

1 INTERIM STUDY PROPOSAL 2013-076

2 State of Arkansas *As Engrossed: H3/7/13 S3/20/13 S4/3/13 S4/6/13*

3 89th General Assembly

A Bill

4 Regular Session, 2013

HOUSE BILL 1357

5
6 By: Representatives Kerr, Slinkard, Cozart, Lowery

7 By: Senator D. Sanders

8 Filed with: Interim House Committee on State Agencies and Governmental Affairs
9 pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

10
11 AN ACT TO PROMOTE VOTER TURNOUT; TO AMEND THE LAW TO
12 LIMIT THE DATES ON WHICH AN ELECTION CAN BE HELD; AND
13 FOR OTHER PURPOSES.

Subtitle

14
15
16
17 TO PROMOTE VOTER TURNOUT; AND TO AMEND
18 THE LAW TO LIMIT THE DATES ON WHICH AN
19 ELECTION CAN BE HELD.

20
21
22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

23
24 SECTION 1. Arkansas Code § 2-16-504(b)(1), concerning elections to
25 establish Johnson Grass Control districts, is amended to read as follows:

26 (b)(1) ~~Immediately upon the submission of~~ If the petition ~~to the~~
27 ~~county court or courts~~ is submitted under subdivision (a)(1) of this section,
28 the court or courts shall issue a proclamation calling the election ~~in~~
29 ~~accordance with~~ under § 7-11-201 et seq. and notify the county board or
30 boards of election commissioners in writing. The election shall be held on a
31 date ~~in accordance with~~ under § 7-11-201 et seq. ~~but in no event more than~~
32 ~~ninety (90) days following publication of the proclamation.~~

33
34 SECTION 2. Arkansas Code § 3-8-302(a), concerning election date by
35 petition regarding wholesale alcohol, is amended to read as follows:

1 (a) ~~Upon application by~~ If a written petition, signed by a number of
 2 legal voters in ~~any~~ a county, city, town, district, or precinct to be
 3 affected equal to thirty-five percent (35%) of the qualified voters is
 4 submitted, ~~it shall be the duty of~~ the judge of the county court in the
 5 county shall at the next regular term ~~thereof~~, after receiving the petitions,
 6 ~~to make an~~ enter a written order ~~on his or her order book~~ directing an
 7 election to be held in the county, city, town, district, or precinct to be
 8 affected ~~thereby~~, on some day named in the petition ~~no earlier than sixty~~
 9 ~~(60) days after the application is lodged with the judge of the court~~ a date
 10 authorized under § 7-11-304. However, in counties having two (2) judicial
 11 districts, the legal voters in either district may petition for an election
 12 and the election can only affect the judicial district where the election may
 13 be held.

14
 15 SECTION 3. Arkansas Code § 6-14-102 is amended to read as follows:
 16 6-14-102. Annual school election date – Special school election.

17 (a)(1) The annual school election shall be held in each school
 18 *district of the state on the third Tuesday in September.*

19 (2) *The annual school election shall only concern issues related*
 20 *to the school district that are authorized to be on the ballot by the*
 21 *Arkansas Constitution or by statute, ~~and no other issues shall appear on the~~*
 22 *~~election ballot.~~*

23 (b) *The board of directors of any school district shall have the*
 24 *authority to hold a school election concerning the tax rate or debt issues ~~on~~*
 25 *~~a date other than that fixed by law provided that~~ at one (1) or more of the*
 26 *following elections:*

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

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

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

33 (1) The annual school election; or

34 (2) A special election under § 7-11-304.

35 (c)(1) In ~~any~~ an annual school election ~~year~~ or special school
 36 election, if no more than one (1) candidate for ~~any~~ each school district

1 director position presents a petition or notice as required by § 6-14-111 and
 2 if there are is no other ~~ballot issues to be submitted to school district~~
 3 ~~electors for consideration~~ issue, measure, question, or candidate on the
 4 ballot, with the exception of the local tax rate if that rate is not being
 5 changed or restructured, the board of directors of ~~any~~ a school district, by
 6 resolution, may request the county board of election commissioners to reduce
 7 the number of polling places or to open no polling places on election day so
 8 that the election can be conducted by absentee ballot and early voting only.

