

1 State of Arkansas As Engrossed: H2/25/19 H2/28/19

2 92nd General Assembly

A Bill

3 Regular Session, 2019

HOUSE BILL 1420

4

5 By: Representative Boyd

6 By: Senator B. Ballinger

7

8

For An Act To Be Entitled

9

AN ACT TO AMEND CANDIDATE FILING AND PETITION

10

CIRCULATION PERIODS; TO AMEND THE ANNUAL SCHOOL

11

ELECTION DATE NOTIFICATION PROCESS; TO DECLARE AN

12

EMERGENCY; AND FOR OTHER PURPOSES.

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Subtitle

16

TO AMEND CANDIDATE FILING AND PETITION

17

CIRCULATION PERIODS; TO AMEND THE ANNUAL

18

SCHOOL ELECTION DATE NOTIFICATION

19

PROCESS; AND TO DECLARE AN EMERGENCY.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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SECTION 1. Arkansas Code § 6-14-102(a)(1)(B), concerning the

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notification of the date on which the annual school election shall be held,

26

is amended to read as follows:

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~~*(B) By the first day of the filing period for a candidate*~~

28

~~*in a primary election, a school district shall notify the county clerk which*~~

29

~~*election date under subdivisions (a)(1)(A)(i) and (ii) of this section it*~~

30

~~*chooses to hold the annual school election.*~~

31

(B)(i) A school district shall adopt a policy setting

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forth which election date under subdivision (a)(1)(A) of this section the

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school district chooses to hold the annual school election upon.

34

(ii) At least one hundred (100) days before the

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first day of the respective candidate filing period set forth in § 6-4-

36

111(e)(1)(A), a school district shall provide a copy of the policy under



1 subdivision (a)(1)(B)(i) of this section to:

2 (a) The county board of election commissioners
3 of the county in which the school district is domiciled for administrative
4 purposes; and

5 (b) The county clerk of each county within the
6 school district's boundaries.

7 (iii) If a school district fails to timely provide a
8 copy of its most current policy to the county board of election commissioners
9 and county clerks in accordance with subdivision (a)(1)(B)(ii) of this
10 section, the school district shall be required to hold the school district's
11 annual school election in accordance with the most recent policy the school
12 district provided to the county board of election commissioners and county
13 clerks.

14
15 SECTION 2. Arkansas Code § 6-14-111(e)(1), concerning the circulation"
16 period and filing of a petition for election to a school district board of
17 directors, is amended to read as follows:

18 (e)(1) The petition, affidavit of eligibility, and the candidate's
19 political practices pledge shall be filed with the county clerk as follows:

20 (A)(i) ~~During~~ For even-numbered years, during the party
21 filing period as set forth in § 7-7-203 for school elections held
22 concurrently with a preferential primary election;

23 (ii) For odd-numbered years, during the dates that
24 would be the filing period as forth in 7-7-203 if a preferential primary and
25 general election were to be held in that year; or

26 (B) During a one-week period ending at 12:00 noon ~~ninety~~
27 ~~(90) days before the election for~~ on August 1 for school elections held ~~in~~
28 ~~odd years or concurrently with a general election~~ on the first Tuesday
29 following the first Monday in November.

30
31 SECTION 3. Arkansas Code § 6-14-111(f), concerning the circulation
32 period and filing of a petition for election to a school district board of
33 directors, is amended to read as follows:

34 (f)(1) Candidates may begin circulating petitions not earlier than
35 ~~thirty (30)~~ ninety (90) days before the filing deadline under subdivision
36 (e)(1) of this section.

1 (2) A signature dated more than ~~thirty (30)~~ ninety (90) days
2 before the filing deadline under subdivision (e)(1) of this section shall not
3 be counted by the county clerk as a valid signature.

4
5 SECTION 4. Arkansas Code § 6-14-111(h), concerning the circulation
6 period and filing of a petition for election to a school district board of
7 directors, is amended to read as follows:

8 (h)(1) The county board of election commissioners shall place on the
9 ballot as candidates for school district director the names of any qualified
10 registered voters whose political practices pledges and affidavits of
11 eligibility have been filed and whose petitions have been filed with and
12 verified by the county clerk of the county in which the school district is
13 domiciled for administrative purposes.

