

Hall of the House of Representatives
86th General Assembly - Regular Session, 2007
Amendment Form

Subtitle of Senate Bill No. 855

"AN ACT AMENDING ARKANSAS LAW CONCERNING PROCEDURES AND
DEADLINES FOR ELECTIONS."

Amendment No. 1 to Senate Bill No. 855.

Amend Senate Bill No. 855 as engrossed, S3/14/07 (version: 03-14-2007 14:09):

Page 5, line 12, delete "~~request the county board of election commissioners to~~" and substitute "request the county board of election commissioners to"

AND

Page 5, line 13, delete "in accordance with 7-5-103(b)" and substitute "on a date in accordance with § 7-5-103(b)(3) and (4)"

AND

Delete SECTION 13 of the bill in its entirety and substitute the following:

"SECTION 13. Arkansas Code § 7-5-103 is amended to read as follows:
7-5-103. ~~Time of special~~ Special elections.

~~(a) If no time is otherwise provided by law, all special elections to fill vacancies or to elect any officers where there appears to be a tie vote shall be held on the second Tuesday of any month at the time specified in the proclamation issued by the appropriate constituted authority, but in no event earlier than thirty (30) days following the issuance of the proclamation.~~

~~(b)(1)(A) Special elections held under this section in months in which a presidential preferential primary election, preferential primary election, general primary election, or general election is scheduled to occur shall be held on the date of the presidential preferential primary election, preferential primary election, general primary election, or general election.~~

~~(B)(i)(a) If a special election is held on the date of the presidential preferential primary election, preferential primary election, or general primary election, the issue or issues to be voted upon at the special election shall be included on the ballot of each political party.~~

~~(b) However, separate ballots containing only the issue or issues to be voted upon at the special election shall be prepared and made available to voters requesting a separate ballot.~~

~~(ii) No voter shall be required to vote in a political party's presidential preferential primary, preferential primary, or~~



~~general primary in order to be able to vote in the special election.~~

~~(2) Special elections scheduled to occur in a month in which the second Tuesday is a legal holiday shall be held on the third Tuesday of the month.~~

(a)(1) All special elections to fill vacancies in an office shall be called by proclamation, ordinance, resolution, or order of the appropriate constituted authority.

(2) The proclamation, ordinance, resolution, or order shall be published as soon as practicable in a newspaper of general circulation where the special election is held and the proclamation, ordinance, resolution or order shall establish:

(A) The date of the election;

(B) The date of the primary election, if any;

(C) The deadline for filing party certificates and political practices pledges, if required, with the county clerk or Secretary of State, as the case may be, if applicable;

(D) The deadline for party conventions to select nominees if applicable;

(E) The deadline for parties to issue certificates of nomination, if applicable;

(F) The deadline for candidates to file certificates of nomination, if applicable, and political practices pledges with the county clerk or Secretary of State, as the case may be;

(G) The deadline for filing as an independent candidate and the period in which petitions for independent candidacy may be circulated;

(H) The deadline for filing as a write-in candidate if applicable;

(I) The deadline for drawing for ballot position by the appropriate committee or election commission, as the case may be; and

(J) The date the election shall be certified by the county board of election commissioners in each county in which the election takes place and, if applicable, by the Secretary of State.

(3)(A) All special elections to fill vacancies in office shall be held on the second Tuesday of any month.

(B)(i) Special elections under this section in which a presidential preferential primary election, preferential primary election, general primary election, or general election is scheduled to occur shall be held on the date of the presidential preferential primary election, preferential primary election, general primary election, or general election.

(ii) If a special election to fill a vacancy in office is held on the date of the presidential preferential primary election, preferential primary election, or general primary election, the names of the candidates in the special election shall be included on the ballot of each political party, and the portion of the ballot on which the special election appears shall be labeled with a heading stating "SPECIAL ELECTION FOR" with the name of the office set out in the heading.

(iii) However, separate ballots containing the names of the candidates to be voted upon at the special election, nonpartisan judicial elections, if applicable, and any other measures or questions that may be presented for a vote shall be prepared and made available to voters requesting a separate ballot.

(iv) No voter shall be required to vote in a political party's presidential preferential primary, preferential primary, or general primary in order to be able to vote in the special election.