9 (2)(A) If requested by ~~proper~~ resolution adopted by the board of
 10 directors of ~~any~~ a school district, the county board of election
 11 commissioners ~~may~~ shall provide that no polling places be open on election
 12 day so that the election can be conducted by absentee ballot and early voting
 13 only.

14 (B) In a county that uses voting machines or electronic
 15 vote tabulating devices, the county board of election commissioners may
 16 ~~choose to~~ use paper ballots counted by hand and ~~may provide that~~ use no
 17 voting machines ~~shall be used~~ in the election, notwithstanding any other
 18 *provision in the Arkansas Code.*

19
 20 SECTION 4. Arkansas Code § 6-53-602(b)(2), concerning publication of
 21 proclamation by a community college, is amended to read as follows:

22 (2)(A) The local board or acting local board shall issue a
 23 proclamation and set a date for the election under § 7-11-201 et seq., ~~but~~
 24 ~~the date set for the election shall not be later than~~

25 (B) The local board or acting local board shall publish
 26 the proclamation at least ninety (90) days after the publication of the
 27 proclamation before the election date.

28
 29 SECTION 5. Arkansas Code § 6-53-603(a)(2), concerning the date of
 30 election for a tax levy called by a local board of a community college, is
 31 amended to read as follows:

32 (2) ~~It~~ The tax may be reduced or repealed, with the exception of
 33 the amount of tax required to service ~~any~~ an outstanding ~~bonds~~ bond, or the
 34 tax may be increased upon approval ~~thereof~~ by a majority of the qualified
 35 electors of the district voting on the issue at ~~an~~ the next election called
 36 by the local board or acting local board to be held ~~at least thirty (30)~~

1 ~~calendar days after the local board or acting local board notifies the county~~
 2 ~~boards of election commissioners under § 7-11-304.~~

3
 4 SECTION 6. Arkansas Code § 6-53-604(b), concerning dissolution of a
 5 technical college district, is amended to read as follows:

6 (b)(1) ~~The petitions~~ A petition shall be filed with the Secretary of
 7 State, ~~who, within.~~

8 (2) The Secretary of State shall within ten (10) days of the
 9 receipt and verification ~~by the Secretary of State of the sufficiency of the~~
 10 ~~petitions, shall~~ a petition notify the county ~~boards~~ board of election
 11 commissioners and the county clerk in each county in the district that an
 12 election ~~shall is to~~ be held at a time not less than thirty (30) days nor
 13 more than one hundred eighty (180) days from the date of notification under §
 14 7-11-304.

15
 16 SECTION 7. Arkansas Code § 7-1-101(14), concerning the definition of
 17 general or special election, is amended to read as follows:

18 (14) "General or special election" means the regular biennial or
 19 annual ~~elections~~ election for election of United States, state, district,
 20 county, township, and municipal officials ~~and the~~ or a special elections
 21 election to fill ~~vacancies therein~~ a vacancy and ~~special elections~~ or to
 22 ~~approve any~~ a measure. *The term as used in this act title shall not apply to*
 23 *school elections for officials of school districts;*

24
 25 SECTION 8. Arkansas Code § 7-11-205 is amended to read as follows:

26 7-11-205. Dates of special elections on measures and questions –
 27 ~~Exceptions—~~ Separate ballots.

28 (a)(1)(A) ~~Except as provided in subdivision (a)(1)(B) of this section,~~
 29 ~~all special elections~~ A special election on measures a measure or questions a
 30 question shall be held ~~on the second Tuesday of any month, except special~~
 31 ~~elections held under this section in a month in which a preferential primary~~
 32 ~~election or general election is scheduled to occur shall be held on the date~~
 33 ~~of the preferential primary election or general election under § 7-11-304.~~

34 (B)(i) ~~Special elections scheduled to occur in a month in~~
 35 ~~which the second Tuesday is a legal holiday shall be held on the third~~
 36 ~~Tuesday of the month.~~

1 ~~(ii) A special election called in June of an even-~~
 2 ~~numbered year shall be held on the fourth Tuesday of the month.~~

3 (2)(A) If a special election is held on the date of the
 4 preferential primary election, the issue or issues to be voted upon at the
 5 special election shall be included on the ballot of each political party.