14 (2) The county board of election commissioners shall not place
15 the name of an unopposed candidate for school district director on the ballot
16 during a school board election held concurrently with the preferential
17 primary election or general election.

18
19 SECTION 5. Arkansas Code § 6-61-520(c)(2) and (3), concerning filing
20 for candidacy for a local board of a community college, are amended to read
21 as follows:

22 (2) Any person desiring to be a candidate for a position on the
23 local board shall, ~~not later than 12:00 noon of the seventieth day prior to~~
24 ~~the annual school election at which the position on the board is to be filled~~
25 ~~or the eighty first day before the general election at which the position on~~
26 ~~the board is to be filled~~ during the respective filing period set forth in §
27 6-14-111(e)(1), file a notarized statement of such candidacy with the county
28 clerk of each county of which any portion is in the community college
29 district, in substantially the following form:

30 "State of Arkansas

31 County of

32 I,, being first duly sworn, state that I reside at

33; that I am a resident and qualified elector of

34 community college district; that I am a candidate for the office of position

35 No..... on the local board of such community college, and I hereby request

36 that my name be placed on the ballot as a candidate for such position at the

1 coming general or annual school election.

2 (Signed)

3 Subscribed and sworn to before me this day of, 20

4 (Signed) _____

5 Notary Public”.

6 (3)(A) At the time of filing the statement of candidacy, the
7 candidate shall pay a ballot fee of three dollars (\$3.00) and shall file a
8 petition containing the signatures of at least twenty-five (25) qualified
9 electors of the district, requesting that the name of ~~such person~~ the
10 candidate be placed on the ballot as a candidate for the position on the
11 local board.

12 (B) Candidates may begin circulating petitions not earlier
13 than ninety (90) days before the filing deadline under subdivision (c)(2) of
14 this section.

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16 SECTION 6. Arkansas Code § 7-5-205(3), concerning filing for write-in
17 candidacy, is amended to read as follows:

18 (3) The notice of write-in candidacy, the political
19 practices pledge, and the affidavit of eligibility are filed ~~no later than~~
20 ~~the last day of~~ during the party filing period; and

21
22 SECTION 7. Arkansas Code § 7-5-207(a)(2)(A), concerning the unopposed
23 candidates’ names not required to appear on the general election ballot, is
24 amended to read as follows:

25 (a)(2)(A) Except as provided in subdivision (a)(2)(B) of this section,
26 unopposed candidates for all offices, including school board positions, shall
27 be declared and certified elected without the necessity of including those
28 names on the general election ballot.

29
30 SECTION 8. Arkansas Code § 14-42-206(b)(1) and (2), concerning filing
31 for independent candidacy for municipal office in cities and towns with the
32 mayor-council form of government, are amended to read as follows:

33 (b)(1) Any person desiring to become an independent candidate for
34 municipal office in cities and towns with the mayor-council form of
35 government shall file ~~not more than one hundred two (102) days nor less than~~
36 ~~eighty one (81) days before the general election by 12:00 noon~~ during a one-

1 week period ending at 12:00 noon ninety (90) days before the general election
2 with the county clerk the petition of nomination in substantially the
3 following forms:

4 (A) For all candidates except council members in cities of
5 the first class and cities of the second class:

6 "PETITION OF NOMINATION

7 We, the undersigned qualified electors of the city (town) of _____, Arkansas,
8 being in number not less than ten (10) for incorporated towns and cities of
9 the second class, and not less than thirty (30) for cities of the first
10 class, do hereby petition that the name of _____ be placed on the ballot for
11 the office of _____ (A candidate for council member in an incorporated
12 town shall identify the position for which he or she is running) at the next
13 election of municipal officials in 20_____.

