to be held not less than thirty (30) days nor more than ~~fifty (50)~~
34 sixty (60) days from the date of the clerk's certification.

35 (2)(A) The special election shall occur on the second Tuesday of
36 any month, except as provided in subdivision (b)(2)(B) of this section.

1 (B)(i)(a) Special elections held in months in which a
2 presidential preferential primary election, preferential primary election,
3 general primary election, or general election is scheduled to occur shall be
4 held on the date of the presidential preferential primary election,
5 preferential primary election, general primary election, or general election.

6 (b)(1)(A) If a special election is held on the
7 date of the presidential preferential primary election, preferential primary
8 election, or general primary election, the issue or issues to be voted upon
9 at the special election shall be included on the ballot of each political
10 party.

11 (B) However, separate ballots
12 containing only the issue or issues to be voted upon at the special election
13 shall be prepared and made available to voters requesting a separate ballot.

14 (2) No voter shall be required to vote
15 in a political party's presidential preferential primary, preferential
16 primary, or general primary in order to be able to vote in the special
17 election.

18 (ii) Special elections scheduled to occur in a month
19 in which the second Tuesday is a legal holiday shall be held on the third
20 Tuesday of the month.

21
22 SECTION 35. Arkansas Code § 14-48-105(b), concerning special elections
23 on the issue of changing to another form of government, is amended to read as
24 follows:

25 (b)(1) After the expiration of four (4) years from the date on which
26 the first board of directors and mayor take office in a city organized under
27 this chapter, a petition signed by electors equal in number to fifteen
28 percent (15%) of the aggregate number of ballots cast for all candidates for
29 mayor in the preceding general election may be presented to the mayor,
30 calling for an election to consider any other form of municipal government
31 authorized by the laws of this state.

32 (2)(A)(i) Thereupon, the mayor shall, by proclamation, submit
33 the question of organization of the city under the form of government stated
34 in the petition at a special election to be held at a time specified therein,
35 not less than thirty (30) days after the date of the proclamation.

36 (ii) The proclamation shall be published at length

1 in some newspaper having a general circulation in the city for one (1) time.

2 (B)(i) Notice of the election shall be published in some
3 newspaper having a general circulation in the city one (1) time a week for
4 two (2) weeks, the first publication to be not less than fifteen (15) days
5 before the date set for the election.

6 (ii) No other notice of the election shall be
7 necessary.

8 (C)(i) The special election shall occur on the second
9 Tuesday of any month, except as provided in subdivision (b)(2)(C)(ii) of this
10 section.

11 (ii)(a)(1) Special elections held in months in which
12 a presidential preferential primary election, preferential primary election,
13 general primary election, or general election is scheduled to occur shall be
14 held on the date of the presidential preferential primary election,
15 preferential primary election, general primary election, or general election.

16 (2)(A)(i) If a special election is held
17 on the date of the presidential preferential primary election, preferential
18 primary election, or general primary election, the issues or issues to be
19 voted upon at the special election shall be included on the ballot of each
20 political party.

21 (ii) However, separate
22 ballots containing only the issue or issues to be voted upon at the special
23 election shall be prepared and made available to voters requesting a separate
24 ballot.

25 (B) No voter shall be required to
26 vote in a political party's presidential preferential primary, preferential
27 primary, or general primary in order to be able to vote in the special
28 election.

29 (b) Special elections scheduled to occur in a
30 month in which the second Tuesday is a legal holiday shall be held on the
31 third Tuesday of the month.

32
33 SECTION 36. Arkansas Code § 14-48-108 is amended to read as follows:
34 14-48-108. Calling of elections for directors and mayor.

35 (a)(1) Within ten (10) days after the designation of the four (4)
36 wards, the Secretary of State shall, by proclamation, call special primary

1 and general elections to be held in the municipality for the purpose of
2 electing seven (7) directors and a mayor.

3 (2)(A)(i) The primary election shall be held not less than ~~sixty~~
4 ~~(60)~~ thirty (30) days nor more than seventy-five (75) days from the date of
5 the proclamation.

6 (ii)(a) The primary election shall occur on the
7 second Tuesday of any month, except as provided in subdivision
8 (a)(2)(A)(ii)(b) of this section.

9 (b)(1)(A) Primary elections held in months in
10 which a presidential preferential primary election, preferential primary
11 election, general primary election, or general election is scheduled to occur
12 shall be held on the date of the presidential preferential primary election,
13 preferential primary election, general primary election, or general election.

14 (B)(i)(a) If a primary election is
15 held on the date of the presidential preferential primary election,
16 preferential primary election, or general primary election, the issue or
17 issues to be voted upon at the special election shall be included on the
18 ballot of each political party.

19 (b) However, separate
20 ballots containing only the issue or issues to be voted upon at the primary
21 election shall be prepared and made available to voters requesting a separate
22 ballot.

23 (ii) No voter shall be
24 required to vote in a political party's presidential preferential primary,
25 preferential primary, or general primary in order to be able to vote in the
26 primary election.

27 (2) Primary elections scheduled to occur
28 in a month in which the second Tuesday is a legal holiday shall be held on
29 the third Tuesday of the month.

30 (B) The general election shall be held on a Tuesday not
31 less than seven (7) days nor more than fifteen (15) days after the primary
32 election.

33 (b) These elections shall be called and conducted, and the results
34 shall be determined and certified, as provided in § 14-48-109.

35
36 SECTION 37. Arkansas Code § 14-48-114(b)(3), concerning special

1 elections on the issue of the removal of mayors or directors, is amended to
2 read as follows:

3 (3)(A) The county board of election commissioners shall call a
4 special election on the question and shall fix a date for holding it not less
5 than thirty (30) days nor more than ~~forty (40)~~ sixty (60) days from the date
6 of the certification of the petitions by the clerk.

7 (B)(i) The special election shall occur on the second
8 Tuesday of any month, except as provided in subdivision (b)(3)(B)(ii) of this
9 section.

10 (ii)(a)(1) Special elections held in months in which
11 a presidential preferential primary election, preferential primary election,
12 general primary election, or general election is scheduled to occur shall be
13 held on the date of the presidential preferential primary election,
14 preferential primary election, general primary election, or general election.

15 (2)(A)(i) If a special election is held
16 on the date of the presidential preferential primary election, preferential
17 primary election, or general primary election, the issue or issues to be
18 voted upon at the special election shall be included on the ballot of each
19 political party.

20 (ii) However, separate
21 ballots containing only the issue or issues to be voted upon at the special
22 election shall be prepared and made available to voters requesting a separate
23 ballot.

24 (B) No voter shall be required to
25 vote in a political party's presidential preferential primary, preferential
26 primary, or general primary in order to be able to vote in the special
27 election.

28 (b) Special elections scheduled to occur in a
29 month in which the second Tuesday is a legal holiday shall be held on the
30 third Tuesday of the month.

31

32 SECTION 38. Arkansas Code § 14-48-115 is amended to read as follows:
33 14-48-115. Mayor or director vacancy.

34 (a) In the case of a vacancy in the office of mayor or in the office
35 of a member of the board of directors as a result of death, resignation, a
36 recall election as provided for in § 14-48-114, or for any other reason, the

1 board, by majority vote, shall appoint a person to fill the vacancy if the
 2 vacancy occurs less than six (6) months before the next general municipal
 3 election at which the remainder of the unexpired term shall be filled.

4 (b)(1) If the vacancy occurs more than (6) months prior to the next
 5 general municipal election, a special election shall be called to fill the
 6 vacancy.

7 (2)(A) The special election shall occur on the second Tuesday of
 8 any month, except as provided in subdivision (b)(2)(B) of this section.

9 (B)(i)(a) Special elections held in months in which a
 10 presidential preferential primary election, preferential primary election,
 11 general primary election, or general election is scheduled to occur shall be
 12 held on the date of the presidential preferential primary election,
 13 preferential primary election, general primary election, or general election.

14 (b)(1)(A) If a special election is held on the
 15 date of the presidential preferential primary election, preferential primary
 16 election, or general primary election, the issue or issues to be voted upon
 17 at the special election shall be included on the ballot of each political
 18 party.

19 (B) However, separate ballots
 20 containing only the issue or issues to be voted upon at the special election
 21 shall be prepared and made available to voters requesting a separate ballot.

22 (2) No voter shall be required to vote
 23 in a political party's presidential preferential primary, preferential
 24 primary, or general primary in order to be able to vote in the special
 25 election.

26 (ii) Special elections scheduled to occur in a month
 27 in which the second Tuesday is a legal holiday shall be held on the third
 28 Tuesday of the month.

30 SECTION 39. Arkansas Code § 14-57-704(a), concerning special elections
 31 on the issue of vehicle taxes, is amended to read as follows:

32 (a)(1) Before the vehicle tax levied by the governing body of any city
 33 of the first or second class or incorporated town upon vehicle owners
 34 residing in the city or town may be collected, the mayor shall call a special
 35 election.

36 (2)(A) This election shall be held not less than ~~twenty~~ (20)

1 thirty (30) days nor more than ~~thirty (30)~~ sixty (60) days from the date of
2 the adoption of the levy of the tax by the governing body of the city or
3 town, at which the qualified electors of the city or town shall vote on the
4 question of the levy of the tax.

5 (B)(i) The special election shall occur on the second
6 Tuesday of any month, except as provided in subdivision (a)(2)(B)(ii) of this
7 section.

8 (ii)(a)(1) Special elections held in months in which
9 a presidential preferential primary election, preferential primary election,
10 general primary election, or general election is scheduled to occur shall be
11 held on the date of the presidential preferential primary election,
12 preferential primary election, general primary election, or general election.

13 (2)(A)(i) If a special election is held
14 on the date of the presidential preferential primary election, preferential
15 primary election, or general primary election, the issue or issues to be
16 voted upon at the special election shall be included on the ballot of each
17 political party.

18 (ii) However, separate
19 ballots containing only the issue or issues to be voted upon at the special
20 election shall be prepared and made available to voters requesting a separate
21 ballot.

22 (B) No voter shall be required to
23 vote in a political party's presidential preferential primary, preferential
24 primary, or general primary in order to be able to vote in the special
25 election.

26 (b) Special elections scheduled to occur in a
27 month in which the second Tuesday is a legal holiday shall be held on the
28 third Tuesday of the month.

