

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007

# A Bill

SENATE BILL 855

4  
5 By: Senator Glover  
6 By: Representatives E. Brown, Harrelson

## For An Act To Be Entitled

10 AN ACT AMENDING ARKANSAS LAW CONCERNING  
11 PROCEDURES AND DEADLINES FOR ELECTIONS; AND FOR  
12 OTHER PURPOSES.

## Subtitle

15 AN ACT AMENDING ARKANSAS LAW CONCERNING  
16 PROCEDURES AND DEADLINES FOR ELECTIONS.

18  
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20  
21 SECTION 1. Arkansas Code § 2-16-504 is amended to read as follows:  
22 2-16-504. Petition to establish district.

23 (a)(1) Upon the petition of fifty (50) landowners filed with the  
24 county court or courts in which a proposed district lies, the county court or  
25 courts shall declare that a threat to the agricultural economy of the  
26 proposed district exists by reason of the uncontrolled growth of Johnson  
27 grass.

28 (2) The county court or courts shall cause the question of  
29 whether the district shall be established and this subchapter shall be  
30 enforced in the district to be submitted to the landowners of the proposed  
31 district.

32 (b)(1)~~(A)~~ Immediately upon the submission of the petition to the  
33 county court or courts, the court or courts shall issue a proclamation  
34 calling the election in accordance with § 7-5-103(b) and notify the county  
35 board or boards of election commissioners in writing, ~~and the county board or~~  
36 ~~boards of election commissioners shall call a special election to be held not~~



1 ~~less than thirty (30) days nor more than sixty (60) days after the filing of~~  
 2 ~~the petition. The election shall be held on a date in accordance with § 7-5-~~  
 3 ~~103(b) but in no event more than ninety (90) days following publication of~~  
 4 ~~the proclamation.~~

5 ~~(B)(2)~~ This special election shall be held for the purpose of  
 6 submitting to the landowners of the proposed district the question of whether  
 7 the district shall be established and the provisions of this subchapter shall  
 8 be enforced in the district.

9 ~~(2)(A)~~ ~~The special election shall occur on the second Tuesday of~~  
 10 ~~any month, except as provided in subdivision (b)(2)(B) of this section.~~

11 ~~(B)(i)(a)~~ ~~A special election held in a month in which a~~  
 12 ~~presidential preferential primary election, preferential primary election,~~  
 13 ~~general primary election, or general election is scheduled to occur shall be~~  
 14 ~~held on the date of the presidential preferential primary election,~~  
 15 ~~preferential primary election, general primary election, or general election.~~

16 ~~(b)(1)(A)~~ ~~If a special election is held on the~~  
 17 ~~date of the presidential preferential primary election, preferential primary~~  
 18 ~~election, or general primary election, the issue or issues to be voted upon~~  
 19 ~~at the special election shall be included on the ballot of each political~~  
 20 ~~party.~~

21 ~~(B)~~ ~~However, a separate ballot~~  
 22 ~~containing only the issue or issues to be voted upon at the special election~~  
 23 ~~shall be prepared and made available to a voter requesting a separate ballot.~~

24 ~~(2)~~ ~~No voter shall be required to vote~~  
 25 ~~in a political party's presidential preferential primary election,~~  
 26 ~~preferential primary election, or general primary election in order to be~~  
 27 ~~able to vote in the special election.~~

28 ~~(ii)~~ ~~A special election scheduled to occur in a~~  
 29 ~~month in which the second Tuesday is a legal holiday shall be held on the~~  
 30 ~~third Tuesday of the month.~~

31  
 32 SECTION 2. Arkansas Code § 3-8-205, concerning the conducting of local  
 33 option elections, is amended to read as follows:

34 3-8-205. Determination of sufficiency of petition – Calling of  
 35 election.

36 (a)(1) When thirty-eight percent (38%) of the qualified electors shall

1 file petitions with the county clerk of any county within this state praying  
 2 that an election be held in a designated county, township, municipality,  
 3 ward, or precinct to determine whether or not licenses shall be granted for  
 4 the manufacture or sale or the bartering, loaning, or giving away of  
 5 intoxicating liquor within the designated territory, the county clerk within  
 6 ten (10) days thereafter shall determine the sufficiency of the petition.

7 (2) The total number of voters registered as certified by the  
 8 county clerk to the Secretary of State by the first of June of each year  
 9 pursuant to Arkansas Constitution, Amendment 51 shall be the basis upon which  
 10 the number of signatures of qualified electors on petitions shall be  
 11 computed.

12 (3) A person shall be a registered voter at the time of signing  
 13 the petition.

14 (b) If it is found that thirty-eight percent (38%) of the qualified  
 15 electors have signed the petition, the county clerk shall certify that  
 16 finding to the county board of election commissioners, and the question shall  
 17 be placed on the ballot in the county, township, municipality, ward, or  
 18 precinct at the next biennial general election as provided in § 3-8-101.

19 (c)(1) If an appeal is taken from the certification of the county  
 20 clerk, it shall be taken within ten (10) days and shall be considered by the  
 21 circuit court within ten (10) days, or as soon as practicable, after the  
 22 appeal is lodged with the court.

23 (2) The circuit court shall render its decision within thirty  
 24 (30) days thereafter.

25 (d) If an appeal is taken, the election shall be had ~~within thirty~~  
 26 ~~(30)~~ no sooner than sixty-five (65) days after the appeal is determined, if  
 27 the decision is in favor of the petitioners.

28 (e)(1)(A) The decision shall be certified immediately to the county  
 29 board of election commissioners, and the day for the election shall be fixed  
 30 by the county board of election commissioners for not earlier than ~~twenty~~  
 31 ~~(20)~~ sixty-five (65) days nor later than ~~thirty (30)~~ ninety (90) days after  
 32 the certification of the decision of the circuit court.

33 (B) Any appeal from the final decision of the circuit  
 34 court shall be taken within ten (10) days and shall be advanced and  
 35 immediately determined by the Supreme Court.

36 (2) In that event, the county board of election commissioners

1 may, in its discretion, delay the election until after the final decision of  
 2 the Supreme Court.

3 (3) If the decision is in favor of the petitioners, then the  
 4 county board of election commissioners shall set the day for the election,  
 5 which shall be not earlier than ~~twenty (20)~~ sixty-five (65) days nor later  
 6 than ~~thirty (30)~~ ninety (90) days after the final decision of the Supreme  
 7 Court.

8  
 9 SECTION 3. Arkansas Code § 3-9-206(b), concerning the conducting of  
 10 referendum elections, is amended to read as follows:

11 (b)(1) The election shall be called by order of the quorum court in  
 12 accordance with § 7-5-103(b) and held and conducted in accordance with § 7-5-  
 13 103(b) and the results certified under the supervision of the county board of  
 14 election commissioners in the manner provided by the election laws of this  
 15 state.

16 (2)(A) ~~The county board~~ order of the quorum court shall fix the  
 17 date of the election not ~~less than thirty (30) days nor more than sixty (60)~~  
 18 ninety (90) days from the date ~~the election was called pursuant to~~  
 19 ~~subdivision (a)(1) or (a)(2) of this section~~ of the order and give notice  
 20 thereof by publication in a newspaper of general circulation in the city or  
 21 county by at least two (2) insertions, the last being not less than ten (10)  
 22 days prior to the election.

23 ~~(B)(i) The election shall occur on the second Tuesday of~~  
 24 ~~any month, except as provided in subdivision (b)(2)(B)(ii) of this section.~~

25 ~~(ii) Elections held in months in which a~~  
 26 ~~presidential preferential primary election, preferential primary election,~~  
 27 ~~general primary election, or general election is scheduled to occur shall be~~  
 28 ~~held on the date of the presidential preferential primary election,~~  
 29 ~~preferential primary election, general primary election, or general election.~~

30 ~~(2)(A)(i) If an election is held on the date of the presidential~~  
 31 ~~preferential primary election, preferential primary election, or general~~  
 32 ~~primary election, the issue or issues to be voted upon at the election shall~~  
 33 ~~be included on the ballot of each political party.~~

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

1                   ~~(B) No voter shall be required to vote in a political~~  
 2 ~~party's presidential preferential primary, preferential primary, or general~~  
 3 ~~primary in order to be able to vote in the election.~~

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

6                   (3) The county board shall tabulate the votes and certify the  
 7 results to the county clerk within ten (10) days after the election.

8  
 9                   SECTION 4. Arkansas Code § 6-14-102(d), concerning annual school  
 10 elections, is amended to read as follows:

11                   (d) The board of directors of any school district shall have the  
 12 authority to ~~request the county board of election commissioners to call a~~  
 13 ~~special election to be held in accordance with § 7-5-103(b)~~ for the purpose  
 14 of considering a rate of tax for additional millages for maintenance and  
 15 operations or for debt service as authorized by Arkansas Constitution,  
 16 Amendment 74, provided that:

17                   (1) All constitutional and statutory requirements for a special  
 18 school election are met; and

19                   (2) The date of the election is approved by the commissioner~~s~~.  
 20 and

21                   ~~(3)(A) The special election is held on the second Tuesday of any~~  
 22 ~~month, except as provided in subdivision (d)(3)(B) of this section.~~

23                   ~~(B)(i)(a) Special elections held in months in which a~~  
 24 ~~presidential preferential primary election, preferential primary election,~~  
 25 ~~general primary election, or general election is scheduled to occur shall be~~  
 26 ~~held on the date of the presidential preferential primary election,~~  
 27 ~~preferential primary election, general primary election, or general election.~~

28                   ~~(b)(1)(A) If a special election is held on the date of the~~  
 29 ~~presidential preferential primary election, preferential primary election, or~~  
 30 ~~general primary election, the issue or issues to be voted upon at the special~~  
 31 ~~election shall be included on the ballot of each political party.~~

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

35                   ~~(2) No voter shall be required to vote in a political party's~~  
 36 ~~presidential preferential primary, preferential primary, or general primary~~

1 ~~in order to be able to vote at the special election.~~

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

5  
 6 SECTION 5. Arkansas Code § 6-14-111 is amendment to read as follows:

7 6-14-111. Ballots - Write-in candidates.

8 ~~(a) The county board of election commissioners of the county in which~~  
 9 ~~the school district is domiciled for administrative purposes shall prepare~~  
 10 ~~and furnish ballots and all other necessary supplies for the annual school~~  
 11 ~~election.~~

12 ~~(b)(1) The county board of election commissioners shall place on the~~  
 13 ~~ballots as candidates for school district director names of any qualified~~  
 14 ~~voters whose names have been filed and verified by the county clerk of the~~  
 15 ~~county in which the school district is domiciled for administrative purposes.~~

16 ~~(2) The county clerk of the county in which the school district~~  
 17 ~~is domiciled for administrative purposes shall certify to the board of~~  
 18 ~~election commissioners that the petition contains the names of at least~~  
 19 ~~twenty (20) qualified registered voters who are residents of the district and~~  
 20 ~~respective electoral zone, if directors are elected from zones, at least~~  
 21 ~~forty five (45) days before the annual school election.~~

22 ~~(3) Candidates shall circulate the petitions no earlier than~~  
 23 ~~ninety (90) calendar days before the annual school election.~~

24 ~~(c) Votes for a write in candidate for school district director shall~~  
 25 ~~not be counted or tabulated unless not later than forty (40) days before the~~  
 26 ~~annual school election the candidate notifies in writing the county board of~~  
 27 ~~election commissioners of the county in which the school district is~~  
 28 ~~domiciled for administrative purposes of his or her intention to be a write-~~  
 29 ~~in candidate.~~

30 (a)(1) All candidate filings pursuant to this subchapter shall be with  
 31 the county clerk of the county in which the school district is domiciled for  
 32 administrative purposes; and

33 (2) All actions required of county boards of election  
 34 commissioners shall be performed by the county board of election  
 35 commissioners of the county in which the school district is domiciled for  
 36 administrative purposes.

1       (b) The county board of election commissioners shall prepare and  
2 furnish ballots and all other necessary supplies for the annual school  
3 election.

4       (c) A candidate for a position on the board of directors of a school  
5 district may qualify for the ballot by filing a petition or filing a notice  
6 of write-in candidacy.

7       (d) The petition shall be directed to the county clerk and shall  
8 contain the names of at least twenty (20) registered voters who are residents  
9 of the district and, if applicable, the electoral zone for the position.

10       (e) The petition and the candidate's political practices pledge shall  
11 be filed with the clerk during a one-week period ending at 12:00 noon sixty  
12 (60) days before the annual school election.

13       (f)(1) Candidates may begin circulating petitions not earlier than  
14 ninety (90) days before the annual school election.

15               (2) A signature dated more than ninety (90) days before the  
16 school election shall not be counted by the clerk as a valid signature.

17       (g) Votes for a write-in candidate for school district director shall  
18 not be counted or tabulated unless the candidate files with the county clerk  
19 during a one-week period ending at noon fifty-five (55) days before the  
20 annual school election:

21               (1) A written notice of his or her intention to be a write-in  
22 candidate; and

23               (2) The political practices pledge.

24       (h) The county board of election commissioners shall place on the  
25 ballot as candidates for school district director the names of any qualified  
26 registered voters whose political practices pledges have been filed and whose  
27 petitions have been filed with and verified by the county clerk of the county  
28 in which the school district is domiciled for administrative purposes.

29       (i)(1) On the day after the deadline for candidates to file for a  
30 position on the board of directors by petition, the county clerk shall  
31 certify to the board of election commissioners the names of those candidates  
32 who are registered voters in the school district and the electoral zone, if  
33 applicable, and who have qualified for the ballot by petition.

34               (2) Immediately after the close of the write-in filing period,  
35 the county clerk shall certify to the county board of election commissioners  
36 any write-in candidates who have filed notices and political practices

1 pledges with the clerk.

2 (j) The order in which the names of the respective candidates are to  
 3 appear on the ballot shall be determined by lot at the public meeting of the  
 4 county board of election commissioners held not later than fifty-five (55)  
 5 days before the annual school election.

6  
 7 SECTION 6. Arkansas Code § 6-14-121 is amended to read as follows:  
 8 6-14-121. Runoff elections.

9 (a)(1) Whenever there are more than two (2) candidates for election to  
 10 any position on a school district board at any election held in this state  
 11 and whenever no candidate for any district position receives a majority of  
 12 the votes cast for the office or whenever there is a tie vote, there shall be  
 13 a runoff election held in the district.

14 (2) The names of the two (2) candidates receiving the highest  
 15 number of votes, but not a majority, shall be placed on the ballot to be  
 16 voted upon by the qualified electors for that position on a school district  
 17 board.

18 (3) The runoff election shall be held three (3) weeks following  
 19 the date of the election.

20 (b) The person receiving the majority of the votes cast for the  
 21 position at the runoff election shall be declared elected.

22 (c) If one (1) of the two (2) candidates who received the highest  
 23 number of votes for a position withdraws prior to certification of the result  
 24 of the school election, the remaining candidate who received the most votes  
 25 at the school election shall be declared elected to the office and there  
 26 shall be no school election runoff.

27 ~~(e)~~(d)(1) In the event that the two (2) candidates seeking election to  
 28 the same district position shall receive the same number of votes in a runoff  
 29 election, a tie shall be deemed to exist.

30 (2) The county board of election commissioners shall determine  
 31 the winner by lot at an open public meeting and in the presence of the two  
 32 (2) candidates.

33 ~~(d)~~(e) The provisions of this section are intended to be in addition  
 34 to and supplemental to the laws of this state pertaining to the election of  
 35 school district boards of directors.

36



1 SECTION 7. Arkansas Code § 6-14-122 is amended to read as follows:  
2 6-14-122. Consolidation, annexation, or merger of districts.

3 (a) The consideration of the question of the consolidation or  
4 annexation of two (2) or more school districts, or parts thereof, in their  
5 entireties, kindergarten through twelfth grade (K-12), may be made at the  
6 annual school election with the issue of combining the districts and the  
7 levying of a specified tax millage to support the new district placed on the  
8 ballot as a single issue in order to assure that when the two (2) or more  
9 districts, or parts thereof, are combined into one (1) district, a single  
10 millage will be levied for support of the new district.

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

17 (c) If the State Board of Education is petitioned by the board of  
18 directors of a school district or districts, by resolution duly adopted by  
19 majority vote of each of the local boards, or when petitioned by at least  
20 twenty-five percent (25%) of the qualified electors of a school district or  
21 districts as certified in writing by the county clerk of each county where  
22 the school district or districts are located, the state board may call a  
23 special election to be held in accordance with § 7-5-103(b) to consider the  
24 question of consolidation or annexation of the school districts as otherwise  
25 allowed for in subsection (a) of this section.

26 (d)~~(1)~~ The special election on consolidation or annexation shall be  
27 held by the same officials at the same polling places, and the returns shall  
28 be made, canvassed, and published in the same manner as is provided by law  
29 for annual school elections.

30 ~~(2)(A) The special election shall occur on the second Tuesday of~~  
31 ~~any month, except as provided in subdivision (d)(2)(B) of this section.~~

32 ~~(B)(i)(a) Special elections held in months in which a~~  
33 ~~presidential preferential primary election, preferential primary election,~~  
34 ~~general primary election, or general election is scheduled to occur shall be~~  
35 ~~held on the date of the presidential preferential primary election,~~  
36 ~~preferential primary election, general primary election, or general election.~~

1           ~~(b)(1)(A) If a special election is held on the date of the presidential~~  
 2 ~~preferential primary election, preferential primary election, or general~~  
 3 ~~primary election, the issue or issues to be voted upon at the special~~  
 4 ~~election shall be included on the ballot of each political party.~~

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

8           ~~(2) No voter shall be required to vote in a political party's~~  
 9 ~~presidential preferential primary, preferential primary, or general primary~~  
 10 ~~in order to be able to vote in the special election.~~

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

14           (e) If an election is not held in the newly formed district, the vote  
 15 on the millage for the newly formed district will be held at the next annual  
 16 school election.

17  
 18           SECTION 8. Arkansas Code § 6-53-307(e), concerning county support of  
 19 technical colleges, is amended to read as follows:

20           ~~(e)(1)~~ Any election called by the quorum court pursuant to this  
 21 section shall ~~occur on the second Tuesday of any month except as provided in~~  
 22 ~~subdivision (e)(2) of this section~~ be called pursuant to the proclamation  
 23 issued by the quorum court and held in accordance with § 7-5-103(b).

24                   ~~(2)(A)(i) Elections held in months in which a presidential~~  
 25 ~~preferential primary election, preferential primary election, general primary~~  
 26 ~~election, or general election is scheduled to occur shall be held on the date~~  
 27 ~~of the presidential preferential primary election, preferential primary~~  
 28 ~~election, general primary election, or general election.~~

29                   ~~(ii) If an election is held on the date of the~~  
 30 ~~presidential preferential primary election, preferential primary election, or~~  
 31 ~~general primary election, the issue or issues to be voted upon at the~~  
 32 ~~election shall be included on the ballot of each political party.~~

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

36           ~~(b) No voter shall be required to vote in a political party's~~

~~presidential preferential primary, preferential primary, or general primary in order to be able to vote in the election.~~

~~(B) 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.~~

SECTION 9. Arkansas Code § 6-53-602 is amended to read as follows:  
6-53-602. Formation of a proposed district.

(a)(1) Upon request of the local board of a technical college or the Arkansas Higher Education Coordinating Board acting as a local board of a technical college, the coordinating board shall determine whether formation of a proposed technical college district is feasible according to criteria established by the coordinating board for the formation of a technical college district.

(2) The boundaries of the technical college district are to be determined by the local board or the coordinating board acting as the local board.

(b)(1) Within ten (10) calendar days after the coordinating board determines that the formation of a proposed district is feasible, the local board or the coordinating board acting as the local board shall notify the county board of election commissioners in each county of which any portion is in the proposed technical college district that an election will be held to determine whether the district shall be formed and whether an ad valorem tax shall be levied on property in the district to fund site acquisition, construction, equipping, and operation of the college.

(2)(A) The local board or acting local board shall issue a proclamation and set a date for the election ~~to be held at a time not less than thirty (30) calendar days after the local board or acting local board notifies the county boards~~ in accordance with § 7-5-103(b), but in no event later than ninety (90) days after the publication of the proclamation.

~~(B)(i) The election shall occur on the second Tuesday of any month, except as provided in subdivision (b)(2)(B)(ii) of this section.~~

~~(ii) Elections 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.~~

~~(2)(A)(i) If an 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 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 election shall be prepared and made available to voters requesting a separate ballot.~~

~~(B) No voter shall be required to vote in a political party's presidential preferential primary, preferential primary, or general primary in order to be able to vote in the special election.~~

~~(b) 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.~~

(3) The local board or acting local board shall specify the wording of the ballot to be used for the election utilizing appropriate language similar to that found in § 6-61-513(c), and the county boards of election commissioners shall conduct the election in the manner provided by law for special elections.

(c)(1) Except as provided in subdivision (c)(2) of this section, if the establishment of a proposed technical college district fails because of an adverse vote by a majority of the qualified electors of the proposed district voting thereon at the election, no new election for the establishment thereof shall be held within a period of one (1) year after the date of the election.

(2)(A) If the formation of a proposed technical college district fails and the majority of votes cast in one (1) or more counties or cities in a proposed district were against the formation of the district, the local board or acting local board may notify the county boards of election commissioners that an election will be held on the issue of forming a proposed district that does not include the county, city, counties, or cities in which the issue failed.

(B) The local board or acting local board shall issue a proclamation and set a date for the election in accordance with § 7-5-103(b) ~~to be held no less than thirty (30) calendar days after the local board or acting local board notifies the county boards.~~

(C) The procedures for an election to form a proposed

1 reconstituted district shall be identical to the procedures for an election  
 2 to establish a technical college district.

3 (d)(1) If the local board or acting local board of a technical college  
 4 determines that the question of a tax levy in the technical college district  
 5 should be submitted to the electors after the district is formed, it shall  
 6 certify the millage requested to the county board of election commissioners  
 7 of each county of which any portion is in the technical college district.

8 (2) The county boards shall place the question of the levy on  
 9 the ballot at the next general election if the date of the general election  
 10 is not less than ~~thirty (30)~~ sixty (60) calendar days after the county boards  
 11 receive certification from the local board or acting local board.

12 (3)~~(A)~~ In the alternative, the local board or acting local board  
 13 may set a date for a special election ~~at a time not less than thirty (30)~~  
 14 ~~calendar days after the local board or acting local board notifies the county~~  
 15 ~~boards~~ in accordance with § 7-5-103(b).

