

Hall of the House of Representatives
92nd General Assembly - Regular Session, 2019
Amendment Form

Subtitle of House Bill No. 1402

TO AMEND THE LAW CONCERNING THE DATES FOR CERTAIN SPECIAL ELECTIONS; AND TO
PROMOTE VOTER TURNOUT.

Amendment No. 2 to House Bill 1402

Amend House Bill No. 1402 as engrossed, H2/14/19 (version: 2/14/2019 9:47:07 AM)

Page 1, delete line 35, and substitute the following:

"be held on the third Tuesday in May or the Tuesday next"

AND

Page 2, delete lines 2 and 3, and substitute the following:

"in office, special runoff elections, local option elections, or special elections otherwise provided for by the Arkansas Constitution."

AND

Page 2, delete line 20, and substitute the following:

"and undue hardship to the governing entity."

SECTION 2. Arkansas Code § 2-16-504(b)(1), concerning elections to establish Johnson grass control and eradication districts, is amended to read as follows:

(b)(1) ~~Immediately upon the submission of~~ If the petition ~~to the county court or courts~~ is submitted under subdivision (a)(1) of this section, the court or courts shall issue a proclamation calling the election ~~in accordance with~~ under § 7-11-201 et seq. and notify the county board or boards of election commissioners in writing. The election shall be held on a



~~date in accordance with § 7-11-201 et seq. but in no event more than ninety (90) days following publication of the proclamation under § 7-11-304.~~"

AND

Page 2, delete lines 28 through 36, and substitute the following:

"a date authorized under § 7-11-201 et seq.

SECTION 3. Arkansas Code § 6-14-102(b), concerning school millage elections, is amended to read as follows:

(b) The board of directors of any school district ~~shall have the authority to~~ may hold a school election concerning the tax rate or debt issues on a date ~~other than that fixed by law provided that~~ under § 7-11-304, if:

(1) All constitutional and statutory requirements for the annual school election are met, notwithstanding subsection (a) of this section; and

~~(2) The election is held before the date of the annual school election; and~~

~~(3) The Commissioner of Education approves the date of the election.~~

SECTION 4. Arkansas Code § 6-14-122(b), concerning dates for elections regarding the consolidation, annexation, or merger of school districts, is amended to read as follows:

(b) The boards of directors of the school districts may, by resolution duly adopted and with the approval of the Commissioner of Education, set a date for the annual school election in that year for the school districts involved on a date ~~other than the date set in § 6-14-102 for all school districts~~ under § 7-11-304, provided only one (1) annual school election may be held in any school district in ~~one (1)~~ a calendar year."

AND

Page 3, delete lines 1 and 2

AND

Page 5, delete line 8, and substitute the following:

"filed with the county clerk.

SECTION 9. Arkansas Code § 11-10-1006(a)(2), concerning elections on the issuance of Arkansas Unemployment Trust Fund Bonds, is amended to read as follows:

(2)(A) An election under this section may be ~~in conjunction with a general election, or it may be a special election.~~

~~(B) A special election held under this section shall occur on the second Tuesday of any month, except as otherwise provided for in this subsection.~~

~~(C) A special election that is held in months in which a presidential preferential primary election, preferential primary election, general primary election, or general election is scheduled to occur shall be held on the date of the presidential preferential primary election, preferential primary election, general primary election, or general election. held on a date under § 7-11-304.~~

~~(D)(i)(B)(i)~~ If a special election is held on the date of the presidential preferential primary election, preferential primary election, or general primary election, the issue or issues to be voted upon at the special election shall be included on the ballot of each political party.

(ii) However, separate ballots containing only the issue or issues to be voted upon at the special election shall be prepared and made available to voters requesting a separate ballot.

(iii) A voter shall not be required to vote in a political party's presidential preferential primary election, preferential primary election, or general primary election in order to be able to vote in the special election.

~~(E) Special elections scheduled to occur in a month in which the second Tuesday is a legal holiday shall be held on the third Tuesday of the month."~~

AND

Page 5, delete line 31, and substitute the following:

~~“August 1.~~

SECTION 11. Arkansas Code § 14-40-303(a)(3), concerning ordinances calling annexation elections, is amended to read as follows:

(3) Fix the date for the election ~~provided in~~ under this section at the next special election date under § 7-11-304 after the ordinance is filed.”

AND

Page 6, delete line 11, and substitute the following:

~~“the clerk’s certification.~~

SECTION 13. Arkansas Code § 14-48-114(b)(3), concerning removal of mayors or directors in city administrator cities, is amended to read as follows:

(3) The county board of election commissioners shall issue a proclamation in accordance with § 7-11-201 et seq., calling a special election on the question and shall fix a date for holding it ~~not more than ninety (90) days from~~ on the next special election date under § 7-11-304 after the date of the certification of the petitions by the clerk;”

AND

Page 9, delete line 33, and substitute the following:

“filed under § 7-11-304.

SECTION 25. Arkansas Code § 26-52-605(b), concerning special election for equalization of taxes for border cities and towns, is amended to read as follows:

(b) The special election shall be called ~~not later than one hundred twenty (120) days~~ for the next special election date under § 7-11-304 following the adoption of the ordinance by the governing body of the city or town, or the filing of a petition requesting the special election.