6 (B) The portion of the ballot containing the special
 7 election shall be labeled with a heading stating "SPECIAL ELECTION ON
 8 _____" with
 9 a brief description of the measure or question to be decided in the election.

10 (3) Separate ballots containing the issue or issues to be voted
 11 on at the special election and candidates for nonpartisan judicial office
 12 shall be prepared and made available to voters requesting a separate ballot.

13 (4) A voter shall not be required to vote in a political party's
 14 preferential primary in order to be able to vote in the special election.

15 ~~(b)(1) A special election shall be held not less than seventy (70)~~
 16 ~~days following the date that the proclamation, ordinance, resolution, order,~~
 17 ~~or other authorized document is filed with the county clerk when the special~~
 18 ~~election is to be held on the date of the preferential primary election or~~
 19 ~~general election.~~

20 ~~(2) If the special election is not held at the same time as a~~
 21 ~~preferential primary election or general election, the special election shall~~
 22 ~~be held not less than sixty (60) days following the date that the~~
 23 ~~proclamation, ordinance, resolution, order, or other authorized document is~~
 24 ~~filed with the county clerk.~~

25
 26 SECTION 9. Arkansas Code Title 7, Chapter 11, Subchapter 3, is amended
 27 to add an additional section to read as follows:

28 7-11-304. Dates of special elections.

29 (a) The proclamation, ordinance, resolution, order, or other
 30 authorized document calling a special election shall:

31 (1) Set the date of the special election; and

32 (2) Be filed at least *ninety (90)* days before the date the
 33 special election is to be held.

34 (b) If a special election is called in a year in which a preferential
 35 primary election or general election is held, the special election shall be
 36 held with the preferential primary election or general election.

1 (c) If a special election is called in a year in which a preferential
 2 primary election or general election is not held, the special election shall
 3 be held on the Tuesday next after the first Monday in May or the Tuesday next
 4 after the first Monday in November.

5 (d) This section does not apply to a special election to fill a
 6 vacancy in office, a special runoff election, or a special election otherwise
 7 provided for by law.

8
 9 SECTION 10. Arkansas Code § 11-10-1006(a), concerning elections for
 10 Arkansas Unemployment Trust Fund Bonds, is amended to read as follows:

11 (a)(1) Arkansas Unemployment Trust Fund Bonds shall not be issued
 12 under this subchapter unless the issuance of bonds has been approved by a
 13 majority of the qualified electors of the state voting on the question at a
 14 statewide election called by proclamation of the Governor as provided under §
 15 11-10-1005.

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

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

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

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

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

35 (iii) A voter shall not be required to vote in a
 36 political party's ~~presidential preferential primary election, preferential~~

1 ~~primary election, or general~~ primary election in order to be able to vote in
2 the special election.

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

6
7 SECTION 11. Arkansas Code § 14-14-917(a)(2), concerning special
8 elections for referendum petition measures, is amended to read as follows:

9 (2) Referendum. ~~Referendum~~ A referendum petition measures
10 measure may be submitted to the electors during a regular general election
11 and shall be submitted if the ~~adequacy of the~~ petition is determined to be
12 adequate within the time limitation prescribed in this section. A referendum
13 measure may also be referred to the electors at a special election called for
14 the expressed purpose proposed by the petition. ~~However, no~~ A referendum
15 petition certified within the time limitations established for initiative
16 measures shall not be referred to a special election, but shall be voted upon
17 at the next regular election. ~~No~~ A referendum election shall be held ~~less~~
18 ~~than sixty (60) days after the certification of adequacy of the petition by~~
19 ~~the county clerk.~~ on a date under § 7-11-304.

20
21 SECTION 12. Arkansas Code § 14-20-108(a)(1)(B)(i)(b), concerning
22 special elections on the issue of the levy of volunteer fire department dues
23 on residences, is amended to read as follows:

24 (b)~~(1)~~ The issue may be placed on the ballot
25 at a special election by order of the quorum court in accordance with § 7-11-
26 201 et seq.