16 ~~(B)(i) The special election shall occur on the second~~  
 17 ~~Tuesday of any month, except as provided in subdivision (d)(3)(B)(ii) of this~~  
 18 ~~section.~~

19 ~~(ii) Special elections held in months in which a~~  
 20 ~~presidential preferential primary election, preferential primary election,~~  
 21 ~~general primary election, or general election is scheduled to occur shall be~~  
 22 ~~held on the date of the presidential preferential primary election,~~  
 23 ~~preferential primary election, general primary election, or general election.~~

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

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

31 ~~(B) No voter shall be required to vote in a political~~  
 32 ~~party's presidential preferential primary, preferential primary, or general~~  
 33 ~~primary in order to be able to vote in the special election.~~

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

1           (4) The special election shall be conducted in the manner  
 2 provided by law for other special elections.

3  
 4           SECTION 10. Arkansas Code § 6-61-512 is amended to read as follows:

5           6-61-512. Formation of district - Election - Date.

6           ~~(a) The date of the election shall be set by the Secretary of State in~~  
 7 ~~accordance with § 7-5-103(b). at a time not less than thirty (30) days from~~  
 8 ~~the date of notification of the county board of election commissioners.~~

9           ~~(b)(1) The election shall occur on the second Tuesday of any month,~~  
 10 ~~except as provided in subdivision (b)(2) of this section.~~

11           ~~(2)(A)(i) Elections held in months in which a presidential~~  
 12 ~~preferential primary election, preferential primary election, general primary~~  
 13 ~~election, or general election is scheduled to occur shall be held on the date~~  
 14 ~~of the presidential preferential primary election, preferential primary~~  
 15 ~~election, general primary election, or general election.~~

16           ~~(ii) If an election is held on the date of the~~  
 17 ~~presidential preferential primary election, preferential primary election, or~~  
 18 ~~general primary election, the issue or issues to be voted upon at the~~  
 19 ~~election shall be included on the ballot of each political party.~~

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

23           ~~(b) No voter shall be required to vote in a political party's~~  
 24 ~~presidential preferential primary, preferential primary, or general primary~~  
 25 ~~in order to be able to vote in the election.~~

26           ~~(B) Elections scheduled to occur in a month in which the~~  
 27 ~~second Tuesday is a legal holiday shall be held on the third Tuesday of the~~  
 28 ~~month.~~

29  
 30           SECTION 11. Arkansas Code § 6-61-602 is amended to read as follows:

31           6-61-602. General operations - Millage taxes.

32           (a) In the event the local board of a community college wishes to  
 33 spend larger sums of money than the state funds provided for general  
 34 operation of the community college for whatever reasons consistent with the  
 35 state law, it shall be lawful for millage to be levied from time to time to  
 36 provide additional operation funds.

1 (b) The millage can be approved at the election to create the  
 2 community college district or the question of approving the millage can be  
 3 submitted to the voters of the district from time to time thereafter at  
 4 special or general elections.

5 (c)(1) The local board of each community college shall certify, within  
 6 the time provided by law, to the appropriate tax levying authority of each  
 7 county or city of the district the aggregate millage to be levied for the  
 8 district for operating purposes and indebtedness purposes, and the millage  
 9 shall be levied and collected in the manner provided by law.

10 (2) If the amount of the budget to be supported from taxes  
 11 levied by the district is in excess of the amount to be produced from taxes  
 12 then authorized for the district, after allowing for tax proceeds pledged for  
 13 indebtedness purposes, the local board of the community college shall  
 14 certify, at least sixty (60) days before any election upon which the millage  
 15 may be voted, certify the additional millage required to the county board of  
 16 election commissioners of each county of which any portion is in the  
 17 community college district. However, millage together with the rate then  
 18 levied will not exceed ten (10) mills.

19 (3) The question of the levy shall be placed on the ballot at  
 20 the next following general election or a special election called for that  
 21 purpose pursuant to § 7-5-103(b) as determined by the local board.

22 (d)(1)(A) When the local board of a community college determines that  
 23 the question of a tax levy in the district should be submitted to the  
 24 electors of the district at a special election, it shall adopt a resolution  
 25 to that effect and shall file a certified copy of the resolution with the  
 26 county board of election commissioners of each county of which any portion is  
 27 in the district that a special election shall be held in the district and  
 28 shall set the date of the election, which shall be not ~~less than thirty (30)~~  
 29 ~~days nor~~ more than ~~sixty (60)~~ ninety (90) days after the date of the ~~notice~~  
 30 ~~to the county board of election commissioners~~ proclamation required by § 7-5-  
 31 103(b).

32 ~~(B)(i) The special election shall occur on the second~~  
 33 ~~Tuesday of any month, except as provided in subdivision (d)(1)(B)(ii) of this~~  
 34 ~~section.~~

35 ~~(ii) Special elections held in months in which a~~  
 36 ~~presidential preferential primary election, preferential primary election,~~

~~1 general primary election, or general election is scheduled to occur shall be  
 2 held on the date of the presidential preferential primary election,  
 3 preferential primary election, general primary election, or general election.~~

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

~~8 (ii) However, separate ballots containing only the  
 9 issue or issues to be voted upon at the special election shall be prepared  
 10 and made available to voters requesting a separate ballot.~~

~~11 (B) No voter shall be required to vote in a political  
 12 party's presidential preferential primary, preferential primary, or general  
 13 primary in order to be able to vote in the special election.~~

~~14 (b) Special elections scheduled to occur in a month in which the  
 15 second Tuesday is a legal holiday shall be held on the third Tuesday of the  
 16 month.~~

(2) The county board of election commissioners in each county of  
 17 which any portion is included in a community college district shall prepare  
 18 the ballots, furnish the election supplies, select the election judges and  
 19 clerks, and make all necessary arrangements for conducting such elections.  
 20

(3) All laws applicable to the conduct of general elections,  
 21 counting of ballots, and certification of the results thereof, and other  
 22 matters relating to the holding of general elections, so far as the laws are  
 23 appropriate shall be applicable to special elections held pursuant to the  
 24 provisions of §§ 6-61-101 - 6-61-103, 6-61-201 - 6-61-209, 6-61-211  
 25 [repealed], 6-61-212 - 6-61-216, 6-61-301 - 6-61-305, 6-61-306 [repealed], 6-  
 26 61-401, 6-61-402, 6-61-501 - 6-61-524, 6-61-601 - 6-61-603, and 6-61-604 - 6-  
 27 61-612 [repealed].  
 28

(4) All expenses of conducting special elections held pursuant  
 29 to the provisions of §§ 6-61-101 - 6-61-103, 6-61-201 - 6-61-209, 6-61-211  
 30 [repealed], 6-61-212 - 6-61-216, 6-61-301 - 6-61-305, 6-61-306 [repealed], 6-  
 31 61-401, 6-61-402, 6-61-501 - 6-61-524, 6-61-601 - 6-61-603, and 6-61-604 - 6-  
 32 61-612 [repealed] shall be paid from funds of the respective community  
 33 college districts in which the elections are held.  
 34

(e) If the proposed additional millage is approved by the majority of  
 35 the qualified electors of the district voting on such issue at a general or  
 36



1 special election, the additional millage shall be a continuing levy until  
2 reduced as provided in subsection (f) of this section.

3 (f) Whenever the local board of any college determines that the rate  
4 of tax levied by the district, including the amount thereof pledged for  
5 indebtedness purposes, is greater than is necessary, the local board shall  
6 certify the reduced rate of millage to the appropriate tax levying authority  
7 of each county or city of the district, and the reduced rate of millage shall  
8 be levied and shall be extended on the tax books as the rate of tax due that  
9 community college district until a greater amount of tax shall be certified  
10 by the local board of the college as authorized in this section.

11 (g) In the case of community college districts existing at the time  
12 this law is enacted, existing millages which have been approved by the voters  
13 of the district may continue to be levied by the district at the discretion  
14 of the local board except that upon the petition of voters, as provided in §  
15 6-61-510, or upon request of the local board, an election may be called to  
16 repeal operating millage, reduce operating millage, or authorize the transfer  
17 of operating millage to capital uses.

18  
19 SECTION 12. Arkansas Code § 6-71-105 is amended to read as follows:  
20 6-71-105. Public notice of passage of chapter - Methods of approval.

21 (a) Immediately upon the organization of the commission, or as soon  
22 thereafter as it is convenient, it shall give public notice of the passage of  
23 this chapter and of the commission's organization and the purposes of this  
24 chapter, and that the public improvement contemplated in this chapter is  
25 conditioned upon its approval by a majority in value of the owners of real  
26 estate within the district or a majority of the electors voting in a special  
27 election that may be held upon this chapter.

28 (b) This chapter may be submitted in either or both of the following  
29 modes to determine whether it shall become operative:

30 (1)(A) If at any time within five (5) years from the passage of  
31 this chapter a petition purporting to be signed by a majority in value of the  
32 owners of real property within the district is filed with the commission, the  
33 commission shall give public notice of that fact in at least one (1) daily  
34 newspaper published in the county and set a day and place for the hearing not  
35 less than twenty (20) days after the first publication of the notice.

36 (B) At the place and time so designated, the commissioners

1 shall examine the petition filed and examine the assessment of the real  
 2 property within the district and, for the purpose of the hearing, may adjourn  
 3 from day to day from time to time until the hearing is completed.

4 (C) At the hearing, any landowner in the district may be  
 5 heard and evidence may be taken in such a manner as the commission may deem  
 6 proper to determine the fact as to whether the petition is signed by a  
 7 majority in value of the landowners of the district, as shown by the last  
 8 county assessment of the lands within the district.

9 (D)(i)(a) If at the hearing the commissioners find that  
 10 the petition is not signed by a majority in value of the landowners of the  
 11 district, as shown by the last county assessment, they shall so declare. Such  
 12 findings shall terminate proceedings under this chapter unless within the  
 13 term herein limited another petition purporting to be signed by a majority in  
 14 value of owners of real estate in the district is filed with the commission,  
 15 when like proceedings shall again be had to determine whether a majority in  
 16 value of the landowners of the district have signed the petition.

17 (b) However, the finding that a majority in value has not petitioned  
 18 for the improvement shall not bar the chapter from becoming effective as  
 19 provided in subdivision (b)(2) and subsection (c) of this section.

20 (ii) If the commission finds that the petition is  
 21 signed by a majority in value of the landowners of the district as shown by  
 22 the last county assessment, they shall so declare and shall proceed to carry  
 23 out the purposes of this chapter.

24 (iii) In either event, public notice shall be given  
 25 in at least one (1) daily paper published in the county of that fact, and a  
 26 copy of the findings shall be filed with the county court of the county.

27 (2)(A) The commission may call at any time within five (5) years  
 28 an election in accordance with § 7-5-103(b) to determine whether this chapter  
 29 shall become operative and may call subsequent elections in accordance with §  
 30 7-5-103(b) after the chapter has failed to carry if the commission has good  
 31 reasons to believe that a majority of the electors then favor this chapter.

32 (B) The election held under this section shall be held  
 33 conformable as nearly as possible to the laws of the state governing general  
 34 elections.

35 ~~(C)(i) The election held under this section shall occur on~~  
 36 ~~the second Tuesday of any month, except as provided in subdivision~~

1 ~~(b)(2)(C)(ii) of this section.~~

2 ~~(ii) Elections held in months in which a~~  
 3 ~~presidential preferential primary election, preferential primary election,~~  
 4 ~~general primary election, or general election is scheduled to occur shall be~~  
 5 ~~held on the date of the presidential preferential primary election,~~  
 6 ~~preferential primary election, general primary election, or general election.~~

7 ~~(2)(A)(i) If an election is held on the date of the presidential~~  
 8 ~~preferential primary election, preferential primary election, or general~~  
 9 ~~primary election, the issue or issues to be voted upon at the election shall~~  
 10 ~~be included on the ballot of each political party.~~

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

14 ~~(B) No voter shall be required to vote in a political~~  
 15 ~~party's presidential preferential primary, preferential primary, or general~~  
 16 ~~primary in order to be able to vote in the election.~~

17 ~~(b) Elections scheduled to occur in a month in which the second~~  
 18 ~~Tuesday is a legal holiday shall be held on the third Tuesday of the month.~~

19 (D) The commission shall perform the duties of county  
 20 election commissioners as nearly as applicable.

21 (E) All citizens of the city in which the district is  
 22 located who possess a right to vote if the election were a general election  
 23 for state officers, and no other, shall be entitled to vote in the election.

24 (F) The commission shall canvass the votes cast at the  
 25 special elections. If the commission finds that a majority of the votes cast  
 26 in the election were in favor of this chapter's becoming operative, they  
 27 shall so declare and shall proceed to carry out the purposes of this chapter.

28 (G) Public notice shall be given of their findings in  
 29 either event in at least one (1) daily newspaper published in the county in  
 30 which the district is located, and a copy of their findings shall be filed  
 31 with the county clerk of such a county.

32 (c) It is the intent of this section to permit this chapter to become  
 33 operative if it is approved at any time within five (5) years in either of  
 34 the foregoing methods and not to become operative unless approved within this  
 35 period by one (1) or the other of the methods provided in this section.

36

SECTION 13. Arkansas Code § 7-5-103 is amended to read as follows:

~~7-5-103. Time of special~~ Special elections.

~~(a) If no time is otherwise provided by law, all special elections to fill vacancies or to elect any officers where there appears to be a tie vote shall be held on the second Tuesday of any month at the time specified in the proclamation issued by the appropriate constituted authority, but in no event earlier than thirty (30) days following the issuance of the proclamation.~~

~~(b)(1)(A) Special elections held under this section 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.~~

~~(B)(i)(a) 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.~~

~~(b) 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.~~

~~(ii) No voter shall be required to vote in a political party's presidential preferential primary, preferential primary, or general primary in order to be able to vote in the special election.~~

~~(2) 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.~~

(a)(1) All special elections to fill vacancies in an office shall be called by proclamation or order of the appropriate constituted authority.

(2) The proclamation or order shall be published as soon as practicable in a newspaper of general circulation where the special election is held and the proclamation shall establish:

(A) The date of the election;

(B) The date of the primary election, if any;

(C) The deadline for filing party certificates and political practices pledges, if required, with the county clerk or Secretary of State, as the case may be, if applicable;

(D) The deadline for party conventions to select nominees,

1 if applicable;

2 (E) The deadline for parties to issue certificates of  
3 nomination, if applicable;

4 (F) The deadline for candidates to file certificates of  
5 nomination, if applicable, and political practices pledges with the county  
6 clerk or Secretary of State, as the case may be;

7 (G) The deadline for filing as an independent candidate  
8 and the period in which petitions for independent candidacy may be  
9 circulated;

10 (H) The deadline for filing as a write-in candidate, if  
11 applicable;

12 (I) The deadline for drawing for ballot position by the  
13 appropriate committee or election commission, as the case may be; and

14 (J) The date the election shall be certified by the county  
15 board of election commissioners in each county in which the election takes  
16 place and, if applicable, by the Secretary of State.

17 (3)(A) All special elections to fill vacancies in office shall  
18 be held on the second Tuesday of the month.

19 (B)(i) Special elections under this section in which a  
20 presidential preferential primary election, preferential primary election,  
21 general primary election, or general election is scheduled to occur shall be  
22 held on the date of the presidential preferential primary election,  
23 preferential primary election, general primary election, or general election.

24 (ii) If a special election to fill a vacancy in  
25 office is held on the date of the presidential preferential primary election,  
26 preferential primary election, or general primary election, the names of the  
27 candidates in the special election shall be included on the ballot of each  
28 political party, and the portion of the ballot on which the special election  
29 appears shall be labeled with a heading stating "SPECIAL ELECTION FOR .....",  
30 with the name of the office set out in the heading.

31 (iii) However, separate ballots containing the names  
32 of the candidates to be voted upon at the special election, non-partisan  
33 judicial elections, if applicable, and any other measures or questions that  
34 may be presented for a vote shall be prepared and made available to voters  
35 requesting a separate ballot.

36 (iv) No voter shall be required to vote in a

1 political party's presidential preferential primary, preferential primary, or  
2 general primary in order to be able to vote in the special election.

3 (C)(i) If the special election is held at the same time as  
4 the general election, the names of the candidates in the special election  
5 shall be included on the general election ballot, and the portion of the  
6 ballot on which the special election appears shall be labeled with a heading  
7 stating "SPECIAL ELECTION FOR .....", with the name of the office set out in  
8 the heading.

9 (ii) The county board of election commissioners may  
10 include the special election on a separate ballot if the special election is  
11 held at the same time as the general election, and if the commission  
12 determines that a separate ballot is necessary to avoid voter confusion.

13 (D) A special election to fill a vacancy in office shall  
14 be held not less than sixty-five (65) days following the date in the  
15 proclamation or order for drawing for ballot position when the special  
16 election is to be held on the date of the presidential preferential primary  
17 election, preferential primary election, general primary election, or general  
18 election.

19 (4) If the special election is not held at the same time as a  
20 presidential preferential primary election, preferential primary election,  
21 general primary election, or general election, the special election shall be  
22 held not less than fifty (50) days following the date in the proclamation or  
23 order for drawing for ballot position.

24 (5)(A) All special primary elections required for an election to  
25 fill a vacancy in office shall be held on the second Tuesday of the month and  
26 special primary elections held under this section in months in which a  
27 presidential preferential primary election, preferential primary election,  
28 general primary election, or general election is scheduled to occur shall be  
29 held on the date of the presidential preferential primary election,  
30 preferential primary election, general primary election, or general election.

31 (B) If a special primary election in conjunction with an  
32 election to fill a vacancy in office is held on the date of the presidential  
33 preferential primary election, preferential primary election, general primary  
34 election, or general election, the candidates to be voted upon at the special  
35 election shall be included on the ballot of each political party or the  
36 general election ballot, as the case may be, and the portion of the ballot on

1 which the special primary election appears shall be labeled with a heading  
2 stating "SPECIAL..... PRIMARY ELECTION FOR.....",  
3 with the name of the party for which nomination is sought and the office set  
4 out in the heading.

5 (C) The county board of election commissioners may include  
6 the special primary election on a separate ballot if the special primary  
7 election is held at the same time as a presidential preferential primary  
8 election, preferential primary election, general primary election, or general  
9 election, and if the commission determines that a separate ballot is  
10 necessary to avoid voter confusion.

11 (6) A special primary election shall be held not less than  
12 sixty-five (65) days following the date in the proclamation or order for  
13 drawing for ballot position when the special election is to be held on the  
14 date of the presidential preferential primary election, preferential primary  
15 election, general primary election, or general election.

16 (7)(A) If the special primary election is not held at the same  
17 time as a presidential preferential primary election, preferential primary  
18 election, general primary election, or general election, the special election  
19 shall be held not less than fifty (50) days following the date in the  
20 proclamation or order for drawing for ballot position.

21 (B) When a special primary election is called to select  
22 nominees for a special election to fill a vacancy in office, the nominee  
23 shall be the person who receives the highest number of votes in the special  
24 primary election. There shall be no runoff after a special primary election.

25 (8) In addition to the publication of the proclamation required  
26 herein, notice of special elections to fill vacancies called under this  
27 section shall be published and posted pursuant to §§ 7-5-202 and 7-5-206.

28 (b)(1) All special elections on measures or questions referred to the  
29 voters shall be called by proclamation or order of the properly constituted  
30 authority.

31 (2) The proclamation or order shall set forth:

32 (A) The date of the special election;

33 (B) The full text of any measure or question for which the  
34 election is called;

35 (C) Any ballot title for the measure or question for which  
36 the election is called; and

1                   (D) Any other information as may be required by law.

2                   (3) All special elections on measures or questions shall be held  
 3 on the second Tuesday of the month, except special elections held under this  
 4 section in a month in which a presidential preferential primary election,  
 5 preferential primary election, general primary election, or general election  
 6 is scheduled to occur shall be held on the date of the presidential  
 7 preferential primary election, preferential primary election, general primary  
 8 election, or general election. Special elections scheduled to occur in a  
 9 month in which the second Tuesday is a legal holiday shall be held on the  
 10 third Tuesday of the month.

11                   (4)(A) If a special election is held on the date of the  
 12 presidential preferential primary election, preferential primary election, or  
 13 general primary election, the issue or issues to be voted upon at the special  
 14 election shall be included on the ballot of each political party. The  
 15 portion of the ballot containing the special election shall be labeled with a  
 16 heading stating "SPECIAL ELECTION ON ....." with a brief description of the  
 17 measure or question to be decided in the election.

18                   (B) However, separate ballots containing all the issue or  
 19 issues or candidates to be voted upon at the special election, and candidates  
 20 for nonpartisan judicial office shall be prepared and made available to  
 21 voters requesting a separate ballot.

22                   (C) No voter shall be required to vote in a political  
 23 party's presidential preferential primary, preferential primary, or general  
 24 primary in order to be able to vote in the special election.

25                   (5) A special election shall be held not less than sixty-five  
 26 (65) days following the date that the proclamation or order is issued when  
 27 the special election is to be held on the date of the presidential  
 28 preferential primary election, preferential primary election, general primary  
 29 election, or general election.

30                   (6) If the special election is not held at the same time as a  
 31 presidential preferential primary election, preferential primary election,  
 32 general primary election, or general election, the special election shall be  
 33 held not less than fifty (50) days following the date that the proclamation  
 34 or order is published.

35                   (7) Notice of the election shall be published and posted in  
 36 accordance with §§ 7-5-202, 7-5-206, or as may be otherwise provided by this



1 Code.

2  
3 SECTION 14. Arkansas Code § 7-5-106 is amended to read as follows:  
4 7-5-106. Runoff elections for county and municipal officers.

5 (a) Whenever there are more than two (2) candidates for election to  
6 any county elected office, including the office of justice of the peace, or  
7 for any municipal office at any general election held in this state and no  
8 candidate for the municipal or county office receives a majority of the votes  
9 cast for the office, there shall be a runoff general election held in that  
10 county or municipality three (3) weeks following the date of the general  
11 election at which the names of the two (2) candidates receiving the highest  
12 number of votes, but not a majority, shall be placed on the ballot to be  
13 voted upon by the qualified electors of the county or the municipality, as  
14 the case may be.