29
30 SECTION 40. Arkansas Code § 14-61-113(1), concerning special elections
31 under the City Manager Enabling Act of 1989, is amended to read as follows:

32 (1) A petition that calls for an election on one (1) particular
33 option for selecting members of the board of directors using the form of the
34 question outlined in § 14-61-115(b) shall be filed with the city clerk and
35 provided to the mayor. The city clerk shall note on the petitions the date
36 and time that they were filed. If such a petition contains the signatures of

1 electors equal in number to fifteen percent (15%) of the number of ballots
2 cast for the mayor, or if the mayor is not directly elected, for the director
3 position receiving the highest number of votes, in the last general election,
4 then the mayor shall, by proclamation, submit the question to the electors at
5 a special election, provided:

6 (A)(i) The city clerk shall verify the number of
7 signatures on the petitions within ten (10) days of the date they are filed.

8 (ii) If there are insufficient signatures on the
9 petitions, the petitioners shall not receive any extensions for the petition.

10 (iii) If, however, there are a sufficient number of
11 signatures on the petitions, but the city clerk is unable to verify the
12 required number of signatures as those of qualified electors, then the
13 petitioners will be given ten (10) days to provide a sufficient number of
14 verified signatures;

15 (B) The proclamation calling the special election shall be
16 issued within three (3) working days of the date the city clerk verifies the
17 number of signatures on the petitions;

18 (C)(i) The special election shall be held not less than
19 thirty (30) nor more than sixty (60) days after the proclamation calling the
20 election, provided that if the county board of election commissioners
21 certifies in writing that it cannot prepare the ballots because of other
22 pending elections, then the election can be held not more than seventy-five
23 (75) days after the proclamation.

24 (ii)(a) The special election shall occur on the
25 second Tuesday of any month, except as provided in subdivision (1)(C)(ii)(b)
26 of this section.

27 (b)(1)(A) Special elections held in months in
28 which a presidential preferential primary election, preferential primary
29 election, general primary election, or general election is scheduled to occur
30 shall be held on the date of the presidential preferential primary election,
31 preferential primary election, general primary election, or general election.

32 (B)(i)(a) If a special election is
33 held on the date of the presidential preferential primary election,
34 preferential primary election, or general primary election, the issue or
35 issues to be voted upon at the special election shall be included on the
36 ballot of each political party.

1 (b) However, separate
2 ballots containing only the issue or issues to be voted upon at the special
3 election shall be prepared and made available to voters requesting a separate
4 ballot.

5 (ii) No voter shall be
6 required to vote in a political party's presidential preferential primary,
7 preferential primary, or general primary in order to be able to vote in the
8 special election.

9 (2) Special elections scheduled to occur
10 in a month in which the second Tuesday is a legal holiday shall be held on
11 the third Tuesday of the month.

12
13 SECTION 41. Arkansas Code § 14-72-303 is amended to read as follows:

14 14-72-303. Submission of question to electors - Special election.

15 (a) If the county court decides that it would be advantageous to issue
16 bonds under the authority of Arkansas Constitution, Amendment 17 [repealed],
17 this section, and §§ 14-72-301, 14-72-302, and 14-72-304 - 14-72-307, it
18 shall order the submission of the question to the qualified electors of the
19 county at the next general election.

20 (b)(1) However, if no general election for county and state officers
21 will, under the law, be held within one (1) year of the making of the order,
22 then the county court may, by order entered of record, call a special
23 election in the county. This election shall be held not less than thirty (30)
24 days nor more than sixty (60) days thereafter, and the county court shall
25 name the date therefor.

26 (2)(A) The special election shall occur on the second Tuesday of
27 any month, except as provided in subdivision (b)(2)(B) of this section.

28 (B)(i)(a) Special elections held in months in which a
29 presidential preferential primary election, preferential primary election, or
30 general primary election is scheduled to occur shall be held on the date of
31 the presidential preferential primary election, preferential primary
32 election, or general primary election.

33 (b)(1)(A) If a special election is held on the
34 date of the presidential preferential primary election, preferential primary
35 election, or general primary election, the issue or issues to be voted upon
36 at the special election shall be included on the ballot of each political

1 party.

2 (B) However, separate ballots
 3 containing only the issue or issues to be voted upon at the special election
 4 shall be prepared and made available to voters requesting a separate ballot.

5 (2) No voter shall be required to vote
 6 in a political party's presidential preferential primary, preferential
 7 primary, or general primary in order to be able to vote in the special
 8 election.

9 (ii) Special elections scheduled to occur in a month
 10 in which the second Tuesday is a legal holiday shall be held on the third
 11 Tuesday of the month.

12 (c) The special election shall in all other respects be held as
 13 provided by law for the conducting of general elections. It is made the duty
 14 of the sheriff of the county, by proclamation duly made and published for the
 15 time and in the manner provided by law, to give notice of the time and place
 16 of holding the election.

17
 18 SECTION 42. Arkansas Code § 14-72-606(b), concerning special elections
 19 on the issue of revenue bonds, is amended to read as follows:

20 (b)(1) The ordinance shall set forth the form of ballot questions,
 21 which shall include a statement of the purposes for which the revenue bonds
 22 are to be issued and the proposed sources of repayment of the revenue bonds.

23 (2)(A) Notice of the election shall be given by the clerk of the
 24 county or municipality by one (1) publication in a newspaper having general
 25 circulation within the county or municipality not less than ten (10) days
 26 prior to the election.

27 (B) No other publication or posting of a notice by any
 28 other public official shall be required.

29 (3)(A) The election shall be held no earlier than thirty (30)
 30 days after the date of adoption of the ordinance in which the election is
 31 called by the legislative body.

32 (B)(i) The election shall occur on the second Tuesday of
 33 any month, except as provided in subdivision (b)(3)(B)(ii) of this section.

34 (ii)(a)(1) Elections held in months in which a
 35 presidential preferential primary election, preferential primary election,
 36 general primary election, or general election is scheduled to occur shall be

1 held on the date of the presidential preferential primary election,
2 preferential primary election, general primary election, or general election.

3 (2)(A)(i) If an election is held on the
4 date of the presidential preferential primary election, preferential primary
5 election, general primary election, or primary election, the issue or issues
6 to be voted upon at the election shall be included on the ballot of each
7 political party.

8 (ii) However, separate
9 ballots containing only the issue or issues to be voted upon at the election
10 shall be prepared and made available to voters requesting a separate ballot.

11 (B) No voter shall be required to
12 vote in a political party's presidential preferential primary, preferential
13 primary, or general primary in order to be able to vote in the election.

14 (b) Elections scheduled to occur in a month in
15 which the second Tuesday is a legal holiday shall be held on the third
16 Tuesday of the month.

17
18 *SECTION 43. Arkansas Code § 14-120-209 is amended to read as follows:*
19 *14-120-209. Date of election.*

20 (a) The election shall be held on a date to be fixed by the directors
21 of the district at a regular or special meeting duly called for that purpose.
22 However, the date of the election shall be not less than sixty (60) days nor
23 more than one hundred eighty (180) days next succeeding the date of the first
24 publication of the notice of the filing of the outline of the project with
25 the district as provided in § 14-120-206(c).

26 (b)(1) The special election shall occur on the second Tuesday of any
27 month, except as provided in subdivision (b)(2) of this section.

28 (2)(A)(i) Special elections held in months in which a
29 presidential preferential primary election, preferential primary election,
30 general primary election, or general election is scheduled to occur shall be
31 held on the date of the presidential preferential primary election,
32 preferential primary election, general primary election, or general election.

33 (ii)(a)(1) If a special election is held on the date
34 of the presidential preferential primary election, preferential primary
35 election, or general primary election, the issue or issues to be voted upon
36 at the special election shall be included on the ballot of each political

1 party.

2 (2) However, separate ballots containing
3 only the issue or issues to be voted upon at the special election shall be
4 prepared and made available to voters requesting a separate ballot.

5 (b) No voter shall be required to vote in a
6 political party's presidential preferential primary, preferential primary, or
7 general primary in order to be able to vote in the special election.

8 (B) Special elections scheduled to occur in a month in
9 which the second Tuesday is a legal holiday shall be held on the third
10 Tuesday of the month.

11
12 SECTION 44. Arkansas Code § 14-122-104 is amended to read as follows:

13 14-122-104. Filing referendum petitions - Special election.

14 (a) If petitions signed by not less than fifteen percent (15%) of the
15 qualified electors voting on the office of mayor in the city at the last
16 preceding general election shall be filed with the city clerk of the city
17 within forty-five (45) days after the enactment of the ordinance creating the
18 municipal drainage improvement district requesting that the ordinance be
19 referred to a vote of the qualified electors of the district, the petitions
20 shall be referred to the people at a special election to be called by the
21 mayor of the municipality to be held not less than ~~forty-five (45)~~ thirty
22 (30) days nor more than sixty (60) days after the filing of the petitions.

23 (b)(1) The special election shall occur on the second Tuesday of any
24 month, except as provided in subdivision (b)(2) of this section.

25 (2)(A)(i) Special elections held in months in which a
26 presidential preferential primary election, preferential primary election,
27 general primary election, or general election is scheduled to occur shall be
28 held on the date of the presidential preferential primary election,
29 preferential primary election, general primary election, or general election.

30 (ii)(a)(1) If a special election is held on the date
31 of the presidential preferential primary election, preferential primary
32 election, or general election, the issue or issues to be voted upon at the
33 special election shall be included on the ballot of each political party.

34 (2) However, separate ballots containing
35 only the issue or issues to be voted upon at the special election shall be
36 prepared and made available to voters requesting a separate ballot.

1 (b) No voter shall be required to vote in a
2 political party's presidential preferential primary, preferential primary, or
3 general primary in order to be able to vote in the special election.

4 (B) Special elections scheduled to occur in a month in
5 which the second Tuesday is a legal holiday shall be held on the third
6 Tuesday of the month.

7
8 SECTION 45. Arkansas Code § 14-142-208(b), concerning elections on the
9 issue of the issuance of bonds, is amended to read as follows:

10 (b)(1) Except as otherwise provided in this subchapter, the election
11 shall be held and conducted in the same manner as a special or general
12 election under the election laws of the state.

13 (2) The ordinance or order shall set forth the form of the
14 ballot question or questions in the form prescribed by Arkansas Constitution,
15 Amendment 30 or Amendment 38, as amended by Arkansas Constitution, Amendment
16 72.

