

1 State of Arkansas  
2 89th General Assembly  
3 Fiscal Session, 2014  
4

# A Bill

SENATE BILL 139

5 By: Senator E. Williams  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND ARKANSAS LAW CONCERNING FILLING  
9 VACANCIES IN CERTAIN OFFICES; TO DECLARE AN  
10 EMERGENCY; AND FOR OTHER PURPOSES.  
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## Subtitle

13 TO AMEND ARKANSAS LAW CONCERNING FILLING  
14 VACANCIES IN CERTAIN OFFICES; AND TO  
15 DECLARE AN EMERGENCY.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 7-7-105 is amended to read as follows:

22 7-7-105. Filling vacancies in certain offices – Special primary  
23 elections.

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

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

34 (2)(A) If the state committee of any political party timely  
35 notifies the Governor that it chooses to hold a special primary election, any  
36 political party desiring to choose a nominee shall choose the nominee at a



1 special primary election.

2 (B) The Governor's proclamation shall set dates for the  
3 special primary election and the runoff primary election to be held if no  
4 candidate receives a majority of the vote at the special primary election;  
5 and

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

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

13 (iii) If the Governor determines it is impracticable  
14 or unduly burdensome to hold the special election within one hundred fifty  
15 (150) days after the occurrence of the vacancy, the special election shall be  
16 held as soon as practicable after the one hundred fiftieth day following the  
17 occurrence of the vacancy.

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

20 (C)(i) If a nominee is to be chosen at a special primary  
21 election and if, after the close of the filing period, only one (1) or two  
22 (2) candidates have filed for the nomination of a party holding a primary,  
23 the state committee of a party holding a primary shall notify the Governor.

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

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

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

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

36 (2) The office of Lieutenant Governor would in regular course be

1 filled at the next scheduled general election; and

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

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

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10 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the  
11 General Assembly of the State of Arkansas that the current time allotted for  
12 special elections to fill vacancies in certain offices is often rendered  
13 impracticable by legal and practical considerations associated with holding a  
14 statewide special election. The General Assembly further finds that because  
15 statewide special elections cost in excess of one million dollars  
16 (\$1,000,000), the Governor should have the discretion to determine whether  
17 special elections to fill certain vacancies are impractical because of the  
18 timing of the vacancy and that this act should become effective at the  
19 earliest opportunity to allow the state to avoid election expenses that the  
20 Governor determines are impractical. Therefore, an emergency is declared to  
21 exist, and this act being immediately necessary for the preservation of the  
22 public peace, health, and safety shall become effective on:

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

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

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