

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

HOUSE BILL 1892

5 By: Representative C. Douglas  
6 By: Senator G. Stubblefield  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING UNOPPOSED  
10 CANDIDATES; AND FOR OTHER PURPOSES.  
11

## Subtitle

14 TO AMEND THE LAW CONCERNING UNOPPOSED  
15 CANDIDATES.  
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17  
18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
19

20 SECTION 1. Arkansas Code § 7-5-207(a), concerning names included on  
21 ballots and ballot position, is amended to read as follows:

22 (a)(1) Except as provided in ~~subdivisions (a)(2) and (3)~~ subdivision  
23 (a)(2) of this section, all election ballots provided by the county board of  
24 election commissioners of any county in this state for any election shall  
25 contain in the proper place the name of every candidate whose nomination for  
26 any office to be filled at that election has been certified to the county  
27 board and shall not contain the name of any candidate or person who has not  
28 been certified.

29 (2)(A) Except as provided in subdivision (a)(2)(B) of this  
30 section, unopposed candidates for ~~municipal~~ all offices shall be declared and  
31 certified elected without the necessity of including those names on the  
32 general election ballot.

33 (B) The names of all unopposed candidates for the office  
34 of mayor, governor, and circuit clerk shall be separately placed on the  
35 general election ballot, and the votes for mayor, governor, and circuit clerk  
36 shall be tabulated as in all contested races.



1           ~~(3)(A)(i) Except as provided in subdivision (a)(3)(B) of this~~  
 2 ~~section, the names of all other unopposed candidates for all offices,~~  
 3 ~~including without limitation the names of all unopposed write-in candidates,~~  
 4 ~~shall be grouped together on the ballot indicating the office and the name of~~  
 5 ~~the unopposed candidate.~~

6                     ~~(ii) The phrase "Unopposed Candidates" shall appear~~  
 7 ~~at the top of the list of the names of all unopposed candidates.~~

8                     ~~(iii) Adjacent to the phrase "Unopposed Candidates"~~  
 9 ~~shall be a place in which the voter may cast a vote for all the candidates by~~  
 10 ~~placing an appropriate mark.~~

11                    ~~(B) The names of all unopposed candidates for the office~~  
 12 ~~of circuit clerk shall be separately placed on the general election ballot,~~  
 13 ~~and the votes for circuit clerk shall be tabulated as in all contested races.~~

14  
 15           SECTION 2. Arkansas Code § 7-5-315(a), concerning counting votes for  
 16 unopposed and deceased candidates, is amended to read as follows:

17           (a)(1) ~~The votes received by an unopposed candidate in any election~~  
 18 ~~held in this state shall not be counted or tabulated by the election~~  
 19 ~~officials. The word "UNOPPOSED" shall be sufficient to insert on the tally~~  
 20 ~~sheet to indicate that the candidate has received a majority of the votes~~  
 21 ~~east in the election. However, the votes received by an unopposed candidate~~  
 22 ~~for the office of mayor, governor, or circuit clerk shall be counted and~~  
 23 ~~tabulated by the election officials.~~

24                   (2) All other unopposed candidates shall be declared and  
 25 certified as elected in the same manner as if the candidate had been voted  
 26 upon at the election.

27  
 28           SECTION 3. Arkansas Code § 7-5-701(a)-(c), concerning the declaration  
 29 of election results, are amended to read as follows:

30           (a)(1) No earlier than forty-eight (48) hours after the election and  
 31 no later than the fifteenth calendar day after the election, the county board  
 32 of election commissioners, from the certificates and ballots received from  
 33 the several precincts, shall proceed to ascertain, declare, and certify the  
 34 result of the election to the Secretary of State.

35                   (2) Unopposed candidates, other than candidates for mayor,  
 36 governor, and circuit clerk, shall be separately declared and certified to

1 the Secretary of State as elected in the same manner as if the candidate had  
 2 been voted upon at the election.

3 ~~(2)(A)~~(3)(A) As results are received and tabulated on election  
 4 night for all state and federal elections, the county board of election  
 5 commissioners shall declare preliminary and unofficial results of the  
 6 election as soon as early voting, absentee, or individual precinct results  
 7 are tabulated on election night and immediately shall transmit the results by  
 8 precinct to the Secretary of State through the election night reporting  
 9 interface provided by the Secretary of State.

10 (B) The county board of election commissioners may, by  
 11 agreement with the county clerk, transmit the results to the county clerk who  
 12 immediately shall transmit the results by precinct to the Secretary of State  
 13 ~~as described~~ under subdivision ~~(2)(A)~~ (3)(A) of this section.

14 (C) On election night for all state and federal elections,  
 15 immediately after the count of the vote is complete, the county board of  
 16 election commissioners shall:

17 (i) Declare preliminary and unofficial results of  
 18 the election, including a statement of the number of outstanding:

19 (a) Ballots of voters who requested ballots  
 20 under the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §  
 21 1973ff et seq.; and

22 (b) Provisional ballots; and

23 (ii) Immediately transmit the results by precinct to  
 24 the Secretary of State through the election night reporting interface  
 25 provided by the Secretary of State.

