

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

S5/27/2015
A Bill

Call Item 6

HOUSE BILL 1006

5 By: Representatives Davis, Ballinger, Bentley, Bragg, Brown, Collins, Copeland, C. Douglas, Eubanks,
6 Gates, Hickerson, G. Hodges, Lemons, Lowery, J. Mayberry, Payton, Pitsch, Rushing, Scott, B. Smith,
7 Wardlaw
8 By: Senators G. Stubblefield, J. Dismang, Bledsoe, A. Clark, Collins-Smith, J. Cooper, J. Hutchinson,
9 Irvin, E. Williams

For An Act To Be Entitled

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11
12 AN ACT TO AMEND ARKANSAS LAW CONCERNING THE DATES OF
13 THE GENERAL PRIMARY ELECTION AND PREFERENTIAL PRIMARY
14 ELECTION; TO AMEND THE TIME PERIOD FOR FILING AS A
15 CANDIDATE FOR A PRIMARY ELECTION; TO DECLARE AN
16 EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

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20 TO AMEND ARKANSAS LAW CONCERNING THE
21 DATES OF THE GENERAL PRIMARY ELECTION AND
22 PREFERENTIAL PRIMARY ELECTION; TO AMEND
23 THE TIME PERIOD FOR FILING AS A CANDIDATE
24 FOR A PRIMARY ELECTION; AND TO DECLARE AN
25 EMERGENCY.
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28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

29
30 SECTION 1. Arkansas Code § 7-7-203(a), (b), and (c), concerning the
31 dates of the general primary election and preferential primary election, are
32 amended to read as follows:

33 (a) The general primary election shall be held on the ~~second Tuesday~~
34 ~~in June preceding~~ fourth Tuesday in March before the general election.

35 (b) The preferential primary election shall be held on the Tuesday
36 three (3) weeks before the general primary election.



1 (c)(1) The party filing period shall be a one-week period ~~ending at~~
2 ~~12:00 noon on the first day in March and beginning at 12:00 noon one (1) week~~
3 ~~prior to the first day in March~~ beginning at 12:00 noon on the first Monday
4 in November preceding the general primary election and ending at 12:00 noon
5 on the seventh day thereafter.

6 (2) Party pledges, if any, and affidavits of eligibility shall
7 be filed, any filing fees of a political party, if any, shall be paid, and
8 party certificates shall be issued by the party during regular office hours
9 during the party filing period.

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

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

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

22
23 SECTION 2. Arkansas Code § 7-7-304(a) and (b), concerning names to be
24 included on ballots, is amended to read as follows:

25 (a)(1) Not less than ~~seventy-five (75)~~ ninety-two (92) days before each
26 preferential primary election, the Secretary of State shall certify to all
27 county boards of election commissioners full lists of the names of all
28 candidates who have filed party certificates with him or her to be placed on
29 the ballots in their respective counties at the preferential primary
30 election.

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

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

1 (B) Dies.

2 (b)(1) Not less than ~~seventy-five (75)~~ ninety-two (92) days before each
3 preferential primary election, the county clerk shall certify to the county
4 board full lists of the names of all candidates who have filed party
5 certificates with him or her to be placed on the ballot at the preferential
6 primary election.

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

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

13 (B) Dies.
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15 SECTION 3. Arkansas Code § 7-7-305(b), concerning printing of ballots,
16 is amended to read as follows:

17 (b) The order in which the names of the respective candidates are to
18 appear on the ballots at all preferential and general primary elections shall
19 be determined by lot at the public meeting of the county board of election
20 commissioners held not later than ~~seventy-two (72)~~ eighty-nine (89) days
21 before the preferential primary election. The county board shall give at
22 least ten (10) days' written notice of the time and place of the meeting to
23 the chairs of the county committees if the chairs are not members of the
24 board, and at least three (3) days before the meeting, shall publish notice
25 of the time and place of holding the meeting in some newspaper of general
26 circulation in the county.
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28 SECTION 4. Arkansas Code § 14-42-206(a)(1), concerning resolutions
29 requesting that county political party committees conduct party primaries, is
30 amended to read as follows:

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

1
2 SECTION 5. Arkansas Code Title 21, Chapter 8, Subchapter 7, is amended
3 to add an additional section to read as follows:

4 21-8-705. Filing of additional statement of financial interest in year
5 in which party filing period is held.

6 If the party filing period under § 7-7-203 ends before January 1 of the
7 year of the general election, a candidate for elective office shall file a
8 statement of financial interest for the previous calendar year no later than
9 January 31 of the year of the general election in addition to the statement
10 of financial interest required under § 21-8-701.

11
12 SECTION 6. *DO NOT CODIFY - ACT TO BE RETROACTIVE.* (a) To ensure that
13 independent candidates are provided the maximum number of days allowed by law
14 to circulate petitions to qualify as an independent candidate, the provisions
15 of this act are retroactive to August 1, 2015.

16 (b) Signatures on a petition to have the name of a person placed upon
17 the ballot as an independent candidate under § 7-7-103 collected between
18 August 11, 2015, and the effective date of this act shall be counted if:

19 (1) The signatures are not otherwise collected in violation of
20 Arkansas law;

21 (2) The signatures otherwise comply with applicable Arkansas
22 law; and

23 (3) The petition is lawfully filed.

24
25 SECTION 7. *DO NOT CODIFY - TEMPORARY LANGUAGE AND SUSPENSION OF*
26 *CURRENT LAW.* (a) This act is cumulative of existing laws and shall not
27 repeal but merely suspend any law in conflict with the act.

28 (b) The provisions of this act are temporary and expire on December
29 31, 2016.

30 (c) On and after December 31, 2016, the provisions of law suspended by
31 this act shall be in full force and effect.

32 (d) The expiration of this act shall not affect rights acquired under
33 it or affect suits then pending.

34
35 SECTION 8. *EMERGENCY CLAUSE.* It is found and determined by the
36 General Assembly of the State of Arkansas that independent candidates may

1 circulate petitions for candidacy for ninety (90) days before the deadline
2 for filing as a candidate for office; and that without an emergency clause,
3 the effective date of this act will cause confusion regarding the rights and
4 interests of independent candidates and the time period for circulating
5 petitions for candidacy. Therefore, an emergency is declared to exist, and
6 this act being immediately necessary for the preservation of the public
7 peace, health, and safety shall become effective on:

8 (1) The date of its approval by the Governor;

9 (2) If the bill is neither approved nor vetoed by the Governor,
10 the expiration of the period of time during which the Governor may veto the
11 bill; or

12 (3) If the bill is vetoed by the Governor and the veto is
13 overridden, the date the last house overrides the veto.

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15 /s/Davis
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