15 (b) In the event that two (2) candidates receive the highest number of  
16 votes and receive the same number of votes, a tie shall be deemed to exist  
17 and the names of the two (2) candidates shall be placed on the runoff general  
18 election ballot to be voted upon by the qualified electors of the county or  
19 the municipality, as the case may be.

20 (c)(1) If there is one (1) candidate who receives the highest number  
21 of votes, but not a majority of the votes, and two (2) other candidates  
22 receive the same number of votes for the next highest number of votes cast, a  
23 tie shall be deemed to exist between the two (2) candidates.

24 (2) The county board of election commissioners shall determine  
25 the runoff candidate by lot at a public meeting and in the presence of the  
26 two (2) candidates.

27 (d) If one (1) of the two (2) candidates who received the highest  
28 number of votes for an office, but not a majority in the general election  
29 withdraws prior to certification of the result of the general election, the  
30 remaining candidate who received the most votes at the general election shall  
31 be declared elected to the office and there shall be no general election  
32 runoff.

33 ~~(d)~~(e)(1) The person receiving the majority of the votes cast for the  
34 office at the runoff general election shall be declared elected.

35 (2) However, in the event that the two (2) candidates seeking  
36 election to the same county or municipal office shall receive the same number

1 of votes in the runoff election, a tie shall be deemed to exist, and the  
 2 county board shall determine the winner by lot at an open public meeting and  
 3 in the presence of the two (2) candidates.

4 ~~(e)~~(f)(1) For the purposes of this section, the term "municipal  
 5 officers" shall include officers of cities of the first class and cities of  
 6 the second class and incorporated towns and shall include aldermen, members  
 7 of boards of managers, or other elective municipal offices elected by the  
 8 voters of the entire municipality or from wards or districts within a  
 9 municipality.

10 (2) The term "municipal officers" shall not include officers of  
 11 cities having a city manager form of government.

12 (3) The provisions of this section shall not be applicable to  
 13 election of members of the boards of directors and other officials of cities  
 14 having a city manager form of government.

15 ~~(f)~~(g) The provisions of this section are intended to be in addition  
 16 to and supplemental to the laws of this state pertaining to the election of  
 17 county and municipal officers at general elections.

18  
 19 SECTION 15. Arkansas Code § 7-5-207(a), concerning election ballots,  
 20 is amended to read as follows:

21 (a) All election ballots provided by the county board of election  
 22 commissioners of any county in this state for any election shall contain in  
 23 the proper place the name of every candidate whose nomination for any office  
 24 to be filled at that election has been certified to the county board and  
 25 shall not contain the name of any candidate or person who has not been  
 26 certified. If any candidate shall notify, ~~prior to the printing of the~~  
 27 ~~ballots~~ no later than seventy (70) days before the election, the Secretary of  
 28 State in the case of a United States, state, or district office, or the  
 29 county board in the case of a county, city, or township office, in writing,  
 30 signed by the candidate, and acknowledged before an officer authorized to  
 31 take acknowledgments, of his desire to withdraw as a candidate for the office  
 32 or position, the name of the person shall not be printed on the ballot at the  
 33 election.

34  
 35 SECTION 16. Arkansas Code § 7-5-208(g) is amended to read as follows:

36 (g)(1) Every ballot shall contain the name of each candidate who has

1 been nominated or has qualified in accordance with law for each office. The  
2 names of the candidates shall be listed in a perpendicular column under the  
3 name of each office to be filled.

4 (2)(A) However, the names of all unopposed candidates for  
5 offices for which no notice has been filed within the time prescribed in § 7-  
6 5-205, except the names of all unopposed candidates for the office of mayor  
7 or circuit clerk, shall be grouped together on the ballot indicating the  
8 office and the name of the unopposed candidate for each office in a single  
9 column. At the top of the list of the names of all unopposed candidates,  
10 there shall appear on the ballot the words "Unopposed Candidates", and to the  
11 right thereof there shall be a square in which the voter may cast a vote for  
12 all the candidates by placing an appropriate mark, so that the votes may be  
13 separately counted and tabulated as required in § 7-5-205.

14 (B) The names of unopposed candidates for the office of  
15 mayor or circuit clerk shall be separately printed from any grouping of  
16 unopposed candidates, with a place in which the voter may cast a vote for  
17 each unopposed candidate for the office of mayor or circuit clerk by placing  
18 an appropriate mark, so that the votes may be separately counted and  
19 tabulated as required in § 7-5-315.

20 (3) In all elections except primary elections and municipal  
21 elections, at the bottom of each list of names for each position or office  
22 appearing on the ballot, there shall be a blank line or lines for a possible  
23 write-in votes for that position or office. However, the blank line shall not  
24 appear on the ballot with respect to those offices and candidates for  
25 positions in which no person has qualified as a write-in candidate by filing  
26 his or her intentions to be a write-in candidate within the time prescribed  
27 in § 7-5-205.

28 (4) The order in which the names of the respective candidates  
29 shall appear on the ballots shall be determined by lot at a public meeting of  
30 the county board not less than ~~thirty-five (35)~~ sixty-five (65) days prior to  
31 the general ~~elections~~ election. It is expressly understood and provided that  
32 the selection on the order of the ballot in all other elections shall be and  
33 remain as provided by law. For runoff elections, the ballot order for  
34 eligible candidates shall stay the same as for the previous election.

35 (5) Beside or adjacent to the name of each candidate in the  
36 general election shall be his or her party designation or the name

1 "INDEPENDENT" if he or she represents no officially recognized party.

2  
 3 SECTION 17. Arkansas Code § 7-5-407(a), concerning preparation and  
 4 delivery of election ballots, is amended to read as follows:

5 (a) The county board of election commissioners shall prepare official  
 6 absentee ballots and deliver them to the county clerk for mailing to all  
 7 qualified applicants as soon as practicable but in any event not later than  
 8 ~~twenty-five (25)~~ thirty-five (35) days before a preferential primary, general  
 9 election, school election, nonpartisan judicial general election, nonpartisan  
 10 judicial runoff election, or any special election.

11  
 12 SECTION 18. Arkansas Code § 7-5-203 is amended to read as follows:  
 13 7-5-203. Certification of candidate lists.

14 (a) Not fewer than ~~fifty (50)~~ seventy-five (75) days before each  
 15 general election day, the Secretary of State shall certify to all county  
 16 boards of election commissioners full lists of all candidates to be voted for  
 17 in their respective counties as the nominations have been certified to him or  
 18 her.

19 (b) Not fewer than ~~fifty (50)~~ seventy-five (75) days before each  
 20 general election day, the clerk of each county shall certify to the county  
 21 board of his or her county a full list of all candidates to be voted for in  
 22 the county as the nominations have been certified to him or her.

23 (c) However, in special elections held to fill vacancies or to elect  
 24 officers in case of a tie vote, the certification shall issue at the time  
 25 specified in the writ of election issued by the appropriately constituted  
 26 authority.

27  
 28 SECTION 19. Arkansas Code § 7-5-204 is amended to read as follows:  
 29 7-5-204. Certification of questions submitted to voters.

30 (a) Whenever a proposed amendment to the Arkansas Constitution or  
 31 other measure or question is to be submitted to a vote of the people, the  
 32 Secretary of State shall not fewer than ~~fifty (50)~~ seventy (70) days before  
 33 each general election day certify the amendment, measure or ~~in~~ question to  
 34 the county board of election commissioners of each county in the state.

35 (b) The county board shall include the amendment in question in the  
 36 posting which it is required to make under § 7-5-206. ~~However, in special~~

1 ~~elections held in case of a tie vote, the certification shall issue at the~~  
 2 ~~time specified in the writ of election issued by the Secretary of State.~~

3 (c)(1) If the Secretary of State has not determined the sufficiency of  
 4 a petition for an amendment or measure by the seventieth day before the  
 5 general election, or if an amendment or measure has been challenged for any  
 6 reason in a court of competent jurisdiction, the Secretary of State shall  
 7 transmit the amendment or measure and the ballot title of each amendment and  
 8 measure to the county election commissions to make any required posting  
 9 required under § 7-5-206 and to place the amendment or measure on the ballot.

10 (2) If the petition for the amendment or measure is subsequently  
 11 declared insufficient by the Secretary of State or a court of competent  
 12 jurisdiction, or if held to be invalid for any other reason, no votes  
 13 regarding the amendment or measure shall be counted or certified.

14  
 15 SECTION 20. Arkansas Code § 7-6-102 is amended to read as follows:

16 7-6-102. Political practices pledge - Penalty for falsification.

17 (a)(1) Candidates for political party nominations for state or  
 18 district offices shall file with the Secretary of State and candidates for  
 19 county, municipal, or township offices shall file with the county clerk of  
 20 the county ~~not later than 12:00 noon fourteen (14) days after the third~~  
 21 ~~Tuesday in March, before the~~ during the filing period set out in § 7-7-203  
 22 for the preferential primary election, a pledge in writing stating that they  
 23 are familiar with the requirements of §§ 7-1-103, 7-1-104, 7-3-108, and 7-6-  
 24 101 - 7-6-104 and will, in good faith, comply with their terms.

25 (2) Persons ~~nominated~~ seeking nomination as independent  
 26 candidates and school district candidates shall file the political practices  
 27 pledge at the time of filing the petition for nomination.

28 (3) Independent candidates for municipal office shall file ~~their~~  
 29 the political practices ~~pledges~~ pledge with the county clerk ~~not fewer than~~  
 30 ~~ninety (90) calendar days before the general election by 12:00 noon at the~~  
 31 time of filing the petition for nomination.

32 (4) Persons who wish to be write-in candidates shall file the  
 33 political practices pledge at the time of filing the notice to be a write-in  
 34 candidate. ~~A write-in candidate shall file the political practices pledge~~  
 35 ~~with the Secretary of State if a candidate for a state or district office or~~  
 36 ~~with the county clerk if a candidate for a county, township, or municipal~~

1 ~~office.~~

2 (5) Nonpartisan judicial candidates paying filing fees in  
3 accordance with § 7-10-103(b) shall file the political practices pledge at  
4 the time of filing for office.

5 (6) Nonpartisan judicial candidates filing by petition in  
6 accordance with § 7-10-103(c) shall file the political practices pledge at  
7 the time of filing the petition.

8 (b) All political practices pledge forms for state or district offices  
9 and county, municipal, or township offices shall be required to contain the  
10 following additional pledge:

11 "I hereby certify that I have never been convicted of a felony in Arkansas  
12 or in any other jurisdiction outside of Arkansas."

13 (c) Any person who has been convicted of a felony and signs the pledge  
14 stating that he has not been convicted of a felony shall be guilty of a Class  
15 D felony.

16 (d) For purposes of this section, a person shall be qualified to be a  
17 candidate for a state, district, county, municipal, and township office and  
18 may certify that he has never been convicted of a felony if his record was  
19 expunged in accordance with §§ 16-93-301 - 16-93-303, or a similar expunction  
20 statute in another state, provided, the candidate presents a certificate of  
21 expunction from the court that convicted the prospective candidate.

22 (e)(1) The name of a candidate who fails to sign and file the pledge  
23 shall not appear on the ballot.

24 (2)(A) However, ~~within five (5) days following the first Tuesday~~  
25 ~~in April before the preferential primary election or~~ within five (5) days  
26 from which the pledge is required to be filed, the Secretary of State or the  
27 county clerk shall notify by certified mail which requires a return receipt  
28 signed by the candidate those candidates who have failed to file a signed  
29 political practice pledge. The notice shall include a copy of the written  
30 pledge required by this section.

31 (B) Failure of the state or district candidate to file  
32 with the Secretary of State or of the county, municipal, or township  
33 candidate to file with the county clerk within twenty (20) days of receipt or  
34 refusal of this notice shall prevent the candidate's name from appearing on  
35 the ballot.

36

1 SECTION 21. Arkansas Code § 7-7-103(b), concerning filing as an  
 2 independent canddiate, is amended to read as follows:

3 (b)(1)(A) The person shall furnish by May 1 of the year in which the  
 4 election is to be held petitions signed by not less than three percent (3%)  
 5 of the qualified electors in the county, township, or district in which the  
 6 person is seeking office, but in no event shall more than two thousand  
 7 (2,000) signatures be required for a district, county, or township office.

8 (B) If the person is a candidate for state office or for  
 9 United States Senator in which a statewide race is required, the person shall  
 10 file petitions signed by not less than three percent (3%) of the qualified  
 11 electors of the state or which contain ten thousand (10,000) signatures of  
 12 qualified electors, whichever is the lesser.

13 (2) Each elector signing the petition shall be a registered  
 14 voter, and the petition shall be directed to the official with whom the  
 15 person is required by law to file nomination certificates to qualify as a  
 16 candidate and shall request that the name of the person be placed on the  
 17 ballot for election to the office mentioned in the petition.

18 (3) Petitions shall be circulated not earlier than sixty (60)  
 19 calendar days prior to the deadline for filing petitions to qualify as an  
 20 independent candidate unless the number of days is reduced by a proclamation  
 21 or order of special election under § 7-5-103.

22 (4) In determining the number of qualified electors in any  
 23 county, township, or district or in the state, the total number of votes cast  
 24 therein for all candidates in the preceding general election for the office  
 25 of Governor shall be conclusive of the number of qualified electors therein  
 26 for the purposes of this section.

27 (5) If the number of days in which the petition for independent  
 28 candidacy may be circulated is reduced by a proclamation or order for special  
 29 election under § 7-5-103, the number of signatures required on the petition  
 30 shall be reduced proportionately.

31  
 32 SECTION 22. Arkansas Code § 7-7-104 is amended to read as follows:

33 7-7-104. Vacancy in nomination - Alternative methods for filling - Tie  
 34 vote.

35 (a) Nominees of a political party to fill a vacancy in nomination, as  
 36 defined in § 7-1-101, shall be declared by:

1 (1) Certificate of the chairman and secretary of any convention  
2 of delegates held within twenty-five (25) days of the Governor's letter  
3 certifying vacancy; or

4 (2)(A) A special primary election called, held, and conducted in  
5 accordance with the rules of the party.

6 (B) A special primary election may be called only if the  
7 special primary election can be called, held, conducted, certified, and  
8 certificates of nomination filed at least seventy (70) days before the  
9 general election.

10 (b) In case of a tie vote for the same office at a general primary  
11 election, a vacancy in nomination for that office shall exist.

12 (c) When a vacancy in nomination occurs as a result of death or when  
13 the person who received the majority of votes cast at the preferential  
14 primary election or the general primary election notifies the state committee  
15 of the political party of his or her intent to refuse nomination due to  
16 serious illness, moving out of the area from which elected as the party's  
17 nominee, or filing for another office, the state committee of the political  
18 party shall notify the Governor within five (5) days after the date of death  
19 or the date the party was notified of intent to refuse nomination as to  
20 whether the party chooses to fill the vacancy in nomination at a special  
21 election or a convention.

22 (d) If the party fails to notify the Governor within the five-day  
23 period, the vacancy in nomination shall not be filled nor shall the vacancy  
24 in nomination be filled if it occurred for any reason other than death,  
25 serious illness, the candidate's moving out of the area from which elected as  
26 the party's nominee, or filing for another office.

27 (e)(1)(A) If the party notifies the Governor within the time  
28 prescribed in subsection (c) of this section of the desire to have a special  
29 primary election, the Governor shall issue a proclamation within five (5)  
30 days calling the special election and establishing the deadline for filing as  
31 a candidate for nomination, ~~which shall be no more than twenty (20) days~~  
32 ~~after the proclamation~~ drawing for ballot position, and issuing and filing  
33 certificates of nomination. The special primary election shall occur no  
34 earlier than thirty (30) days nor later than sixty (60) days after the ~~end of~~  
35 ~~the~~ filing deadline. The candidate who receives the most votes in the  
36 special primary election shall be declared the nominee. There shall be no



1 runoff election. In the event of a tie for the most votes, the nominee shall  
2 be determined by lot in a public meeting of the appropriate party committee.

3 (B) When the certificate of nomination is filed for a  
4 nominee who is filling a vacancy in nomination, the filing authority shall  
5 immediately certify the name of the nominee to the appropriate county board  
6 of election commissioners.

7 ~~(B)(i) The special election shall occur on the second~~  
8 ~~Tuesday of any month, except as provided in subdivision (e)(1)(B)(ii) of this~~  
9 ~~section.~~

10 ~~(ii)(a) Special elections held in months in which a~~  
11 ~~presidential preferential primary election, preferential primary election,~~  
12 ~~general primary election, or general election is scheduled to occur shall be~~  
13 ~~held on the date of the presidential preferential primary election,~~  
14 ~~preferential primary election, general primary election, or general election.~~

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

18 ~~(2) A runoff election, if required, shall be held three (3)~~  
19 ~~weeks after the date of the special election.~~

20 (f) If the party notifies the Governor that it desires to fill the  
21 vacancy in nomination by convention, the convention shall occur no later than  
22 twenty-five (25) days after the notice is provided to the Governor.

23 (g)(1) If the party's nominee is not selected in time to file his or  
24 her certificate of nomination with the appropriate party authority at least  
25 sixty-six (66) days before the general election, the nominee's name shall not  
26 appear on the general election ballot but the name of the person who vacated  
27 the nomination shall appear on the ballot, and votes cast for the name of the  
28 person appearing on the ballot shall be counted for the nominee, but only if  
29 the certificate of nomination is duly filed at least thirty-five (35) days  
30 before the general election.

31 (2)(A) If votes for a nominee whose name does not appear on the  
32 ballot are to be counted under subdivision (g)(1) of this section, the county  
33 board of election commissioners shall post a notice at each affected polling  
34 place stating each election in which a vote for the person appearing on the  
35 ballot shall be counted for the nominee.

36 (B) A copy of the notice shall be included with the

1 instructions sent to absentee voters.

2  
3 SECTION 23. Arkansas Code § 7-7-105 is repealed.

4 ~~7-7-105. Filling vacancies in certain offices—Special primary~~  
5 ~~elections.~~

6 ~~Nominees for election at a special election called for the purpose of~~  
7 ~~filling a vacancy in office for a member of the United States House of~~  
8 ~~Representatives, for Lieutenant Governor, or as a member of the Senate or~~  
9 ~~House of Representatives of the General Assembly shall be chosen as follows:~~

10 ~~(1)(A) Whenever a vacancy shall exist in any of the~~  
11 ~~mentioned offices, the Governor shall certify in writing to the state~~  
12 ~~committees of the respective political parties the fact of vacancy and shall~~  
13 ~~request the respective state committees to make a determination and notify~~  
14 ~~him in writing within ten (10) days with respect to whether the political~~  
15 ~~parties desire to hold a special primary election to choose a nominee of each~~  
16 ~~party as a candidate for election to the office in which the vacancy exists.~~

17 ~~(B) If the state committee of any political party shall~~  
18 ~~notify the Governor within the time provided in subdivision (1)(A) of this~~  
19 ~~section of its request to hold a special primary election, it shall be~~  
20 ~~mandatory that any political party desiring to choose a nominee for election~~  
21 ~~to the office in which the vacancy exists shall choose the nominee at a~~  
22 ~~special primary election.~~

23 ~~(C) In issuing the proclamation calling for a special~~  
24 ~~election to fill the vacancy in office, the Governor shall also specify the~~  
25 ~~date on which the special primary elections shall be held and the date on~~  
26 ~~which a runoff primary election shall be held in the event that a candidate~~  
27 ~~does not receive a majority vote. The proclamation of the Governor shall also~~  
28 ~~establish the deadline for filing as a candidate for nomination, which~~  
29 ~~deadline shall allow at least ten (10) days in which candidates may file for~~  
30 ~~nomination.~~

31 ~~(D)(i) The date of the special primary election shall be~~  
32 ~~at least thirty (30) days but no more than sixty (60) days subsequent to the~~  
33 ~~date fixed as a deadline for qualifying as a candidate for nomination. This~~  
34 ~~date shall be at least ten (10) days prior to the date fixed in the~~  
35 ~~proclamation for holding the special election to fill the vacancy in office.~~

36 ~~(ii)(a) The special primary election shall occur on~~

1 ~~the second Tuesday of any month, except as provided in subdivision~~  
2 ~~(1)(D)(ii)(b) of this section.~~

3 ~~(b) Special primary elections held in months in which a presidential~~  
4 ~~preferential primary election, preferential primary election, general primary~~  
5 ~~election, or general election is scheduled to occur shall be held on the date~~  
6 ~~of the presidential preferential primary election, preferential primary~~  
7 ~~election, general primary election, or general election.~~

8 ~~(2) Special primary elections scheduled to occur in a month in~~  
9 ~~which the second Tuesday is a legal holiday shall be held on the third~~  
10 ~~Tuesday of the month.~~

11 ~~(E) Certificates of nomination of persons nominated at a~~  
12 ~~special primary election shall be filed with, and the filing fees paid to,~~  
13 ~~the appropriate official at least seven (7) days prior to the date for~~  
14 ~~holding the special election to fill the vacancy in office;~~

15 ~~(2) Any person desiring to be a candidate for office as an~~  
16 ~~independent candidate without political party affiliation may file nomination~~  
17 ~~petitions signed by not less than three percent (3%) of the qualified~~  
18 ~~electors of the district or of the state, as the case may be, as determined~~  
19 ~~by the total number of votes cast in the last preceding general election for~~  
20 ~~all candidates for the office of Governor, but in no event shall more than~~  
21 ~~two thousand (2,000) signatures be required for a district office or more~~  
22 ~~than ten thousand (10,000) signatures be required for a state office or an~~  
23 ~~office in which a statewide race is required. The petitions shall be filed on~~  
24 ~~or before the deadline fixed in the proclamation of the Governor to file and~~  
25 ~~qualify as a candidate for nomination at the special primary elections. If no~~  
26 ~~special primary election is to be held, the Governor shall, in his~~  
27 ~~proclamation, establish the filing period for independent candidates; and~~

28 ~~(3) If the state committee of any political party fails to~~  
29 ~~notify the Governor within the time provided in subdivision (1)(A) of this~~  
30 ~~section of the desire to hold a special primary election to choose a nominee~~  
31 ~~of that political party as a candidate for election to fill the vacancy in~~  
32 ~~office, or if the state committee of any political party timely notifies the~~  
33 ~~Governor of the desire not to hold a primary election, the Governor shall, in~~  
34 ~~issuing his proclamation calling for the special election, fix a deadline for~~  
35 ~~filing as a nominee for election at the special election. In that event,~~  
36 ~~nominations may be made upon certification of the chairman or secretary of a~~

1 ~~convention of delegates of a political party called and held in accordance~~  
 2 ~~with the rules of the party.~~

3  
 4 SECTION 24. Arkansas Code § 7-7-106 is amended to read as follows:

5 7-7-106. Filling vacancies in ~~certain offices~~ candidacy for nomination  
 6 - Preferential primary.