SECTION 26. Arkansas Code § 26-73-111(c), concerning special local sales and use tax elections, is amended to read as follows:

(c) The special election shall be called for ~~a date not later than one hundred twenty (120) days from the date of the action of the governing body in establishing the date of the~~ next special election date under § 7-11-304.

SECTION 27. Arkansas Code § 26-74-207(a)(2), concerning special election on sales and use tax for capital improvements, is amended to read as follows:

(2) The election shall be held ~~within one hundred twenty (120) days of the ordinance calling the election~~ on the next special election date under § 7-11-304.

SECTION 28. Arkansas Code § 26-74-307(a)(2), concerning special elections on sales tax for capital improvements, is amended to read as follows:

(2) The election shall be held ~~within one hundred twenty (120) days of the ordinance calling the election~~ on the next special election date under § 7-11-304.

SECTION 29. Arkansas Code § 26-74-402(a), concerning special elections for sales and use tax for counties without an existing tax, is amended to read as follows:

(a) The county quorum court of any county not having a countywide one percent (1%) sales and use tax on March 14, 1991, may call an election for the levy of a one-half percent (0.5%) countywide sales and use tax for any purpose for which the county general fund or county road fund may be used including allocating portions of this tax to the municipalities located therein. The election shall be held ~~within one hundred twenty (120) days of the ordinance calling the election~~ on the next special election date under § 7-11-304.

SECTION 30. Arkansas Code § 26-74-502(a), concerning special elections for sales and use tax for counties without an existing tax, is amended to read as follows:

(a) If petitions are filed requesting an election for an initiated

ordinance levying the tax authorized under this subchapter, the quorum court shall submit the question of the levying of the tax to the electors. The petitions must be signed by not less than five hundred (500) electors of the county. The election shall be held ~~within one hundred twenty (120) days of~~ on the next special election date under § 7-11-304 after the filing of the petitions. The tax shall be levied upon approval of a majority of the qualified electors voting on the issue at the election.

SECTION 31. Arkansas Code § 26-75-208(a)(2), concerning special elections on sales and use taxes, is amended to read as follows:

(2) The special election shall be called ~~for a date no later than one hundred twenty (120) days from after the date of action of the governing body in establishing the date of the special election~~ for the next special election date under § 7-11-304.

SECTION 32. Arkansas Code § 26-75-213(a)(3)(B), concerning municipal sales and use taxes, is amended to read as follows:

(B) If the petition is found to be sufficient, the question shall be submitted to the electors ~~at a special election on a date as may be requested by the petition~~ the next special election date under § 7-11-304 after certification of the sufficiency of the petition to the governing body of the city.

SECTION 33. Arkansas Code § 26-75-213(a)(4), concerning municipal sales and use taxes, is amended to read as follows:

(4) The special election shall be called in accordance with § 7-11-201 et seq. ~~for a date not more than ninety (90) days from after the date on which the city clerk certifies the sufficiency of the petition to the governing body of the city.~~

SECTION 34. Arkansas Code § 26-75-308(a)(2), concerning municipal sales and use taxes, is amended to read as follows:

(2) The special election shall be called ~~for a date no later than one hundred twenty (120) days from the date of action of the governing body in establishing the date of special election~~ the next special election

date under § 7-11-304.

SECTION 35. Arkansas Code § 26-75-404(a)(2), concerning calling of a special election for a temporary tax for acquisition, construction, or improvement of parks, is amended to read as follows:

(2) If the ordinance provides for submitting the question at a special election, the election shall be called in accordance with § 7-11-201 et seq. ~~for a date not more than ninety (90) days from the date of the adoption of the ordinance calling the special election~~ the next special election date under § 7-11-304.

SECTION 36. Arkansas Code § 26-75-503(b), concerning special elections on a gross receipts tax, is amended to read as follows:

(b) An election shall be held in the levying city on the question of whether the ordinance shall become effective ~~within sixty (60) days after the receipt of a certified copy of the ordinance~~ on the next special election date under § 7-11-304 and shall be conducted in the manner prescribed by law for holding state, county, or municipal elections, so far as the manner may be applicable.

SECTION 37. Arkansas Code § 26-78-103(b)(1), concerning county and municipal motor vehicle tax, is amended to read as follows:

(b)(1) Notwithstanding other provisions of this chapter, before the tax levied by any county quorum court upon owners residing everywhere in the county or only upon owners residing within the county but outside the corporate boundaries of all municipalities in the county may be collected, the county court shall call a special election in accordance with § 7-11-201 et seq. upon the first levy of the tax by the county quorum court, to be held ~~not more than ninety (90) days from the date of the adoption of the levy of the tax by the quorum court~~ on the next special election date under § 7-11-304, at which election the qualified electors of the area to be affected by the tax shall vote on the question of the levy of the tax.

SECTION 38. Arkansas Code § 26-78-111(c), concerning special elections on county and municipal motor vehicle tax, is amended to read as follows:

(c) The ordinance or order shall specifically state the purpose for

which the bonds are to be issued, the total amount of the issue, and the date upon which the election is to be held, which date shall ~~not occur earlier than thirty (30) days after the passage of the ordinance or the entering of the order~~ be on the next special election date under § 7-11-304.”

AND

Renumber the sections appropriately

The Amendment was read _____
By: Representative Gonzales
JAW/JAW - 02-28-2019 14:19:27
JAW145

Chief Clerk