27 ~~(2) The special election shall be held~~
28 ~~by August 1.~~

29
30 SECTION 13. Arkansas Code § 14-47-140(d), concerning special elections
31 for mayor, is amended to read as follows:

32 (d) The special election shall be held ~~not less than thirty (30) days~~
33 ~~nor more than one hundred twenty (120) days after the proclamation~~ at the
34 next special election date under § 7-11-304.

35

1 SECTION 14. Arkansas Code § 14-48-104(b), concerning special elections
 2 after submission of governmental form question to electors, is amended to
 3 read as follows:

4 (b) If the number of signatures certified by the clerk is equal to or
 5 greater than fifteen percent (15%) of the aggregate number of votes cast, as
 6 prescribed, the Secretary of State shall call the election by proclamation ~~in~~
 7 ~~accordance with~~ and an election shall be held under § 7-11-201 et seq., ~~a~~
 8 ~~special election to be held not more than ninety (90) days from the date of~~
 9 ~~the clerk's certification.~~

10
 11 SECTION 15. Arkansas Code § 14-57-704(a), concerning special elections
 12 for the levy of a vehicle tax, is amended to read as follows:

13 (a)(1) Before the vehicle tax levied by the governing body of ~~any~~ a
 14 city of the first class or city of the second class or incorporated town upon
 15 vehicle owners residing in the city or town may be collected, the mayor shall
 16 call a special election in accordance with § 7-11-201 et seq.

17 (2) ~~This~~ The election shall be held ~~not more than ninety (90)~~
 18 ~~days from the date of the publication of the proclamation, at which the~~
 19 ~~qualified electors of the city or town shall vote on the question of the levy~~
 20 ~~of the tax at the next special election under § 7-11-304.~~

21
 22 SECTION 16. Arkansas Code § 14-61-113(1)(C), concerning special
 23 elections called by petition, is amended to read as follows:

24 (C) The special election shall be held ~~not more than sixty~~
 25 ~~(60) days at the next special election date under § 7-11-304~~ after the
 26 proclamation calling the election, ~~provided that if the county board of~~
 27 ~~election commissioners certifies in writing that it cannot prepare the~~
 28 ~~ballots because of other pending elections, then the election can be held not~~
 29 ~~more than ninety (90) days after the proclamation.~~

30
 31 SECTION 17. Arkansas Code § 14-120-102(a), concerning elections in
 32 combination levee and drainage districts, is amended to read as follows:

33 (a) ~~There shall be held an~~ An election shall be held annually on the
 34 Tuesday next after the first Monday in May in all combination levee and
 35 drainage districts where the boundaries of the districts embrace all of the
 36 lands within the corporate limits of a city of the first class and no lands

1 situated more than three (3) miles from the corporate limits, for the
 2 election of one (1) member of the board of improvement. ~~The judges of the~~
 3 ~~election are to be appointed by the county board of election commissioners.~~
 4

5 SECTION 18. Arkansas Code § 14-122-104 is amended to read as follows:
 6 14-122-104. Filing referendum petitions – Special election.

7 If ~~petitions~~ a petition signed by ~~not~~ no less than fifteen percent
 8 (15%) of the qualified electors voting on the office of mayor in the city at
 9 the last preceding general election ~~are~~ is filed with the city clerk of the
 10 city within forty-five (45) days after the enactment of the ordinance
 11 creating the municipal drainage improvement district ~~requesting, and the~~
 12 petition requests that the ordinance be referred to a vote of the qualified
 13 electors of the district, the ~~petitions~~ petition shall be referred to the
 14 people at a special election to be called by the mayor of the municipality in
 15 accordance with § 7-11-201 et seq. to be held ~~not more than ninety (90) days~~
 16 after the proclamation at the next special election date under § 7-11-304.
 17

18 SECTION 19. Arkansas Code § 14-201-316(a), concerning election of
 19 members of the board of public utilities, is amended to read as follows:

20 (a) In ~~all cities and towns~~ a city or town where a board of public
 21 utilities ~~shall be~~ is created under the provisions of this subchapter, there
 22 shall be held, ~~on a day to be designated by the county board of election~~
 23 ~~commissioners not less than thirty (30) days nor more than sixty (60) days~~
 24 before the at the next special election date under § 7-11-304 before the
 25 expiration of the term of office of ~~any~~ a member of the board of public
 26 utilities, an election for the purpose of electing a member of the board to
 27 succeed the outgoing member.
 28