7 (a) A political party may fill a vacancy if:

8 (1) A person is running unopposed in a preferential primary and  
 9 cannot accept the nomination due to death; or

10 (2) Upon notification to the party that he or she will not  
 11 accept the nomination due to a serious illness.

12 (b) The vacancy shall be filled within ten (10) calendar days after  
 13 the death or notification to the political party.

14 (c) The vacancy shall be filled at a convention of the political  
 15 party.

16 (d) If the vacancy is filled more than sixty-six (66) days before the  
 17 preferential primary election, the name of the person filling the vacancy  
 18 shall be printed on the ballot instead of the name of the person who vacated  
 19 the candidacy.

20 (e) If the vacancy is filled less than sixty-six (66) days but before  
 21 the date of the preferential primary, the name of the person subsequently  
 22 elected to fill the vacancy in candidacy shall be declared the nominee even  
 23 if the name of the person who vacated the candidacy appears on the  
 24 preferential primary ballot.

25 (f) If the vacancy in candidacy is not filled before the date of the  
 26 preferential primary election, a vacancy in nomination shall be deemed to  
 27 exist on the date of the preferential primary election and the vacancy in  
 28 nomination shall be filled under § 7-7-104.

29  
 30 SECTION 25. Arkansas Code § 7-7-203 is amended to read as follows:

31 7-7-203. Dates.

32 (a) The general primary election shall be held on the second Tuesday  
 33 in June preceding the general election.

34 (b) The preferential primary election shall be held on the Tuesday  
 35 three (3) weeks prior to the general primary election.

36 (c)(1) Party pledges, if any, shall be filed and any filing fees of a

1 political party, if any, shall be paid during regular office hours in the  
 2 period beginning at 12:00 noon on the ~~third Tuesday~~ first weekday in March  
 3 and ending at 12:00 noon on the ~~fourteenth~~ seventh day thereafter before the  
 4 preferential primary election.

5 (2) A party certificate and the political practice pledge for  
 6 primary elections shall be filed with the county clerk or the Secretary of  
 7 State, as the case may be, during regular office hours in the period  
 8 beginning at 12:00 noon on the ~~third Tuesday~~ first weekday in March and  
 9 ending at 12:00 noon on the ~~fourteenth~~ seventh day thereafter before the  
 10 preferential primary election.

11 (3) The name of a candidate who fails to file a party  
 12 certificate by the filing deadline with the Secretary of State or county  
 13 clerk, as the case may be, shall not appear on the ballot.

14 (4) Party pledges, if any, shall be filed, filing fees, if any,  
 15 shall be paid, and party certificates and political practice pledges shall be  
 16 filed for special primary elections on or before the deadline established by  
 17 proclamation of the Governor.

18 ~~(5) Pledges and filing fees of the political party for a new~~  
 19 ~~political party shall be filed and paid as provided in subsection (f) of this~~  
 20 ~~section.~~

21 ~~(d) No later than forty (40)~~ At least seventy (70) days before the  
 22 preferential primary election, the ~~chairman and secretary of the state~~  
 23 ~~committee of the political party~~ Secretary of State shall certify the ballot  
 24 to the various county committees and to the various county boards of election  
 25 commissioners with the names of all candidates who have qualified with the  
 26 state committee for election by filing the party pledge and paying the filing  
 27 fees of the political party within the time required by law.

28 (e) Election officials of primary elections shall be selected by the  
 29 county board of election commissioners in the same manner as in the general  
 30 election.

31 ~~(f) Any group of voters desiring to form a new political party may do~~  
 32 ~~so by filing a petition with the Secretary of State in accordance with § 7-7-~~  
 33 ~~205.~~

34 ~~(g)~~(f)(1) The county board shall convene, at the time specified in the  
 35 notice to the members given by the chair of the board, no later than the  
 36 tenth day after each primary election for the purpose of canvassing the

1 returns and certifying the election results.

2 (2) If no time is specified for the meeting of the county board,  
3 the meeting shall be at 5:00 p.m.

4 ~~(h)~~(g) The county convention of a political party holding a primary  
5 election shall be held on the first Monday following the date of the general  
6 primary.

7 ~~(i)~~(h)(1) The county board of election commissioners shall certify to  
8 the county clerk and the county committee a list of all nominated candidates  
9 for county, township, and municipal offices, and the political parties'  
10 county committee members and delegates.

11 (2) At the same time, the county board of election commissioners  
12 shall certify to the Secretary of State and the secretary of the state  
13 committee the results of the contests for all United States, state, and  
14 district offices. Immediately after ascertaining the results for all United  
15 States, state, and district offices, the Secretary of State shall certify to  
16 the state committee a list of all nominated candidates for the offices.

17 ~~(j)~~(i)(1)(A) The Secretary of State shall at least ~~seventy (70)~~ one  
18 hundred (100) days prior to the date of the general election notify by  
19 registered mail the chairman and secretary of the state committee of the  
20 respective political parties that a certificate of nomination is due for all  
21 nominated candidates for United States, state, and district offices in order  
22 that the candidates' names be placed on the ballot of the general election.

23 (B)(i) The state committee shall issue certificates of  
24 nomination to all nominated candidates for United States, state, and district  
25 offices, who shall file the certificates with the Secretary of State at least  
26 ~~sixty (60)~~ ninety (90) days prior to the general election.

27 (ii) However, if the chairman and secretary of the  
28 state committee of the respective political parties are not properly notified  
29 as directed by subdivision ~~(j)~~(i)(1)(A) of this section, the failure of a  
30 candidate to file a certificate of nomination shall not prevent that  
31 candidate's name from being placed on the ballot of the general election.

32 (2)(A) Each county clerk shall at least ~~sixty (60)~~ ninety (90)  
33 days prior to the date of the general election notify by registered mail the  
34 chairmen and secretaries of the county committees of the respective political  
35 parties that a certified list of all nominated candidates for county,  
36 township, and municipal offices is due and shall be filed with the county

1 board of election commissioners and the county clerk in order that the  
 2 candidates' names be placed on the ballot for the general election.

3 (B)(i) Each county committee shall issue the certified  
 4 list on behalf of those nominated candidates and submit the certified list to  
 5 the county board of election commissioners and the county clerk at least  
 6 ~~forty five (45) days but not more than fifty five (55)~~ eighty (80) days prior  
 7 to the general election.

8 (ii) However, if the chairmen and secretaries of the  
 9 county committees of the respective political parties are not properly  
 10 notified as directed by subdivision ~~(j)~~(i)(2)(A) of this section, the failure  
 11 of a certified list to be filed shall not prevent any candidate's name from  
 12 being placed on the ballot of the general election.

13  
 14 SECTION 26. Arkansas Code § 7-7-304(b), concerning names to be  
 15 included on election ballots, is amended to read as follows:

16 (b)(1) If any candidate, either prior to the certification of the  
 17 ballot for the preferential primary or subsequent to the preferential primary  
 18 but prior to the certification of the ballot for the general primary  
 19 election, shall notify the secretary of the state committee in the case of a  
 20 United States, state, or district office or the secretary of the county  
 21 committee in the case of a county, city, or township office, in writing,  
 22 signed by the candidate and acknowledged before an officer authorized by law  
 23 to take acknowledgments, of his or her desire to withdraw as a candidate for  
 24 the office or position, then the committee shall immediately notify the  
 25 county board of election commissioners or the State Board of Election  
 26 Commissioners, as the case may be, and the name of the person shall not be  
 27 printed on the preferential primary ballot or the general primary ballot, as  
 28 the case may be.

29 (2) If one (1) of the two (2) candidates who received the  
 30 highest number of votes, but not a majority, at the preferential primary  
 31 election for an office or position withdraws prior to certification of the  
 32 result at the preferential primary election, the remaining candidate who  
 33 received the most votes at the preferential primary election shall be  
 34 certified as the nominee for the office or position and there shall not be a  
 35 general primary election for that office or position.

1 SECTION 27. Arkansas Code § 7-7-305(b), concerning the printing of  
2 election ballots, is amended to read as follows:

3 (b) The order in which the names of the respective candidates,  
4 including candidates for federal, state, and local offices and including  
5 persons nominated for committeemen and delegates to the county convention,  
6 and the order in which issues and measures are to appear on the ballots at  
7 all preferential and general primary elections shall be determined by lot at  
8 the public meeting of the county committee held not later than ~~thirty-five~~  
9 ~~(35)~~ sixty-five (65) days before the preferential primary election. Ten (10)  
10 days' written notice of the time and place of the meeting shall be given each  
11 member by the chair, vice chair, or secretary of the committee. The chair,  
12 vice chair, or secretary shall publish notice of the time and place of  
13 holding the meeting in some newspaper of general circulation in the county.  
14

15 SECTION 28. Arkansas Code § 7-7-403 is repealed:

16 ~~7-7-403. Declination of nomination.~~

17 ~~(a) The Secretary of State shall not certify the name of any candidate~~  
18 ~~whose certificate of nomination shall have been filed in his office who shall~~  
19 ~~have notified him in writing, acknowledged before an officer authorized by~~  
20 ~~law to take acknowledgments, that he will not accept the nomination specified~~  
21 ~~in the certificate of nomination.~~

22 ~~(b) The county board of election commissioners shall not include on~~  
23 ~~the ballot the name of any candidate whose certificate of nomination shall~~  
24 ~~have been filed with it, who shall have notified it in like manner that he~~  
25 ~~will not accept the nomination.~~  
26

27 SECTION 29. Arkansas Code § 7-8-102 is amended to read as follows:

28 7-8-102. Filling Senate vacancies.

29 (a) When any vacancy occurs in the representation of the State of  
30 Arkansas in the United States Senate by death, resignation, or otherwise, the  
31 Governor shall have the power and authority to fill the vacancy by temporary  
32 appointment until the people fill the vacancy by election at the next-ensuing  
33 general election for state and county officers to be held more than sixty  
34 (60) days and less than twelve (12) months after the vacancy occurs.

35 (b)(1) If no general election for state and county officers occurs  
36 within twelve (12) months after the vacancy, the Governor shall call a



1 special election to be held ~~not less than sixty (60) days and not in~~  
 2 accordance with § 7-5-103(b) but in no event more than one hundred twenty  
 3 (120) days after the vacancy occurs.

4 ~~(2)(A) The special election shall occur on the second Tuesday of~~  
 5 ~~any month, except as provided in subdivision (b)(2)(B) of this section.~~

6 ~~(B)(i)(a) Special elections held in months in which a~~  
 7 ~~presidential preferential primary election, preferential primary election, or~~  
 8 ~~general primary election is scheduled to occur shall be held on the date of~~  
 9 ~~the presidential preferential primary election, preferential primary~~  
 10 ~~election, or general primary election.~~

11 ~~(b)(1)(A) If a special election is held on the date of the~~  
 12 ~~presidential preferential primary election, preferential primary election, or~~  
 13 ~~general primary election, the issue or issues to be voted upon at the special~~  
 14 ~~election shall be included on the ballot of each political party.~~

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

18 ~~(2) No voter shall be required to vote in a political party's~~  
 19 ~~presidential preferential primary, preferential primary, or general primary~~  
 20 ~~in order to be able to vote in the special election.~~

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

24  
 25 SECTION 30. Arkansas Code § 7-9-111(h), concerning the determination  
 26 of sufficiency of initiative and referendum petitions, is amended to read as  
 27 follows:

28 (h)(1) Municipal referendum petition measures shall be submitted to  
 29 the electors at a regular general election unless the petition expressly  
 30 calls for a special election. If the date set by the petition does not allow  
 31 sufficient time to comply with election procedures, then the city or town  
 32 council shall fix the date for any special election on the referendum  
 33 measure. The date of any special election shall ~~not~~ be set in accordance with  
 34 § 7-5-103(b) but in no event more than one hundred twenty (120) calendar days  
 35 after the date of certification of sufficiency by the municipal clerk.

36 ~~(2)(A) The special election shall occur on the second Tuesday of~~

1 any month, except as provided in subdivision (h)(2)(B) of this section.

2 (B)(i)(a) ~~Special elections held in months in which a~~  
 3 ~~presidential preferential primary election, preferential primary election,~~  
 4 ~~general primary election, or general election is scheduled to occur shall be~~  
 5 ~~held on the date of the presidential preferential primary election,~~  
 6 ~~preferential primary election, general primary election, or general election.~~

7 (b)(1)(A) ~~If a special election is held on the date of the~~  
 8 ~~presidential preferential primary election, preferential primary election, or~~  
 9 ~~general primary election, the issue or issues to be voted upon at the special~~  
 10 ~~election shall be included on the ballot of each political party.~~

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

14 (2) ~~No voter shall be required to vote in a political party's~~  
 15 ~~presidential preferential primary, preferential primary, or general primary~~  
 16 ~~in order to be able to vote in the special election.~~

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

20  
 21 SECTION 31. Arkansas Code § 7-9-304(c), concerning nominating  
 22 petitions, is amended to read as follows:

23 (c) The petitions shall be filed with the Secretary of State not less  
 24 than ~~forty (40)~~ seventy (70) days before the next general election, and the  
 25 Secretary of State shall certify the names of all candidates and the position  
 26 which each is seeking to the county board of election commissioners of the  
 27 counties in the respective House districts not later than ~~thirty (30)~~ seventy  
 28 (70) days prior to the date of the election. A candidate must designate the  
 29 position he is seeking at the time he files his nominating petition with the  
 30 Secretary of State, and after having designated a position, the candidate is  
 31 prohibited from changing to a different position.

32  
 33 SECTION 32. Arkansas Code § 7-10-103 is amended to read as follows:  
 34 7-10-103. Filing as a candidate.

35 (a) A candidate for a nonpartisan judicial office may pay a filing fee  
 36 as provided for in this chapter, file a petition in the manner provided for

1 in this chapter, or file as a write-in candidate in the manner as provided  
2 for in this chapter.

3 (b)(1) The State Board of Election Commissioners shall establish  
4 reasonable filing fees for nonpartisan judicial offices.

5 (2)(A) The filing fee for the offices of Justice of the Supreme  
6 Court, Judge of the Court of Appeals, and circuit judge shall be paid to the  
7 Secretary of State at the same time that the candidate files his or her  
8 political practices pledge. A candidate for district judge shall pay the  
9 filing fee to the county clerk at the same time that the candidate files his  
10 or her political practices pledge.

11 (B) The period for paying filing fees and filing political  
12 practice pledges shall begin at ~~12:00 noon on the third Tuesday in March and~~  
13 ~~end at 12:00 noon on the fourteenth day thereafter~~ 12:00 noon on the first  
14 weekday in March and end at 12:00 noon on the seventh day thereafter.

15 (3)(A) There is created on the books of the Treasurer of State,  
16 the Auditor of State, and the Chief Fiscal Officer of the State a fund to be  
17 known as the Judicial Filing Fee Fund.

18 (B) The filing fees shall be remitted to the Treasurer of  
19 State for deposit into the fund for covering the cost of election expenses of  
20 the state board.

21 (c)(1)(A)(i) Any person desiring to have his or her name placed on the  
22 ballot for a nonpartisan judicial office without paying a filing fee may do  
23 so by filing a petition in the manner provided for under this section.  
24 Petitions for Supreme Court, Court of Appeals, and circuit court positions  
25 shall be filed with the Secretary of State, and petitions for district court  
26 positions shall be filed with the applicable county clerk beginning at 12:00  
27 noon forty-six (46) days before the ~~third Tuesday~~ first weekday in March and  
28 ending at 12:00 noon thirty-two (32) days before the ~~third Tuesday~~ first  
29 weekday in March.

30 (ii) Political practice pledges for nonpartisan  
31 judicial candidates filing by petition shall be filed at the same time as the  
32 petition.

33 (B) The petition shall be directed to the office with  
34 which it is to be filed and shall request that the name of the candidate be  
35 placed on the ballot for the election set forth in the petition. Candidates  
36 may begin circulating petitions not earlier than sixty (60) days prior to the

1 filing deadline.

2 (C) The Secretary of State or the county clerk, as the  
3 case may be, shall determine within thirty (30) days whether the petition  
4 contains the names of a sufficient number of qualified electors. The  
5 Secretary of State or county clerk shall verify the sufficiency of the  
6 petitions within thirty (30) days of filing. The sufficiency of any petition  
7 filed under the provisions of this section may be challenged in the same  
8 manner as provided by law for election contests, § 7-5-801 et seq.

9 (D) Qualified electors signing the petitions must be  
10 registered voters in the geographic area applicable to the position at the  
11 time they sign the petition. Each qualified elector shall provide his or her  
12 printed name, signature, address, date of birth, and date of signing on the  
13 petition.

14 (E) In determining the number of qualified electors in the  
15 state or in any court of appeals district or circuit court circuit, the total  
16 number of all votes cast therein for Governor in the immediately preceding  
17 general gubernatorial election shall be conclusive of the number of all  
18 qualified electors therein for purposes of this section.

19 (2)(A) Candidates by petition for the Supreme Court shall file  
20 petitions signed by at least ten thousand (10,000) qualified electors or  
21 three per cent (3%) of the qualified electors residing within the state,  
22 whichever is the lesser.

23 (B) Candidates by petition for the Court of Appeals shall  
24 file petitions signed by three per cent (3%) of the qualified electors  
25 residing within the court of appeals district for which the candidate seeks  
26 office, but in no event shall more than two thousand (2,000) signatures be  
27 required.

28 (C) Candidates by petition for circuit judge shall file  
29 petitions signed by three per cent (3%) of the qualified electors residing  
30 within the circuit for which the candidate seeks office, but in no event  
31 shall more than two thousand (2,000) signatures be required.

32 (D) Candidates by petition for district judge shall file  
33 petitions signed by at least thirty (30) qualified electors who reside within  
34 the district for which the candidate seeks office.

35 (d) No votes for a write-in candidate in a nonpartisan judicial  
36 election shall be counted or tabulated unless the candidate or his or her

1 agent gives notice in writing of his or her intention to be a write-in  
 2 candidate to the county board of election commissioners and either:

3 (1)(A) The Secretary of State, if a candidate for a Supreme  
 4 Court, Court of Appeals, or a circuit judgeship; or

5 (B) A county clerk, if a candidate for a district  
 6 judgeship.

7 (2) The written notice must be given not later than sixty (60)  
 8 days before the nonpartisan judicial election.

9 (3) Write-in candidates shall file a political practices pledge  
 10 at the same time as filing a notice of intention.

11 (e)(1) A candidate for Justice of the Supreme Court, Judge of the  
 12 Court of Appeals, or circuit judge shall file with the Secretary of State.

13 (2) A candidate for district judge shall file with the county  
 14 clerk.

15  
 16 SECTION 33. Arkansas Code § 12-10-318(a), concerning emergency  
 17 telephone service charges, is amended to read as follows:

18 (a)(1)(A) When so authorized by a majority of the persons voting  
 19 within the political subdivision in accordance with the law, the governing  
 20 authority of each political subdivision may levy an emergency telephone  
 21 service charge in the amount assessed by the political subdivision on a per-  
 22 access-line basis as of January 1, 1997, or the amount up to five percent  
 23 (5%) of the tariff rate, except that any political subdivision with a  
 24 population of fewer than twenty-seven thousand five hundred (27,500)  
 25 according to the 1990 Federal Decennial Census may, by a majority vote of the  
 26 electors voting on the issue, levy an emergency telephone charge in an amount  
 27 assessed by the political subdivision on a per-access-line basis as of  
 28 January 1, 1997, or an amount up to twelve percent (12%) of the tariff rate.

29 (B) The governing authority of a political subdivision  
 30 that has been authorized under subdivision (a)(1)(A) of this section to levy  
 31 an emergency telephone service charge in an amount up to twelve percent (12%)  
 32 of the tariff rate may decrease the percentage rate to not less than four  
 33 percent (4%) of the tariff rate for those telephone service users that are  
 34 served by a telephone company with fewer than two hundred (200) access lines  
 35 in this state as of the date of the election conducted under subdivision  
 36 (a)(1)(A) of this section.

1 (2)(A) Upon its own initiative, the governing authority of the  
 2 political subdivision may call such a special election to be held in  
 3 accordance with § 7-5-103(b).

4 ~~(B)(i) The special election shall occur on the second~~  
 5 ~~Tuesday of any month, except as provided in subdivision (a)(2)(B)(ii) of this~~  
 6 ~~section.~~

7 ~~(ii) A special election held in a month in which a~~  
 8 ~~presidential preferential primary election, preferential primary election,~~  
 9 ~~general primary election, or general election is scheduled to occur shall be~~  
 10 ~~held on the date of the presidential preferential primary election,~~  
 11 ~~preferential primary election, general primary election, or general election.~~

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

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

19 ~~(B) No voter shall be required to vote in a political~~  
 20 ~~party's presidential preferential primary election, preferential primary~~  
 21 ~~election, or general primary election in order to be able to vote in the~~  
 22 ~~special election.~~

23 ~~(b) A special election scheduled to occur in a month in which the~~  
 24 ~~second Tuesday is a legal holiday shall be held on the third Tuesday of the~~  
 25 ~~month.~~

26  
 27 SECTION 34. Arkansas Code § 13-2-501(b), concerning the establishment  
 28 and maintenance of public libraries, is amended to read as follows:

29 (b)(1) In a city of the first class, on petition of five percent (5%)  
 30 of the voters requesting the establishment of a public library, the city  
 31 council or governing body of the municipality within thirty (30) days after  
 32 the filing of the petition shall call an election ~~to be held within sixty~~  
 33 ~~(60) days thereafter~~ to be held in accordance with § 7-5-103(b).

34 (2)(A) The election shall be advertised and conducted as special  
 35 elections are required by law to be advertised and conducted.

