

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: H2/4/21 S2/22/21

A Bill

HOUSE BILL 1332

5 By: Representative Boyd
6 By: Senator B. Ballinger
7

For An Act To Be Entitled

9 AN ACT TO AMEND ELECTION LAW; TO AMEND PUBLICATION
10 REQUIREMENTS; TO AMEND SCHOOL ELECTION LAW; TO AMEND
11 ELECTION NOTICE REQUIREMENTS; AND FOR OTHER PURPOSES.
12
13

Subtitle

14 TO AMEND ELECTION LAW; TO AMEND
15 PUBLICATION REQUIREMENTS; TO AMEND SCHOOL
16 ELECTION LAW; AND TO AMEND ELECTION
17 NOTICE REQUIREMENTS.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 6-14-102(c), concerning the annual school
24 election date and special school election, is amended to read as follows:

25 (c)(1) ~~In any election year in which~~ When the annual school election
26 is not held at the same time as a preferential primary or general election,
27 if no more than one (1) candidate for ~~any~~ a school district director position
28 presents a petition or notice as required by § 6-14-111 and if there are no
29 other ballot issues to be submitted to school district electors for
30 consideration, with the exception of the local tax rate if that rate is not
31 being changed or restructured, the board of directors of ~~any~~ a school
32 district, by resolution, may request the county board of election
33 commissioners to:

34 (A) Reduce the number of polling places;

35 (B) Open no polling places on election day so that the
36 election can be conducted by absentee ballot and early voting only; or



1 (C)(i) ~~Open no polling places on election day and hold an~~
2 ~~election by candidate under the procedure in § 7-11-107(b)~~ Declare an
3 election by candidate to be held;

4 (ii) Open no polling places; and

5 (iii) Allow the candidate to cast a ballot for
6 himself or herself at a designated time and location on election day or
7 during the period that would otherwise be designated for early voting.

8 (2)(A) ~~If the annual school election is not held at the same~~
9 ~~time as a preferential primary election or general election and upon request~~
10 ~~by proper resolution adopted by the board of directors of any school~~
11 ~~district, the county board of election commissioners may provide that no~~
12 ~~polling places be open on election day so that the election can be conducted~~
13 ~~by:~~

14 ~~(i) Absentee ballot and early voting only; or~~

15 ~~(ii) Election by candidate under the procedure in §~~
16 ~~7-11-107(b).~~

17 (B) If a county uses electronic voting machines or
18 electronic vote tabulating devices, and is holding an election under
19 subdivision (c)(1) of this section, the county board of election
20 commissioners may use:

21 ~~(i)(A)~~ The electronic voting machines or electronic
22 vote tabulating devices; or

23 ~~(ii)(B)~~ Paper ballots counted by hand and provide no
24 voting machines to be used in the election, notwithstanding any other
25 provision in the Arkansas Code.

26
27 SECTION 2. Arkansas Code § 6-14-111(k), concerning candidate filing
28 procedures for school elections, is amended to read as follows:

29 (k) The order in which the names of the respective candidates are to
30 appear on the ballot shall be determined by lot at the public meeting of the
31 county board of election commissioners held not later than:

32 (1) ~~seventy-two~~ Seventy-two (72) days before the annual school
33 election, if the election is to be held on the:

34 (A) First Tuesday following the first Monday in November;

35 (B) Third Tuesday in May for elections held in odd
36 numbered years; or

1 (C) Tuesday four (4) weeks prior to the third Tuesday in
 2 June for years in which the office of Governor will appear on the ballot at
 3 the general election; or

4 (2) Eighty-nine (89) days before the annual school election if
 5 the election is to be held on the first Tuesday after the first Monday in
 6 March for years in which the office of President of the United States will
 7 appear on the ballot at the general election.

8
 9 SECTION 3. Arkansas Code § 7-5-202(a)(1), concerning public notice of
 10 elections, is amended to read as follows:

11 (a)(1) It shall be the duty of the county board of election
 12 commissioners at least ~~twenty (20) days~~ eight (8) days before ~~each the~~
 13 beginning of early voting for a preferential primary, general primary, and
 14 general election and at least ten (10) days before the holding of each
 15 general primary, general runoff, school, or special election to give public
 16 notice in a newspaper of general circulation in the county of:

17 (A) The date of the election;

18 (B) The hours of voting on election day;

19 (C) The places and times for early voting;

20 (D) Polling sites for holding the elections in the county;

21 (E) The candidates and offices to be elected at that time;

22 (F) The time and location of the opening, processing,
 23 canvassing, and counting of ballots; ~~and~~

24 (G) The location where ~~a list~~ lists of appointed election
 25 officials, deputy county clerks, or additional deputies hired to conduct
 26 early voting can be found and the ~~date~~ dates the ~~list is~~ lists are available;
 27 and

28 (H) Directions for filing a written objection to the
 29 service of an election official, deputy county clerk, or additional deputy.