17 (3) Notice of the election shall be given by the clerk of the
18 issuer by one (1) publication in a newspaper having general circulation
19 within the municipality or county not less than ten (10) days prior to the
20 election. No other publication or posting of a notice by any other public
21 official shall be required.

22 (4)(A) The election shall be held no earlier than thirty (30)
23 days after the date of adoption of the ordinance or entry of the order in
24 which the election is called.

25 (B)(i) The election shall occur on the second Tuesday of
26 any month, except as provided in subdivision (b)(4)(B)(ii) of this section.

27 (ii)(a)(1) Elections held in months in which a
28 presidential preferential primary election, preferential primary election,
29 general primary election, or general election is scheduled to occur shall be
30 held on the date of the presidential preferential primary election,
31 preferential primary election, general primary election, or general election.

32 (2)(A)(i) If an election is held on the
33 date of the presidential preferential primary election, preferential primary
34 election, or general primary election, the issue or issues to be voted upon
35 at the election shall be included on the ballot of each political party.

36 (ii) However, separate

1 ballots containing only the issue or issues to be voted upon at the election
2 shall be prepared and made available to voters requesting a separate ballot.

3 (B) No voter shall be required to
4 vote in political party's presidential preferential primary, preferential
5 primary, or general primary in order to be able to vote in the election.

6 (b) Elections scheduled to occur in a month in
7 which the second Tuesday is a legal holiday shall be held on the third
8 Tuesday of the month.

9
10 SECTION 46. Arkansas Code § 14-163-207(d), concerning special
11 elections on the issue of tax levies, is amended to read as follows:

12 (d)(1) At the time, date, and place specified in the notice, the
13 governing body of the city shall hold the hearing and shall determine and
14 make a finding as to whether or not the petition is signed by at least ten
15 percent (10%) of the owners of real property in the city.

16 (2)(A)(i) If the governing body finds that the petition is
17 signed by the requisite owners of real property, it shall adopt an ordinance
18 setting forth its finding and calling a special election to be held in the
19 city on the date specified in the ordinance, which shall not occur earlier
20 than thirty (30) days after the passage of the ordinance.

21 (ii) The ordinance shall be published one (1) time.

22 (iii)(a) The special election shall occur on the
23 second Tuesday of any month, except as provided in subdivision
24 (d)(2)(A)(iii)(b) of this section.

25 (b)(1)(A) Special elections held in months in
26 which a presidential preferential primary election, preferential primary
27 election, general primary election, or general election is scheduled to occur
28 shall be held on the date of the presidential preferential primary election,
29 preferential primary election, general primary election, or general election.

30 (B)(i)(a) If a special election is
31 held on the date of the presidential preferential primary election,
32 preferential primary election, or general primary election, the issue or
33 issues to be voted upon at the special election shall be included on the
34 ballot of each political party.

35 (b) However, separate
36 ballots containing only the issue or issues to be voted upon at the special

1 election shall be prepared and made available to voters requesting a separate
2 ballot.

3 (ii) No voter shall be
4 required to vote in a political party's presidential preferential primary,
5 preferential primary, or general primary in order to be able to vote in the
6 special election.

7 (2) Special elections scheduled to occur
8 in a month in which the second Tuesday is a legal holiday shall be held on
9 the third Tuesday of the month.

10 (B) The finding that the petition is sufficient shall be
11 conclusive unless attacked in the courts within thirty (30) days after the
12 date of publication of the ordinance.

13 (C)(i) The ordinance shall contain at least the
14 information set forth in this section as required information to be included
15 in the petition.

16 (ii) In addition, the ordinance shall specify the
17 form of the ballot to be submitted to the electors.

18
19 SECTION 47. Arkansas Code § 14-164-309(e), concerning special election
20 on the issue of bond issuance, is amended to read as follows:

21 (e)(1) The election shall be held no earlier than thirty (30) days
22 after the date of adoption of the ordinance in which the election is called
23 by the legislative body.

24 (2)(A) The election shall occur on the second Tuesday of any
25 month, except as provided in subdivision (e)(2)(B) of this section.

26 (B)(i)(a) Elections held in months in which a presidential
27 preferential primary election, preferential primary election, general primary
28 election, or general election is scheduled to occur shall be held on the date
29 of the presidential preferential primary election, preferential primary
30 election, general primary election, or general election.

31 (b)(1)(A) If an election is held on the date
32 of the presidential preferential primary election, preferential primary
33 election, or general primary election, the issue or issues to be voted upon
34 at the election shall be included on the ballot of each political party.

35 (B) However, separate ballots
36 containing only the issue or issues to be voted upon at the election shall be

1 prepared and made available to voters requesting a separate ballot.

2 (2) No voter shall be required to vote
3 in a political party's presidential preferential primary, preferential
4 primary, or general primary in order to be able to vote in the election.

5 (ii) Elections scheduled to occur in a month in
6 which the second Tuesday is a legal holiday shall be held on the third
7 Tuesday of the month.

8
9 SECTION 48. Arkansas Code § 14-174-103(a), concerning special
10 elections regarding the levy, increase, decrease, or repeal of taxes by local
11 governments, is amended to read as follows:

12 (a)(1) In addition to all other authority of local governments to levy
13 taxes provided by law, any county, acting through its quorum court, or any
14 municipality, acting through its governing body, may levy any tax. However,
15 no ordinance levying any tax authorized by this subchapter shall be valid
16 until adopted at a special or general election by qualified electors of the
17 city or in the county where the tax is to be imposed, as the case may be. An
18 election will also be required to increase, decrease, or repeal a tax levied
19 pursuant to this subchapter.

20 (2)(A) A special election held under this section shall occur on
21 the second Tuesday of any month, except as provided in subdivision (a)(2)(B)
22 of this section.

23 (B)(i)(a) Special elections held in months in which a
24 presidential preferential primary election, preferential primary election,
25 general primary election, or general election is scheduled to occur shall be
26 held on the date of the presidential preferential primary election,
27 preferential primary election, general primary election, or general election.

28 (b)(1)(A) If a special election is held on the
29 date of the presidential preferential primary election, preferential primary
30 election, or general primary election, the issue or issues to be voted upon
31 at the special election shall be included on the ballot of each political
32 party.

33 (B) However, separate ballots
34 containing only the issue or issues to be voted upon at the special election
35 shall be prepared and made available to voters requesting a separate ballot.

36 (2) No voter shall be required to vote

1 in a political party's presidential preferential primary, preferential
2 primary, or general primary in order to be able to vote in the special
3 election.

4 (ii) Special elections scheduled to occur in a month
5 in which the second Tuesday is a legal holiday shall be held on the third
6 Tuesday of the month.

7
8 SECTION 49. Arkansas Code § 14-200-107 is amended to read as follows:
9 14-200-107. Election to authorize purchase by municipality.

10 (a) Any municipality may determine to acquire the property of a public
11 utility as authorized under the provisions of this act by the vote of the
12 municipal council or city commission, taken after a public hearing, of which
13 at least thirty (30) days' notice has been given, and ratified and confirmed
14 by a majority of the electors voting thereon at any general or special
15 municipal election held not less than thirty (30) days after a passage of the
16 vote of the municipal council or city commissioners.

17 (b)(1) A special election held under this section shall occur on the
18 second Tuesday of any month, except as provided in subdivision (b)(2) of this
19 section.

20 (2)(A)(i) Special elections held in months in which a
21 presidential preferential primary election, preferential primary election,
22 general primary election, or general election is scheduled to occur shall be
23 held on the date of the presidential preferential primary election,
24 preferential primary election, general primary election, or general election.

25 (ii)(a)(1) If a special election is held on the date
26 of the presidential preferential primary election, preferential primary
27 election, or general primary election, the issue or issues to be voted upon
28 at the special election shall be included on the ballot of each political
29 party.

30 (2) However, separate ballots containing
31 only the issue or issues to be voted upon at the special election shall be
32 prepared and made available to voters requesting a separate ballot.

33 (b) No voter shall be required to vote in a
34 political party's presidential preferential primary, preferential primary, or
35 general primary in order to be able to vote in the special election.

36 (B) Special elections scheduled to occur in a month in

1 which the second Tuesday is a legal holiday shall be held on the third
2 Tuesday of the month.

3
4 SECTION 50. Arkansas Code § 14-201-109(b), concerning special
5 elections on the issue of abolition of a utility commission, is amended to
6 read as follows:

7 (b)(1) If twenty-five percent (25%) of the electors of the city
8 petition the city council to do so, a special election shall be ordered not
9 later than fourteen (14) days from the date on which the petition was filed
10 to be held within ~~thirty (30)~~ sixty (60) days after such order on the
11 question whether the utility commission shall be abolished or continued. ~~If~~
12 ~~the petition permits, the question may be submitted at a general election.~~

13 (2)(A) The special election shall occur on the second Tuesday of
14 any month, except as provided in subdivision (b)(2)(B) of this section.

15 (B)(i)(a) Special elections held in months in which a
16 presidential preferential primary election, preferential primary election,
17 general primary election, or general election is scheduled to occur shall be
18 held on the date of the presidential preferential primary election,
19 preferential primary election, general primary election, or general election.

20 (b)(1)(A) If a special election is held on the
21 date of the presidential preferential primary election, preferential primary
22 election, or general primary election, the issue or issues to be voted upon
23 at the special election shall be included on the ballot of each political
24 party.

25 (B) However, separate ballots
26 containing only the issue or issues to be voted upon at the special election
27 shall be prepared and made available to voters requesting a separate ballot.

28 (2) No voter shall be required to vote
29 in a political party's presidential preferential primary, preferential
30 primary, or general primary in order to be able to vote in the special
31 election.

32 (ii) Special elections scheduled to occur in a month
33 in which the second Tuesday is a legal holiday shall be held on the third
34 Tuesday of the month.

35 (3) A majority vote of the electorate shall determine the
36 question.

1
2 SECTION 51. Arkansas Code § 14-206-103(a), concerning special
3 elections on the issue of the acquisition of the property of a gas or
4 electric public utility, is amended to read as follows:

5 (a)(1) Any municipality may determine to seek approval from the
6 commission to acquire the property of a gas or electric public utility as
7 authorized under the provisions of this chapter by the vote of the municipal
8 council, city commission, or governing body, taken after a public hearing, of
9 which at least thirty (30) days' notice has been given by publication in
10 newspapers having a general circulation within the municipality. This vote
11 shall have been ratified and confirmed by a majority of the electors voting
12 thereon at any general or special election held not less than thirty (30)
13 days after a passage of the vote of the municipal council or city
14 commissioners.

