

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

A Bill

Call Item 6
HOUSE BILL 1002

5 By: Representative Bell
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING PRIMARY ELECTIONS;
9 TO MOVE THE DATES OF THE PREFERENTIAL PRIMARY
10 ELECTION AND THE GENERAL PRIMARY ELECTION; TO PROVIDE
11 FOR A STUDY OF THE EFFECTS AND BENEFITS OF HOLDING
12 THE PREFERENTIAL PRIMARY ELECTION IN MARCH; AND FOR
13 OTHER PURPOSES.
14
15

Subtitle

16 TO AMEND THE LAW CONCERNING PRIMARY
17 ELECTIONS; TO MOVE THE DATES OF THE
18 PREFERENTIAL PRIMARY ELECTION AND THE
19 GENERAL PRIMARY ELECTION; AND TO PROVIDE
20 FOR A STUDY OF HOLDING THE PREFERENTIAL
21 PRIMARY ELECTION IN MARCH.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

27 SECTION 1. DO NOT CODIFY. Legislative Intent. It is the intent of
28 the General Assembly to:

29 (1) Hold the preferential primary election on the first Tuesday
30 in May of 2016 and the general primary election three (3) weeks after the
31 preferential primary in 2016;

32 (2) After the 2016 election, require the Senate Committee on
33 State Agencies and Governmental Affairs and the House Committee on State
34 Agencies and Governmental Affairs to study the effects and benefits of
35 holding the preferential primary election and the general primary election in
36 May; and



1 (3) Beginning with the 2018 election cycle, hold the
2 preferential primary election and the general primary election in May.

3
4 SECTION 2. Arkansas Code § 7-7-203(a) and (b), concerning the dates of
5 the preferential primary election and the general primary election, are
6 amended to read as follows:

7 (a) The general primary election shall be held on the ~~second~~ Tuesday ~~in~~
8 ~~June preceding the general election~~ three (3) weeks after the preferential
9 primary election.

10 (b) The preferential primary election shall be held on the ~~Tuesday~~
11 ~~three (3) weeks before the general primary election~~ first Tuesday in May
12 before the general election.

13
14 SECTION 3. Arkansas Code § 7-7-203(a), (b), and (c), concerning the
15 dates of the general primary election and preferential primary election, are
16 amended to read as follows:

17 (a) The general primary election shall be held on the ~~second~~ Tuesday
18 ~~in June preceding the general election~~ three (3) weeks after the preferential
19 primary election.

20 (b) The preferential primary election shall be held on the first
21 Tuesday three (3) weeks in March before the general ~~primary~~ election.

22 (c)(1) The party filing period shall ~~be a one week period ending at~~
23 ~~12:00 noon on the first day in March and beginning at 12:00 noon one (1) week~~
24 ~~prior to the first day in March~~ begin at 12:00 noon on the first business day
25 in December preceding the general primary election and end at 12:00 noon on
26 the fifth business day in December preceding the general primary election.

27 (2) Party pledges, if any, and affidavits of eligibility shall
28 be filed, any filing fees of a political party, if any, shall be paid, and
29 party certificates shall be issued by the party during regular office hours
30 during the party filing period.

31 (3) A party certificate and the political practices pledge shall
32 be filed with the county clerk or the Secretary of State, as the case may be,
33 during regular office hours during the party filing period.

34 (4) The name of a candidate who fails to file a party
35 certificate and political practices pledge by the filing deadline with the
36 Secretary of State or county clerk, as the case may be, shall not appear on

1 the ballot.

2 (5) Party pledges, if any, shall be filed, filing fees, if any,
3 shall be paid, and party certificates and political practice pledges shall be
4 filed for special primary elections on or before the deadline established by
5 proclamation of the Governor or other entity authorized to call a special
6 primary election.

7

8 SECTION 4. Arkansas Code § 7-7-304(a) and (b), concerning names to be
9 included on ballots, are amended to read as follows:

10 (a)(1) Not less than ~~seventy-five (75)~~ seventy-eight (78) days before
11 each preferential primary election, the Secretary of State shall certify to
12 all county boards of election commissioners full lists of the names of all
13 candidates who have filed party certificates with him or her to be placed on
14 the ballots in their respective counties at the preferential primary
15 election.

16 (2) A name of a person shall not be certified and shall not be
17 placed on the ballot if prior to the certification deadline a candidate:

18 (A) Notifies the Secretary of State in writing, signed by
19 the candidate and acknowledged before an officer authorized to take
20 acknowledgements, of his or her desire to withdraw as a candidate for the
21 office or position; or

22 (B) Dies.

23 (b)(1) Not less than ~~seventy-five (75)~~ seventy-eight (78) days before
24 each preferential primary election, the county clerk shall certify to the
25 county board full lists of the names of all candidates who have filed party
26 certificates with him or her to be placed on the ballot at the preferential
27 primary election.

28 (2) A name of a person shall not be certified and shall not be
29 placed on the ballot if prior to the certification deadline a candidate:

30 (A) Notifies the county clerk in writing, signed by the
31 candidate and acknowledged before an officer authorized to take
32 acknowledgements, of his or her desire to withdraw as a candidate for the
33 office or position; or

34 (B) Dies.