30
 31 SECTION 4. Arkansas Code § 7-5-202(a)(2)(B), concerning public notice
 32 of elections, is amended to read as follows:

33 (B) Another person makes an objection to his or her
 34 service to the county board of election commissioners within ~~ten (10)~~ seven
 35 (7) calendar days after posting the list of officials.

36

1 SECTION 5. Arkansas Code § 7-5-202(a)(3), concerning public notice of
2 elections, is repealed.

3 ~~(3) The public notice shall contain directions for filing an~~
4 ~~objection to the service of an election official, deputy county clerk, or~~
5 ~~additional deputy.~~

6
7 SECTION 6. Arkansas Code § 7-5-202(b), concerning public notice of
8 elections, is amended to read as follows:

9 (b)(1) At least five (5) days ~~prior to~~ before a preferential primary,
10 general primary, general election, general runoff, school election, or
11 special election, a copy of the public notice may be posted at each polling
12 site fixed for holding the election and shall be published in a newspaper of
13 general circulation in the county.

14 (2)(A) At least ~~fifteen (15)~~ eight (8) days before the beginning
15 of early voting ~~and the election day~~, each county board of election
16 commissioners or county clerk shall prepare and post in a public place in the
17 county clerk's office its list of appointed election officials, deputy county
18 clerks, or additional deputies hired to conduct early voting.

19 ~~(B) The list may appoint election officials, deputy county~~
20 ~~clerks, or additional deputies hired to conduct early voting in the event of~~
21 ~~a runoff election.~~

22 (B)(i) At least eight (8) days before election day, each county
23 board of election commissioners shall prepare and post in a public place in
24 the county clerk's office its list of appointed election officials for
25 election day.

26 (ii) The list may appoint election officials hired
27 for election day in the event of a runoff election.

28 (iii) All election officials who are qualified to
29 serve on election day are qualified to serve in a corresponding runoff
30 election.

31
32 SECTION 7. Arkansas Code § 7-5-207(a)(2)(B)(iii)-(v), concerning the
33 names included on ballots and drawing for ballot position, are amended to
34 read as follows:

35 (iii) Votes received by an unopposed candidate for
36 the office of Governor, ~~Mayor, Circuit Clerk, City Clerk,~~ mayor, circuit

1 clerk, or the office of a nonjudicial state elected official shall be counted
2 or tabulated by the election officials and certified according to law.

3 (iv) The names of all unopposed candidates for the
4 office of ~~Mayor, Governor, Circuit Clerk, City Clerk,~~ mayor, circuit clerk,
5 and the office of a nonjudicial state elected official shall be separately
6 placed on the general election ballot, and the votes for Mayor, Governor,
7 Circuit Clerk, City Clerk, and a nonjudicial state elected official shall be
8 tabulated as in all contested races.

9 (v) All unopposed candidates, other than for the
10 offices of ~~Mayor, Governor, Circuit Clerk, City Clerk,~~ mayor, circuit clerk,
11 and the office of a nonjudicial state elected official, shall be declared and
12 certified as elected in the same manner as if the candidate had been voted
13 upon at the election.

14
15 SECTION 8. Arkansas Code § 7-5-701(a)(2), concerning declaration,
16 certification, delivery and custody of election returns, is amended to read
17 as follows:

18 (2) Unopposed candidates, other than candidates for mayor,
19 governor, ~~city clerk,~~ and circuit clerk, shall be separately declared and
20 certified to the Secretary of State as elected in the same manner as if the
21 candidate had been voted upon at the election.

22
23 SECTION 9. Arkansas Code § 14-42-206(a)(3), concerning nominating
24 petitions for municipal elections, is amended to read as follows:

25 (3) When the resolution has been adopted, the clerk or recorder
26 shall mail a certified copy of the resolution to the chairs of the county
27 party committees, the county clerk, and to the chairs of the state party
28 committees.

29
30 SECTION 10. Arkansas Code § 14-42-206(d)(2)(b), concerning nominating
31 petitions for municipal elections, is amended to read as follows:

32 (B) The ordinance shall be published at least one (1) time
33 a week for two (2) consecutive weeks immediately following adoption of the
34 ordinance in a newspaper having a general circulation in the city, and shall
35 be filed with the county clerk.

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1 SECTION 11. Arkansas Code § 26-75-207(b)(2), concerning levying of a
2 sales and use tax for capital improvements in a municipality, is amended to
3 read as follows:

4 (2) The petition shall be signed by a number of the legal voters
5 in the city that is no less than fifteen percent (15%) of the number of votes
6 cast for the office of ~~city clerk~~ mayor at the last preceding general
7 election.

8
9 SECTION 12. Arkansas Code § 26-75-307(b)(2), concerning levying of a
10 sales tax for capital improvements in a municipality, is amended to read as
11 follows:

12 (2) The petition shall be signed by a number of the legal voters
13 in the city that is no less than fifteen percent (15%) of the number of votes
14 cast for the office of ~~city clerk~~ mayor at the last preceding general
15 election.

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17 /s/Boyd

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20 **APPROVED: 3/24/21**