

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.
11

Subtitle

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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.

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31 **APPROVED: 02/28/2014**

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