(C)(i) If the special election is held at the same time as the general election, the names of the candidates in the special election shall be included on the general election ballot, and the portion of the ballot on which the special election appears shall be labeled with a heading stating "SPECIAL ELECTION FOR" with the name of the office set out in the heading.

(ii) The county board of election commissioners may include the special election on a separate ballot if the special election is held at the same time as the general election and if the commission determines that a separate ballot is necessary to avoid voter confusion.

(D) A special election to fill a vacancy in office shall be held not less than sixty-five (65) days following the date in the proclamation, ordinance, resolution, or order for drawing for ballot position when the special election is to be held on the date of the presidential preferential primary election, preferential primary election, general primary election, or general election.

(4) If the special election is not held at the same time as a presidential preferential primary election, preferential primary election, general primary election, or general election, the special election shall be held not less than fifty (50) days following the date in the proclamation, ordinance, resolution, or order for drawing for ballot position.

(5)(A) All special primary elections required for an election to fill a vacancy in office shall be held on the second Tuesday of any month, and special primary elections held under this section in months in which a presidential preferential primary election, preferential primary election, general primary election, or general election is scheduled to occur shall be held on the date of the presidential preferential primary election, preferential primary election, general primary election, or general election.

(B) If a special primary election in conjunction with an election to fill a vacancy in office is held on the date of the presidential preferential primary election, preferential primary election, general primary election, or general election, the candidates to be voted upon at the special election shall be included on the ballot of each political party or the general election ballot, as the case may be, and the portion of the ballot on which the special primary election appears shall be labeled with a heading stating "SPECIAL..... PRIMARY ELECTION FOR....." with the name of the party for which nomination is sought and the office set out in the heading.

(C) The county board of election commissioners may include the special primary election on a separate ballot if the special primary election is held at the same time as a presidential preferential primary election, preferential primary election, general primary election, or general election and if the commission determines that a separate ballot is necessary to avoid voter confusion.

(6) A special primary election shall be held not less than sixty-five (65) days following the date in the proclamation, ordinance, resolution, or order for drawing for ballot position when the special election is to be held on the date of the presidential preferential primary election, preferential primary election, general primary election, or general

election.

(7)(A) If the special primary election is not held at the same time as a presidential preferential primary election, preferential primary election, general primary election, or general election, the special election shall be held not less than fifty (50) days following the date in the proclamation, ordinance, resolution, or order for drawing for ballot position.

(B) When a special primary election is called to select nominees for a special election to fill a vacancy in office, the nominee shall be the person who receives the highest number of votes in the special primary election. There shall be no runoff after a special primary election.

(8) In addition to the publication of the proclamation, ordinance, resolution, or order required by the provisions of this section, notice of special elections to fill vacancies called under this section shall be published and posted under § 7-5-202 and § 7-5-206.

(b)(1) Except for special school elections held under § 6-14-102(d), all special elections on measures or questions referred to the voters shall be called by proclamation, ordinance, resolution, or order of the properly constituted authority.

(2) The proclamation, ordinance, resolution, or order shall set forth:

(A) The date of the special election;

(B) The full text of any measure or question for which the election is called;

(C) Any ballot title for the measure or question for which the election is called; and

(D) Any other information as may be required by law.

(3) All special elections on measures or questions shall be held on the second Tuesday of any month, except special elections held under this section in a month in which a presidential preferential primary election, preferential primary election, general primary election, or general election is scheduled to occur shall be held on the date of the presidential preferential primary election, preferential primary election, general primary election, or general election. Special elections scheduled to occur in a month in which the second Tuesday is a legal holiday shall be held on the third Tuesday of the month.

(4)(A) If a special election is held on the date of the presidential preferential primary election, preferential primary election, or general primary election, the issue or issues to be voted upon at the special election shall be included on the ballot of each political party. The portion of the ballot containing the special election shall be labeled with a heading stating "SPECIAL ELECTION ON" with a brief description of the measure or question to be decided in the election.

(B) However, separate ballots containing the issue or issues or candidates to be voted upon at the special election and candidates for nonpartisan judicial office shall be prepared and made available to voters requesting a separate ballot.

(C) No voter shall be required to vote in a political party's presidential preferential primary, preferential primary, or general primary in order to be able to vote in the special election.

(5) A special election shall be held not less than sixty-five (65) days following the date that the ordinance or resolution is adopted or

the date the proclamation or order is issued when the special election is to be held on the date of the presidential preferential primary election, preferential primary election, general primary election, or general election.