35

36 SECTION 5. Arkansas Code § 7-7-305(b), concerning printing of ballots,

1 is amended to read as follows:

2 (b) The order in which the names of the respective candidates are to
 3 appear on the ballots at all preferential and general primary elections shall
 4 be determined by lot at the public meeting of the county board of election
 5 commissioners held not later than ~~seventy-two (72)~~ seventy-five (75) days
 6 before the preferential primary election. The county board shall give at
 7 least ten (10) days' written notice of the time and place of the meeting to
 8 the chairs of the county committees if the chairs are not members of the
 9 board, and at least three (3) days before the meeting, shall publish notice
 10 of the time and place of holding the meeting in some newspaper of general
 11 circulation in the county.

12
 13 SECTION 6. Arkansas Code § 7-8-201 is amended to read as follows:

14 7-8-201. Preferential elections ~~required~~ and political party caucuses -
 15 Apportionment of delegates.

16 (a) Each political party in the state desiring to select delegates to
 17 attend a quadrennial national nominating convention of the party to select a
 18 nominee for the office of President of the United States shall either hold a
 19 ~~preferential~~;

20 (1) Preferential primary election in the state, ~~and; or~~

21 (2) Political party caucus.

22 (b)(1) If the nominee to the office of President of the United States
 23 is selected by preferential primary election, the delegates to the national
 24 party convention shall be apportioned to the presidential candidates whose
 25 names were on the ballot at the preferential primary or to "uncommitted" in
 26 the proportion that the votes cast for each candidate or for "uncommitted"
 27 bear to the total votes cast at the election, rounded to the closest whole
 28 number.

29 (2)(A) If the nominee to the office of President of the United
 30 States is selected by political party caucus, the delegates to the national
 31 party convention shall be apportioned as determined by appropriate rule
 32 adopted by the political party at least one hundred twenty (120) days before
 33 the political party caucus is held.

34 (B) Each political party holding a political party caucus
 35 to select a nominee for the office of President of the United States shall
 36 adopt appropriate rules governing the political party's practices and

1 procedures for the political party caucus at least one hundred twenty (120)
2 days before the political party caucus is held.

3 (3) A political party caucus shall be held on or before the date
4 of the preferential primary election.

5
6 SECTION 7. Arkansas Code § 7-8-204 is amended to read as follows:

7 7-8-204. Rules for selection of delegates and alternates.

8 Each political party holding a preferential primary election or a
9 political party caucus in the state shall adopt appropriate rules for the
10 selection of delegates and alternate delegates to the quadrennial national
11 nominating convention of the party and to otherwise carry out the intent and
12 purposes of this subchapter.

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14 SECTION 8. Arkansas Code § 14-42-206(a)(1), concerning resolutions
15 requesting that county political party committees conduct party primaries, is
16 amended to read as follows:

17 (a)(1) The city or town council of any city or town with the mayor-
18 council form of government, by resolution passed before ~~January 1 of the year~~
19 ~~of the election~~ no less than sixty (60) days before the party filing period
20 under § 7-7-203, may request the county party committees of recognized
21 political parties under the laws of the state to conduct party primaries for
22 municipal offices for the forthcoming year.

23
24 SECTION 9. DO NOT CODIFY.

25 (a) The Senate Committee on State Agencies and Governmental Affairs
26 and the House Committee on State Agencies and Governmental Affairs shall
27 study the effects of holding the:

28 (1) Preferential primary election on the first Tuesday in March
29 before the general election; and

30 (2) General primary election three (3) weeks after the
31 preferential primary election.

32 (b) The study shall include an analysis of the:

33 (1) Benefits and detriments of holding the preferential primary
34 election and the general primary election in March;

35 (2) Filing dates that it may be necessary to change as a result
36 of holding the preferential primary election and the general primary election

1 in March; and

2 (3) Other laws which may be affected by the changes in dates for
 3 holding the preferential primary election and the general primary election.

4 (c)(1) The Senate Committee on State Agencies and Governmental Affairs
 5 and the House Committee on State Agencies and Governmental Affairs shall
 6 prepare and file a report concerning the study and the recommendations of
 7 Senate Committee on State Agencies and Governmental Affairs and the House
 8 Committee on State Agencies and Governmental Affairs with the President Pro
 9 Tempore of the Senate and Speaker of the House of Representatives by November
 10 1, 2016.

11 (2) The Senate Committee on State Agencies and Governmental
 12 Affairs and the House Committee on State Agencies and Governmental Affairs
 13 may file proposed legislation with the report.

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 15 SECTION 10. DO NOT CODIFY. EFFECTIVE DATE.

16 (a) Section 2 of this act shall be effective from the effective date
 17 of this act until June 30, 2017.

18 (b) Sections 3 through 5, and section 8 of this act shall be effective
 19 on and after July 1, 2017.

20 (c) Sections 1, 6, 7, and 9 of this act shall be effective on and
 21 after the effective date of this act.

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