

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

SENATE BILL

614

By: Senator Luelf

For An Act To Be Entitled

"AN ACT TO AMEND SUBCHAPTER 8 OF CHAPTER 5 OF TITLE 7 OF THE ARKANSAS CODE TO AUTHORIZE THE APPROPRIATE ELECTION OFFICIALS TO CALL A SPECIAL ELECTION IN PRECINCTS IN WHICH THE OUTCOME OF AN ELECTION IS IN DOUBT DUE TO SERIOUS INSTANCES OF NONCOMPLIANCE WITH STANDARDS SET FORTH IN TITLE 7 OF THE ARKANSAS CODE; AND FOR OTHER PURPOSES."

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

SECTION 1. Subchapter 8 of Chapter 5 of Title 7 of the Arkansas Code is hereby amended by inserting an additional section at the end thereof to read as follows:

"7-5-810. Inability to Determine Outcome of Election.

(a) When the actual outcome of an election is in doubt due to serious instances of noncompliance with the standards set forth in this title or due to fraud or other serious irregularities, the appropriate election officials who are responsible for certifying the vote, instead of certifying the vote, shall call a special election in the precincts in which the serious instances of noncompliance with standards, fraud, or other serious irregularities occurred.

(b) Any candidate or person supporting an initiative, referendum or constitutional amendment shall have a right to appeal, either the election officials' decision to call or decision not to call a special election by certifying the vote, by filing a complaint in the circuit court of any county in which the decision to call or not call a special election is made within ten (10) days of the election officials' decision. The complaint shall be answered within twenty (20) days.

(c) The appropriate election officials shall schedule a special election within thirty (30) days after a party's failure to appeal the call for such

election or within thirty (30) days of a court's order that such election be held.

(d) Results of the special election in the precincts or districts called shall be reconciled with any pertinent results from the precincts or districts, in which a special election was not necessary, in order to declare the outcome."

SECTION 2. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. All laws and parts of laws in conflict with this act are hereby repealed.