29 SECTION 20. Arkansas Code § 14-284-212(g)(2)(B), concerning elections
 30 to approve increased assessments in fire protection districts outside of
 31 cities and towns, is amended to read as follows:

32 (B) The election called by the elected board of
 33 commissioners for an increase in the flat fee assessment shall be held ~~within~~
 34 ninety (90) days at the next special election date under § 7-11-304 after the
 35 board of commissioners' meeting that approves the assessment increase.
 36

1 SECTION 21. Arkansas Code § 14-286-103(a), concerning special
2 elections on the question of the establishment and financing of a red
3 imported fire ant abatement district, is amended to read as follows:

4 (a) The special election called by the county court to submit the
5 question of the establishment and financing of a red imported fire ant
6 abatement district to the electors of the proposed district shall be held in
7 accordance with § 7-11-201 et seq. ~~no later than ninety (90) days after the~~
8 ~~proclamation of the election~~ and at the next special election date under § 7-
9 11-304.

10
11 SECTION 22. Arkansas Code § 14-386-403(a), concerning elections on
12 enclosures in fencing districts, is amended to read as follows:

13 (a) The county court shall in the same publication prescribed by § 14-
14 386-402 give notice of and cause an election to be held ~~within thirty (30)~~
15 ~~days of the date of~~ on the next special election date under § 7-11-304 after
16 the filing of the petition, in the townships or parts of townships included
17 in the petition, where the question of the creation of the proposed fencing
18 district shall be submitted to the qualified electors ~~living or owning land~~
19 in the proposed district.

20
21 SECTION 23. Arkansas Code § 15-43-204(a)(1), concerning local
22 elections to redetermine doe killing areas, is amended to read as follows:

23 (a)(1) Whenever fifty (50) or more qualified electors residing within
24 an area wholly or partly located within their ~~particular~~ county that has been
25 designated by regulation of the Arkansas State Game and Fish Commission as a
26 doe-killing area petition the appropriate county court, ~~praying that~~ and
27 request an election be held to determine whether ~~or not such an~~ all or part
28 of the area or portion thereof should remain a doe-killing area, the county
29 court shall order a special election ~~in accordance with~~ under § 7-11-201 et
30 seq. to be held ~~not more than ninety (90) days after the date of filing of~~
31 ~~the petition~~ at the next special election date under § 7-11-304.

32
33 SECTION 24. Arkansas Code § 23-111-306(b)(1), concerning referendum
34 elections on continuing greyhound racing, is amended to read as follows:

35 (b)(1) The date of the special election shall be fixed by the board ~~on~~
36 ~~a day not more than ninety (90) days following the date of filing the~~

1 ~~petitions~~ under § 7-11-304. The deposit of the funds as provided in
2 subsection (a) of this section and the election shall be conducted and shall
3 be subject to contest under the general election laws of this state.

4
5 SECTION 25. Arkansas Code § 23-113-201(a)(1)(E), concerning elections
6 to conduct wagering on electronic games of skill, is amended to read as
7 follows:

8 (E) The election shall be held ~~no earlier than thirty one~~
9 ~~(31) calendar days, and no later than one hundred twenty (120) calendar days,~~
10 ~~after the effective date of the ordinance in which the election is called by~~
11 ~~the governing body~~ at the next special election after the ordinance is filed
12 under § 7-11-304.

13
14 SECTION 26. Arkansas Code § 26-73-111(c) and (d), concerning special
15 elections for special local sales and use taxes, are amended to read as
16 follows:

17 ~~(e) The special election shall be called for a date not later than one~~
18 ~~hundred twenty (120) days from the date of the action of the governing body~~
19 ~~in establishing the date of the special election.~~

20 ~~(d)(1)(c)(1)~~ The governing body of the county or municipality shall
21 notify the county board of election commissioners and the county clerk that
22 the measure has been referred to a vote of the people and shall submit a copy
23 of the ballot title to the county board of election commissioners.