26 (D) The county board of election commissioners may, by  
 27 agreement with the county clerk, transmit the results to the county clerk who  
 28 shall immediately transmit the results by precinct to the Secretary of State  
 29 as described in subdivision ~~(2)(C)~~ (a)(3)(C) of this section.

30 (E) The Secretary of State may establish policies and  
 31 procedures to accomplish the objectives set forth under this section.

32 ~~(3)(4)~~ Within nineteen (19) calendar days after any general,  
 33 special, or school election, the county board shall deliver a certificate of  
 34 election to the person having the highest number of legal votes for any  
 35 county office.

36 (b) The county board shall also file in the office of the clerk of the

1 county court a certificate setting forth in detail the result of the election  
 2 in each precinct.

3 (c)(1) No earlier than forty-eight (48) hours after the election and  
 4 no later than the fifteenth calendar day after the election, the county board  
 5 shall deposit certified copies of the abstracts of the returns of the  
 6 election for members of Congress and for all executive, legislative, and  
 7 judicial officers in the nearest post office on the most direct route to the  
 8 seat of government and directed to the Secretary of State.

9 (2) Separate from an abstract, the county board shall certify  
 10 all unopposed candidates for these offices as elected in the same manner as  
 11 if the candidate had been voted upon at the election.

12 ~~(2)(3)~~ (3) The county board shall not receive compensation for  
 13 election duties after the election until the election results have been  
 14 certified and delivered to the Secretary of State.

15 ~~(3)(4)~~ (4) The Secretary of State shall file a complaint with the  
 16 State Board of Election Commissioners ~~pursuant to~~ under § 7-4-118 if the  
 17 county board does not comply with subdivision (c)(1) of this section.

18  
 19 SECTION 4. Arkansas Code § 7-7-304(d), concerning names to be included  
 20 on ballots and unopposed candidates, is amended to read as follows:

21 (d) When only one (1) candidate qualifies for a particular office or  
 22 position, it is not necessary for the office or position and the name of the  
 23 unopposed candidate ~~shall~~ to be printed on the political party's ballot in  
 24 all primary elections.

25  
 26 SECTION 5. Arkansas Code § 7-7-313 is amended to read as follows:

27 7-7-313. Unopposed races.

28 If there is a primary election in which only one (1) candidate has  
 29 filed for the position by a filing deadline and there are no other ballot  
 30 issues to be submitted for consideration, the county board of election  
 31 commissioners may ~~reduce the number of polling places or open no polling~~  
 32 ~~places on election day so that the election is conducted by absentee ballot~~  
 33 ~~and early voting only~~ declare and certify the candidate as elected in the  
 34 same manner as if the candidate had been voted upon at the election.

35  
 36 SECTION 6. Arkansas Code § 7-11-107 is amended to read as follows:

1 7-11-107. Unopposed candidates.

2 (a)(1) If there is only one (1) candidate after all deadlines for  
 3 filing as a candidate have passed in a special election to fill a vacancy and  
 4 if no other office or issue is on the ballot, the county board of election  
 5 commissioners may ~~provide that~~ declare and certify the candidate as elected  
 6 in the same manner as if the candidate had been voted upon at the election.

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

9 ~~(B) Only one (1) polling place shall be open and that~~  
 10 ~~polling place may be at the courthouse and may be staffed by the county clerk~~  
 11 ~~or as many poll workers as the county board of election commissioners deems~~  
 12 ~~necessary; or~~

13 ~~(C) If the candidate is for municipal office, the~~  
 14 ~~provisions in subsection (c) of this section may be followed.~~

15 (2) If there is only one (1) candidate after all deadlines for  
 16 filing as a candidate have passed in a special primary election to fill a  
 17 vacancy, the county board of election commissioners shall certify the  
 18 candidate as the nominee of the political party without holding a special  
 19 primary election for the political party.

20 ~~(b) In a county that uses voting machines or an electronic vote~~  
 21 ~~tabulating device, the county board of election commissioners may:~~

22 ~~(1) Choose to use paper ballots counted by hand for the~~  
 23 ~~election; and~~

24 ~~(2)(A) Provide that no voting machines shall be used in the~~  
 25 ~~election.~~

26 ~~(B) If the county board of election commissioners chooses~~  
 27 ~~to provide that no voting machines shall be used in the election, any other~~  
 28 ~~provision in Arkansas law requiring the use of a voting machine shall not~~  
 29 ~~apply to this section.~~

30 ~~(e)(1)(b)~~ If there is only one (1) candidate for municipal office  
 31 after all the deadlines for filing as a candidate have passed in a special  
 32 election to fill a vacancy and if no other office or issue is on the ballot,  
 33 the county board of election commissioners may ~~+~~ declare and certify the  
 34 candidate as elected in the same manner as if the candidate had been voted  
 35 upon at the election.

36 ~~(A) Declare an election by candidate to be held on the~~

1 ~~election date;~~

2 ~~(B) Open no polling places; and~~

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

5 ~~(2) If an election by candidate is to be held, the county board~~  
6 ~~of election commissioners shall publish notice that an election by candidate~~  
7 ~~shall be held and no polling places will be opened.~~

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

11 ~~(B) By posting a notice on the door of each polling place~~  
12 ~~on the special election day.~~

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

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17 **APPROVED: 03/28/2017**  
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