15 (2)(A) A special election held under this section shall occur on
16 the second Tuesday of any month, except as provided in subdivision (a)(2)(B)
17 of this section.

18 (B)(i)(a) Special elections held in months in which a
19 presidential preferential primary election, preferential primary election,
20 general primary election, or general election is scheduled to occur shall be
21 held on the date of the presidential preferential primary election,
22 preferential primary election, general primary election, or general election.

23 (b)(1)(A) If a special election is held on the
24 date of the presidential preferential primary election, preferential primary
25 election, or general primary election, the issue or issues to be voted upon
26 at the special election shall be included on the ballot of each political
27 party.

28 (B) However, separate ballots
29 containing only the issue or issues to be voted upon at the special election
30 shall be prepared and made available to voters requesting a separate ballot.

31 (2) No voter shall be required to vote
32 in a political party's presidential preferential primary, preferential
33 primary, or general primary in order to be able to vote in the special
34 election.

35 (ii) Special elections scheduled to occur in a month
36 in which the second Tuesday is a legal holiday shall be held on the third

1 Tuesday of the month.

2
3 SECTION 52. Arkansas Code § 14-283-102(a), concerning special
4 elections on the issues of the establishment and financing of mosquito
5 abatement districts, is amended to read as follows:

6 (a)(1) The special election called by the county court to submit the
7 question of the establishment and financing of a mosquito abatement district
8 to the electors of the proposed district shall be held within ninety (90)
9 days after the filing of the petitions requesting the election.

10 (2)(A) The special election shall occur on the second Tuesday of
11 any month, except as provided in subdivision (a)(2)(B) of this section.

12 (B)(i)(a) Special elections held in months in which a
13 presidential preferential primary election, preferential primary election,
14 general primary election, or general election is scheduled to occur shall be
15 held on the date of the presidential preferential primary election,
16 preferential primary election, general primary election, or general election.

17 (b)(1)(A) If a special election is held on the
18 date of the presidential preferential primary election, preferential primary
19 election, or general primary election, the issue or issues to be voted upon
20 at the special election shall be included on the ballot of each political
21 party.

22 (B) However, separate ballots
23 containing only the issue or issues to be voted upon at the special election
24 shall be prepared and made available to voters requesting a separate ballot.

25 (2) No voter shall be required to vote
26 in a political party's presidential preferential primary, preferential
27 primary, or general primary in order to be able to vote in the special
28 election.

29 (ii) Special elections scheduled to occur in a month
30 in which the second Tuesday is a legal holiday shall be held on the third
31 Tuesday of the month.

32
33 SECTION 53. Arkansas Code § 14-284-205(b), concerning special
34 elections on the issue of fire protection districts, is amended to read as
35 follows:

36 (b)(1) The county court, or county courts if the proposed fire

1 protection district is located in more than one county, shall call a special
2 election to submit the question of the establishment and financing of a fire
3 protection district to the electors of a proposed district.

4 (2)(A) The special election shall be held within ninety (90)
5 days after the filing of the petitions requesting the election.

6 (B)(i) The special election shall occur on the second
7 Tuesday of any month, except as provided in subdivision (b)(2)(B)(ii) of this
8 section.

9 (ii)(a)(1) Special elections held in months in which
10 a presidential preferential primary election, preferential primary election,
11 general primary election, or general election is scheduled to occur shall be
12 held on the date of the presidential preferential primary election,
13 preferential primary election, general primary election, or general election.

14 (2)(A)(i) If a special election is held
15 on the date of the presidential preferential primary election, preferential
16 primary election, or general primary election, the issue or issues to be
17 voted upon at the special election shall be included on the ballot of each
18 political party.

19 (ii) However, separate
20 ballots containing only the issue or issues to be voted upon at the special
21 election shall be prepared and made available to voters requesting a separate
22 ballot.

23 (B) No voter shall be required to
24 vote in a political party's presidential preferential primary, preferential
25 primary, or general primary in order to be able to vote in the special
26 election.

27 (b) Special elections scheduled to occur in a
28 month in which the second Tuesday is a legal holiday shall be held on the
29 third Tuesday of the month.

30 (3) If the proposed fire protection district is located within
31 more than one (1) county, the county courts shall set the date of the
32 election on the same date and set the places of the election within the
33 proposed fire protection district boundaries.

34 (4) At the election, the question of establishing and financing
35 the district shall be placed on the ballot in substantially the following
36 form:

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"FOR the establishment of a fire protection district in
 (county), (designated area), and the levy of assessed
 benefits on real property in the district to finance the district[]
 AGAINST the establishment of a fire protection district in
 (county), (designated area), and the levy of assessed
 benefits on real property in the district to finance the district[]"

SECTION 54. Arkansas Code § 14-284-208(f), concerning special
 elections on the issue of removal of members of the Board of Commissioners in
 fire protection districts, is amended to read as follows:

- (f)(1) If the district includes territory from more than one (1)
 county, the board of commissioners shall be composed of seven (7) members:
- (2) The members of the board of commissioners of multicounty
 fire protection districts formed after July 3, 1995, under this subchapter,
 shall be residents of the fire protection district and elected at a public
 meeting as agreed upon by the county courts in order to establish the time of
 the meeting and the place of the meeting being within the district. The
 commissioners shall be elected by the qualified electors residing within the
 district.
- (3) The members of the board of commissioners shall serve
 staggered terms.
- (4) Vacancies occurring on the board due to resignation,
 removal, or otherwise shall be filled by the remaining board members for the
 unexpired term.
- (5)(A)(i) Members of the board may be removed by a special
 election to be held within ninety (90) days after the presentation of a
 special election removal petition signed by ten percent (10%) of the assessed
 landowners or the assessed per-parcel owners, with the removal of the board
 member to be determined by the majority votes of the votes cast in person by
 the assessed landowners or the assessed per-parcel property owners.
- (ii) Each assessed landowner or assessed parcel
 property owner shall have one (1) vote per paid assessment.

1 (B)(i) The election for the removal of board members shall
2 be held at a designated location within the fire protection district.

3 (ii)(a) The election shall occur on the second
4 Tuesday of any month, except as provided in subdivision (f)(5)(B)(ii)(b) of
5 this section.

6 (b)(1)(A) Elections held in months in which a
7 presidential preferential primary election, preferential primary election,
8 general primary election, or general election is scheduled to occur shall be
9 held on the date of the presidential preferential primary election,
10 preferential primary election, general primary election, or general election.

11 (B)(i)(a) If an election is held
12 on the date of the presidential preferential primary election, preferential
13 primary election, or general primary election, the issue or issues to be
14 voted upon at the election shall be included on the ballot of each political
15 party.

16 (b) However, separate
17 ballots containing only the issue or issues to be voted upon at the election
18 shall be prepared and made available to voters requesting a separate ballot.

19 (ii) No voter shall be
20 required to vote in a political party's presidential preferential primary,
21 preferential primary, or general primary in order to be able to vote in the
22 election.

23 (2) Elections scheduled to occur in a
24 month in which the second Tuesday is a legal holiday shall be held on the
25 third Tuesday of the month.

26
27 SECTION 55. Arkansas Code § 14-284-224(b), concerning special
28 elections on the issue of annexation of territory to an existing fire
29 protection district, is amended to read as follows:

30 (b)(1)(A) The special election called by the quorum court to submit
31 the question of the annexation and financing of the fire protection district
32 to the electors of the district and the area to be annexed shall be held
33 within ninety (90) days after the quorum court received notification from the
34 board of commissioners.

35 (B)(i) The special election shall occur on the second
36 Tuesday of any month, except as provided in subdivision (b)(1)(B)(ii) of this

1 section.

2 (ii)(a)(1) Special elections held in months in which
3 a presidential preferential primary election, preferential primary election,
4 general primary election, or general election is scheduled to occur shall be
5 held on the date of the presidential preferential primary election,
6 preferential primary election, general primary election, or general election.

7 (2)(A)(i) If a special election is held
8 on the date of the presidential preferential primary election, preferential
9 primary election, or general primary election, the issue or issues to be
10 voted upon at the special election shall be included on the ballot of each
11 political party.

12 (ii) However, separate
13 ballots containing only the issue or issues to be voted upon at the special
14 election shall be prepared and made available to voters requesting a separate
15 ballot.

16 (B) No voter shall be required to
17 vote in a political party's presidential preferential primary, preferential
18 primary, or general primary in order to be able to vote in the special
19 election.

20 (b) Special elections scheduled to occur in a
21 month in which the second Tuesday is a legal holiday shall be held on the
22 third Tuesday of the month.

23 (2) At the election, the question of annexing the area to the
24 district and the financing of the district shall be placed on the ballot in
25 substantially the following form:

26 "FOR the annexation of. (description of area to be
27 annexed), and the levy of assessed benefits on real property within the area
28 to be annexed to help finance the district []

29 AGAINST the annexation of. (description of area to be annexed),
30 and the levy of assessed benefits on real property within the area to be
31 annexed to help finance the district []"

32

33 SECTION 56. Arkansas Code § 14-286-103(a), concerning special
34 elections on the issue of red imported fire ant abatement districts, is
35 amended to read as follows:

36 (a)(1) The special election called by the county court to submit the

1 question of the establishment and financing of a red imported fire ant
 2 abatement district to the electors of the proposed district shall be held
 3 within ninety (90) days after the petitions requesting the election have been
 4 filed with the county court.

5 (2)(A) The special election shall occur on the second Tuesday of
 6 any month, except as provided in subdivision (a)(2)(B) of this section.

7 (B)(i)(a) Special elections held in months in which a
 8 presidential preferential primary election, preferential primary election,
 9 general primary election, or general election is scheduled to occur shall be
 10 held on the date of the presidential preferential primary election,
 11 preferential primary election, general primary election, or general election.

12 (b)(1)(A) If a special election is held on the
 13 date of presidential preferential primary election, preferential primary
 14 election, or general primary election, the issue or issues to be voted upon
 15 at the special election shall be included on the ballot of each political
 16 party.

17 (B) However, separate ballots
 18 containing only the issue or issues to be voted upon at the special election
 19 shall be prepared and made available to voters requesting a separate ballot.