14 Printed Name:_____

15 Signature:_____

16 Street Address:_____

17 Date of Birth:_____

18 Date of Signing:_____".

19 (B) For candidates for council member elected by ward in
20 cities of the first class and cities of the second class, the nominating
21 petitions shall be signed only by qualified electors of the ward in the
22 following manner:

23 "PETITION OF NOMINATION

24 We, the undersigned qualified electors of Ward _____ of the city of _____,
25 Arkansas, being in number not less than ten (10) for cities of the second
26 class, and not less than thirty (30) for cities of the first class, do hereby
27 petition that the name of _____ be placed on the ballot for the office of
28 council member, Ward _____, position _____, of the next election of municipal
29 officials in 20 _____.

30 Printed Name:_____

31 Signature:_____

32 Street Address:_____

33 Date of Birth:_____

34 Date of Signing:_____".

35 (C) For at-large candidates for council member of a ward
36 in cities of the first class and cities of the second class, the nominating

1 petitions shall be signed by a qualified elector of the city in the following
2 manner:

3 "PETITION OF NOMINATION

4 We, the undersigned qualified electors of the city of _____, Arkansas, being
5 in number not less than ten (10) for cities of the second class, and not less
6 than thirty (30) for cities of the first class, do hereby petition that the
7 name of _____ be placed on the ballot for the office of council member, Ward
8 _____, position _____, of the next election of municipal officials in 20
9 _____.

10 Printed Name: _____

11 Signature: _____

12 Street Address: _____

13 Date of Birth: _____

14 Date of Signing: _____".

15 (2)(A) An independent candidate for municipal office may qualify
16 by a petition, to be circulated no longer than ninety (90) days of not fewer
17 than ten (10) electors for incorporated towns and cities of the second class
18 and not fewer than thirty (30) electors for cities of the first class of the
19 ward or city in which the election is to be held.

20 (B)(i) The county clerk shall determine no later than ten
21 (10) days from filing whether the petition contains the names of a sufficient
22 number of qualified electors and certify that no signatures are dated more
23 than ninety (90) days before the filing of the petition.

24 (ii) The county clerk's determination shall be made
25 no less than seventy-five (75) days before the general election.

26 (C) The county clerk promptly shall notify the candidate
27 of the result.

28

29 *SECTION 9.* Arkansas Code § 14-116-303(a)(1) and (2), concerning the
30 nomination by petition of directors of water district boards, are amended to
31 read as follows:

32 (a)(1)(A) If a water district is composed of all or a portion of four
33 (4) or more counties, then nominations for directors shall be upon ~~petitions~~
34 a petition signed by at least fifty (50) qualified electors residing in the
35 area of the district from which the director is to be elected, to be
36 circulated for no longer than ninety (90) days.

1 ~~(B) This petition~~ The petition under subdivision (a)(1)(A)
2 of this section shall be filed with the county clerk ~~not later than 12:00~~
3 ~~noon on July 1 before the general election~~ during a one-week period ending at
4 12:00 noon ninety (90) days before the general election.

5 (2)(A) If a water district is composed of all or a portion of
6 less than four (4) counties, then nominations for directors shall be upon
7 ~~petitions~~ a petition signed by at least fifty (50) qualified electors, who
8 shall consist of those electors residing in all or part of any precinct in
9 the service area of the customers of the district from which the director is
10 to be elected.

11 ~~(B) This petition~~ The petition under subdivision (a)(2)(A)
12 of this section shall be circulated no longer than ninety (90) days and filed
13 with the county clerk ~~not later than 12:00 noon on July 1 before the general~~
14 ~~election~~ during a one-week period ending at 12:00 noon ninety (90) days
15 before the general election.

16
17 *SECTION 10. EMERGENCY CLAUSE. It is found and determined by the*
18 *General Assembly of the State of Arkansas that there is a need for uniform*
19 *candidate filing and petition circulation periods; that if there is a delay*
20 *in implementation, some candidate filing and petition circulation periods may*
21 *be disrupted by the change in the middle of a candidate's campaign; and that*
22 *this act should become effective before candidates begin circulating*
23 *petitions and filing for candidacy in the 2019 November annual school*
24 *elections. Therefore, an emergency is declared to exist, and this act being*
25 *necessary for the preservation of the public peace, health, and safety shall*
26 *become effective on July 1, 2019.*

27
28 /s/Boyd

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31 **APPROVED: 3/29/19**