

1 State of Arkansas
2 89th General Assembly
3 Fiscal Session, 2014

HR 1009

4
5 By: Representatives Westerman, Leding
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8 **HOUSE RESOLUTION**

9 TO AUTHORIZE THE INTRODUCTION OF A NONAPPROPRIATION
10 BILL CONCERNING FILLING VACANCIES IN CERTAIN OFFICES.
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12
13 **Subtitle**

14 TO AUTHORIZE THE INTRODUCTION OF A
15 NONAPPROPRIATION BILL CONCERNING FILLING
16 VACANCIES IN CERTAIN OFFICES.
17

18
19 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-NINTH GENERAL
20 ASSEMBLY OF THE STATE OF ARKANSAS:
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22 That Senator Williams is authorized to introduce a bill which as
23 introduced will read substantially as follows:
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25 "For An Act To Be Entitled
26 AN ACT TO AMEND ARKANSAS LAW CONCERNING FILLING VACANCIES IN CERTAIN OFFICES;
27 TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.
28

29 Subtitle
30 TO AMEND ARKANSAS LAW CONCERNING FILLING VACANCIES IN CERTAIN OFFICES; AND TO
31 DECLARE AN EMERGENCY.
32

33 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
34

35 SECTION 1. Arkansas Code § 7-7-105 is amended to read as follows:
36 7-7-105. Filling vacancies in certain offices – Special primary



1 elections.

2 (a) Nominees for special elections called for the purpose of filling a
3 vacancy in office for a member of the United States House of Representatives,
4 Lieutenant Governor, or for a member of the Senate or House of
5 Representatives of the General Assembly shall be chosen as follows:

6 (1) The Governor shall certify in writing to the state
7 committees of the respective political parties the fact of vacancy and shall
8 request the respective state committees to make a determination and notify
9 him or her in writing within ten (10) days with respect to whether the
10 political parties desire to hold a special primary election or a convention
11 of delegates held under party rules to choose nominees;

12 (2)(A) If the state committee of any political party timely
13 notifies the Governor that it chooses to hold a special primary election, any
14 political party desiring to choose a nominee shall choose the nominee at a
15 special primary election.

16 (B) The Governor's proclamation shall set dates for the
17 special primary election and the runoff primary election to be held if no
18 candidate receives a majority of the vote at the special primary election;
19 and

20 (3)(A)(i) A Except as provided in subsection (c) of this
21 section, a special election to fill the vacancy in office shall be held on a
22 date as soon as possible after the vacancy occurs, but not more than one
23 hundred fifty (150) days after the occurrence of the vacancy.

24 (ii) Except as provided in subdivision
25 (a)(3)(A)(iii) of this section, the special election shall be held not more
26 than one hundred fifty (150) days after the occurrence of the vacancy.

27 (iii) If the Governor determines it is impracticable
28 or unduly burdensome to hold the special election within one hundred fifty
29 (150) days after the occurrence of the vacancy, the special election shall be
30 held as soon as practicable after the one hundred fiftieth day following the
31 occurrence of the vacancy.

32 (B) The special election shall be held in accordance with
33 laws governing special elections.

34 (C)(i) If a nominee is to be chosen at a special primary
35 election and if, after the close of the filing period, only one (1) or two
36 (2) candidates have filed for the nomination of a party holding a primary,

1 the state committee of a party holding a primary shall notify the Governor.

2 (ii) The Governor shall issue a new proclamation
3 setting the special election for an earlier date so long as the earlier date
4 is in accordance with state laws governing special elections.

5 (b) If no state committee of any political party timely notifies the
6 Governor of the desire to hold a special primary election or convention, the
7 Governor, in issuing his or her proclamation calling for the special
8 election, shall declare that the nominee of a political party shall be chosen
9 at a convention.

10 (c) A special election for a vacancy in the office of Lieutenant
11 Governor shall not be held if:

12 (1) The vacancy occurs less than ten (10) months before the next
13 scheduled general election;

14 (2) The office of Lieutenant Governor would in regular course be
15 filled at the next scheduled general election; and

16 (3) The Governor determines that the cost of holding a special
17 election for a vacancy in the office of Lieutenant Governor less than ten
18 (10) months before the office will be filled at the next scheduled general
19 election is impractical because of the timing of the vacancy.

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21 SECTION 2. DO NOT CODIFY. Section 1 of this act applies to a vacancy
22 occurring on or after January 1, 2014.

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24 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
25 General Assembly of the State of Arkansas that the current time allotted for
26 special elections to fill vacancies in certain offices is often rendered
27 impracticable by legal and practical considerations associated with holding a
28 statewide special election. The General Assembly further finds that because
29 statewide special elections cost in excess of one million dollars
30 (\$1,000,000), the Governor should have the discretion to determine whether
31 special elections to fill certain vacancies are impractical because of the
32 timing of the vacancy and that this act should become effective at the
33 earliest opportunity to allow the state to avoid election expenses that the
34 Governor determines are impractical. Therefore, an emergency is declared to
35 exist, and this act being immediately necessary for the preservation of the
36 public peace, health, and safety shall become effective on:

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(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."