(6) If the special election is not held at the same time as a presidential preferential primary election, preferential primary election, general primary election, or general election, the special election shall be held not less than fifty (50) days following the date that the proclamation, ordinance, resolution, or order is published.

(7) Notice of the election shall be published and posted in accordance with § 7-5-202, § 7-5-206, or as may be otherwise provided by Arkansas law."

AND

Delete SECTION 21 of the bill in its entirety and substitute the following:

"SECTION 21. Arkansas Code § 7-7-103 is amended to read as follows:

7-7-103. Filing as an independent - Petitions - Disqualification.

(a) Any person desiring to have his or her name placed upon the ballot as an independent candidate without political party affiliation for any state, county, township, or district office in any general election in this state shall file as an independent candidate a notice of candidacy stating the name and title the candidate proposes to appear on the ballot and identifying the elective office sought during the period for filing political practices pledges and party pledges if any are required by the rules of the party to qualify as a candidate of a political party in a primary election.

(b)(1)(A) The person shall furnish by May 1 of the year in which the election is to be held petitions signed by not less than three percent (3%) of the qualified electors in the county, township, or district in which the person is seeking office, but in no event shall more than two thousand (2,000) signatures be required for a district, county, or township office.

(B) If the person is a candidate for state office or for United States Senator in which a statewide race is required, the person shall file petitions signed by not less than three percent (3%) of the qualified electors of the state or which contain ten thousand (10,000) signatures of qualified electors, whichever is the lesser.

(2) Each elector signing the petition shall be a registered voter, and the petition shall be directed to the official with whom the person is required by law to file nomination certificates to qualify as a candidate and shall request that the name of the person be placed on the ballot for election to the office mentioned in the petition.

(3) Petitions shall be circulated not earlier than sixty (60) calendar days prior to the deadline for filing petitions to qualify as an independent candidate unless the number of days is reduced by a proclamation, ordinance, resolution, or order of special election under § 7-5-103.

(4) In determining the number of qualified electors in any county, township, or district or in the state, the total number of votes cast therein for all candidates in the preceding general election for the office of Governor shall be conclusive of the number of qualified electors therein for the purposes of this section.

(5) If the number of days in which the petition for independent candidacy may be circulated is reduced by a proclamation, ordinance, resolution, or order for special election under § 7-5-103, the number of

signatures required on the petition shall be reduced proportionately.

(c)(1)(A) Independent candidates for municipal office may qualify by a petition of not fewer than ten (10) electors for incorporated towns and for cities of the second class and not fewer than thirty (30) electors for cities of the first class, of the ward or city in which the election is to be held.

(B) The county clerk shall determine within ten (10) days of filing whether the petition contains the names of a sufficient number of qualified electors. The county clerk shall promptly notify the candidate of the result.

(2)(A) Independent candidates for municipal office shall file their petitions of nomination with the county clerk not more than ~~eighty (80)~~ ninety (90) days nor fewer than ~~sixty (60)~~ seventy (70) days before the general election.

(B) The filing on the last day shall occur before 12:00 p.m.

(d) The sufficiency of any petition filed under the provisions of this section may be challenged in the same manner as is provided by law for election contests, § 7-5-801 et seq.

(e) A person who has been defeated in a party primary shall not be permitted to file as an independent candidate in the general election for the office for which he or she was defeated in the party primary.

(f) This section shall not apply to the offices of Justice of the Supreme Court, Judge of the Court of Appeals, circuit judge, or district judge."

AND

Page 57, line 24, delete "proclamation" and substitute "ordinance or proclamation"

AND

Page 65, line 30, delete "one hundred ten (110)" and substitute "~~one hundred ten (110)~~ ninety (90)"

AND

Page 65, line 31, delete "ninety (90)" and substitute "~~ninety (90)~~ seventy (70)"

AND

Page 130, line 13, delete "by proclamation of the"

AND

Page 130, line 14, delete "mayor"

AND

Delete SECTION 90 of the bill in its entirety

AND

Delete SECTION 92 of the bill in its entirety

AND

Delete SECTION 93 of the bill in its entirety

AND

Delete SECTION 94 of the bill in its entirety

AND

Appropriately renumber the remaining sections of the bill

The Amendment was read _____
By: Representative E. Brown
MBM/LNS - 03-23-2007 10:37
MBM741

Chief Clerk