24 (2) The ballot title to be used at the special election shall be
25 substantially in the following form:

26 “[] FOR adoption of a one-fourth of one percent (.25%) special local sales
27 and use tax within (name of county or municipality) for support
28 of a Public Mass Transportation System and Facilities.”

29 “[] AGAINST adoption of a one-fourth of one percent (.25%) special local
30 sales and use tax within (name of county or municipality) for
31 support of a Public Mass Transportation System and Facilities.”.

32
33 SECTION 27. Arkansas Code § 26-74-207 is amended to read as follows:
34 26-74-207. Call for tax election.

35 (a)(1) A county quorum court may call an election for the levy of a
36 countywide sales and use tax in the amount of:

- (A) One-eighth of one percent (0.125%);
- (B) One-fourth of one percent (0.25%);
- (C) One-half of one percent (0.50%);
- (D) Three-fourths of one percent (0.75%);
- (E) One percent (1%); or
- (F) Any combination of these amounts.

(2) The election shall be held ~~within one hundred twenty (120) days of the ordinance calling the election~~ under § 7-11-201 et seq.

(3) Each tax shall be adopted by ordinance and with approval of the voters of the county in accordance with this subchapter.

(b)(1) If a petition is filed requesting an election on the question of the levy of the tax authorized under this subchapter, the quorum court shall submit the question of the levying of the tax to the electors.

(2) The petition must be signed by a number of the legal voters in the county that shall be no less than fifteen percent (15%) of the number of votes cast for the office of circuit clerk at the last preceding general election.

(3) The election shall be held ~~within one hundred twenty (120) days of the filing of the petition~~ under § 7-11-201 et seq.

(c) The county quorum court shall notify its county board of election commissioners that the measure has been referred to the vote of the people and shall submit a copy of the ballot title to the county board of commissioners.

SECTION 28. Arkansas Code § 26-74-307(a), concerning an election to levy a countywide sales tax, is amended to read as follows:

26-74-307. Call for tax election.

(a)(1) A county quorum court may call an election for the levy of a countywide sales tax in an amount of:

- (A) One-eighth of one percent (0.125%);
- (B) One-fourth of one percent (0.25%);
- (C) One-half of one percent (0.5%);
- (D) Three-fourths of one percent (0.75%);
- (E) One percent (1%); or
- (F) Any combination of these amounts.

(2) The election shall be held ~~within one hundred twenty (120) days of the ordinance calling for the election~~ under § 7-11-201 et seq.

1 (3) Each tax shall be adopted by ordinance and with approval of the
2 voters of the county in accordance with this subchapter.

3
4 SECTION 29. Arkansas Code § 26-74-402(a), concerning special elections
5 for certain countywide taxes, is amended to read as follows:

6 (a) The county quorum court of ~~any~~ a county not having a countywide
7 one percent (1%) sales and use tax on March 14, 1991, may call an election
8 for the levy of a one-half percent (0.5%) countywide sales and use tax for
9 any purpose for which the county general fund or county road fund may be used
10 including allocating portions of this tax to the municipalities located
11 therein. The election shall be held ~~within one hundred twenty (120) days of~~
12 ~~the ordinance calling the election~~ under § 7-11-201 et seq.

13
14 SECTION 30. Arkansas Code § 26-74-502(a), concerning special elections
15 called by petition for certain taxes, is amended to read as follows:

16 (a) If ~~petitions are~~ a petition is filed requesting an election for an
17 initiated ordinance levying the tax authorized under this subchapter, the
18 quorum court shall submit the question of the levying of the tax to the
19 electors. The ~~petitions must~~ petition shall be signed by ~~not less~~ no fewer
20 than five hundred (500) electors of the county. The election shall be held
21 ~~within one hundred twenty (120) days of the filing of the petitions~~ under § d
22 of election
23 7-11-201 et seq. The tax shall be levied upon approval of a majority of the
24 qualified electors voting on the issue at the election.

25
26 SECTION 31. Arkansas Code § 26-75-208(a), concerning special election
27 date to levy a local sales and use tax, is amended to read as follows:

28 (a)(1) On the date of the filing of a petition described in § 26-75-
29 207(b) or on the date of adoption of an ordinance levying a local sales and
30 use tax for the benefit of the city, or within thirty (30) days ~~following~~
31 after the filing of the petition described in § 26-75-207(b) or adoption of
32 the ordinance, the city by ordinance shall provide for the calling of a
33 special election on the question in accordance with § 7-11-201 et seq.

