

Department of Finance and Administration

Legislative Impact Statement

Bill: HB1357

Bill Subtitle: TO PROMOTE VOTER TURNOUT; AND TO AMEND THE LAW TO LIMIT THE DATES ON WHICH AN ELECTION CAN BE HELD.

Basic Change :

Representative Kerr
Senator D. Sanders

The proposal amends various code sections governing the dates and procedures for calling special elections for local city and county issues. The proposal establishes a uniform procedure for all special elections.

The procedures for calling an election for local tax levies has language removed which required the election be held within one hundred twenty (120) days of the date of the action which calls for the election. This language has been replaced with references to a new code section, Ark. Code Ann. § 7-11-304, which establishes that for all special elections, the ordinance must provide for the date of the election and must be filed at least 120 days before the election is held. If the special election is held in a year with a preferential primary election or a general election, the special election must be held at the same time. If a special election is called in a year in which a preferential primary election or general election is not held, the election must be held on the first Tuesday after the first Monday in either May or November.

Revenue Impact :

None

Taxpayer Impact :

None

Resources Required :

None

Time Required :

Adequate time is allowed in the proposal

Procedural Changes :

None

Other Comments :

None

Legal Analysis :

HB1357 adds a new section to the Arkansas Code concerning special elections. The new section states that the proclamation, ordinance, resolution, order, or other authorized document calling a special election shall set the date of the special election and be filed at least 120 days before the date the special election is to be held. If a special election is called in a year in which a preferential primary election or general election is held, the special election shall be held with the

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preferential primary election or general election. If a special election is called in a year in which a preferential primary election or general election is not held, the special election shall be held on the Tuesday next after the first Monday in May or the Tuesday next after the first Monday in November. The new section does not apply to a special election to fill a vacancy in office, a special runoff election, or a special election otherwise provided for by law. The new section applies to various elections under the Arkansas Code, including taxes collected at the local level and local sales and use taxes collected by the Arkansas Department of Finance and Administration (DFA).

The bill has an emergency clause with an effective date of January 1, 2014.

The changes proposed by the bill do not adversely affect DFA's administration of local sales and use taxes approved by cities and counties following an election to levy the tax. The cities and counties are still required to notify DFA in the manner required by current law and all other administrative provisions remain in effect.