20 (2) No voter shall be required to vote
 21 in a political party's presidential preferential primary, preferential
 22 primary, or general primary in order to be able to vote in the special
 23 election.

24 (ii) Special elections scheduled to occur in a month
 25 in which the second Tuesday is a legal holiday shall be held on the third
 26 Tuesday of the month.

27
 28 SECTION 57. Arkansas Code § 14-387-301 is amended to read as follows:
 29 14-387-301. Order for election.

30 (a) Whenever twenty-five percent (25%) of the qualified electors of
 31 three (3) or more townships in any county in this state, as shown by the
 32 election returns for Governor at the last general election preceding the date
 33 of the petition, shall petition the county court for the privilege of voting
 34 on the question of restraining horses, mules, asses, cattle, goats, swine,
 35 and sheep, or any two (2) or more of these animals, or the male species of
 36 them, from running at large, the court shall make an order for an election in

1 the townships, to be held at any general or special election for state or
2 county officers.

3 (b) If petitioners shall file with their petition proper bond to be
4 approved by the court conditioned to pay all the cost and expense of a
5 special election, the court may call an election at any time upon the filing
6 of the petition by giving notice of it as provided by law for general
7 elections, if the petition shall contain twenty-five percent (25%) of the
8 qualified electors residing within each township mentioned in the petition.

9 (c)(1) Any special election held under this section shall occur on the
10 second Tuesday of any month, except as provided in subdivision (c)(2) of this
11 section.

12 (2)(A)(i) Special elections held in months in which a
13 presidential preferential primary election, preferential primary election,
14 general primary election, or general election is scheduled to occur shall be
15 held on the date of the presidential preferential primary election,
16 preferential primary election, general primary election, or general election.

17 (ii)(a)(1) If a special election is held on the date
18 of the presidential preferential primary election, preferential primary
19 election, or general primary election, the issue or issues to be voted upon
20 at the special election shall be included on the ballot of each political
21 party.

22 (2) However, separate ballots containing
23 only the issue or issues to be voted upon at the special election shall be
24 prepared and made available to voters requesting a separate ballot.

25 (b) No voter shall be required to vote in a
26 political party's presidential preferential primary, preferential primary, or
27 general primary in order to be able to vote in the special election.

28 (B) Special elections scheduled to occur in a month in
29 which the second Tuesday is a legal holiday shall be held on the third
30 Tuesday of the month.

31
32 SECTION 58. Arkansas Code § 15-4-3020(b), concerning special elections
33 on the issue of certain general obligation improvement bonds, is amended to
34 read as follows:

35 (b)(1) The proclamation shall be issued at least sixty (60) calendar
36 days prior to the date fixed by the proclamation for the election, and notice

1 of the special election shall be given by publication of the proclamation by
 2 one (1) insertion in one (1) newspaper of general circulation published in
 3 each county in the state not less than thirty (30) calendar days prior to the
 4 date of the election.

5 (2)(A) The special election shall occur on the second Tuesday of
 6 any month, except as provided in subdivision (b)(2)(B) of this section.

7 (B)(i)(a) Special elections held in months in which a
 8 presidential preferential primary election, preferential primary election,
 9 general primary election, or general election is scheduled to occur shall be
 10 held on the date of the presidential preferential primary election,
 11 preferential primary election, general primary election, or general election.

12 (b)(1)(A) If a special election is held on the
 13 date of the presidential preferential primary election, preferential primary
 14 election, or general primary election, the issue or issues to be voted upon
 15 at the special election shall be included on the ballot of each political
 16 party.

17 (B) However, separate ballots
 18 containing only the issue or issues to be voted upon at the special election
 19 shall be prepared and made available to voters requesting a separate ballot.

20 (2) No voter shall be required to vote
 21 in a political party's presidential preferential primary, preferential
 22 primary, or general primary in order to be able to vote in the special
 23 election.

24 (ii) Special elections scheduled to occur in a month
 25 in which the second Tuesday is a legal holiday shall be held on the third
 26 Tuesday of the month.

27
 28 SECTION 59. Arkansas Code § 15-43-204 is amended to read as follows:
 29 15-43-204. Local election to redetermine doe killing area.

30 (a)(1) Whenever fifty (50) or more qualified electors residing within
 31 an area wholly or partly located within their particular county, which has
 32 been designated by regulation of the Arkansas State Game and Fish Commission
 33 as a doe killing area, shall petition the appropriate county court, praying
 34 that an election be held to determine whether or not such area or portion
 35 thereof should remain a doe killing area, the county court shall order a
 36 special election to be held not more than thirty (30) days after the date of

1 filing of the petition.

2 (2)(A) The special election shall occur on the second Tuesday of
3 any month, except as provided in subdivision (a)(2)(B) of this section.

4 (B)(i)(a) Special elections held in months in which a
5 presidential preferential primary election, preferential primary election,
6 general primary election, or general election is scheduled to occur shall be
7 held on the date of the presidential preferential primary election,
8 preferential primary election, general primary election, or general election.

9 (b)(1)(A) If a special election is held on the
10 date of the presidential preferential primary election, preferential primary
11 election, or general primary election, the issue or issues to be voted upon
12 at the special election shall be included on the ballot of each political
13 party.

14 (B) However, separate ballots
15 containing only the issue or issues to be voted upon at the special election
16 shall be prepared and made available to voters requesting a separate ballot.

17 (2) No voter shall be required to vote
18 in a political party's presidential preferential primary, preferential
19 primary, or general primary in order to be able to vote in the special
20 election.

21 (ii) Special elections scheduled to occur in a month
22 in which the second Tuesday is a legal holiday shall be held on the third
23 Tuesday of the month.

24 (3) Notice of the election shall be given in a newspaper of
25 general circulation within the county, not less than fifteen (15) days prior
26 to the election.

27 (4) Only those qualified electors residing within the affected
28 area or portion thereof, which is located within the county where the
29 election is held, may vote in the election.

30 (5) Except as provided in this section, the election shall be
31 held in conformity with the general election laws of this state.

32 (b) At the election it shall not be necessary to have a ballot title,
33 but there shall be printed on the ballot the following:

34

35 "FOR ARKANSAS GAME AND FISH COMMISSION REGULATION PERMITTING THE KILLING
36 OF DOES IN []

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(describe area affected)

AGAINST ARKANSAS GAME AND FISH COMMISSION REGULATION PERMITTING THE
KILLING OF DOES IN []

(describe area affected)"

(c)(1) If a majority of the qualified electors voting at the election
vote for the commission regulation, the area or portion thereof within the
county shall remain a doe killing area in accordance with the regulation.

(2) If a majority of the qualified electors voting at the
election vote against the commission regulation, the regulation shall no
longer have any force or effect with respect to the area or portion thereof
located within the county wherein the election was held, and the killing of
doe deer therein shall be unlawful.

SECTION 60. Arkansas Code § 23-110-306(b), concerning special
elections on the issue of horse racing, is amended to read as follows:

(b)(1)(A) The date of the special election shall be fixed by the board
on a day not less than thirty (30) days nor more than ninety (90) days
following the date of the filing of the petitions. The deposit of the funds,
and the election, shall be conducted and shall be subject to contest under
the general election laws of this state.

(B)(i) The special election shall occur on the second
Tuesday of any month, except as provided in subdivision (b)(1)(B)(ii) of this
section.

(ii)(a)(1) Special elections held in months in which
a presidential preferential primary election, preferential primary election,
general primary election, or general election is scheduled to occur shall be
held on the date of the presidential preferential primary election,
preferential primary election, general primary election, or residential
preferential primary election, preferential primary election, or general
election.

(2)(A)(i) If a special election is held
on the date of the presidential preferential primary election, preferential
primary election, or general primary election, the issue or issues to be

1 voted upon at the special election shall be included on the ballot of each
2 political party.

3 (ii) However, separate
4 ballots containing only the issue or issues to be voted upon at the special
5 election shall be prepared and made available to voters requesting a separate
6 ballot.

7 (B) No voter shall be required to vote in a
8 political party's presidential preferential primary, preferential primary, or
9 general primary in order to be able to vote in the special election.

10 (b) Special elections scheduled to occur in a
11 month in which the second Tuesday is a legal holiday shall be held on the
12 third Tuesday of the month.

13 (2) The proposition printed on the ballot shall be "FOR Horse
14 Racing" and "AGAINST Horse Racing".

15 (3) By published notice, the board shall proclaim the results of
16 the election and shall also certify the results to the commission.

17 (4) All contests in relation to the results of the election
18 shall be commenced within twenty (20) days next following the date of
19 publication of notice as given pursuant to this subsection.

20
21 SECTION 61. Arkansas Code § 23-111-306(b), concerning special
22 elections on the issue of greyhound racing, is amended to read as follows:

23 (b)(1)(A) The date of the special election shall be fixed by the board
24 on a day not less than thirty (30) days nor more than ninety (90) days
25 following the date of the filing of the petitions. The deposit of the funds
26 as provided in subsection (a) of this section, and the election, shall be
27 conducted and shall be subject to contest under the general election laws of
28 this state.

29 (B)(i) The special election shall occur on the second
30 Tuesday of any month, except as provided in subdivision (b)(1)(B)(ii) of this
31 section.

32 (ii)(a)(1) Special elections held in months in which
33 a presidential preferential primary election, preferential primary election,
34 general primary election, or general election is scheduled to occur shall be
35 held on the date of the presidential preferential primary election,
36 preferential primary election, general primary election, or general election.

1 (2)(A)(i) If a special election is held
2 on the date of the presidential preferential primary election, preferential
3 primary election, or general primary election, the issue or issues to be
4 voted upon at the special election shall be included on the ballot of each
5 political party.

6 (ii) However, separate
7 ballots containing only the issue or issues to be voted upon at the special
8 election shall be prepared and made available to voters requesting a separate
9 ballot.

10 (B) No voter shall be required to
11 vote in a political party's presidential preferential primary, preferential
12 primary, or general primary in order to be able to vote in the special
13 election.

14 (b) Special elections scheduled to occur in a
15 month in which the second Tuesday is a legal holiday shall be held on the
16 third Tuesday of the month.

17 (2) The proposition printed on the ballot shall be "FOR
18 Greyhound Racing" and "AGAINST Greyhound Racing".