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

1 (3) ~~The date for the special election may be the same as the~~
 2 ~~date for the next regular municipal election if the next regular municipal~~
 3 ~~election is to be held within the one hundred twenty day period.~~

4 (4) The governing body of the city shall notify the county board
 5 of election commissioners that the question has been referred to the vote of
 6 the people and shall submit a copy of the ballot title to the county board of
 7 election commissioners.

8 (5)(4) The election shall be conducted in the manner provided by
 9 law for all other municipal elections unless otherwise provided in this
 10 subchapter.

11
 12 SECTION 32. Arkansas Code § 26-75-308(a)(2), concerning special
 13 elections to levy a city sales and use tax, is amended to read as follows:

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

17
 18 SECTION 33. Arkansas Code § 26-75-404(a)(2), concerning special
 19 election to levy a local sales and use tax, is amended to read as follows:

20 (2) If the ordinance provides for submitting the question at a
 21 special election, the election shall be called ~~in accordance with~~ under § 7-
 22 11-201 et seq. ~~for a date not more than ninety (90) days from the date of the~~
 23 ~~adoption of the ordinance calling the special election.~~

24
 25 SECTION 34. Arkansas Code § 26-75-503(b), concerning special election
 26 to levy a tax approved by ordinance of a city of the first class or a city of
 27 the second class, is amended to read as follows:

28 (b) An election shall be held in the levying city on the question of
 29 whether the ordinance shall become effective ~~within sixty (60) days after the~~
 30 ~~receipt of a certified copy of the ordinance and shall be conducted in the~~
 31 ~~manner prescribed by law for holding state, county, or municipal elections,~~
 32 ~~so far as the manner may be applicable~~ under § 7-11-201 et seq.

33
 34 SECTION 35. Arkansas Code § 26-78-103(b)(1), concerning the dates of a
 35 special election to levy a County and Municipality Vehicle Tax, is amended to
 36 read as follows:

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

11
 12 SECTION 36. Arkansas Code § 26-78-103(c)(2), concerning the dates of a
 13 special election to levy a County and Municipality Vehicle Tax, is amended to
 14 read as follows:

15 (2) However, before the tax levied by the governing body of ~~any~~
 16 a municipality for the first time after July 1, 1967, upon vehicle owners
 17 residing in the municipality may be collected, the mayor shall call a special
 18 election ~~in accordance with § 7-5-103(b) [repealed] to be held not more than~~
 19 ~~ninety (90) days from the date of the adoption of the levy of the tax by the~~
 20 ~~governing body of the municipality~~ under § 7-11-201 et seq., at which the
 21 qualified electors of the municipality shall vote on the question of the levy
 22 of the tax.

23
 24 SECTION 37. Arkansas Code § 26-78-111(b), concerning elections for
 25 revenue bonds, is amended to read as follows:

26 (b) An election on the question of issuing revenue bonds shall be ~~held~~
 27 ~~at such time as the governing body of the municipality or the county court of~~
 28 ~~a county shall designate~~ set by ordinance or order, and the ordinance or
 29 order shall set the date for the election under § 7-11-201 et seq.

30
 31 SECTION 38. Arkansas Code § 26-80-111(a)(1) concerning the ad valorem
 32 tax rate of school districts involved in consolidation, annexation, or
 33 merger, is amended to read as follows:

34 (a)(1) *When a new school district is created from all or parts of two*
 35 *(2) or more districts, or a school district is dissolved and all or part of*
 36 *the area of the dissolved school district is annexed to or consolidated with*

1 *an existing school district, the board of directors of the resulting school*
2 *district shall submit to the electors of the school district at the next*
3 *annual school election, or at another time as provided by law, a proposed tax*
4 *millage rate for the school district.*

5
6 SECTION 39. EFFECTIVE DATE. This act is effective on and after
7 January 1, 2014.

8
9 /s/Kerr

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11
12 Referred by the Arkansas House of Representatives

13 Prepared by: JAW/VJF
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