

Stricken language would be deleted from and underlined language would be added to present law.
Act 1013 of the Regular Session

1 State of Arkansas As Engrossed: H3/7/19 S4/5/19

2 92nd General Assembly

A Bill

3 Regular Session, 2019

HOUSE BILL 1460

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5 By: Representatives Speaks, Berry, Bragg, Breaux, Capp, Cloud, Coleman, M. Davis, Deffenbaugh, Della
6 Rosa, V. Flowers, Gazaway, M. Hodges, Hollowell, Lowery, Lynch, Maddox, Magie, Payton, Pilkington,
7 Rye, Scott, Sorvillo, Sullivan, Tosh, Vaught, Wooten

8 By: Senator Flippo

9

10 **For An Act To Be Entitled**

11 AN ACT TO AMEND THE LAW CONCERNING UNOPPOSED
12 CANDIDATES; TO REQUIRE UNOPPOSED CANDIDATES TO APPEAR
13 ON THE BALLOT; AND FOR OTHER PURPOSES.

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Subtitle

17 TO AMEND THE LAW CONCERNING UNOPPOSED
18 CANDIDATES; AND TO REQUIRE UNOPPOSED
19 CANDIDATES TO APPEAR ON THE BALLOT.

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

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24 SECTION 1. Arkansas Code § 7-5-207(a), concerning names included on
25 ballots and ballot position, is amended to read as follows:

26 (a)(1) Except as provided in subdivision (a)(2) of this section, all
27 election ballots provided by the county board of election commissioners of
28 any county in this state for any election shall contain in the proper place
29 the name of every candidate whose nomination for any office to be filled at
30 that election has been certified to the county board of election
31 commissioners and shall not contain the name of any candidate or person who
32 has not been certified.

33 (2)(A) Except as provided in subdivision (a)(2)(B) of this
34 section, unopposed candidates for all offices shall be declared and certified
35 elected without the necessity of including those names on the general
36 election ballot.



1 (B)(i) In an election in which one (1) or more candidates
2 are unopposed, the phrase “unopposed candidates” shall appear on the ballot,
3 adjacent to a place in which the voter may cast a vote for all unopposed
4 candidates by placing an appropriate mark.

5 (ii) Votes received by an unopposed candidate in any
6 election in this state may be counted or tabulated by the election officials
7 for administrative purposes, but shall not be certified unless otherwise
8 provided by law.

9 (iii) Votes received by an unopposed candidate for
10 the office of Governor, Mayor, Circuit Clerk, City Clerk, or the office of a
11 non-judicial state elected official shall be counted or tabulated by the
12 election officials and certified according to law.

13 ~~(B)(iv)~~ The names of all unopposed candidates for
14 the office of Mayor, Governor, Circuit Clerk, City Clerk, and the office of
15 non-judicial state elected official shall be separately placed on the general
16 election ballot, and the votes for Mayor, Governor, Circuit Clerk, City
17 Clerk, and non-judicial state elected officials shall be tabulated as in all
18 contested races.

19 (v) All unopposed candidates other than for the
20 offices of Mayor, Governor, Circuit Clerk, City Clerk, and the office of a
21 non-judicial state elected official, shall be declared and certified as
22 elected in the same manner as if the candidate had been voted upon at the
23 election.

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25 SECTION 2. Arkansas Code § 7-5-315(a), concerning counting votes for
26 unopposed and deceased candidates, is amended to read as follows:

27 (a)(1) The votes received by an unopposed candidate in any election
28 held in this state may be counted or tabulated for administrative purposes,
29 but shall not be certified, unless otherwise provided by law, by the election
30 officials. The word “UNOPPOSED” shall be inserted on the tally sheet to
31 indicate that the candidate has received a majority of the votes cast in the
32 election. However, the votes received by an unopposed candidate for the
33 office of ~~mayor, governor, and circuit clerk~~ Mayor, Governor, and Circuit
34 Clerk shall be counted and tabulated by the election officials.

35 (2) All other unopposed candidates shall be declared and

1 certified as elected in the same manner as if the candidate had been voted
2 upon at the election.

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SECTION 3. Arkansas Code § 7-7-304(d), concerning names to be included on ballots and unopposed candidates, is amended to read as follows:

(d) When only one (1) candidate qualifies for a particular office or position, ~~it is not necessary for~~ the office or position and the name of the unopposed candidate ~~to~~ shall be printed on the political party's ballot in all primary elections.

/s/Speaks

APPROVED: 4/15/19