

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Tullis**

A Bill

HOUSE BILL 1433

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 10-3-504(c) TO REVISE THE
9 TIME FOR SELECTING THE SPEAKER-DESIGNATE OF THE HOUSE OF
10 REPRESENTATIVES; AND FOR OTHER PURPOSES."

11

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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14 SECTION 1. Arkansas Code 10-3-504(c) is amended to read as follows:

15 "(c) As used in this section, the term "Speaker-designate" shall mean
16 the member of the House of Representatives selected by the House of
17 Representatives of each General Assembly held preceding the convening of the
18 next-following regular session of the General Assembly, in the following
19 manner:

20 (1) (A) Any member of the House of Representatives desiring to be
21 a candidate for selection as Speaker-designate of the next-following General
22 Assembly shall file a statement of such intent in writing with the Speaker of
23 the House no earlier than the date of sine die adjournment of the regular
24 session of the General Assembly and no later than ten (10) days after sine die
25 adjournment.

26 (B) Petitions seeking pledge signatures of members of the
27 House of Representatives for a particular candidate seeking selection as
28 Speaker-designate shall not be circulated among the members of the House of
29 Representatives until after the member has filed his written intention to be a
30 candidate with the Speaker of the House of Representatives.

31 (C) Within ten (10) days after the deadline for filing a
32 statement of intent to be a candidate for selection as Speaker-designate, the
33 Speaker of the House shall circulate among the membership of the House of
34 Representatives a list of the names of all candidates for selection as
35 Speaker-designate.

1 (2) On or about September 1 of the year in which the regular
2 session of the General Assembly is held, the Speaker of the House of
3 Representatives shall prepare and distribute among the membership of the House
4 of Representatives, by ordinary mail, ballots upon which shall appear the
5 names of all candidates for selection as Speaker-designate upon which each
6 member shall cast the vote of his choice and sign his or her signature, at the
7 place designated on the ballot, and return the same to the Speaker of the
8 House on or before September 30. The postmark on the ballot shall be
9 conclusive of the date on which the ballot is returned to the office of the
10 Speaker of the House. The Speaker of the House shall prescribe the form of
11 the ballot and shall include therewith a stamped, self-addressed envelope in
12 which the ballot shall be returned to the Speaker's office.

13 (3) (A) No later than October 4 following the receipt of the
14 ballots, the Speaker of the House shall, with the assistance of the Speaker
15 Pro Tempore and the Chairman and Vice-Chairman of the House Rules Committee,
16 open the ballots in an open public meeting and tabulate the results.

17 (B) The candidate receiving a majority vote of the
18 membership of the House of Representatives shall be declared the winner of
19 such election for Speaker-designate of the House of Representatives of the
20 next following General Assembly.

21 (C) (i) If no candidate receives a majority vote of the
22 membership of the House of Representatives, the names of the two (2)
23 candidates receiving the highest number of votes cast shall be placed on a
24 run-off ballot and distributed among the membership of the House of
25 Representatives in the same manner provided above.

26 (ii) Run-off ballots shall be completed and returned
27 to the office of the Speaker of the House no later than October 25. The
28 postmark on the ballot shall be conclusive of the date on which the ballot is
29 returned to the office of the Speaker of the House.

30 (iii) Within five (5) days after receipt of such
31 run-off ballots, the Speaker of the House shall, with the assistance of the
32 Speaker Pro Tempore and the Chairman and Vice-Chairman of the House Rules
33 Committee, open the ballots in an open public meeting and tabulate the
34 election results.

35 (iv) The candidate receiving the highest number of

1 votes shall be declared Speaker-designate of the House of Representatives of
2 the next-following General Assembly.

3 (v) If, as a result of such run-off election, both
4 candidates receive the same number of votes, a tie shall be declared, and the
5 Speaker of the House shall determine by lot one (1) of the two (2) candidates
6 who shall be declared Speaker-designate of the next-following General
7 Assembly.

8 (4) The Speaker-designate shall be authorized to name the House
9 members of the Joint Budget Committee, in the manner provided by law, to serve
10 on the Joint Budget Committee at the next General Assembly or at the
11 Legislative Council budget hearings held preceding the convening of the
12 next-following regular session of the General Assembly as provided by law.

13 (5) (A) Failure of the Speaker-designate to be elected to the
14 House of Representatives or as Speaker of the House of Representatives of the
15 next-following regular session of the General Assembly shall not affect the
16 appointment of the members named by the Speaker-designate to serve on the
17 Joint Budget Committee at the regular session or at the Legislative Council
18 budget hearings held prior to the convening of the next-following regular
19 session of the General Assembly, as provided by law.

20 (B) However, if it is determined that the Speaker-designate
21 will not serve as a member of the House of Representatives of the
22 next-following General Assembly due to death, resignation, failure to be a
23 candidate for reelection in the party primary election, or failure to be
24 reelected as a party candidate in the primary election, a vacancy in the
25 position of Speaker-designate shall exist and the Speaker of the House of
26 Representatives shall establish procedures for the selection of a successor
27 Speaker-designate in a manner comparable as provided herein whereby
28 appointments to the Joint Budget Committee may be made on or before October 1
29 preceding the convening of the next regular session of the General Assembly.

30 (6) It is the intent of this subsection that the
31 Speaker-designate be the Speaker of the House of Representatives of the
32 next-following General Assembly, subject to selection by the membership of the
33 House upon convening of the regular session."

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35 SECTION 2. All provisions of this act of a general and permanent nature

1 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
2 Revision Commission shall incorporate the same in the Code.

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4 SECTION 3. If any provision of this act or the application thereof to
5 any person or circumstance is held invalid, such invalidity shall not affect
6 other provisions or applications of the act which can be given effect without
7 the invalid provision or application, and to this end the provisions of this
8 act are declared to be severable.

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10 SECTION 4. All laws or parts of laws in conflict with this act are
11 hereby repealed.

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13 SECTION 5. EMERGENCY. *It is found and determined by the Arkansas*
14 *General Assembly that this act changes the method of selection of the Speaker-*
15 *designate of the House and that this act must go into effect as soon as*
16 *possible to allow the House to select a Speaker-designate under the procedures*
17 *provided by this act. Therefore, an emergency is hereby declared to exist and*
18 *this act being necessary for the immediate preservation of the public peace,*
19 *health and safety shall be in full force and effect from and after its passage*
20 *and approval.*

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/s/ B. Tullis

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