36 ~~(B)(i) The election shall occur on the second Tuesday of~~

1 ~~any month, except as provided in subdivision (b)(2)(B)(ii) of this section.~~

2 ~~(ii) An election held in a month in which a~~  
 3 ~~presidential preferential primary election, preferential primary election,~~  
 4 ~~general primary election, or general election is scheduled to occur shall be~~  
 5 ~~held on the date of the presidential preferential primary election,~~  
 6 ~~preferential primary election, general primary election, or general election.~~

7 ~~(2)(A)(i) If an election is held on the date of the presidential~~  
 8 ~~preferential primary election, preferential primary election, or general~~  
 9 ~~primary election, the issue or issues to be voted upon at the election shall~~  
 10 ~~be included on the ballot of each political party.~~

11 ~~(ii) However, a separate ballot containing only the~~  
 12 ~~issue or issues to be voted upon at the election shall be prepared and made~~  
 13 ~~available to a voter requesting a separate ballot.~~

14 ~~(B) No voter shall be required to vote in a political~~  
 15 ~~party's presidential preferential primary election, preferential primary~~  
 16 ~~election, or general primary election in order to be able to vote in the~~  
 17 ~~election.~~

18 ~~(b) An election scheduled to occur in a month in which the second~~  
 19 ~~Tuesday is a legal holiday shall be held on the third Tuesday of the month.~~

20 (C) The ballots shall be marked "FOR Public Library",  
 21 "AGAINST Public Library".

22 (3) If a majority of the electors voting at the election vote in  
 23 favor of the establishment of a public library, it shall be the duty of the  
 24 city council or the governing body of the municipality immediately to  
 25 establish a public library and continue to maintain it, in accordance with  
 26 the provisions of this section.

27  
 28 SECTION 35. Arkansas Code § 14-14-917(a), concerning initiative and  
 29 referendum elections, is amended to read as follows:

30 (a) Time of Election for Initiative and Referendum Measures. (1)  
 31 Initiative. Initiative petition measures shall be considered by the electors  
 32 only at a regular general election at which state and county officers are  
 33 elected for regular terms.

34 (2) Referendum. Referendum petition measures may be submitted to  
 35 the electors during a regular general election and shall be submitted if the  
 36 adequacy of the petition is determined within the time limitation prescribed

1 in this section. A referendum measure may also be referred to the electors at  
 2 a special election called for the expressed purpose proposed by petition.  
 3 However, no referendum petition certified within the time limitations  
 4 established for initiative measures shall be referred to a special election,  
 5 but shall be voted upon at the next regular election. No referendum election  
 6 shall be held less than sixty (60) days after the certification of adequacy  
 7 of the petition by the county clerk.

8 (3) Calling Special Elections. The jurisdiction to establish the  
 9 necessity for a special election on referendum measures is vested in the  
 10 electors through the provisions of petition. Where such jurisdiction is not  
 11 exercised by the electors, the county court of each of the several counties  
 12 may determine such necessity. However, a quorum court may compel the calling  
 13 of a special election by a county court through resolution adopted during a  
 14 regularly scheduled meeting of the quorum court. The resolution may specify a  
 15 reasonable time limitation in which a county court order calling the special  
 16 election shall be entered.

17 (4) Time of Special Election. The county court shall fix the  
 18 date for the conduct of any special elections on referendum measures. The  
 19 date shall be not less than ~~thirty (30) calendar days after the date of the~~  
 20 ~~order calling the election~~ established under § 7-5-103(b). ~~However, where~~  
 21 Where the electors exercise their powers to establish the necessity for a  
 22 special election, the county court shall order an election according to the  
 23 dates stated in § 7-5-103(b), ~~but not less than thirty (30) calendar days~~  
 24 ~~after the date of the order calling the election.~~

25  
 26 SECTION 36. Arkansas Code § 14-20-108(a), concerning dues for  
 27 volunteer fire departments, is amended to read as follows:

28 (a)(1)(A) The quorum court of each county, upon request therefor filed  
 29 with the court by one (1) or more volunteer fire departments in the county,  
 30 may adopt an ordinance authorizing a designated county official to collect  
 31 and remit to the department or departments the annual or quarterly dues  
 32 charged by the department or departments in consideration of providing fire  
 33 protection to unincorporated areas in the county; or

34 (B)(i)(a) When any county quorum court receives a request  
 35 for the levy of volunteer fire department dues, the quorum court by ordinance  
 36 shall call for an election on the issue of the levy of the volunteer fire



1 department dues on each residence if the request has been signed by the fire  
2 chief and all other officers of a volunteer fire department and filed with  
3 the county clerk.

4 (b) The issue may be placed on the ballot at a special election ~~or a~~  
5 ~~general election and in each case shall comply with the laws of this state~~  
6 ~~pertaining to special elections and general elections~~ by order of the county  
7 court in accordance with § 7-5-103(b).

8 (c) If the levy is approved by a majority of those voting on the  
9 issue, the dues shall be listed annually on real property tax statements and  
10 collected at the same time and in the same manner as real property taxes.

11 (ii) The cost of the election shall be borne by the  
12 volunteer fire department or departments that requested the levy.

13 ~~(iii)(a) The election shall occur on the second~~  
14 ~~Tuesday of any month, except as provided in subdivision (a)(1)(B)(iii)(b) of~~  
15 ~~this section.~~

16 ~~(b)(1)(A) Elections held in months in which a presidential~~  
17 ~~preferential primary election, preferential primary election, general primary~~  
18 ~~election, or general election is scheduled to occur shall be held on the date~~  
19 ~~of the presidential preferential primary election, preferential primary~~  
20 ~~election, general primary election, or general election.~~

21 ~~(B) If an election is held on the date of the presidential~~  
22 ~~preferential primary election, preferential primary election, or general~~  
23 ~~primary election, the issue or issues to be voted upon at the election shall~~  
24 ~~be included on the ballot of each political party. However, separate ballots~~  
25 ~~containing only the issue or issues to be voted upon at the election shall be~~  
26 ~~prepared and made available to voters requesting a separate ballot. No voter~~  
27 ~~shall be required to vote in a political party's presidential preferential~~  
28 ~~primary, preferential primary, or general primary in order to be able to vote~~  
29 ~~in the election.~~

30 ~~(2) Elections scheduled to occur in a month in which the second~~  
31 ~~Tuesday is a legal holiday shall be held on the third Tuesday of the month.~~

32 (2) The ordinance enacted by the court shall set forth the terms  
33 and conditions on which such dues are to be collected by the county and for  
34 the remission of the dues to the volunteer fire departments.

35 (3) Provided, however, active members of the volunteer fire  
36 departments whose annual or quarterly dues are collected in this manner may

1 be exempt from the annual or quarterly dues charged by the department at the  
 2 discretion of the volunteer fire department in consideration of providing  
 3 services to the department.

4  
 5 SECTION 37. Arkansas Code § 14-37-112 is amended to read as follows:  
 6 14-37-112. Incorporated town may become city of the second class.

7 (a)(1) Any incorporated town in this state may become a city of the  
 8 second class by the adoption and publication of an ordinance, duly adopted  
 9 and published as provided by law, converting the incorporated town into a  
 10 city of the second class. However, after the adoption and publication of the  
 11 ordinance, the qualified voters of the town shall vote in any general  
 12 election, or a special election called by the mayor to be held in accordance  
 13 with § 7-5-103(b), in favor of the ordinance.

14 (2) If a majority of the qualified electors voting in the  
 15 election vote in favor of the ordinance, a certified copy of the ordinance  
 16 shall be filed with the Secretary of State. Thereupon the incorporated town  
 17 shall become a city of the second class.

18 (b)(1) The officers of the incorporated town, upon filing with the  
 19 Secretary of State the certified copy of the ordinance, shall immediately  
 20 become officers of the city of the second class with full authority to  
 21 proceed, do, and perform any and all things for, and on behalf of, the city  
 22 of the second class as if elected as officers of the city of the second  
 23 class. They shall serve as officers for the full period of time for which  
 24 they were elected or until their successors are elected and qualified.

25 (2)(A) At the regular time for holding election of officers of  
 26 incorporated towns, there shall be an election for the election of officers  
 27 of the city of the second class, who shall hold office as officers of the  
 28 city of the second class until the next regular time fixed by law for  
 29 electing officers of a city of the second class or until their successors are  
 30 elected and qualified.

31 (B)(i) However, the mayor of the incorporated town which  
 32 has been raised to a city of the second class may call a special election by  
 33 proclamation ~~effective sixty (60) days after its date~~ to be held in  
 34 accordance with § 7-5-103(b) which shall be published by two (2) insertions  
 35 ~~within the sixty day period~~ in a newspaper of general circulation in the  
 36 county in which the city is located. This special election shall be held for

1 the purpose of electing officers for the city of the second class.

2 ~~(ii) The special election shall occur on the second~~  
 3 ~~Tuesday of any month, except as provided in subdivision (b)(2)(B)(ii)(b) of~~  
 4 ~~this section.~~

5 ~~(iii) Special elections held in months in which a~~  
 6 ~~presidential preferential primary election, preferential primary election,~~  
 7 ~~general primary election, or general election is scheduled to occur shall be~~  
 8 ~~held on the date of the presidential preferential primary election,~~  
 9 ~~preferential primary election, general primary election, or general election.~~

10 ~~(iv)(a) If a special election is held on the date of~~  
 11 ~~the presidential preferential primary election, preferential primary~~  
 12 ~~election, or general primary election, the issue or issues to be voted upon~~  
 13 ~~at the special election shall be included on the ballot of each political~~  
 14 ~~party.~~

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

18 ~~(v) No voter shall be required to vote in a~~  
 19 ~~political party's presidential preferential primary, preferential primary, or~~  
 20 ~~general primary in order to be able to vote in the special election.~~

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

24  
 25 SECTION 38. Arkansas Code § 14-38-112 is amended to read as follows:

26 14-38-112. Reactivation of inactive city or incorporated town.

27 (a) The government of any city or incorporated town in this state  
 28 which has become inactive because of failure to elect the officials of the  
 29 city or incorporated town and no action has been taken to dissolve the  
 30 charter of the city or incorporated town may be reactivated upon petition of  
 31 a majority of the qualified electors of the city or incorporated town as  
 32 provided in this section.

33 (b)(1)(A) Whenever a majority of the qualified electors of any  
 34 inactive city or incorporated town as determined by the total number of  
 35 qualified registered voters in the city or incorporated town shall desire to  
 36 reactivate the government of the city or incorporated town, they may file a

1 petition therefor with the county court of the county in which the city or  
 2 incorporated town is located.

3 (B) The petition authorized in this section shall request  
 4 the county court to call a special election for the election of mayor,  
 5 aldermen, and other elected officials of the city or incorporated town.

6 (C)(i) When any petition is filed with the court, the  
 7 court shall set a date for a hearing on the petition.

8 (ii) The date for the hearing shall not be less than  
 9 thirty (30) days after the filing of the petition.

10 (2)(A) Between the time of the filing of the petition and the  
 11 date of the hearing, the petitioners shall cause a notice to be published in  
 12 some newspaper of general circulation in the county where the affected city  
 13 or incorporated town lies, which shall be published by one (1) insertion in  
 14 the newspaper.

15 (B) If there is no newspaper of general circulation in the  
 16 county, notice shall be posted in some public place within the limits of the  
 17 city or incorporated town and in the county seat of the county in which the  
 18 city or incorporated town is located, for the next three (3) weeks before the  
 19 date of the hearing.

20 (C) The notice referred to in this subdivision shall  
 21 contain the substance of the petition and shall state the time and place  
 22 appointed for the hearing thereof.

23 (c)(1) The purpose of the hearing shall be to determine the  
 24 sufficiency of the petitions.

25 (2)(A) If the county court determines that a majority of the  
 26 qualified electors of the city or incorporated town, as reflected by the  
 27 voter registration records of the county, has petitioned for the calling of a  
 28 special election to elect the municipal officials of the city or incorporated  
 29 town, the county court shall enter an order approving the petitions and shall  
 30 call a special election to be held in accordance with § 7-5-103(b) for the  
 31 election of the officials of the city or incorporated town.

32 (B)~~(i)~~ The election shall be called ~~within sixty (60) days~~  
 33 ~~of~~ held no later than ninety (90) days after the order of the county court.

34 ~~(ii) The election shall be conducted in the same~~  
 35 ~~manner as provided by law for conducting special elections to elect officials~~  
 36 ~~of a newly incorporated city or town.~~

1                   ~~(iii) The election shall occur on the second Tuesday~~  
 2 ~~of any month, except as provided in subdivisions (c)(2)(B)(iv) (v) of this~~  
 3 ~~section.~~

4                   ~~(iv) Elections held in months in which a~~  
 5 ~~presidential preferential primary election, preferential primary election,~~  
 6 ~~general primary election, or general election is scheduled to occur shall be~~  
 7 ~~held on the date of the presidential preferential primary election,~~  
 8 ~~preferential primary election, general primary election, or general election.~~

9                   ~~(v) If an election is held on the date of the~~  
 10 ~~presidential preferential primary election, preferential primary election, or~~  
 11 ~~general primary election, the issue or issues to be voted upon at the~~  
 12 ~~election shall be included on the ballot of each political party. However,~~  
 13 ~~separate ballots containing only the issue or issues to be voted upon at the~~  
 14 ~~election shall be prepared and made available to voters requesting a separate~~  
 15 ~~ballot.~~

16                   ~~(vi) No voter shall be required to vote in a~~  
 17 ~~political party's presidential preferential primary, preferential primary, or~~  
 18 ~~general primary in order to be able to vote in the election.~~

19                   ~~(vii) Elections scheduled to occur in a month in~~  
 20 ~~which the second Tuesday is a legal holiday shall be held on the third~~  
 21 ~~Tuesday of the month.~~

22                   (C) The officials so elected shall assume the duties of  
 23 their respective offices in the same manner and for such terms as provided by  
 24 law for officials of newly incorporated cities or towns.

25  
 26                   SECTION 39. Arkansas Code § 14-38-113 is amended to read as follows:  
 27                   14-38-113. Reorganization under different form of government.

28                   (a) When any municipality of this state is entitled by law to become  
 29 reorganized under a different form of municipal government than that under  
 30 which the municipality is operating, whether the form is the aldermanic form  
 31 of government, the city manager form of government, or the commission form of  
 32 government, upon the approval of a majority of the qualified electors of the  
 33 municipality voting on the issue at an election called therefor, an election  
 34 to submit the question of becoming organized under any such form of municipal  
 35 government shall be called and conducted in the manner provided in this  
 36 section:

1           (1) When petitions shall be filed with the mayor containing the  
2 signatures of qualified electors of the municipality equal in number to  
3 fifteen percent (15%) of the aggregate number of votes cast at the preceding  
4 general municipal election of all candidates for mayor in the case of a  
5 municipality operating under the aldermanic form of government or the  
6 commission form of government, and for all candidates for the office of  
7 director for the director position for which the greatest number of votes  
8 were cast in the case of a municipality operating under the manager form of  
9 government, requesting that an election be called to submit the proposition  
10 of organizing the municipality under any other form of municipal government  
11 authorized by the laws of this state, a special election shall be called by  
12 the mayor by proclamation, ~~and the date of the election shall be specified~~  
13 ~~therein~~ to be held in accordance with § 7-5-103(b). The proclamation shall be  
14 published one (1) time at length in a newspaper having a general circulation  
15 in the municipality, and notice of the election shall be published in the  
16 newspaper one (1) time a week for two (2) weeks, with the first publication  
17 to be not less than fifteen (15) days before the date set for the election;

18           (2)(A) At the election, the proposition shall be submitted to  
19 the electors in substantially the following form:

20  
21  
22  
23

24       "FOR the proposition to organize this city under the .....form  
25  
26  
27 of government .....["

28  
29

30       "AGAINST the proposition to organize this city under the  
31 .....

32  
33

34 form of government .....["

35           (B) The election thereupon shall be conducted, the votes  
36 canvassed, and the results declared in the same manner as is provided by law

1 with respect to other city elections. The county board of election  
 2 commissioners shall certify the results of any election to the mayor. The  
 3 result so certified shall be conclusive and not subject to attack unless suit  
 4 is brought to contest the certification within thirty (30) days after the  
 5 certification in the circuit court of the county in which the municipality is  
 6 situated;

7 (3)(A) If a majority of the votes cast at the election are in  
 8 favor of the proposition and no suit is brought to contest the certification  
 9 of the results of the election within the thirty-day period after the  
 10 certification by the county board of election commissioners, the mayor shall  
 11 file certificates stating that the proposition was adopted with the Secretary  
 12 of State and the county clerk of the county in which the municipality is  
 13 situated. Thereafter, the municipality shall proceed to elect officials of  
 14 the municipality in the manner and at the time provided by law for the  
 15 election of municipal officials in municipalities operating under the form of  
 16 government adopted by the municipality.

17 (B)(i) However, if a municipality votes to change its form  
 18 of government and the date of the election to change its form of municipal  
 19 government is six (6) months or more prior to the next regular general  
 20 election for municipal officials, the mayor of the municipality by  
 21 proclamation shall call a special election to be held in accordance with § 7-  
 22 5-103(b) for the purpose of electing municipal officials under the form of  
 23 government adopted by the municipality. When the officials are elected, the  
 24 municipality shall proceed to organize and operate under the newly adopted  
 25 form of government.

26 (ii) The mayor's proclamation shall be issued within  
 27 one (1) business day after the results of the election have been certified to  
 28 him or her. The proclamation shall be published at least one (1) time a week  
 29 for two (2) weeks in a newspaper having general circulation within the  
 30 municipality, and the date of the special election shall be within ~~fifty-five~~  
 31 ~~(55)~~ ninety (90) days from the date of the proclamation calling the special  
 32 election.

33 (iii) The special election shall occur on the second  
 34 Tuesday of any month, except as provided in subdivision (a)(3)(B)(iv) of this  
 35 section.

36 ~~(iv)(a) Special elections held in months in which a~~

1 ~~presidential preferential primary election, preferential primary election,~~  
2 ~~general primary election, or general election is scheduled to occur shall be~~  
3 ~~held on the date of the presidential preferential primary election,~~  
4 ~~preferential primary election, general primary election, or general election.~~

5 ~~(b) If a special election is held on the date of the presidential~~  
6 ~~preferential primary election, preferential primary election, or general~~  
7 ~~primary election, the issue or issues to be voted upon at the special~~  
8 ~~election shall be included on the ballot of each political party. However,~~  
9 ~~separate ballots containing only the issue or issues to be voted upon at the~~  
10 ~~special election shall be prepared and made available to voters requesting a~~  
11 ~~separate ballot.~~

12 ~~(c) No voter shall be required to vote in a political party's~~  
13 ~~presidential preferential primary, preferential primary, or general primary~~  
14 ~~in order to be able to vote in the special election.~~

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

18 (v)(a) When any municipality changes forms of  
19 government in the manner provided in this section, the question of changing  
20 the form of government of the municipality shall not again be submitted to  
21 the electors thereof until the expiration of four (4) years from the date on  
22 which the first officers are elected for the form of government adopted at  
23 the election.

24 (b) If a majority of the qualified electors of a municipality vote  
25 against adopting a different form of government, the question shall not again  
26 be submitted to the electors thereof for a period of two (2) years after the  
27 date of the election in which the proposed change of government in the  
28 municipality was rejected; and

29 (4)(A) Each signature on a petition filed, as provided in this  
30 section, shall have been signed within one hundred eighty (180) days prior to  
31 the filing of the petition. All signatures not signed within this time shall  
32 be void for the purposes of determining the adequate number of signatures  
33 required to call an election under this section.

34 (B) The date of execution of the petitions may be  
35 established by affidavit of the person circulating the petition or by the  
36 person signing the petition affixing the date of signing immediately



1 following his name.

2 (b) It is the intent and purpose of this section to prescribe a  
 3 uniform procedure whereby municipalities of this state may submit to the  
 4 qualified electors of any such municipality the proposition of adopting and  
 5 becoming organized under any form of municipal government authorized under  
 6 the laws of this state.

7

8 SECTION 40. Arkansas Code § 14-40-303 is amended to read as follows:  
 9 14-40-303. Annexation ordinance - Election - Procedures.

10 (a) The annexation ordinance shall:

11 (1) Contain an accurate description of the lands desired to be  
 12 annexed;

13 (2) Include a schedule of the services of the annexing  
 14 municipality that will be extended to the area within three (3) years after  
 15 the date the annexation becomes final; and

16 (3) Fix the date for the election provided in this section.

17 (b)(1) The annexation ordinance shall not become effective until the  
 18 question of annexation is submitted to the qualified electors of the annexing  
 19 municipality and of the area to be annexed at the next general election or at  
 20 a special election. The special election shall be ~~conducted no earlier than~~  
 21 ~~sixty (60) days after the date of enactment of the ordinance. The special~~  
 22 ~~election shall occur on the second Tuesday of the month, except as provided~~  
 23 ~~in subdivision (b)(2) of this section called by proclamation of the mayor of~~  
 24 ~~the annexing municipality in accordance with § 7-5-103(b).~~

25 ~~(2) Special elections held in months in which a presidential~~  
 26 ~~preferential primary election, preferential primary election, general primary~~  
 27 ~~election, or general election is scheduled to occur shall be held on the date~~  
 28 ~~of the presidential preferential primary election, preferential primary~~  
 29 ~~election, general primary election, or general election.~~

30 ~~(3)(A) If a special election is held on the date of the~~  
 31 ~~presidential preferential primary election, preferential primary election, or~~  
 32 ~~general primary election, the issue or issues to be voted upon at the special~~  
 33 ~~election shall be included on the ballot of each political party.~~

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

1           ~~(4) No voter shall be required to vote in a political party's~~  
2 ~~presidential preferential primary, preferential primary, or general primary~~  
3 ~~in order to be able to vote in the special election.~~

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

7           ~~(6)~~(2)(A) If a majority of the qualified electors voting in the  
8 election vote for the annexation, no later than seven (7) days following the  
9 election, the county clerk shall certify the election results and record the  
10 same, along with the description and a map of the annexed area, in the county  
11 records, and file a certified copy thereof with the Secretary of State.

12           (B) The annexation shall be effective, and the lands  
13 annexed shall be included within the corporate limits of the annexing  
14 municipality thirty (30) days following the date of recording and filing of  
15 the description and map, as provided in this section, or in the event an  
16 action is filed with the circuit court as provided in § 14-40-304, on the  
17 date the judgment of the court becomes final.

18           ~~(7)~~(3) If a majority of the qualified electors voting on the  
19 issue at the election vote against the annexation, the annexation ordinance  
20 shall be null and void.

21           (c)(1)(A) The city clerk shall certify two (2) copies of the  
22 annexation ordinance and a plat or map of the area to be annexed and convey  
23 one (1) copy to the county clerk and one (1) copy to the county election  
24 commission at least sixty (60) days before the election.

