

ARKANSAS COUNTY ELECTION COMMISSIONS ASSOCIATION

www.ARelectioncommissions.org

Phone: 501.225.4313 Email: info@ARelectioncommissions.org

The Arkansas County Election Commissions Association is a non-profit, non-partisan professional organization dedicated to preserving democracy through elections. Its members are county election commissioners, county election coordinators, county clerks, deputy clerks and the election support staff who administer elections in our state.

TO: Honorable members of the City, County and Local Affairs Committee

FROM: Susan Inman, ACECA President

The Arkansas County Election Commissions Association is proposing a package of bills that would modernize a number of Arkansas' election laws and fix issues that have hindered the efficient administration of elections in the state. A summary of those bills in ACECA's package that relate to municipal elections is set out below.

Sunday liquor sales elections

Current law allows cities to call an election by resolution or for city residents to petition for an election for Sunday liquor sales. However, current law also seems to require that the quorum court "order" the election. There are other aspects of this law that need to be updated as well.

ACECA's proposal:

- Eliminates the requirement for a quorum court order to call a municipal Sunday sales election;
- Provides for filing of resolutions with the county clerk;
- Requires an election called by petition to be held at the general election – not a special election;
- Provides a 120-day circulation period for petitions;
- Provides for the form of the petition;
- Provides a 10-day period for the clerk to count petitions;
- Provides a deadline for filing a petition;
- Changes the window to hold the election from 90 days from the date of the resolution to 120 days from the date of the resolution to provide more time and flexibility.

One polling place per city instead of per ward

Under current law, cities of the first class are required to have one poll per ward. A number of counties need the flexibility to consolidate polling places for the sake of efficiency and because it is often impossible to find accessible polling places in each ward.

ACECA's proposal:

- Provides for an election commission to establish a minimum of one polling place for the whole city and eliminates the requirement of one polling place per ward.

Update and clean up law regarding new municipal incorporations

Current law sets deadlines for filing and approving petitions for elections on new incorporation that are out of line with requirements providing for absentee voting for overseas citizens and has provisions that are not consistent with other statutory election practices.

ACECA's proposal:

Establishes deadlines, notice requirements and election certification practices in line with overseas absentee voting procedures and general election laws.

Municipal candidate petition circulation period and clarification

Current law does not set out a circulation period for municipal candidate petitions and does not specifically state that the candidate petition must be circulated with the candidate's name and position sought.

ACECA's proposal:

Clarifies that municipal candidates must circulate petition with name and position, and that the same name and position appear on all filing papers; sets circulation period for petitions (60 days before filing deadline); clarifies that there is no cure period for insufficient petitions

Change Municipal candidate nomenclature from "Independent" to "non-partisan"

A great deal of confusion results from having two different kinds of "independent" candidates – municipal "Independents" (who actually run in *non-partisan* elections and have a separate filing period and different petition forms from true independents) and all other independents, who run in otherwise partisan elections but with an "Independent" label, rather than a party label (i.e., Jon Doe – D; Joe Blow – R, Jane Toe – I). Another source of confusion is the option cities currently have to choose different filing periods, and the fact that cities often cannot find ordinances that set filing periods or call for partisan elections. Other aspects of municipal election law also need clarification.

ACECA's proposal:

- Provides that the default mode for municipal elections is nonpartisan (rather than "independent"), but allows cities to choose to have partisan elections where candidates may run for a party's nomination at the primary;

- Requires cities wishing to use partisan elections to pass a fresh resolution for that during the year before the election and makes current resolutions to that effect null and void;
- Eliminates the late filing period for independent candidates in cities that choose partisan elections (Such independents would have to file notice of candidacy in the party filing period and a petition by May 1);
- Eliminates the option for non-partisan cities to have an early filing period (20 day period ending day before May preferential primary), which exists under current law;
- Establishes the filing period beginning 102 days before the election and ending 81 days before, allowing county clerks 2 ½ more business days than current law to count petitions before the clerk's certification deadline (75 days before the election);
- Provides for the State Board of Election Commissioners to prescribe the form of the nominating petition and streamlines the requirements for the petitions; and
- For cities located in two or more counties, provides for the county clerk in the county with the most city population to count signatures on a petition, rather than requiring that clerk to ship petitions to other counties. This is possible because of the availability of a statewide voter database;

City administrator mayor conflict

There is an apparent conflict in the code regarding how unopposed mayoral candidates in city administrator cities appear on the ballot.

ACECA's proposal

This proposal changes the city administrator code to require that unopposed and primary-winning mayoral candidates' names appear separately on the general election ballot, just like the unopposed mayor candidates of all other cities. This makes city administrator mayor elections consistent with 7-5-207(a)(2) requirement that unopposed mayors appear on the general election ballot separately from other unopposed candidates and Amendment 7's requirement that votes for mayors be used to set the standard for signatures for certain municipal citizen petitions.

Alderman numbered posts

ACECA's proposal addresses the problem in a few cities where there is confusion about which alderman holds which post. The proposal would require cities to pass a resolution stating the names of each alderman and the positions they hold and to file the resolution with the county clerk.