

1 State of Arkansas *As Engrossed: H2/16/17 S3/6/17 S3/29/17*

2 91st General Assembly

A Bill

3 Regular Session, 2017

HOUSE BILL 1440

4

5 By: Representative M. Gray

6 By: Senator Hester

7

8

For An Act To Be Entitled

9 AN ACT TO AMEND PROVISIONS IN THE ARKANSAS CODE
10 CONCERNING ELECTION RUNOFFS, INITIATIVES, AND
11 REFERENDA; AND FOR OTHER PURPOSES.

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Subtitle

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TO AMEND PROVISIONS IN THE ARKANSAS CODE
16 CONCERNING ELECTION RUNOFFS, INITIATIVES,
17 AND REFERENDA.

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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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22 SECTION 1. Arkansas Code § 6-14-121(a)(3), concerning runoff elections
23 for school elections, is amended to read as follows:

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(3) The runoff election shall be held:

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(A) ~~three~~ Three (3) weeks following the date of the
26 election in any election year in which the annual school election is held in
27 September; or

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(B) Four (4) weeks following the date of the election in
29 any election year in which the annual school election is held in November.

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31 SECTION 2. Arkansas Code § 7-5-106(a)(2)(B)(ii), concerning runoff
32 elections for county and municipal officers, is amended to read as follows:

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(ii) If required, the runoff general election
34 between the two (2) candidates shall be held in that municipality ~~three~~ (3)
35 four (4) weeks following the date of the general election with the names of
36 the two (2) candidates placed on the ballot to be voted upon by the qualified



1 electors of the municipality.

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3 SECTION 3. Arkansas Code § 7-5-703(c), concerning tie votes for United
4 States Congress, is amended to read as follows:

5 (c)(1) Should any two (2) or more persons have an equal number of
6 votes, and a higher number than any other person, the names of the two (2)
7 candidates receiving the highest number of votes for United States Senator or
8 United States Representative shall be certified to a special runoff election
9 which shall be held ~~three (3)~~ four (4) weeks from the day on which the
10 general election is held.

11 (2) The special runoff election shall be conducted in the same
12 manner as is ~~now~~ provided by law, and the election results shall be canvassed
13 and certified in the manner provided by law.

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15 SECTION 4. Arkansas Code § 7-5-704(b), concerning tie votes for
16 legislative, judicial, and executive officers, is amended to read as follows:

17 (b)(1) If two (2) or more persons have an equal number of votes for
18 the same office and a higher number than any other person, the names of the
19 two (2) candidates receiving the highest number of votes for any legislative
20 or executive office, except those offices named in Arkansas Constitution,
21 Article 6, § 3, and constables, shall be certified to a special runoff
22 election which shall be held ~~three (3)~~ four (4) weeks from the day on which
23 the general election is held.

24 (2) The special runoff election shall be conducted in the same
25 manner as is now provided by law, and the election results thereof shall be
26 canvassed and certified in the manner provided by law.

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28 SECTION 5. Arkansas Code § 7-9-305(b)(2), concerning election and
29 certification of delegates, is amended to read as follows:

30 (2)(A) In the event that more than two (2) candidates are
31 seeking a particular delegate position and ~~that~~ no candidate receives a
32 majority of the votes cast for all candidates for the position, the names of
33 the two (2) candidates receiving the highest number of votes for the position
34 shall be certified to a special runoff election that shall be held by the
35 respective county board of election commissioners of the district ~~three (3)~~
36 four (4) weeks from the day on which the general election is held.

1 (B) The special runoff election shall be conducted in the
2 same manner as is ~~now~~ provided by law, and the election results shall be
3 canvassed and certified in the manner provided by law.

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5 SECTION 6. Arkansas Code § 7-9-601(a) and (b), concerning the hiring
6 and training of paid canvassers, is amended to read as follows:

7 (a)(1) A person shall not provide money or anything of value to
8 another person for obtaining signatures on a statewide initiative or
9 referendum petition unless the person receiving the money or item of value
10 meets the requirements of this section.

11 (2) Before a signature is solicited by a paid canvasser the
12 sponsor shall:

13 (A) Provide the paid canvasser with a copy of the most
14 recent edition of the Secretary of State's initiatives and referenda
15 handbook; and

16 (B) Explain the Arkansas law applicable to obtaining
17 signatures on an initiative or referendum petition to the canvasser; ~~and~~

18 (C)(i) *Provide a complete list of all paid canvassers'*
19 *names and current residential addresses to the Secretary of State.*

20 (ii) *If additional paid canvassers agree to solicit*
21 *signatures on behalf of a sponsor after the complete list is provided, the*
22 *sponsor shall provide an updated list of all paid canvassers' names and*
23 *current residential addresses to the Secretary of State.*

24 (3) Upon filing the petition with the Secretary of State, the
25 sponsor shall submit to the Secretary of State a:

26 (A) Final list of the names and current residential
27 addresses of each paid canvasser; and

28 (B) Signature card for each paid canvasser.

29 (b)(1) To verify that there are no criminal offenses on record, a
30 sponsor shall obtain, at its cost, from the Department of Arkansas State
31 Police, a current state and federal criminal record search on every paid
32 canvasser to be registered with the Secretary of State.

33 (2) The criminal record search shall be obtained within thirty
34 (30) days ~~prior to before~~ the registration of date that the paid canvasser
35 begins collecting signatures.

36 (3) Upon submission of its list of paid canvassers to the

1 Secretary of State, the sponsor shall certify to the Secretary of State that
2 each paid canvasser in its employ has passed a criminal background ~~search~~
3 check in accordance with this section.

4 (4) A willful violation of this section by a sponsor or paid
5 canvasser constitutes a Class A misdemeanor.

6 (5) Signatures incorrectly obtained or submitted under this
7 section shall not be counted by the Secretary of State.

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9 SECTION 7. Arkansas Code § 14-43-304(c)(1), concerning mayors in
10 cities having mayor-council government, is amended to read as follows:

11 (c)(1) ~~In the event that~~ If no candidate for mayor of a city of the
12 first class receives ~~a majority~~ the requisite amount of the votes cast in the
13 general election, the two (2) candidates receiving the highest number of
14 votes shall be certified to a special runoff election that shall be held
15 ~~three (3) weeks~~ four (4) weeks from the day on which the general election is
16 held.

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18 /s/M. Gray

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21 **APPROVED: 04/07/2017**

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