

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4

As Engrossed: H3/12/97 H3/18/97

A Bill

ACT 1082 OF 1997
HOUSE BILL 1106

5 By: Representatives Jones, George, Maddox, Dietz, Stewart, Curran, Flanagan, Hogue, Wagner, Cunningham, Northcutt, Young, Terry
6 Smith, McGinnis, and Broadway
7

For An Act To Be Entitled

8
9 "AN ACT TO AMEND ARKANSAS CODE 7-1-101(4) AND 7-7-104
10 CONCERNING VACANCY IN NOMINATION; AND FOR OTHER PURPOSES."
11

Subtitle

12
13 "AN ACT TO AMEND ARKANSAS CODE 7-1-
14 101(4) AND 7-7-104 CONCERNING VACANCY IN
15 NOMINATION."
16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code 7-1-101(4), which is a part of the general
20 definitions for the election laws, is amended to read as follows:

21 "(4) Vacancy in nomination means the circumstances in which the
22 ~~nominee of a political party selected at a primary election shall not be~~
23 ~~certified as the nominee due to death, resignation, withdrawal, or other good~~
24 ~~and legal cause arising subsequent to nomination~~ person who received the
25 majority of votes at the preferential primary election or general primary
26 election cannot accept the nomination due to death or notifies the party that
27 he or she will not accept the nomination due to serious illness, moving out of
28 the area from which elected as the partys nominee, or filing for another
29 office and preceding the final date for certification of nominations;"
30

31 SECTION 2. Arkansas Code 7-7-105(1)(D) is amended to read as follows:

32 "(D) The date of the special primary election shall be at least thirty
33 (30) days but no more than ~~sixty (60)~~ forty-five (45) days subsequent to the
34 date fixed as a deadline for qualifying as a candidate for nomination. This
35 date shall be at least ten (10) days prior to the date fixed in the
36 proclamation for holding the special election to fill the vacancy in office;"

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

SECTION 3. Arkansas Code 7-7-104 is amended to read as follows:

§7-7-104. Vacancy in nomination - Alternative methods for filling - Tie vote.

(a) Nominees of a political party to fill a vacancy in nomination, as defined in § 7-1-101, shall be declared by:

(1) Certificate of the chairman and secretary of any convention of delegates held within twenty-five (25) days of the Governor's letter certifying vacancy; or

(2) A special primary election called, held, and conducted in accordance with the rules of the party; ~~or~~ .

~~(3) Petition of not less than fifty (50) nor more than one thousand (1,000) electors from the state, or district or county in which the vacancy in nomination exists.~~

(b) In case of a tie vote for the same office at a general primary election, a vacancy in nomination for that office shall exist.

(c) When a vacancy in nomination occurs as a result of death or the person who received the majority of votes cast at the preferential primary election or the general primary election notifies the state committee of the political party of his or her intent to refuse nomination due to serious illness, moving out of the area from which elected as the party's nominee, or filing for another office, the state committee of the political party shall notify the Governor within five (5) days after the date of death or the date the party was notified of intent to refuse nomination as to whether the party chooses to fill the vacancy in nomination at a special election or a convention.

(d) If the party fails to notify the Governor within the five (5) day period, the vacancy in nomination shall not be filled nor shall the vacancy in nomination be filled if it occurred for any reason other than death, serious illness, the candidate moving out of the area from which elected as the party's nominee, or filing for another office.

(e) If the party notifies the Governor within the time prescribed above of the desire to have a special election the Governor shall, within five (5) days issue a proclamation calling the special election and establishing the deadline for filing as a candidate for nomination which shall be no more than twenty (20) days after the proclamation. The special election shall occur no

1 earlier than thirty (30) days nor later than forty-five (45) days after the
2 end of the filing deadline. A runoff election, if required, shall be held two
3 (2) weeks after the date of the special election.

4 (f) If the party notifies the Governor that it desires to fill the
5 vacancy in nomination by convention, the convention shall occur no later than
6 twenty-five (25) days after the notice is provided to the Governor.

7

8 SECTION 4. All provisions of this act of a general and permanent
9 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
10 Code Revision Commission shall incorporate the same in the Code.

11

12 SECTION 5. If any provision of this act or the application thereof to
13 any person or circumstance is held invalid, such invalidity shall not affect
14 other provisions or applications of the act which can be given effect without
15 the invalid provision or application, and to this end the provisions of this
16 act are declared to be severable.

17

18 SECTION 6. All laws and parts of laws in conflict with this act are
19 hereby repealed.

20

21 /s/Rep. Jones et al

22

23 APPROVED:4-03-97

24

25

26

27

28

29

30

31

32

33

34

35

36