19 (3) By published notice, the board shall proclaim the results of
20 the election and shall also certify the results to the Arkansas Racing
21 Commission.

22 (4) All contests in relation to the results of the election
23 shall be commenced within twenty (20) days next following the date of
24 publication of notice as provided in subsection (a) of this section.

25
26 SECTION 62. Arkansas Code § 24-11-402(b), concerning elections
27 regarding police officer's pensions, is amended to read as follows:

28 (b)(1) The election may be held in connection with the first general
29 city election following the passage and approval of this subchapter, but the
30 failure to submit at that city or other election shall not defeat the right
31 of submission at any subsequent election.

32 (2)(A) Any special election held under this section shall occur
33 on the second Tuesday of any month, except as provided in subdivision
34 (b)(2)(B) of this section.

35 (B)(i)(a) Special elections held in months in which a
36 presidential preferential primary election, preferential primary election,

1 general primary election, or general election is scheduled to occur shall be
2 held on the date of the presidential preferential primary election,
3 preferential primary election, general primary election, or general election.

4 (b)(1)(A) If a special election is held on the
5 date of the presidential preferential primary election, preferential primary
6 election, or general primary election, the issue or issues to be voted upon
7 at the special election shall be included on the ballot of each political
8 party.

9 (B) However, separate ballots
10 containing only the issue or issues to be voted upon at the special election
11 shall be prepared and made available to voters requesting a separate ballot.

12 (2) No voter shall be required to vote
13 in a political party's presidential preferential primary, preferential
14 primary, or general primary in order to be able to vote in the special
15 election.

16 (ii) Special elections scheduled to occur in a month
17 in which the second Tuesday is a legal holiday shall be held on the third
18 Tuesday of the month.

19
20 SECTION 63. Arkansas Code § 24-11-404(d), concerning votes on tax
21 levies for pensions in cities of first and second class, is amended to read
22 as follows:

23 (d)(1) A vote on the question of the tax provided for in this section
24 shall be had in the same manner that the Constitution and laws of this state
25 provide for the initiation of measures in municipalities.

26 (2)(A) Any special election held under this section shall occur
27 on the second Tuesday of any month, except as provided in subdivision
28 (d)(2)(B) of this section.

29 (B)(i)(a) Special elections held in months in which a
30 presidential preferential primary election, preferential primary election,
31 general primary election, or general election is scheduled to occur shall be
32 held on the date of the presidential preferential primary election,
33 preferential primary election, general primary election, or general election.

34 (b)(1)(A) If a special election is held on the
35 date of the presidential preferential primary election, preferential primary
36 election, or general primary election, the issue or issues to be voted upon

1 at the special election shall be included on the ballot of each political
2 party.

3 (B) However, separate ballots
4 containing only the issue or issues to be voted upon at the special election
5 shall be prepared and made available to voters requesting a separate ballot.

6 (2) No voter shall be required to vote
7 in a political party's presidential preferential primary, preferential
8 primary, or general primary in order to be able to vote in the special
9 election.

10 (ii) Special elections scheduled to occur in a month
11 in which the second Tuesday is a legal holiday shall be held on the third
12 Tuesday of the month.

13
14 SECTION 64. Arkansas Code § 24-11-812(d), concerning votes regarding
15 firefighter's pensions, is amended to read as follows:

16 (d)(1) A vote on the question of the tax provided for in this section
17 shall be had in the same manner that the Constitution and laws of this state
18 provide for the initiation of measures in municipalities.

19 (2)(A) Any special election held under this section shall occur
20 on the second Tuesday of any month, except as provided in subdivision
21 (d)(2)(B) of this section.

22 (B)(i)(a) Special elections held in months in which a
23 presidential preferential primary election, preferential primary election,
24 general primary election, or general election is scheduled to occur shall be
25 held on the date of the presidential preferential primary election,
26 preferential primary election, general primary election, or general election.

27 (b)(1)(A) If a special election is held on the
28 date of the presidential preferential primary election, preferential primary
29 election, or general primary election, the issue or issues to be voted upon
30 at the special election shall be included on the ballot of each political
31 party.

32 (B) However, separate ballots
33 containing only the issue or issues to be voted upon at the special election
34 shall be prepared and made available to voters requesting a separate ballot.

35 (2) No voter shall be required to vote
36 in a political party's presidential preferential primary, preferential

1 primary, or general primary in order to be able to vote in the special
2 election.

3 (ii) Special elections scheduled to occur in a month
4 in which the second Tuesday is a legal holiday shall be held on the third
5 Tuesday of the month.

6
7 SECTION 65. Arkansas Code § 24-12-103(d), concerning elections on the
8 issue on paid nonuniformed employee's pensions, is amended to read as
9 follows:

10 (d)(1) In the event the question shall not, for any reason, be voted
11 upon at the next general city election after the passage and approval of this
12 act, the question may be submitted at any other general or special election
13 held in the city as provided in this section.

14 (2)(A) The election shall occur on the second Tuesday of any
15 month, except as provided in subdivision (d)(2)(B) of this section.

16 (B)(i)(a) Elections held in months in which a presidential
17 preferential primary election, preferential primary election, general primary
18 election, or general election is scheduled to occur shall be held on the date
19 of the presidential preferential primary election, preferential primary
20 election, general primary election, or general election.

21 (b)(1)(A) If an election is held on the date
22 of the presidential preferential primary election, preferential primary
23 election, or general primary election, the issue or issues to be voted upon
24 at the election shall be included on the ballot of each political party.

25 (B) However, separate ballots
26 containing only the issue or issues to be voted upon at the election shall be
27 prepared and made available to voters requesting a separate ballot.

28 (2) No voter shall be required to vote
29 in a political party's presidential preferential primary, preferential
30 primary, or general primary in order to be able to vote in the election.

31 (ii) Elections scheduled to occur in a month in
32 which the second Tuesday is a legal holiday shall be held on the third
33 Tuesday of the month.

34
35 SECTION 66. Arkansas Code § 26-52-605(b), concerning special elections
36 concerning sales tax levies, is amended to read as follows:

1 (b)(1) The special election shall be called not later than ninety (90)
2 days nor earlier than ~~sixty (60)~~ forty-five (45) days following the adoption
3 of the ordinance by the governing body of the city or town, or the filing of
4 petitions requesting the election.

5 (2)(A) The special election shall occur on the second Tuesday of
6 any month, except as provided in subdivision (b)(2)(B) of this section.

7 (B)(i)(a) Special elections held in months in which a
8 presidential preferential primary election, preferential primary election,
9 general primary election, or general election is scheduled to occur shall be
10 held on the date of the presidential preferential primary election,
11 preferential primary election, general primary election, or general election.

12 (b)(1)(A) If a special election is held on the
13 date of the presidential preferential primary election, preferential primary
14 election, or general primary election, the issue or issues to be voted upon
15 at the special election shall be included on the ballot of each political
16 party.

17 (B) However, separate ballots
18 containing only the issue or issues to be voted upon at the special election
19 shall be prepared and made available to voters requesting a separate ballot.

20 (2) No voter shall be required to vote
21 in a political party's presidential preferential primary, preferential
22 primary, or general primary in order to be able to vote in the special
23 election.

24 (ii) Special elections scheduled to occur in a month
25 in which the second Tuesday is a legal holiday shall be held on the third
26 Tuesday of the month.

27
28 SECTION 67. Arkansas Code § 26-73-111(c), concerning special elections
29 on the issue of special local sales and use taxes, is amended to read as
30 follows:

31 (c)(1) The special election shall be called for a date within one
32 hundred twenty (120) days from the date of the action of the governing body
33 in establishing the date of the election. ~~The date for the special election~~
34 ~~may be the same as the date for the next regular county or municipal~~
35 ~~election, if such election is to be held within the one hundred twenty-day~~
36 ~~period.~~

1 (2)(A) The special election shall occur on the second Tuesday of
2 any month, except as provided in subdivision (c)(2)(B) of this section.

3 (B)(i)(a) Special elections held in months in which a
4 presidential preferential primary election, preferential primary election,
5 general primary election, or general election is scheduled to occur shall be
6 held on the date of the presidential preferential primary election,
7 preferential primary election, general primary election, or general election.

8 (b)(1)(A) If a special election is held on the
9 date of the presidential preferential primary election, preferential primary
10 election, or general primary election, the issue or issues to be voted upon
11 at the special election shall be included on the ballot of each political
12 party.

13 (B) However, separate ballots
14 containing only the issue or issues to be voted upon at the special election
15 shall be prepared and made available to voters requesting a separate ballot.

16 (2) No voter shall be required to vote
17 in a political party's presidential preferential primary, preferential
18 primary, or general primary in order to be able to vote in the special
19 election.

20 (ii) Special elections scheduled to occur in a month
21 in which the second Tuesday is a legal holiday shall be held on the third
22 Tuesday of the month.

23
24 SECTION 68. Arkansas Code § 26-74-210(a), concerning special elections
25 on the issue of a resubmitted question of levy or repeal, is amended to read
26 as follows:

27 (a)(1) When the question of the levy or repeal of a county sales and
28 use tax is submitted to the electors and the proposition is approved or
29 defeated, the question shall not again be submitted to the electors by
30 ordinance of the quorum court of the county or by petition of electors at a
31 special or general election for a period of six (6) months from the date the
32 proposition was last voted upon.

33 (2)(A) Petitions requesting that the issue be submitted to the
34 electors of the county shall contain the signatures of at least fifteen
35 percent (15%) of the electors of the county as determined by the total number
36 of votes cast for all candidates for circuit clerk of the county at the last

1 preceding general election.

2 (B) The petitions shall be filed and verified by the
3 county clerk. If the petitions are found to be sufficient, the issue shall be
4 submitted to the electors at a special election or at the next general
5 election as may be requested by the petitions.

6 (C)(i) If the petitions request that the issue be
7 submitted at a special election, the special election shall be called for a
8 date not less than thirty (30) nor more than sixty (60) days from the date on
9 which the clerk certifies the sufficiency of the petitions to the county
10 board of election commissioners.

11 (ii)(a) The special election shall occur on the
12 second Tuesday of any month, except as provided in subdivision
13 (a)(2)(C)(ii)(b) of this section.

14 (b)(1)(A) Special elections held in months in
15 which a presidential preferential primary election, preferential primary
16 election, general primary election, or general election is scheduled to occur
17 shall be held on the date of the presidential preferential primary election,
18 preferential primary election, general primary election, or general election.