25           (B)(i) No later than forty-five (45) days prior to the  
26 election, the city shall identify all persons who reside within the area  
27 proposed to be annexed, and the county clerk shall assist the city in  
28 determining the names and addresses of all qualified electors residing within  
29 that area.

30           (ii) The failure to identify all persons residing  
31 within the area proposed to be annexed or the failure to determine the names  
32 and addresses of all qualified electors residing within that area shall not  
33 invalidate or otherwise affect the results of the election.

34           (C) All of the qualified electors residing within the  
35 territory to be annexed shall be entitled to vote in the election.

36           (D) The city clerk shall give notice of the election by

1 publication by at least one (1) insertion in some newspaper having a general  
2 circulation in the city.

3 (2)(A) The county clerk shall give notice of the voter  
4 registration deadlines at least forty (40) days before the election by  
5 ordinary mail to those persons whose names and addresses are on the list  
6 provided by the city clerk.

7 (B) The county clerk shall prepare a list by precinct of  
8 all those qualified electors residing within the area to be annexed who are  
9 qualified to vote in that precinct and furnish that list to the election  
10 officials at the time the ballot boxes are delivered.

11 (3) If the county clerk or the county election commission shall  
12 fail to perform any duties required of it, then any interested party may  
13 apply for a writ of mandamus to require the performance of the duties. The  
14 failure of the county clerk or the county election commission to perform the  
15 duties shall not void the annexation election unless a court finds that the  
16 failure to perform the duties substantially prejudiced an interested party.

17 (d) If the annexation is approved and becomes final, the governing  
18 body of the city shall, by ordinance, as soon as practical after the  
19 annexation, attach and incorporate such annexed territory to and in one (1)  
20 or more wards of the city lying adjacent thereto, and the territory so  
21 assigned and attached to a ward shall thereafter be considered and become a  
22 part thereof as fully as any other part of the city.

23 (e) From the map or plat provided by city ordinance of the wards  
24 assigned, the county clerk shall proceed to ascertain and determine the  
25 voters' proper precinct and shall enter the same upon the voter registration  
26 records of those inhabitants of the territory so annexed and give notice of  
27 that change within thirty (30) days after the adoption of the city ordinance  
28 assigning the territory to wards.

29 (f)(1) In the event that within thirty (30) days of the date that one  
30 (1) city calls for an annexation election, another city calls for an  
31 annexation election on all or part of the same land proposed to be annexed by  
32 the first city, then both annexation elections shall be held; provided that  
33 the second city must call for its annexation election to be held ~~within~~  
34 thirty (30) days on the next available date in accordance with § 7-5-103(b)  
35 before or after the holding of the first city's election.

36 (2)(A) If the annexation election held first is approved by the

1 voters, the results of it shall be stayed until the second annexation  
 2 election is held.

3 (B)(i) If only one (1) of the annexation elections is  
 4 approved by the voters, then the city that called that election shall proceed  
 5 with the annexation of the land.

6 (ii) If both annexation elections are approved by  
 7 the voters, then a third election shall be held three (3) weeks after the  
 8 second annexation election. The provisions of § 7-5-103(b) governing the  
 9 procedures and dates on which special elections may be held shall not apply  
 10 to the third annexation election provided in this subsection.

11 (iii) Notice of the third election shall be  
 12 published in a newspaper circulated in the area to be annexed during the  
 13 three-week period following the second election.

14 ~~(iii)~~(iv) Only the residents of the area proposed to  
 15 be annexed by both cities shall vote in the third election.

16 ~~(iv)~~(v) The issue on the ballot in the third  
 17 election shall be into which of the two (2) cities the residents of the area  
 18 want to be annexed.

19 ~~(v)~~(vi) The area shall be annexed into the city  
 20 receiving the most votes in the third election.

21 ~~(vi)~~(vii) In the event of a tie vote in the third  
 22 election, the area shall be annexed to the city that had the highest  
 23 percentage vote in favor of the annexation in the first or second election.

24 (3) If the city that does not get to annex the area voted on by  
 25 both cities included land in its annexation election other than the land  
 26 voted on by both cities, then that land shall be annexed into such city if it  
 27 is still contiguous to such city after the other land is annexed to the other  
 28 city, but such land shall remain part of the county if it is not so  
 29 contiguous.

30

31 SECTION 41. Arkansas Code § 14-40-1202(a), concerning the calling of  
 32 annexation special elections, is amended to read as follows:

33 14-40-1202. Special election called.

34 (a)(1)(A) Upon presentation of the petition to the county court by the  
 35 authorized persons, the court shall at once order and call a special election  
 36 to be held in accordance with § 7-5-103(b) in both of the municipal

1 corporations on the question of the annexation and the name of the proposed  
2 consolidated municipality.

3 (B) The court shall give thirty (30) days' notice of the  
4 election by publication one (1) time a week in some newspaper with a bona  
5 fide circulation in the territory and by notices posted in conspicuous places  
6 in the territory.

7 ~~(C)(i) The special election shall occur on the second~~  
8 ~~Tuesday of any month, except as provided in subdivision (a)(1)(C)(ii) of this~~  
9 ~~section.~~

10 ~~(ii) Special elections held in months in which a~~  
11 ~~presidential preferential primary election, preferential primary election,~~  
12 ~~general primary election, or general election is scheduled to occur shall be~~  
13 ~~held on the date of the presidential preferential primary election,~~  
14 ~~preferential primary election, general primary election, or general election.~~

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

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

22 ~~(B) No voter shall be required to vote in a political~~  
23 ~~party's presidential preferential primary, preferential primary, or general~~  
24 ~~primary in order to be able to vote in the special election.~~

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

28 (2) The court shall appoint one (1) judge and one (1) clerk in  
29 each ward or other division of each municipal corporation, and the mayor and  
30 city council of each of the municipal corporations shall select two (2)  
31 judges and one (1) clerk for each of the wards or other divisions having the  
32 qualifications of electors, to act as judges and clerks of election within  
33 the respective wards.

34 (3) The court shall fix all polling places at which the voting  
35 shall take place.

36

SECTION 42. Arkansas Code § 14-40-1207 is amended to read as follows:  
 14-40-1207. Special election of aldermen or all city officials.

(a)(1)(A) Except as provided under subdivision (a)(1)(B) of this section, the city or town council shall call a special election of aldermen, to be held at such times and places as the council may direct pursuant to a proclamation issued by the mayor in accordance with § 7-5-103(a), in the wards of the smaller municipality and for the election of aldermen from any other new wards that may be created by the council out of territory included in the larger city or incorporated town before the annexation, as provided in this subchapter.

(B) If the petition calls for a citywide election for all officials of the new consolidated city or incorporated town, then the city or town council shall call a special election pursuant to a proclamation issued by the mayor in accordance with § 7-5-103(a) for all city or town officials to be held at the times and places as it may direct throughout each ward of the consolidated city or incorporated town.

(2) If the implementation of the consolidation of the cities or towns is delayed, the special election for new aldermen or all city officials shall be held at least forty-five (45) days before the effective date of the consolidation.

~~(3)(A) The special election shall occur on the second Tuesday of any month, except as provided in subdivision (a)(3)(B) of this section.~~

~~(B)(i) Special elections 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.~~

~~(ii)(a) 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.~~

~~(b) 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) No voter shall be required to vote in a~~

1 ~~political party's presidential preferential primary, preferential primary, or~~  
 2 ~~general primary in order to be able to vote in the special election.~~

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

6 (b) Each ward of the consolidated city or incorporated town shall have  
 7 two (2) aldermen, to be elected in the same manner and for the same term as  
 8 aldermen are elected in cities and incorporated towns.

9  
 10 SECTION 43. Arkansas Code § 14-42-104 is amended to read as follows:  
 11 14-42-104. Vacancies in certain alderman positions.

12 When a vacancy occurs in any position of alderman in a city having a  
 13 population of fifty thousand (50,000) or more, according to the most recent  
 14 federal decennial census, and having a mayor-council form of government in  
 15 which the electors of each ward elect one (1) or more aldermen, a new  
 16 alderman shall be chosen in the following manner:

17 (1)(A) If the unexpired portion of the term of alderman exceeds  
 18 one (1) year, a successor shall be elected by a vote of the electors of the  
 19 ward. The city council shall order a special election to be held ~~within sixty~~  
 20 ~~(60) days of the date pursuant to a proclamation issued by the mayor in~~  
 21 accordance with § 7-5-103(a) no later than ninety (90) days after the date  
 22 the vacancy occurs; and

23 ~~(B)(i) The special election shall occur on the second~~  
 24 ~~Tuesday of any month, except as provided in subdivision (1)(B)(ii) of this~~  
 25 ~~section.~~

26 ~~(ii) Special elections held in months in which a~~  
 27 ~~presidential preferential primary election, preferential primary election,~~  
 28 ~~general primary election, or general election is scheduled to occur shall be~~  
 29 ~~held on the date of the presidential preferential primary election,~~  
 30 ~~preferential primary election, general primary election, or general election.~~

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

35 ~~(ii) However, separate ballots containing only the~~  
 36 ~~issue or issues to be voted upon at the special election shall be prepared~~

1 ~~and made available to voters requesting a separate ballot.~~

2 ~~-(B) No voter shall be required to vote in a political party's~~  
 3 ~~presidential preferential primary, preferential primary, or general primary~~  
 4 ~~in order to be able to vote in the special election.~~

5 ~~(b) Special elections scheduled to occur in a month in which the~~  
 6 ~~second Tuesday is a legal holiday shall be held on the third Tuesday of the~~  
 7 ~~month; and~~

8 (2) If the unexpired portion of the term of alderman is one (1)  
 9 year or less, a successor shall be chosen by a majority vote of the members  
 10 of the city council.

11  
 12 SECTION 44. Arkansas Code § 14-42-203 is amended to read as follows:  
 13 14-42-203. Special elections of city mayors.

14 (a)~~(1)~~ Special elections of mayors of cities of the first class and  
 15 cities of the second class shall be held at such time and place as the  
 16 council directs in accordance with § 7-5-103(a).

17 ~~(2)(A) The special election shall be held on the second Tuesday~~  
 18 ~~of any month, except as provided by subdivision (a)(2)(B) of this section.~~

19 ~~(B) Special elections held in months in which a~~  
 20 ~~presidential preferential primary election, preferential primary election,~~  
 21 ~~general primary election, or general election is scheduled to occur shall be~~  
 22 ~~held on the date of the presidential preferential primary election,~~  
 23 ~~preferential primary election, general primary election, or general election.~~

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

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

31 ~~(D) No voter shall be required to vote in a political~~  
 32 ~~party's presidential preferential primary, preferential primary, or general~~  
 33 ~~primary in order to be able to vote in the special election.~~

34 ~~(E) 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 (b) In all cities there shall be a place appointed in each ward for  
 2 holding elections, except in cities of the second class electing their  
 3 aldermen citywide, where there may be one (1) public place only for holding  
 4 elections.

5 (c) Any person who, at the time of the election of municipal officers,  
 6 is a qualified elector and registered to vote in the city precinct where he  
 7 resides shall be deemed a qualified elector.

8 (d) All elections shall be held and conducted in the manner prescribed  
 9 by law for holding state and county elections, so far as the laws may be  
 10 applicable.

11  
 12 SECTION 45. Arkansas Code § 14-42-206 is amended to read as follows:

13 14-42-206. Municipal primary elections - Nominating petitions.

14 (a)(1) The city or town council of any city or town with the mayor-  
 15 council form of government, by resolution passed before January 1 of the year  
 16 of the election, may request the county party committees of recognized  
 17 political parties under the laws of the state to conduct party primaries for  
 18 municipal offices for the forthcoming year.

19 (2) The resolution shall remain in effect for the subsequent  
 20 elections unless revoked by the city or town council.

21 (3) When the resolution has been adopted, the clerk or recorder  
 22 shall mail a certified copy of the resolution to the chairs of the county  
 23 party committees and to the chairs of the state party committees.

24 (4) Candidates nominated for municipal office by political  
 25 primaries under this section shall be certified by the county party  
 26 committees to the county board of election commissioners and shall be placed  
 27 on the ballot at the general election.

28 (b)(1) Any person desiring to become an independent candidate for  
 29 municipal office in cities and towns with the mayor-council form of  
 30 government shall file not more than one hundred ten (110) nor less than  
 31 ninety (90) days prior to the general election by 12:00 noon with the county  
 32 clerk the petition of nomination in substantially the following forms:

33 (A) For all candidates except aldermen in cities of the  
 34 first class and cities of the second class:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
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"PETITION OF NOMINATION

We, the undersigned qualified electors of the city (town) of \_\_\_\_\_, Arkansas, being in number not less than ten (10) for incorporated towns and cities of the second (2nd) class, and not less than thirty (30) for cities of the first (1st) class, do hereby petition that the name of \_\_\_\_\_ be placed on the ballot for the office of \_\_\_\_\_ at the next election of municipal officials in 20 \_\_\_\_\_.

Printed                      Signature                      Street Address                      Date of  
Date of

Name                      Birth                      Signing

.....

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

"PETITION OF NOMINATION

We, the undersigned qualified electors of Ward \_\_\_\_\_ of the city of \_\_\_\_\_, Arkansas, being in number not less than ten (10) for incorporated towns and cities of the second (2nd) class, and not less than thirty (30) for cities of the first (1st) class, do hereby petition that the name of \_\_\_\_\_ be placed on the ballot for the office of Alderman, Ward \_\_\_\_\_, position \_\_\_\_\_, of the next election of municipal officials in 20 \_\_\_\_\_.

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Printed                      Signature                      Street Address                      Date of  
Date of

Name                      Birth                      Signing

.....

(C) For at-large candidates for alderman of a ward in cities of the first class and cities of the second class, the nominating petitions shall be signed by any qualified elector of the city in the following manner:

"PETITION OF NOMINATION

We, the undersigned qualified electors of the city of \_\_\_\_\_, Arkansas, being in number not less than ten (10) for incorporated towns and cities of the second (2nd) class, and not less than thirty (30) for cities of the first (1st) class, do hereby petition that the name of \_\_\_\_\_ be placed on the ballot for the office of Alderman, Ward \_\_\_\_\_, position \_\_\_\_\_, of the next election of municipal officials in 20 \_\_\_\_\_.

Printed                      Signature                      Street Address                      Date of  
Date of

Name                      Birth                      Signing

1 .....

2

3 (2) The county clerk shall determine whether the petition  
4 contains a sufficient number of qualified electors.

5 (3) Independent candidates for municipal office shall file a  
6 political practices pledge ~~no later than sixty (60) days prior to the date of~~  
7 ~~the general election by 12:00 noon~~ at the time of filing their petitions.

8 (c)(1)(A) If no candidate receives a majority of the votes cast in the  
9 general election, the two (2) candidates receiving the highest number of  
10 votes cast for the office to be filled shall be the nominees for the  
11 respective offices, to be voted upon in a runoff election pursuant to § 7-5-  
12 106.

13 (B) In any case, except for the office of mayor, in which  
14 only one (1) candidate has filed and qualified for the office, the candidate  
15 shall be declared elected and the name of the person shall be certified as  
16 elected without the necessity of putting the person's name on the general  
17 election ballot for the office.

18 (2) If the office of mayor is unopposed, then the candidate for  
19 mayor shall be printed on the general election ballot and the votes for mayor  
20 shall be tabulated as in all contested races.

21 ~~(d) Special elections for mayors in cities of the first class and~~  
22 ~~other special elections of officials required by law in cities and towns~~  
23 ~~shall use the procedure in this section.~~

24 ~~(e)~~(d)(1)(A) The governing body of any city of the first class, city  
25 of the second class, or incorporated town may enact an ordinance requiring  
26 independent candidates for municipal office to file petitions for nomination  
27 as independent candidates with the county clerk:

28 (i) No earlier than twenty (20) days prior to the  
29 preferential primary election; and

30 (ii) No later than noon on the day before the  
31 preferential primary election.

32 (B) The governing body may establish this filing deadline  
33 for municipal offices even if the municipal offices are all independent or  
34 otherwise nonpartisan.

35 (2)(A) The ordinance shall be enacted no later than ninety (90)  
36 days prior to the filing deadline.

1 (B) The ordinance shall be published at least one (1) time  
 2 a week for two (2) consecutive weeks immediately following adoption of the  
 3 ordinance in a newspaper having a general circulation in the city.

4 ~~(f)~~(e) Nothing in this section shall repeal any law pertaining to the  
 5 city administrator form of government or the city manager form of government.

6 ~~(g)~~(f) This section does not apply in any respect to the election of  
 7 district judges.

8  
 9 SECTION 46. Arkansas Code § 14-42-304 is amended to read as follows:  
 10 14-42-304. Amendments to charter.

11 (a) Amendments to any charter may be proposed by a two-thirds (2/3)  
 12 vote of the governing body of the municipality or by petition of ten percent  
 13 (10%) of the qualified electors of the municipality.

14 (b)~~(1)~~ The amendment shall be submitted to the qualified electors of  
 15 the municipality at a regular or special election called in accordance with §  
 16 7-5-103(b).

17 ~~(2)(A) The special election shall occur on the second Tuesday of~~  
 18 ~~any month, except as provided in subdivision (b)(2)(B) of this section.~~

19 ~~(B) Special elections held in months in which a~~  
 20 ~~presidential preferential primary election, preferential primary election,~~  
 21 ~~general primary election, or general election is scheduled to occur shall be~~  
 22 ~~held on the date of the presidential preferential primary election,~~  
 23 ~~preferential primary election, general primary election, or general election.~~

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

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

31 ~~(D) No voter shall be required to vote in a political~~  
 32 ~~party's presidential preferential primary, preferential primary, or general~~  
 33 ~~primary in order to be able to vote in the special election.~~

34 ~~(E) 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 (c) The proposed amendment shall be published at least one (1) time in  
 2 some newspaper of general circulation throughout the municipality.

3 (d) Any amendment approved by a majority of the electors voting  
 4 thereon shall become a part of the charter at the time fixed in the amendment  
 5 and shall be certified to the Secretary of State.

6 (e) Each amendment submitted shall be confined to one (1) subject, and  
 7 when more than one (1) amendment shall be submitted at the same time, they  
 8 shall be so submitted as to enable the voters to vote on each amendment  
 9 separately.

10  
 11 SECTION 47. Arkansas Code § 14-43-411 is amended to read as follows:  
 12 14-43-411. Alderman vacancy.

13 (a)(1) Whenever a vacancy shall occur, for any reason, in the office  
 14 of alderman in any city of the first class, at any regular meeting after the  
 15 occurrence of the vacancy, the city council shall proceed to elect by a  
 16 majority vote of the remaining members elected to the council an alderman to  
 17 serve for the unexpired term. Provided, however, it is necessary that at  
 18 least a quorum of the whole number of the city council shall remain in order  
 19 to fill a vacancy.

20 (2) The person elected by the council shall be a resident of the  
 21 ward where the vacancy occurs at the time of the vacancy.

22 (b) When a vacancy occurs in any position of alderman in a city having  
 23 a population of fifty thousand (50,000) or more, according to the most recent  
 24 federal decennial census, and having a mayor-council form of government in  
 25 which the electors of each ward elect one (1) or more aldermen, a new  
 26 alderman shall be chosen in the following manner:

27 (1)~~(A)~~ If the unexpired portion of the term of alderman exceeds  
 28 one (1) year, a successor shall be elected by a vote of the electors of the  
 29 ward. The city council shall order a special election to be held ~~within~~  
 30 pursuant to a proclamation issued by the mayor in accordance with § 7-5-  
 31 103(a) no later than ninety (90) days ~~of~~ after the date the vacancy occurs;  
 32 or

33 ~~(B) The special election shall occur on the second Tuesday~~  
 34 ~~of any month, except as provided in subdivisions (b)(1)(B)-(F) of this~~  
 35 ~~section.~~

36 ~~(C) Special elections 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.~~

~~(D)(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.~~

~~(E) No voter shall be required to vote in a political party's presidential preferential primary, preferential primary, or general primary in order to be able to vote in the special election.~~

~~(F) 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; or~~

(2) If the unexpired portion of the term of alderman is one (1) year or less, a successor shall be chosen by a majority vote of the members of the council.

SECTION 48. Arkansas Code § 14-44-103(a), concerning the election of aldermen, is amended to read as follows:

14-44-103. Election of aldermen.

(a)(1) Except as provided under subdivision (a)(3) of this section, on the Tuesday following the first Monday in November 1982, and every two (2) years thereafter, the qualified voters in cities of the second class shall elect for each of the wards of these cities two (2) aldermen, who shall compose the city council.

(2) The qualified electors of every city of the second class shall elect from each ward of the city two (2) aldermen, who shall be designated as alderman number one and alderman number two of the ward.

(3)(A) Each candidate for the office of alderman in any election for this office shall designate in writing the number of the alderman's office that he or she is seeking at the time that he or she files as a candidate for the office.

1 (B) When this designation has been made, the candidate  
 2 shall not be permitted thereafter to change the designation.

3 (4)(A) The city council of a city of the second class may refer  
 4 to voters an ordinance on the question of electing the two (2) aldermen for  
 5 each ward to four-year terms.

6 (B)~~(i)~~ The voters shall vote on the ordinance at a general  
 7 election or at a special election called for that purpose by proclamation of  
 8 the mayor in accordance with § 7-5-103(b). However, the election to approve  
 9 the four-year election procedure shall be held no later than February 1 of  
 10 the year of the general election in which the procedure is proposed to be  
 11 effective.

12 ~~(ii) The special election shall occur on the second~~  
 13 ~~Tuesday of any month, except as provided in subdivisions (a)(4)(B)(iii)-(vi)~~  
 14 ~~of this section.~~

15 ~~(iii) Special elections held in months in which a~~  
 16 ~~presidential preferential primary election, preferential primary election,~~  
 17 ~~general primary election, or general election is scheduled to occur shall be~~  
 18 ~~held on the date of the presidential preferential primary election,~~  
 19 ~~preferential primary election, general primary election, or general election.~~

20 ~~(iv) If a special election is held on the date of~~  
 21 ~~the presidential preferential primary election, preferential primary~~  
 22 ~~election, or general primary election, the issue or issues to be voted upon~~  
 23 ~~at the special election shall be included on the ballot of each political~~  
 24 ~~party. However, separate ballots containing only the issue or issues to be~~  
 25 ~~voted upon at the special election shall be prepared and made available to~~  
 26 ~~voters requesting a separate ballot.~~

27 ~~(v) No voter shall be required to vote in a~~  
 28 ~~political party's presidential preferential primary, preferential primary, or~~  
 29 ~~general primary in order to be able to vote in the special election.~~

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

33 (5)(A) If this procedure is adopted by ordinance referred to and  
 34 approved by the voters of the city, the initial term for the alderman  
 35 designated as "alderman number one" of each ward shall be a four-year term at  
 36 the next general election.



