

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

As Engrossed: S3/25/15

A Bill

HOUSE BILL 1610

5 By: Representative Bell
6 *By: Senator E. Williams*
7

For An Act To Be Entitled

9 AN ACT TO PROVIDE THAT NO ELECTION MAY BE HELD FOR
10 CERTAIN UNOPPOSED OFFICES; TO PROVIDE A NEW ELECTION
11 PROCEDURE; AND FOR OTHER PURPOSES.
12
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Subtitle

15 TO PROVIDE THAT NO ELECTION MAY BE HELD
16 FOR CERTAIN UNOPPOSED OFFICES; AND TO
17 PROVIDE A NEW ELECTION PROCEDURE.
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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 § 6-14-102(c)(1) and (c)(2)(A), concerning
23 annual school elections with unopposed candidates for school district
24 director, is amended to read as follows:

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

32 (A) Reduce the number of polling places ~~or to open;~~

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

35 (C) Open no polling places on election day and hold an
36 election by candidate under the procedure in § 7-11-107(c).



1 (2)(A) If requested by proper resolution adopted by the board of
 2 directors of any school district, the county board of election commissioners
 3 may provide that no polling places be open on election day so that the
 4 election can be conducted by ~~absentee~~;

5 (i) Absentee ballot and early voting only; or

6 (ii) Election by candidate under the procedure in §
 7 7-11-107(c).

8
 9 SECTION 2. Arkansas Code § 6-14-106(a)(4)(A), concerning location of
 10 polling sites for an annual school election, is amended to read as follows:

11 (4)(A)(i) The Except as provided in subdivision (a)(4)(A)(ii)
 12 and unless changed by order of the county board of election commissioners,
 13 the polling sites for each school election shall be the same as those
 14 established for the immediately preceding school election ~~unless changed by~~
 15 ~~order of the county board of election commissioners.~~

16 (ii) If no polling sites were opened in the
 17 immediately preceding school election, the polling sites shall be the same as
 18 those established for the most recent school election in which polling sites
 19 were opened unless changed by order of the county board of election
 20 commissioners.

21
 22 SECTION 3. Arkansas Code § 7-11-107 is amended to read as follows:
 23 7-11-107. Unopposed candidates.

24 (a)(1) If there is only one (1) candidate after all deadlines for
 25 filing as a candidate have passed in a special election to fill a vacancy and
 26 if no other office or issue is on the ballot, the county board of election
 27 commissioners may provide that:

28 (A) Polling places shall not be open on election day and
 29 the election shall be conducted by absentee ballot and early voting only; ~~or~~

30 (B) Only one (1) polling place shall be open and that
 31 polling place may be at the courthouse and may be staffed by the county clerk
 32 or as many poll workers as the county board deems necessary; or

33 (C) If the candidate is for county or municipal office,
 34 the provisions in subsection (c) of this section may be followed.

35 (2) If there is only one (1) candidate after all deadlines for
 36 filing as a candidate have passed in a special primary election to fill a

1 vacancy, the county board of election commissioners shall certify the
2 candidate as the nominee of the political party without holding a special
3 primary election for the political party.

4 (b) In a county that uses voting machines or an electronic vote
5 tabulating device, the county board may:

6 (1) Choose to use paper ballots counted by hand for the election;
7 and

8 (2)(A) Provide that no voting machines shall be used in the
9 election.

10 (B) If the county board chooses to provide that no voting
11 machines shall be used in the election, any other provision in Arkansas law
12 requiring the use of a voting machine shall not apply to this section.

13 (c)(1) If there is only one (1) candidate for municipal office after
14 all the deadlines for filing as a candidate have passed in a special election
15 to fill a vacancy and if no other office or issue is on the ballot, the
16 county board of election commissioners may:

17 (A) Declare an election by candidate to be held on the
18 election date;

19 (B) Open no polling places; and

20 (C) Allow the candidate to cast a ballot for himself or
21 herself at a designated time and location on the special election day.

22 (2) If an election by candidate is to be held, the county board
23 of election commissioners shall publish notice that an election by candidate
24 shall be held and no polling places will be opened:

25 (A) By one (1) insertion in a newspaper of general
26 circulation in the county or municipality at least two (2) weeks before the
27 special election day; and

28 (B) By posting a notice on the door of each polling place
29 on the special election day.

30 (3) After the candidate casts a ballot for himself or herself at
31 an election by candidate, the candidate shall be declared elected.

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34 /s/Bell