19 (B)(i)(a) If a special election is
20 held on the date of the presidential preferential primary election,
21 preferential primary election, or general primary election, the issue or
22 issues to be voted upon at the special election shall be included on the
23 ballot of each political party.

24 (b) However, separate
25 ballots containing only the issue or issues to be voted upon at the special
26 election shall be prepared and made available to voters requesting a separate
27 ballot.

28 (ii) No voter shall be
29 required to vote in a political party's presidential preferential primary,
30 preferential primary, or general primary in order to be able to vote in the
31 special election.

32 (2) Special elections scheduled to occur
33 in a month in which the second Tuesday is a legal holiday shall be held on
34 the third Tuesday of the month.

35
36 SECTION 69. Arkansas Code § 26-74-603(b), concerning special elections

1 on the issue of a countywide sales and use tax, is amended to read as
2 follows:

3 (b)(1) No ordinance shall be adopted by the quorum court of an
4 eligible county for the purpose of levying a tax under this subchapter unless
5 the quorum court shall have been requested so to do by the local board and
6 until a majority of the qualified electors of the eligible county voting on
7 the question at a general or special election shall have approved levy of the
8 tax. The election shall be called by ordinance and shall be held no earlier
9 than thirty (30) days after the adoption of the ordinance. The ballot for the
10 election shall be subject to the approval of the local board.

11 (2)(A) The election shall occur on the second Tuesday of any
12 month, except as provided in subdivision (b)(2)(B) of this section.

13 (B)(i)(a) Elections held in months in which a presidential
14 preferential primary election, preferential primary election, general primary
15 election, or general election is scheduled to occur shall be held on the date
16 of the presidential preferential primary election, preferential primary
17 election, general primary election, or general election.

18 (b)(1)(A) If an election is held on the date
19 of the presidential preferential primary election, preferential primary
20 election, or general primary election, the issue or issues to be voted upon
21 at the election shall be included on the ballot of each political party.

22 (B) However, separate ballots
23 containing only the issue or issues to be voted upon at the election shall be
24 prepared and made available to voters requesting a separate ballot.

25 (2) No voter shall be required to vote
26 in a political party's presidential preferential primary, preferential
27 primary, or general primary in order to be able to vote in the election.

28 (ii) Elections scheduled to occur in a month in
29 which the second Tuesday is a legal holiday shall be held on the third
30 Tuesday of the month.

31

32 SECTION 70. Arkansas Code § 26-75-208(a), concerning special elections
33 on the issue of local sales and use taxes for the benefit of the city, is
34 amended to read as follows:

35 (a)(1) On the date of adoption of an ordinance levying a local sales
36 and use tax for the benefit of the city, or within thirty (30) days following

1 the adoption of such ordinance, the city shall provide, by ordinance, for the
2 calling and holding of a special election on the question.

3 (2)(A) The special election shall be called for a date within
4 one hundred twenty (120) days from the date of action of the governing body
5 in establishing the date of election.

6 (B)(i) The special election shall occur on the second
7 Tuesday of any month, except as provided in subdivision (a)(2)(B)(ii) of this
8 section.

9 (ii)(a)(1) Special elections held in months in which
10 a presidential preferential primary election, preferential primary election,
11 general primary election, or general election is scheduled to occur shall be
12 held on the date of the presidential preferential primary election,
13 preferential primary election, general primary election, or general election.

14 (2)(A)(i) If a special election is held
15 on the date of the presidential preferential primary election, preferential
16 primary election, or general primary election, the issue or issues to be
17 voted upon at the special election shall be included on the ballot of each
18 political party.

19 (ii) However, separate
20 ballots containing only the issue or issues to be voted upon at the special
21 election shall be prepared and made available to voters requesting a separate
22 ballot.

23 (B) No voter shall be required to
24 vote in a political party's presidential preferential primary, preferential
25 primary, or general primary in order to be able to vote in the special
26 election.

27 (b) Special elections scheduled to occur in a
28 month in which the second Tuesday is a legal holiday shall be held on the
29 third Tuesday of the month.

30 (3) The date for the special election may be the same as the
31 date for the next regular municipal election if the election is to be held
32 within the one-hundred-twenty-day period.

33 (4) The governing body of the city shall notify the county board
34 of election commissioners that the measure has been referred to the vote of
35 the people and shall submit a copy of the ballot title to the board.

36

1 SECTION 71. Arkansas Code § 26-75-213(a), concerning special elections
2 on the issue of resubmitted city sales and use taxes, is amended to read as
3 follows:

4 (a)(1) Except as provided in § 26-75-210 and in subsection (b) of this
5 section, when the question of the levy or repeal of a city sales and use tax
6 is submitted to the electors and the proposition is approved or defeated, the
7 question shall not again be submitted to the electors by ordinance of the
8 governing body of the city or by petition of electors for a period of six (6)
9 months from the date the proposition was last voted upon.

10 (2) Petitions requesting that the issue be submitted to the
11 electors of the city shall contain the signatures of at least fifteen percent
12 (15%) of the electors of the city as determined by the total number of votes
13 cast for all candidates for mayor of the city at the last preceding general
14 election.

15 (3) The petitions shall be filed with and verified by the city
16 clerk. If the petitions are found to be sufficient, the issue shall be
17 submitted to the electors at a special election or the next general election
18 as may be requested by the petitions.

19 (4)(A) If the petitions request that the issue be submitted at a
20 special election, the special election shall be called for a date not less
21 than thirty (30) days nor more than sixty (60) days from the date on which
22 the clerk certifies the sufficiency of the petitions to the governing body of
23 the city.

24 (B)(i) The special election shall occur on the second
25 Tuesday of any month, except as provided in subdivision (a)(4)(B)(ii) of this
26 section.

27 (ii)(a)(1) Special elections held in months in which
28 a presidential preferential primary election, preferential primary election,
29 general primary election, or general election is scheduled to occur shall be
30 held on the date of the presidential preferential primary election,
31 preferential primary election, general primary election, or general election.

32 (2)(A)(i) If a special election is held
33 on the date of the presidential preferential primary election, preferential
34 primary election, or general primary election, the issue or issues to be
35 voted upon at the special election shall be included on the ballot of each
36 political party.

1 (ii) However, separate
 2 ballots containing only the issue or issues to be voted upon at the special
 3 election shall be prepared and made available to voters requesting a separate
 4 ballot.

5 (B) No voter shall be required to
 6 vote in a political party's presidential preferential primary, preferential
 7 primary, or general primary in order to be able to vote in the special
 8 election.

9 (b) Special elections scheduled to occur in a
 10 month in which the second Tuesday is a legal holiday shall be held on the
 11 third Tuesday of the month.

12
 13 SECTION 72. Arkansas Code § 26-75-308(a), concerning special elections
 14 on the issue of a sales tax for capitol improvements, is amended to read as
 15 follows:

16 (a)(1) On the date of adoption of an ordinance levying a local sales
 17 and use tax for the benefit of the city, or within thirty (30) days following
 18 the adoption of the ordinance, the city shall provide, by ordinance, for the
 19 calling and holding of a special election on the question.

20 (2)(A) The special election shall be called for a date within
 21 one hundred twenty (120) days from the date of action of the governing body
 22 in establishing the date of election.

23 ~~(B)(i) The date for the special election may be the same~~
 24 ~~as the date for the next regular municipal election if the election is to be~~
 25 ~~held within the one hundred twenty day period.~~ The special election shall
 26 occur on the second Tuesday of any month, except as provided in subdivision
 27 (a)(2)(B)(ii) of this section.

28 (ii)(a)(1) Special elections held in months in which
 29 a presidential preferential primary election, preferential primary election,
 30 general primary election, or general election is scheduled to occur shall be
 31 held on the date of the presidential preferential primary election,
 32 preferential primary election, general primary election, or general election.

33 (2)(A)(i) If a special election is held
 34 on the date of the presidential preferential primary election, preferential
 35 primary election, or general primary election, the issue or issues to be
 36 voted upon at the special election shall be included on the ballot of each

1 political party.

2 (ii) However, separate
3 ballots containing only the issue or issues to be voted upon at the special
4 election shall be prepared and made available to voters requesting a separate
5 ballot.

6 (B) No voter shall be required to
7 vote in a political party's presidential preferential primary, preferential
8 primary, or general primary in order to be able to vote in the special
9 election.

10 (b) Special elections scheduled to occur in a
11 month in which the second Tuesday is a legal holiday shall be held on the
12 third Tuesday of the month.

13 (3) The governing body of the city shall notify the county board
14 of election commissioners that the measure has been referred to the vote of
15 the people and shall submit a copy of the ballot title to the board.

16
17 SECTION 73. Arkansas Code § 26-75-404(a), concerning special elections
18 on the issue of temporary taxes for acquisition, construction, or improvement
19 of parks and effective until the contingency in Acts 2003, No. 1273, § 88 is
20 met, is amended to read as follows:

21 (a)(1) When the governing body of any city or town adopts an ordinance
22 levying a local sales and use tax as authorized in this subchapter, the
23 governing body shall provide, either in the ordinance levying the tax or in a
24 separate ordinance, for submission of the question of the levy to the
25 qualified electors of the city or town either at the next regular municipal
26 election or at a special election.

27 (2)(A) If the ordinance provides for submitting the question at
28 a special election, the election shall be called for a date not less than
29 sixty (60) nor more than ninety (90) days from the date of the adoption of
30 the ordinance calling the election.

31 (B)(i) The special election shall occur on the second
32 Tuesday of any month, except as provided in subdivision (a)(2)(B)(ii) of this
33 section.

34 (ii)(a)(1) Special elections held in months in which
35 a presidential preferential primary election, preferential primary election,
36 general primary election, or general election is scheduled to occur shall be

1 held on the date of the presidential preferential primary election,
2 preferential primary election, general primary election, or general election.

3 (2)(A)(i) If a special election is held
4 on the date of the presidential preferential primary election, preferential
5 primary election, or general primary election, the issue or issues to be
6 voted upon at the special election shall be included on the ballot of each
7 political party.

8 (ii) However, separate
9 ballots containing only the issue or issues to be voted upon at the special
10 election shall be prepared and made available to voters requesting a separate
11 ballot.