1 (B) The initial term for the alderman designated as  
 2 "alderman number two" of each ward shall be a two-year term at the next  
 3 general election, and thereafter shall be a four-year term, resulting in  
 4 staggered terms for the ward.

5 (6)(A) The city council may refer to voters an ordinance on the  
 6 question of returning the city to electing aldermen to two-year terms using  
 7 the procedures of subdivisions (a)(4)-(7) of this section.

8 (B) If the voters approve returning a city to two-year  
 9 terms, all aldermen shall be elected to two-year terms at the next general  
 10 election and thereafter.

11 (7) The city council may not refer to voters another question on  
 12 electing aldermen to four-year terms or on returning the city to electing  
 13 aldermen to two-year terms unless at least four (4) years have passed since  
 14 the last election on changing the aldermanic terms.

15  
 16 SECTION 49. Arkansas Code § 14-44-106 is amended to read as follows:  
 17 14-44-106. Vacancy in mayor's office.

18 ~~(a)~~ Whenever a vacancy occurs in the office of mayor in any city of  
 19 the second class, at the first regular meeting after the occurrence of the  
 20 vacancy, the city council shall proceed to either elect by a majority vote of  
 21 the aldermen a mayor to serve the unexpired term or call for a special  
 22 election to be held in accordance with § ~~14-42-206~~ 7-5-103(a) to fill the  
 23 vacancy. At this election, a mayor shall be elected to fill out the unexpired  
 24 term.

25 ~~(b)(1) The special election shall occur on the second Tuesday of any~~  
 26 ~~month, except as provided in subdivisions (b)(2) and (3) of this section.~~

27 ~~(2)(A) Special elections held in months in which a presidential~~  
 28 ~~preferential primary election, preferential primary election, general primary~~  
 29 ~~election, or general election is scheduled to occur shall be held on the date~~  
 30 ~~of the presidential preferential primary election, preferential primary~~  
 31 ~~election, general primary election, or general election.~~

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

36 ~~(ii) However, separate ballots containing only the~~

1 ~~issue or issues to be voted upon at the special election shall be prepared~~  
 2 ~~and made available to voters requesting a separate ballot.~~

3 ~~(C) No voter shall be required to vote in a political~~  
 4 ~~party's presidential preferential primary, preferential primary, or general~~  
 5 ~~primary in order to be able to vote in the special election.~~

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

9  
 10 SECTION 50. Arkansas Code § 14-47-106 is amended to read as follows:

11 14-47-106. Election on city manager form of government.

12 (a) Any city in this state having a population of two thousand five  
 13 hundred (2,500) or more according to the most recent federal census may call  
 14 and hold an election to determine whether or not the city shall be organized  
 15 under and governed by the manager form of city government as provided for in  
 16 this chapter.

17 (b) The proceeding shall be in the following manner:

18 (1)(A) When petitions containing the signatures of electors  
 19 equal in number to fifteen percent (15%) of the aggregate number of ballots  
 20 cast for all candidates for mayor in the preceding general city election are  
 21 presented to the mayor, the mayor by proclamation shall submit the question  
 22 of organizing the city under the manager form of government to the electors  
 23 of the city at a special election to be held ~~not less than thirty (30) days~~  
 24 ~~after the date of the proclamation~~ in accordance with § 7-5-103(b).

25 (B) The proclamation shall be published at length in some  
 26 newspaper published in the city for one (1) time, and notice of the election  
 27 shall be published in some newspaper published in the city one (1) time a  
 28 week for two (2) weeks, the first publication to be not less than fifteen  
 29 (15) days before the date set for the election. No other notice of the  
 30 election shall be necessary.

31 ~~(2)(A) The special election shall occur on the second Tuesday of~~  
 32 ~~any month, except as provided in subdivisions (b)(2)(B), (b)(2)(C), (b)(3),~~  
 33 ~~and (b)(4) of this section.~~

34 ~~(B) Special elections held in months in which a~~  
 35 ~~presidential preferential primary election, preferential primary election,~~  
 36 ~~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.~~

~~(C)(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.~~

~~(3) No voter shall be required to vote in a political party's presidential preferential primary, preferential primary, or general primary in order to be able to vote in the special election.~~

~~(4) 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.~~

~~(5)(2)(A) At the special election for the submission or resubmission of the proposition, the ballots shall contain substantially the following:~~

" FOR the proposition to organize this city under Act 99 of the General Assembly of 1921, as amended .....[]

AGAINST the proposition to organize this city under Act 99 of the General Assembly of 1921, as amended .....[]"

(B)(i) The election thereon shall be conducted, the vote canvassed, and the result thereof declared in the same manner as provided by law in respect to other city elections.

(ii) The county board of election commissioners shall certify the result to the mayor. This result shall be conclusive and not subject to attack unless suit is brought in the circuit court of the county in which the city is situated to contest the certification within

1 thirty (30) days after the certification;

2 ~~(6)(3)~~(A) If a majority of the votes cast on the proposition is  
 3 against the organization of the city under this chapter, the question of  
 4 adopting the manager form of government shall not be resubmitted to the  
 5 voters of that city for adoption within four (4) years thereafter. It shall  
 6 be resubmitted then only upon presentation to the mayor of petitions signed  
 7 by electors equal in number to fifteen percent (15%) of the aggregate number  
 8 of ballots cast for all candidates for mayor at the preceding general city  
 9 election.

10 (B)(i) If a majority of the votes cast on the proposition  
 11 at any such election shall be for the organization of the city under this  
 12 chapter, the mayor shall file certificates stating that the proposition was  
 13 adopted with the Secretary of State and with the county clerk of the county  
 14 in which the city is situated. The mayor shall call a special election to be  
 15 held in the city for the purpose of electing seven (7) city directors.

16 (ii) This election shall be called and conducted and  
 17 the results determined and certified as provided in § 14-47-110.

18  
 19 SECTION 51. Arkansas Code § 14-47-107(a), concerning subsequent  
 20 elections on the aldermanic form of government, is amended to read as  
 21 follows:

22 14-47-107. Subsequent election on aldermanic form of government.

23 (a)(1)~~(A)~~ After the expiration of six (6) years after the date on  
 24 which the first board of directors takes office in a city organized under  
 25 this chapter, a petition may be presented to the mayor. It shall be signed by  
 26 electors equal in number to fifteen percent (15%) of the aggregate number of  
 27 ballots cast for all candidates for director in that position for which the  
 28 greatest number of ballots were cast in the preceding general election.  
 29 Whereupon, the mayor by proclamation shall submit the question of  
 30 organization of the city under the aldermanic form of government at a special  
 31 election to be held ~~at a time specified in the proclamation, not less than~~  
 32 ~~thirty (30) days after the date of the proclamation~~ in accordance with § 7-5-  
 33 103(b).

34 ~~(B) The special election shall occur on the second Tuesday~~  
 35 ~~of any month, except as provided in subdivisions (a)(1)(C) (E) of this~~  
 36 ~~section.~~

1                   ~~(C)(i) Special elections held in months in which a~~  
 2 ~~presidential preferential primary election, preferential primary election,~~  
 3 ~~general primary election, or general election is scheduled to occur shall be~~  
 4 ~~held on the date of the presidential preferential primary election,~~  
 5 ~~preferential primary election, general primary election, or general election.~~

6                   ~~(ii) If a special election is held on the date of~~  
 7 ~~the presidential preferential primary election, preferential primary~~  
 8 ~~election, or general primary election, the issue or issues to be voted upon~~  
 9 ~~at the special election shall be included on the ballot of each political~~  
 10 ~~party. However, separate ballots containing only the issue or issues to be~~  
 11 ~~voted upon at the special election shall be prepared and made available to~~  
 12 ~~voters requesting a separate ballot.~~

13                   ~~(D) No voter shall be required to vote in a political~~  
 14 ~~party's presidential preferential primary, preferential primary, or general~~  
 15 ~~primary in order to be able to vote in the special election.~~

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

19                   (2) The proclamation shall be published at length in some  
 20 newspaper published in the city for one (1) time. Notice of the election  
 21 shall be published in some newspaper published in the city one (1) time a  
 22 week for two (2) weeks, the first publication to be not less than fifteen  
 23 (15) days before the date set for the election. No other notice of the  
 24 election shall be necessary.

25  
 26                   SECTION 52. Arkansas Code § 14-47-110 is amended to read as follows:

27                   14-47-110. Election of directors.

28                   (a) Candidates for the office of director shall be nominated and  
 29 elected as follows:

30                   (1)(A)(i) A special election to elect the initial membership of  
 31 the board shall be called by the mayor as provided in § 14-47-106.

32                   (ii) The mayor's proclamation shall be published  
 33 ~~through one (1) insertion in some newspaper having a bona fide circulation in~~  
 34 ~~the municipality not less than sixty (60) days before the date of the~~  
 35 ~~election in accordance with § 7-5-103(a).~~

36                   (B)(i) A special election to fill any vacancy under § 14-

1 47-113 shall be called through a resolution of the board of directors.

2 (ii) A proclamation announcing the holding of the  
 3 election shall be signed by the mayor and published ~~not less than sixty (60)~~  
 4 ~~days prior to the date of the election in some newspaper having a bona fide~~  
 5 ~~circulation in the municipality~~ in accordance with § 7-5-103(a).

6 ~~(C)(i) The special election shall occur on the second~~  
 7 ~~Tuesday of any month, except as provided in subdivision (a)(1)(C)(ii)-(v) of~~  
 8 ~~this section.~~

9 ~~(ii) Special elections held in months in which a~~  
 10 ~~presidential preferential primary election, preferential primary election,~~  
 11 ~~general primary election, or general election is scheduled to occur shall be~~  
 12 ~~held on the date of the presidential preferential primary election,~~  
 13 ~~preferential primary election, general primary election, or general election.~~

14 ~~(iii) If a special election is held on the date of~~  
 15 ~~the presidential preferential primary election, preferential primary~~  
 16 ~~election, or general primary election, the issue or issues to be voted upon~~  
 17 ~~at the special election shall be included on the ballot of each political~~  
 18 ~~party. However, separate ballots containing only the issue or issues to be~~  
 19 ~~voted upon at the special election shall be prepared and made available to~~  
 20 ~~voters requesting a separate ballot.~~

21 ~~(iv) No voter shall be required to vote in a~~  
 22 ~~political party's presidential preferential primary, preferential primary, or~~  
 23 ~~general primary in order to be able to vote in the special election.~~

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

27 (2) The petition mentioned in subdivision (a)(3) of this section  
 28 supporting the candidacy of each candidate to be voted upon at any general or  
 29 special election shall be filed with the city clerk or recorder not more than  
 30 eighty (80) days nor fewer than sixty (60) days before the election by twelve  
 31 o'clock noon.

32 (3)(A)(i) In respect to both special and general elections, the  
 33 name of each candidate shall be supported by a petition, signed by at least  
 34 fifty (50) qualified electors of the municipality, requesting the candidacy  
 35 of the candidate.

36 (ii) The petition shall show the residence address

1 of each signer and shall carry an affidavit signed by one (1) or more  
 2 persons, in which the affiant or affiants shall vouch for the eligibility of  
 3 each signer of the petition.

4 (B) Each petition shall be substantially in the following  
 5 form:

6  
 7 "The undersigned, duly qualified electors of the City of . . ., Arkansas,  
 8 each signer hereof residing at the address set opposite his or her signature,  
 9 hereby request that the name... be placed on the ballot as a candidate for  
 10 election to Position No. . . . on the Board of Directors of said City of . .  
 11 . at the election to be held in such City on the . . . day of . . ., 20 ...  
 12 We further state that we know said person to be a qualified elector of said  
 13 City and a person of good moral character and qualified in our judgment for  
 14 the duties of such office."

15 (C) A petition for nomination shall not show the name of  
 16 more than one (1) candidate.

17 (D)(i) The name of the candidate mentioned in each  
 18 petition, together with a copy of the election proclamation if the election  
 19 is a special election, shall be certified by the city clerk or recorder to  
 20 the county board of election commissioners not less than thirty-five (35)  
 21 days before the election unless the clerk or recorder finds that the petition  
 22 fails to meet the requirements of this chapter.

23 (ii)(a) Whether the names of the candidates so  
 24 certified to the county board of election commissioners are to be submitted  
 25 at a biennial general election or at a special election held on a different  
 26 date, the election board shall have general supervision over the holding of  
 27 each municipal election.

28 (b) In this connection, the board shall post the nominations, print  
 29 the ballots, establish the voting precincts, appoint the election judges and  
 30 clerks, determine and certify the result of the election, and determine the  
 31 election expense chargeable to the city, all in the manner prescribed by law  
 32 in respect to general elections. It is the intention of this chapter that the  
 33 general election machinery of this state shall be utilized in the holding of  
 34 all general and special elections authorized under this chapter.

35 (c) The result of the election shall be certified by the election  
 36 board to the city clerk or recorder.

1           (4) The candidate for any designated position on the board of  
2 directors who, in any general or special election, shall receive votes  
3 greater in number than those cast in favor of any other candidate for the  
4 position shall be deemed to be elected.

5           (b) Each director, before entering upon the discharge of his duties,  
6 shall take the oath of office required by the Arkansas Constitution, Article  
7 19, § 20.

8  
9           SECTION 53. Arkansas Code § 14-48-104(b), concerning the submission of  
10 the governmental form question to electors, is amended to read as follows:

11           (b)~~(1)~~ If the number of signatures certified by the clerk is equal to  
12 or greater than fifteen percent (15%) of the aggregate number of votes cast,  
13 as prescribed, the Secretary of State shall call by proclamation in  
14 accordance with § 7-5-103(b) a special election to be held not ~~less than~~  
15 ~~thirty (30) days nor more than sixty (60)~~ ninety (90) days from the date of  
16 the clerk's certification.

17           ~~(2)(A) The special election shall occur on the second Tuesday of~~  
18 ~~any month, except as provided in subdivision (b)(2)(B) of this section.~~

19           ~~(B)(i) Special elections held in months in which a~~  
20 ~~presidential preferential primary election, preferential primary election,~~  
21 ~~general primary election, or general election is scheduled to occur shall be~~  
22 ~~held on the date of the presidential preferential primary election,~~  
23 ~~preferential primary election, general primary election, or general election.~~

24           ~~(ii) If a special election is held on the date of~~  
25 ~~the presidential preferential primary election, preferential primary~~  
26 ~~election, or general primary election, the issue or issues to be voted upon~~  
27 ~~at the special election shall be included on the ballot of each political~~  
28 ~~party. However, separate ballots containing only the issue or issues to be~~  
29 ~~voted upon at the special election shall be prepared and made available to~~  
30 ~~voters requesting a separate ballot.~~

31           ~~(iii) No voter shall be required to vote in a~~  
32 ~~political party's presidential preferential primary, preferential primary, or~~  
33 ~~general primary in order to be able to vote in the special election.~~

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



1  
2 SECTION 54. Arkansas Code § 14-48-105(b), concerning the procedure to  
3 change to another form of government, is amended to read as follows:

4 (b)(1) After the expiration of four (4) years from the date on which  
5 the first board of directors and mayor take office in a city organized under  
6 this chapter, a petition signed by electors equal in number to fifteen  
7 percent (15%) of the aggregate number of ballots cast for all candidates for  
8 mayor in the preceding general election may be presented to the mayor,  
9 calling for an election to consider any other form of municipal government  
10 authorized by the laws of this state.

11 (2)(A)(i) Thereupon, the mayor by proclamation in accordance  
12 with § 7-5-103(b) shall submit the question of organization of the city under  
13 the form of government stated in the petition at a special election to be  
14 held at a time specified therein, ~~not less than thirty (30) days after the~~  
15 ~~date of the proclamation.~~

16 (ii) The proclamation shall be published one (1)  
17 time at length in some newspaper having a general circulation in the city.

18 (B)(i) Notice of the election shall be published one (1)  
19 time a week for two (2) weeks in some newspaper having a general circulation  
20 in the city, the first publication to be not less than fifteen (15) days  
21 before the date set for the election.

22 (ii) No other notice of the election shall be  
23 necessary.

24 ~~(C)(i) The special election shall occur on the second~~  
25 ~~Tuesday of any month, except as provided in subdivisions (b)(2)(C)(ii)-(v) of~~  
26 ~~this section.~~

27 ~~(ii) Special elections held in months in which a~~  
28 ~~presidential preferential primary election, preferential primary election,~~  
29 ~~general primary election, or general election is scheduled to occur shall be~~  
30 ~~held on the date of the presidential preferential primary election,~~  
31 ~~preferential primary election, general primary election, or general election.~~

32 ~~(iii) If a special election is held on the date of~~  
33 ~~the presidential preferential primary election, preferential primary~~  
34 ~~election, or general primary election, the issue or issues to be voted upon~~  
35 ~~at the special election shall be included on the ballot of each political~~  
36 ~~party. However, separate ballots containing only the issue or issues to be~~

1 ~~voted upon at the special election shall be prepared and made available to~~  
 2 ~~voters requesting a separate ballot.~~

3 ~~(iv) No voter shall be required to vote in a~~  
 4 ~~political party's presidential preferential primary, preferential primary, or~~  
 5 ~~general primary in order to be able to vote in the special election.~~

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

9  
 10 SECTION 55. Arkansas Code § 14-48-108 is amended to read as follows:  
 11 14-48-108. Calling of elections for directors and mayor.

12 (a)(1) Within ten (10) days after the designation of the four (4)  
 13 wards, the Secretary of State by proclamation in accordance with § 7-5-  
 14 103(a) shall call special primary and general elections to be held in the  
 15 municipality for the purpose of electing seven (7) directors and a mayor.

16 (2)(A)~~(i)~~ The primary election shall be held ~~not less than~~  
 17 ~~thirty (30) days nor more than seventy five (75) days from the date of the~~  
 18 ~~proclamation~~ in accordance with § 7-5-103(a) .

19 ~~(ii) The primary election shall occur on the second~~  
 20 ~~Tuesday of any month, except as provided in subdivision (a)(2)(A)(iii)-(vi)~~  
 21 ~~of this section.~~

22 ~~(iii) Primary elections held in months in which a~~  
 23 ~~presidential preferential primary election, preferential primary election,~~  
 24 ~~general primary election, or general election is scheduled to occur shall be~~  
 25 ~~held on the date of the presidential preferential primary election,~~  
 26 ~~preferential primary election, general primary election, or general election.~~

27 ~~(iv) If a primary election is held on the date of~~  
 28 ~~the presidential preferential primary election, preferential primary~~  
 29 ~~election, or general 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. However, separate ballots containing only the issue or issues to be~~  
 32 ~~voted upon at the primary election shall be prepared and made available to~~  
 33 ~~voters requesting a separate ballot.~~

34 ~~(v) No voter shall be required to vote in a~~  
 35 ~~political party's presidential preferential primary, preferential primary, or~~  
 36 ~~general primary in order to be able to vote in the primary election.~~

1                   ~~(vi) Primary elections scheduled to occur in a month~~  
 2 ~~in which the second Tuesday is a legal holiday shall be held on the third~~  
 3 ~~Tuesday of the month.~~

4                   (B) The special general election shall be held ~~on a~~  
 5 ~~Tuesday not less than seven (7) days nor more than fifteen (15) days after~~  
 6 ~~the primary election in accordance with § 7-5-103(a) .~~

7                   (b) These elections shall be called and conducted, and the results  
 8 shall be determined and certified, as provided in § 14-48-109.

9  
 10                  SECTION 56. Arkansas Code § 14-48-109 is amended to read as follows:

11                  14-48-109. Election of directors and mayor - Oath.

12                  (a) Candidates for the office of director and mayor shall be nominated  
 13 and elected as follows:

14                   (1)(A)(i) A special election for the election of the initial  
 15 membership of the board of directors and mayor shall be called by the  
 16 Secretary of State as provided in § 14-48-108.

17                   (ii) The proclamation shall be published ~~through one~~  
 18 ~~(1) insertion in some newspaper having a bona fide circulation in the~~  
 19 ~~municipality. The publication shall be not less than sixty (60) days before~~  
 20 ~~the date of the primary election in accordance with § 7-5-103(a).~~

21                   (iii) For the initial election of directors and  
 22 mayor, any person desiring to become a candidate shall file within twenty  
 23 (20) days following the date of the proclamation by the Secretary of State  
 24 with the city clerk or recorder a statement of candidacy in the form and with  
 25 the supporting signatures as provided in this section. In all other respects,  
 26 the initial elections shall be governed by the provisions of this chapter for  
 27 holding municipal elections.

28                   (B)(i) Special elections to fill any vacancy under § 14-  
 29 48-115 shall be called through a resolution of the board.

30                   (ii) A proclamation of the election shall be signed  
 31 by the mayor and published ~~not less than sixty (60) days prior to the date of~~  
 32 ~~the election in accordance with § 7-5-103(a)~~ in some newspaper having a bona  
 33 fide circulation in the municipality;

34                   (2)(A) Candidates to be voted on at all elections to be held  
 35 under the provisions of this chapter shall be nominated by primary election,  
 36 and no names shall be placed upon the general election ballot except those

1 selected in the manner prescribed in this chapter.

2 (B)(i) The primary elections, other than the initial  
3 primary, for those nominations for offices to be filled at the municipal  
4 general election shall be held on the second Tuesday of August preceding the  
5 municipal general election.

6 (ii)(a) The elections shall be under the supervision  
7 of the county board of election commissioners, and the election judges and  
8 clerks appointed for the general election shall be the judges and clerks of  
9 the primary elections.