12 (B) No voter shall be required to
13 vote in a political party's presidential preferential primary, preferential
14 primary, or general primary in order to be able to vote in the special
15 election.

16 (b) Special elections scheduled to occur in a
17 month in which the second Tuesday is a legal holiday shall be held on the
18 third Tuesday of the month.

19
20 SECTION 74. Arkansas Code § 26-75-404, concerning special elections on
21 the issue of temporary taxes for acquisition, construction, or improvement of
22 parks and effective when the contingency in Acts 2003, No. 1273, § 88 is met,
23 is amended to read as follows:

24 (a)(1) When the governing body of any city or town adopts an ordinance
25 levying a local sales and use tax as authorized in this subchapter, the
26 governing body shall provide, either in the ordinance levying the tax or in a
27 separate ordinance, for submission of the question of the levy to the
28 qualified electors of the city or town either at the next regular municipal
29 election or at a special election.

30 (2)(A) If the ordinance provides for submitting the question at
31 a special election, the election shall be called for a date not less than
32 sixty (60) nor more than ninety (90) days from the date of the adoption of
33 the ordinance calling the election.

34 (B)(i) The special election shall occur on the second
35 Tuesday of any month, except as provided in subdivision (a)(2)(B)(ii) of this
36 section.

1 (ii)(a)(1) Special elections held in months in which
2 a presidential preferential primary election, preferential primary election,
3 general primary election, or general election is scheduled to occur shall be
4 held on the date of the presidential preferential primary election,
5 preferential primary election, general primary election, or general election.

6 (2)(A)(i) If a special election is held
7 on the date of the presidential preferential primary election, preferential
8 primary election, or general primary election, the issue or issues to be
9 voted upon at the special election shall be included on the ballot of each
10 political party.

11 (ii) However, separate
12 ballots containing only the issue or issues to be voted upon at the special
13 election shall be prepared and made available to voters requesting a separate
14 ballot.

15 (B) No voter shall be required to
16 vote in a political party's presidential preferential primary, preferential
17 primary, or general primary in order to be able to vote in the special
18 election.

19 (b) Special elections scheduled to occur in a
20 month in which the second Tuesday is a legal holiday shall be held on the
21 third Tuesday of the month.

22
23 SECTION 75. Arkansas Code § 26-78-103 is amended to read as follows:
24 26-78-103. Procedure for levying.

25 (a)(1) The counties of the state shall have the first opportunity to
26 levy the vehicle tax.

27 (2) Any levy by a county may be upon owners residing everywhere
28 in the county or only upon owners residing within the county but outside the
29 corporate boundaries of all municipalities in the county, that is, the county
30 tax must cover the entire county or the area outside all municipalities and
31 cannot cover some municipalities and omit others.

32 (3) This levy may be in any amount not exceeding the authorized
33 maximum.

34 (4) A municipality in a county is authorized to levy the vehicle
35 tax only if the county quorum court, by the time of adjournment of its
36 regular annual session in any calendar year, has failed to levy the vehicle

1 tax upon the owners residing within the corporate limits of the municipality
2 or if, by the time of adjournment, the court has not levied the full amount
3 of the authorized vehicle tax for the next calendar year at the regular
4 annual session or at any special session held in any calendar year prior to
5 its regular annual session in the calendar year.

6 (5) Each levy by the county quorum court or by the governing
7 body of the municipality shall be for collection during the calendar year
8 next following the year in which the levy is made and, except in the case
9 where bonds are issued as authorized, unless the levy is again made, the tax
10 shall drop at the expiration of the calendar year for which collected and
11 shall not again be collected until levied by the county quorum court by the
12 time of adjournment of the regular annual session of the county quorum court
13 or thereafter by the governing body of a municipality, as indicated.

14 (b)(1) Notwithstanding other provisions of this chapter, before the
15 vehicle tax levied by any county quorum court upon owners residing everywhere
16 in the county or only upon owners residing within the county but outside the
17 corporate boundaries of all municipalities in the county may be collected,
18 the county court shall, upon the first levy of the tax by the county quorum
19 court call a special election to be held not less than twenty (20) nor more
20 than ~~thirty (30)~~ sixty (60) days from the date of the adoption of the levy of
21 the tax by the quorum court, at which the qualified electors of the area to
22 be affected by such tax shall vote on the question of the levy of the tax.

23 (2)(A) The special election shall occur on the second Tuesday of
24 any month, except as provided in subdivision (b)(2)(B) of this section.

25 (B)(i)(a) Special elections held in months in which a
26 presidential preferential primary election, preferential primary election,
27 general primary election, or general election is scheduled to occur shall be
28 held on the date of the presidential preferential primary election,
29 preferential primary election, general primary election, or general election.

30 (b)(1)(A) If a special election is held on the
31 date of the presidential preferential primary election, preferential primary
32 election, or general primary election, the issue or issues to be voted upon
33 at the special election shall be included on the ballot of each political
34 party.

35 (B) However, separate ballots
36 containing only the issue or issues to be voted upon at the special election

1 shall be prepared and made available to voters requesting a separate ballot.

2 (2) No voter shall be required to vote
3 in a political party's presidential preferential primary, preferential
4 primary, or general primary in order to be able to vote in the special
5 election.

6 (ii) Special elections scheduled to occur in a month
7 in which the second Tuesday is a legal holiday shall be held on the third
8 Tuesday of the month.

9 (3) If at the special election a majority of the qualified
10 electors of the area affected by the tax voting on the issue at the special
11 election shall vote for the levy of the tax, the tax may be thereafter levied
12 in the area in the manner authorized in section (a) of this section, and it
13 shall not be necessary that an election be called again in the area on the
14 question of levying the tax.

15 (4) If a majority of the qualified electors of the affected area
16 voting on the issue at the special election shall vote against the levy of
17 the tax, the tax shall not be levied in the area.

18 (5) The quorum court of the county at any subsequent annual
19 meeting may propose the levy of the tax, and the election thereon shall be
20 called as provided in this section.

21 (6) Special elections held pursuant to this chapter shall be
22 conducted in accordance with the election laws of this state, and the form of
23 the ballot, the method of voting, the counting, tabulation, and certification
24 of the election results shall be in the manner provided by law.

25 (c)(1) Any tax levied by any municipality under the provisions of this
26 chapter for the first time prior to July 1, 1967, and without the calling of
27 a special election of the qualified electors of the municipality, shall
28 continue in full force and effect without the calling of an election.

29 (2) However, before the vehicle tax levied by the governing body
30 of any municipality for the first time after July 1, 1967, upon vehicle
31 owners residing in the municipality may be collected, the mayor shall call a
32 special election to be held not less than twenty (20) nor more than ~~thirty~~
33 ~~(30)~~ sixty (60) days from the date of the adoption of the levy of the tax by
34 the governing body of the municipality, at which the qualified electors of
35 the municipality shall vote on the question of the levy of the tax.

36 (3)(A) The special election shall occur on the second Tuesday of

1 any month, except as provided in subdivision (c)(3)(B) of this section.

2 (B)(i)(a) Special elections held in months in which
3 presidential preferential primary election, preferential primary election,
4 general primary election, or general election is scheduled to occur shall be
5 held on the date of the presidential preferential primary election,
6 preferential primary election, general primary election, or general election.

7 (b)(1)(A) If a special election is held on the
8 date of the presidential preferential primary election, preferential primary
9 election, or general primary election, the issue or issues to be voted upon
10 at the special election shall be included on the ballot of each political
11 party.

12 (B) However, separate ballots
13 containing only the issue or issues to be voted upon at the special election
14 shall be prepared and made available to voters requesting a separate ballot.

15 (2) No voter shall be required to vote
16 in a political party's presidential preferential primary, preferential
17 primary, or general primary in order to be able to vote in the special
18 election.

19 (ii) Special elections scheduled to occur in a month
20 in which the second Tuesday is a legal holiday shall be held on the third
21 Tuesday of the month.

22 (4) If, at the special election, a majority of the qualified
23 electors of the municipality voting on the issue shall vote for the levy of
24 the tax, the tax may be thereafter levied in the municipality in the manner
25 authorized in subsection (a) of this section, and it shall not be necessary
26 that an election be called again in the municipality on the question of
27 levying the tax.

28 (5) If a majority of the qualified electors of the municipality
29 voting on the issue at the special election shall vote against the levy of
30 the tax, the tax shall not be levied in the municipality.

31 (6) However, the governing body of the municipality at any time
32 after the expiration of one (1) year from the election in the municipality
33 may propose the levy of the tax, and the election thereon shall be called as
34 provided in this section.

35 (7) Special elections held pursuant to this chapter shall be
36 conducted in accordance with the election laws of this state and the form of

1 the ballot, the method of voting, the counting, tabulation, and certification
2 of the election results shall be in the manner provided by law

3
4 SECTION 76. Arkansas Code § 27-64-206(a), concerning special elections
5 on the issue of Arkansas Federal Highway Grant Anticipation and Tax Revenue
6 Bonds, is amended to read as follows:

7 (a)(1) No bonds shall be issued under this subchapter unless the
8 issuance of bonds has been approved by a majority of the qualified electors
9 of the state voting on the question at a statewide election called by
10 proclamation of the Governor.

11 (2)(A) Such election may be in conjunction with a general
12 election, or it may be a special election.

13 (B)(i) A special election held under this section shall
14 occur on the second Tuesday of any month, except as provided by subdivision
15 (a)(2)(B)(ii) of this section.

16 (ii)(a)(1) Special elections held in months in which
17 a presidential preferential primary election, preferential primary election,
18 general primary election, or general election is scheduled to occur shall be
19 held on the date of the presidential preferential primary election,
20 preferential primary election, general primary election, or general election.

21 (2)(A)(i) If a special election is held
22 on the date of the presidential preferential primary election, preferential
23 primary election, or general primary election, the issue or issues to be
24 voted upon at the special election shall be included on the ballot of each
25 political party.

26 (ii) However, separate
27 ballots containing only the issue or issues to be voted upon at the special
28 election shall be prepared and made available to voters requesting a separate
29 ballot.

30 (B) No voter shall be required to
31 vote in a political party's presidential preferential primary, preferential
32 primary, or general primary in order to be able to vote in the special
33 election.

34 (b) Special elections scheduled to occur in a
35 month in which the second Tuesday is a legal holiday shall be held on the
36 third Tuesday of the month.

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/s/ Madison

APPROVED: 4/13/2005

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