10 (b) Primary elections shall be held in the same places as are  
11 designated for the general election, so far as possible, and shall, so far as  
12 practicable, be conducted in the same manner as other elections under the  
13 laws of this state;

14 (3) Any person desiring to become a candidate for mayor or  
15 director shall file with the city clerk not less than ~~forty (40) days nor~~  
16 ~~more than sixty (60)~~ ninety (90) days nor more than one hundred ten (110)  
17 days prior to the primary election by twelve o'clock noon a statement of his  
18 or her candidacy in substantially the following form:

19

20 "STATE OF ARKANSAS

21

22 COUNTY OF. . . . .

23

24 I, . . . . ., being first duly sworn, state  
25 that I reside at. . . . . Street, City of. . . . .  
26 . . . . ., County and State  
27 aforesaid; that I am a qualified elector of said city and the ward in which I  
28 reside; that I am a candidate for nomination to the office of  
29 . . . . ., to be voted upon at

30

31 (Mayor) (Director)

32

33 the primary election to be held on the. . . . . day of . . . . ., 20. .  
34 . . . . ., and I hereby request that my name be placed upon the official primary  
35 election ballot for nomination by such primary election for such office and I  
36 herewith deposit the sum of ten dollars (\$10.00), the fee prescribed by

1 law.";

2 (4) The statement of candidacy and the petition for nomination  
3 supporting the candidacy of each candidate to be voted upon at any general or  
4 special election shall be filed with the city clerk or recorder not less than  
5 ~~forty (40) days nor more than sixty (60)~~ ninety (90) days nor more than one  
6 hundred ten (110) days before the election by twelve o'clock noon;

7 (5) The name of each candidate shall be supported by a petition  
8 for nomination signed by at least fifty (50) qualified electors of the  
9 municipality requesting the candidacy of the candidate. The petition shall  
10 show the residence address of each signer and carry an affidavit signed by  
11 one (1) or more persons in which the affiant or affiants shall vouch for the  
12 eligibility of each signer of the petition. Each petition shall be  
13 substantially in the following form:

14  
15 "The undersigned, duly qualified electors of the City of. . . . .  
16 . . . . ., Arkansas, each signer hereof residing at the address  
17 set opposite his or her signature, hereby requests that the name of. . . . .  
18 . . . . . be placed on the ballot as a candidate for  
19 election to Position No. . . . . on the Board of Directors (or Mayor) of  
20 said City of. . . . . at the election to be held in such city  
21 on the. . . . . day of. . . . .  
22 20. . . . We further state that we know said person to be a qualified  
23 elector of said city and a person of good moral character and qualified in  
24 our judgment for the duties of such office;

25 (6)(A) A petition for nomination shall not show the name of more  
26 than one (1) candidate.

27 (B) The name of the candidate mentioned in each petition,  
28 together with a copy of the election proclamation if the election is a  
29 special election, shall be certified by the city clerk or recorder to the  
30 county board of election commissioners not less than ~~thirty-five (35)~~ seventy  
31 (70) days before the election unless the clerk or recorder finds that the  
32 petition fails to meet with the requirements of this chapter.

33 (C)(i) Whether the names of the candidates so certified to  
34 the county board of election commissioners are to be submitted at a biennial  
35 general election or at a special election held on a different date, the  
36 county board of election commissioners shall have general supervision over

1 the holding of each municipal election.

2 (ii)(a) In this connection, the election board shall  
3 post the nominations, print the ballots, establish the voting precincts,  
4 appoint the election judges and clerks, determine and certify the results of  
5 the election, and determine the election expense chargeable to the city, all  
6 in the manner prescribed by law in respect to general elections; it is the  
7 intention of this chapter that the general election machinery of this state  
8 shall be utilized in the holding of all general and special elections  
9 authorized under this chapter.

10 (b) The result of the election shall be certified by the election  
11 board to the city clerk or recorder;

12 (7) The names of all candidates at the election shall be printed  
13 upon the ballot in an order determined by draw. If more than two (2)  
14 candidates qualify for an office, the names of all candidates shall appear on  
15 the ballot at the primary election;

16 (8)(A) If no candidate receives a majority of the votes cast in  
17 the primary, the two (2) candidates receiving the highest number of votes for  
18 mayor and for each director position to be filled shall be the nominees for  
19 those respective offices to be voted upon in the general election.

20 (B) If no more than two (2) persons qualify as candidates  
21 for the office of mayor or for any director position to be filled, no  
22 municipal primary election shall be held for these positions, and the names  
23 of the two (2) qualifying candidates for each office or position shall be  
24 placed upon the ballot at the municipal general election as the nominees for  
25 the respective positions. Primary elections shall be omitted in wards in  
26 which no primary contest is required.

27 (C) In any case in which only one (1) candidate shall have  
28 filed and qualified for the office of mayor or any director position, or if a  
29 candidate receives a clear majority of the votes cast in a primary election,  
30 that candidate shall be declared elected. The name of the person shall be  
31 certified as elected without the necessity of putting the person's name on  
32 the general municipal election ballot for the office;

33 (9) Any candidate defeated at any municipal primary election or  
34 municipal general election may contest it in the manner provided by law for  
35 contesting other elections.

36 (b) Each member of the board of directors, before entering upon the

1 discharge of his duties, shall take the oath of office required by Arkansas  
2 Constitution, Article 19, Section 20.

3  
4 SECTION 57. Arkansas Code § 14-48-114 is amended to read as follows:  
5 14-48-114. Removal of mayor or directors.

6 (a) Any person holding the office of mayor and any person holding the  
7 office of member of the board of directors of any city organized under the  
8 provisions of this chapter shall be subject to removal from the office by the  
9 electors qualified to vote for a successor of the incumbent.

10 (b) The procedure to effect the removal of a person holding the office  
11 shall be as follows:

12 (1) When petitions requesting the removal of any such officer,  
13 signed by qualified electors equal in number to thirty-five percent (35%) of  
14 the total number of votes cast for all candidates for that office at the  
15 preceding general municipal election at which the office was on the ballot,  
16 are filed with the city clerk, the clerk shall determine the sufficiency of  
17 the petitions within ten (10) days from the date of the filing.

18 (2) If the petitions are deemed sufficient, the clerk shall  
19 certify them to the county board of election commissioners.

20 (3)(A)~~(i)~~ The county board of election commissioners shall ~~call~~  
21 issue a proclamation in accordance with § 7-5-103(b) calling a special  
22 election on the question and shall fix a date for holding it not ~~less than~~  
23 ~~thirty (30) days nor more than sixty (60)~~ ninety (90) days from the date of  
24 the certification of the petitions by the clerk.

25 ~~(ii) The special election shall occur on the second~~  
26 ~~Tuesday of any month, except as provided in subdivision (b)(3)(B)-(E) of this~~  
27 ~~section.~~

28 ~~(B) Special elections held in months in which a~~  
29 ~~presidential preferential primary election, preferential primary election,~~  
30 ~~general primary election, or general election is scheduled to occur shall be~~  
31 ~~held on the date of the presidential preferential primary election,~~  
32 ~~preferential primary election, general primary election, or general election.~~

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

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

4                   ~~(D) No voter shall be required to vote in a political~~  
5 ~~party's presidential preferential primary, preferential primary, or general~~  
6 ~~primary in order to be able to vote in the special election.~~

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

10                   (4) At the election, the question shall be submitted to the  
11 electors in substantially the following form:

12  
13  
14  
15  
16  
17       "FOR the removal of .....from the office of

18  
19  
20                   (name of officer)

21  
22  
23  
24       .....[]

25  
26  
27                   (Mayor)                   (Director)

28  
29  
30  
31       AGAINST the removal of .....from the

32  
33  
34                   (name of officer)



1  
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3  
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34  
35  
36

office of .....["

(Mayor) (Director)

(5)(A) If a majority of the qualified electors voting on the question at the election shall vote for the removal of the officer, a vacancy shall exist in the office.

(B) If a majority of the qualified electors voting on the question at the election shall vote against the removal of the officer, the officer shall continue to serve during the term for which elected.

(c) No recall petition shall be filed against any officer until he shall have held his office for at least six (6) months.

SECTION 58. Arkansas Code § 14-48-115 is amended to read as follows:  
14-48-115. Mayor or director vacancy.

(a) In the case of a vacancy in the office of mayor or in the office of a member of the board of directors as a result of death, resignation, a recall election as provided for in § 14-48-114, or for any other reason, the board, by majority vote, shall appoint a person to fill the vacancy if the vacancy occurs less than six (6) months before the next general municipal election at which the remainder of the unexpired term shall be filled.

~~(b)(1)~~ If the vacancy occurs more than (6) months prior to the next general municipal election, a special election to fill the vacancy shall be called ~~to fill the vacancy~~ by proclamation issued in accordance with § 7-5-103(a) by:

(A) The mayor, if the vacancy is in a board position; or

(B) The highest ranking member of the board of directors, if the vacancy is in the mayor's position.

~~(2)(A) The special election shall occur on the second Tuesday of any month, except as provided in subdivisions (b)(2)(B) (E) of this section.~~

~~(B) Special elections 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.~~

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

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

8                   ~~(D) No voter shall be required to vote in a political~~  
 9 ~~party's presidential preferential primary, preferential primary, or general~~  
 10 ~~primary in order to be able to vote in the special election.~~

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

14  
 15           SECTION 59. Arkansas Code § 14-57-704(a), concerning special elections  
 16 on the vehicle tax, is amended to read as follows:

17           (a)(1) Before the vehicle tax levied by the governing body of any city  
 18 of the first class or city of the second class or incorporated town upon  
 19 vehicle owners residing in the city or town may be collected, the mayor shall  
 20 call a special election in accordance with § 7-5-103(b).

21           (2)~~(A)~~ This election shall be held not ~~less than thirty (30)~~  
 22 ~~days nor~~ more than ~~sixty (60)~~ ninety (90) days from the date of the ~~adoption~~  
 23 ~~of the levy of the tax by the governing body of the city or town~~ publication  
 24 of the proclamation, at which the qualified electors of the city or town  
 25 shall vote on the question of the levy of the tax.

26           ~~(B)(i) The special election shall occur on the second~~  
 27 ~~Tuesday of any month, except as provided in subdivision (a)(2)(B)(ii) of this~~  
 28 ~~section.~~

29                   ~~(ii) Special elections held in months in which a~~  
 30 ~~presidential preferential primary election, preferential primary election,~~  
 31 ~~general primary election, or general election is scheduled to occur shall be~~  
 32 ~~held on the date of the presidential preferential primary election,~~  
 33 ~~preferential primary election, general primary election, or general election.~~

34           (2)(A)(i) ~~If a special election is held on the date of the~~  
 35 ~~presidential preferential primary election, preferential primary election, or~~  
 36 ~~general primary election, the issue or issues to be voted upon at the special~~

1 ~~election shall be included on the ballot of each political party.~~

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

5 ~~(B) No voter shall be required to vote in a political~~  
 6 ~~party's presidential preferential primary, preferential primary, or general~~  
 7 ~~primary in order to be able to vote in the special election.~~

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

11  
 12 SECTION 60. Arkansas Code § 14-61-113 is amended to read as follows:  
 13 14-61-113. Petition process for special elections.

14 Except for questions that may be referred to the voters by the board of  
 15 directors, unless it is a city where a federal court has ordered the  
 16 redistricting of wards under the federal Voting Rights Act, options provided  
 17 by this chapter shall be voted on at special elections called as a result of  
 18 a petition for the special election being filed with the city clerk and  
 19 provided to the mayor. The following procedure shall be utilized for both  
 20 initial elections to organize under the management form of government, for  
 21 reorganization elections by a city already operating under the management  
 22 form of government, and for elections to reorganize the selection of  
 23 directors in cities where a federal court has ordered the redistricting of  
 24 wards under the federal Voting Rights Act:

25 (1) A petition that calls for an election on one (1) particular  
 26 option for selecting members of the board of directors using the form of the  
 27 question outlined in § 14-61-115(b) shall be filed with the city clerk and  
 28 provided to the mayor. The city clerk shall note on the petition the date and  
 29 time that it was filed. If such a petition contains the signatures of  
 30 electors equal in number to fifteen percent (15%) of the number of ballots  
 31 cast for the mayor, or if the mayor is not directly elected, for the director  
 32 position receiving the highest number of votes, in the last general election,  
 33 then the mayor, by proclamation in accordance with § 7-5-103(b), shall submit  
 34 the question to the electors at a special election, provided:

35 (A)(i) The city clerk shall verify the number of  
 36 signatures on the petitions within ten (10) days of the date they are filed.

1 (ii) If there are insufficient signatures on the  
 2 petitions, the petitioners shall not receive any extensions for the petition.

3 (iii) If, however, there are a sufficient number of  
 4 signatures on the petitions but the city clerk is unable to verify the  
 5 required number of signatures as those of qualified electors, then the  
 6 petitioners will be given ten (10) days to provide a sufficient number of  
 7 verified signatures;

8 (B) The proclamation calling the special election shall be  
 9 issued within three (3) working days of the date the city clerk verifies the  
 10 number of signatures on the petitions;

11 (C)(i) The special election shall be held not ~~less than~~  
 12 ~~thirty (30) nor~~ more than sixty (60) days after the proclamation calling the  
 13 election, provided that if the county board of election commissioners  
 14 certifies in writing that it cannot prepare the ballots because of other  
 15 pending elections, then the election can be held not more than ~~seventy-five~~  
 16 ~~(75)~~ ninety (90) days after the proclamation.

17 ~~(ii)(a) The special election shall occur on the~~  
 18 ~~second Tuesday of any month, except as provided in subdivision (1)(C)(ii)(b)~~  
 19 ~~of this section.~~

20 ~~(b)(1)(A) Special elections held in months in which a presidential~~  
 21 ~~preferential primary election, preferential primary election, general primary~~  
 22 ~~election, or general election is scheduled to occur shall be held on the date~~  
 23 ~~of the presidential preferential primary election, preferential primary~~  
 24 ~~election, general primary election, or general election.~~

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

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

32 ~~(ii) No voter shall be required to vote in a~~  
 33 ~~political party's presidential preferential primary, preferential primary, or~~  
 34 ~~general primary in order to be able to vote in the special election.~~

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

1 ~~month.~~

2 (2) Except for the provisions of subdivision (1)(A) of this  
 3 section, if petitions filed with the mayor that call for an election on one  
 4 (1) of the options set forth in this chapter are found to be insufficient for  
 5 any reason whatsoever, then new petitions will have to be circulated and  
 6 filed before the question can be considered again.

7 (3) Notwithstanding subdivision (2) of this section, if two (2)  
 8 or more groups file petitions seeking a special election on one (1) of the  
 9 options set forth in this chapter, and the first filed petitions are declared  
 10 to be insufficient, then the city clerk will determine the sufficiency of the  
 11 petitions that were filed next in time. Otherwise, upon a declaration that a  
 12 set of petitions is sufficient and the first in time, then all petitions  
 13 filed after the first sufficient petitions and before the special election  
 14 shall be deemed moot and may be destroyed.

15 (4) Once an election has been held pursuant to the provisions of  
 16 any act that results in a change in the manner of selecting the governing  
 17 body of a city with the manager form of government, or seeks to reorganize a  
 18 manager-government city under any other form of government, then none of the  
 19 options presented by this chapter, or any act concerning the organization of  
 20 the government under any form of municipal government, may be submitted to  
 21 the voters for a period of four (4) years from the date of the election.

22 (5) Except as provided in § 14-61-114(a), if an election held  
 23 pursuant to the provisions of any act fails to result in a change in the  
 24 manner of selecting the governing body of a city with the manager form of  
 25 government, or fails to reorganize such a city under any other form of  
 26 government, then no other petitions seeking to adopt any of the options  
 27 presented by this chapter, or to reorganize the city under any form of  
 28 municipal government, may be submitted to the voters for a period of two (2)  
 29 years from the date of the election.

30

31 SECTION 61. Arkansas Code § 14-61-119(g), concerning the removal of  
 32 city directors, is amended to read as follows:

33 (g) If the board shall find the petition thus submitted to it contains  
 34 the requisite number of electors signed thereto and is otherwise found to be  
 35 sufficient, it shall order and fix a date for holding an election in  
 36 accordance with § 7-5-103(b). This date shall be not ~~less than thirty (30)~~

1 ~~days nor~~ more than ~~forty (40)~~ ninety (90) days from the date of the clerk's  
2 certificate to the board that a sufficient petition is filed.

3  
4 SECTION 62. Arkansas Code § 14-72-303 is amended to read as follows:

5 14-72-303. Submission of question to electors - Special election.

6 (a) If the county court decides that it would be advantageous to issue  
7 bonds under the authority of Arkansas Constitution, Amendment 17 [repealed],  
8 this section, and §§ 14-72-301, 14-72-302, and 14-72-304 - 14-72-307, it  
9 shall order the submission of the question to the qualified electors of the  
10 county at ~~the next general election~~ a special election to be held in  
11 accordance with § 7-5-103(b).

12 ~~(b)(1) However, if no general election for county and state officers~~  
13 ~~will be held under the law within one (1) year of the making of the order,~~  
14 ~~then the county court by order entered of record may call a special election~~  
15 ~~in the county. This election shall be held not less than thirty (30) days nor~~  
16 ~~more than sixty (60) days thereafter, and the county court shall name the~~  
17 ~~date therefor.~~

18 ~~(2)(A) The special election shall occur on the second Tuesday of~~  
19 ~~any month, except as provided in subdivision (b)(2)(B) of this section.~~

20 ~~(B)(i)(a) Special elections held in months in which a~~  
21 ~~presidential preferential primary election, preferential primary election, or~~  
22 ~~general primary election is scheduled to occur shall be held on the date of~~  
23 ~~the presidential preferential primary election, preferential primary~~  
24 ~~election, or general primary election.~~

25 ~~(b)(1)(A) If a special election is held on the date of the presidential~~  
26 ~~preferential primary election, preferential primary election, or general~~  
27 ~~primary election, the issue or issues to be voted upon at the special~~  
28 ~~election shall be included on the ballot of each political party.~~

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

32 ~~(2) No voter shall be required to vote in a political party's~~  
33 ~~presidential preferential primary, preferential primary, or general primary~~  
34 ~~in order to be able to vote in the special election.~~

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

1 ~~Tuesday of the month.~~

2 ~~(e)(b)~~ In all other respects, the special election shall be held as  
 3 provided by law for the conducting of general elections. It is made the duty  
 4 of the sheriff of the county, by proclamation duly made and published for the  
 5 time and in the manner provided by law, to give notice of the time and place  
 6 of holding the election.

7  
 8 SECTION 63. Arkansas Code § 14-72-606 is amended to read as follows:  
 9 14-72-606. Election procedures - Contest.

10 (a)(1) Whenever a county or municipality shall determine the need to  
 11 issue revenue bonds, the issuance of which under the Constitution of the  
 12 State of Arkansas requires approval at an election, the legislative body  
 13 thereof shall, by ordinance, submit the question of the issuance of the  
 14 revenue bonds to the qualified electors of the county or municipality.

15 (2) The question of the issuance of revenue bonds may be  
 16 submitted at a ~~general election or at a~~ special election called for that  
 17 purpose in accordance with § 7-5-103(b), as provided in the ordinance, and  
 18 held in the manner provided in this subchapter.

19 (3) When revenue bonds are to be issued for more than one (1)  
 20 purpose, the principal amount of revenue bonds applicable to each purpose  
 21 shall be stated on the ballot as a separate question, and no revenue bonds  
 22 shall be issued for such a purpose unless a majority of the electors voting  
 23 on the question shall have approved the issuance of revenue bonds for that  
 24 purpose.

25 (4) Except as otherwise provided in this subchapter, the  
 26 election shall be held and conducted in the same manner as a special or  
 27 general election under the election laws of the state.

28 (b)(1) The ordinance shall set forth the form of ballot questions,  
 29 which shall include a statement of the purposes for which the revenue bonds  
 30 are to be issued and the proposed sources of repayment of the revenue bonds.

31 (2)~~(A)~~ Notice of the election shall be given by the clerk of the  
 32 county or municipality by one (1) publication in a newspaper having general  
 33 circulation within the county or municipality not less than ten (10) days  
 34 prior to the election.

35 ~~(B) No other publication or posting of a notice by any~~  
 36 ~~other public official shall be required.~~

1           ~~(3)(A) The election shall be held no earlier than thirty (30)~~  
 2 ~~days after the date of adoption of the ordinance in which the election is~~  
 3 ~~called by the legislative body.~~

4           ~~(B)(i) The election shall occur on the second Tuesday of~~  
 5 ~~any month, except as provided in subdivision (b)(3)(B)(ii) of this section.~~

6           ~~(ii) Elections held in months in which a~~  
 7 ~~presidential preferential primary election, preferential primary election,~~  
 8 ~~general primary election, or general election is scheduled to occur shall be~~  
 9 ~~held on the date of the presidential preferential primary election,~~  
 10 ~~preferential primary election, general primary election, or general election.~~

11           ~~(2)(A)(i) If an election is held on the date of the presidential~~  
 12 ~~preferential primary election, preferential primary election, general primary~~  
 13 ~~election, or primary election, the issue or issues to be voted upon at the~~  
 14 ~~election shall be included on the ballot of each political party.~~

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

18           ~~(B) No voter shall be required to vote in a political~~  
 19 ~~party's presidential preferential primary, preferential primary, or general~~  
 20 ~~primary in order to be able to vote in the election.~~

21           ~~(b) Elections scheduled to occur in a month in which the second~~  
 22 ~~Tuesday is a legal holiday shall be held on the third Tuesday of the month.~~

23           (c)(1) The county judge or mayor of the county or municipality shall  
 24 proclaim the results of the election by issuing a proclamation and publishing  
 25 the proclamation one (1) time in a newspaper having general circulation  
 26 within the county or municipality.

27           (2)(A) The results of the election as stated in the proclamation  
 28 shall be conclusive unless suit is filed in the circuit court in the county  
 29 in which the municipality is located within thirty (30) days after the date  
 30 of the publication.

31           (B) No other action shall be maintained to challenge the  
 32 validity of the revenue bonds and of the proceedings authorizing the issuance  
 33 of the bonds unless suit is filed in the circuit court within thirty (30)  
 34 days after the date of the adoption of an ordinance authorizing the sale of  
 35 the revenue bonds.

36



1 SECTION 64. Arkansas Code § 14-120-209 is amended to read as follows:  
2 14-120-209. Date of election.

3 ~~(a)~~ The election shall be held on a date to be fixed by the directors  
4 of the drainage and levee improvement district at a ~~regular or~~ special  
5 meeting called for that purpose in accordance with § 7-5-103(b). However, the  
6 date of the election shall be not less than sixty (60) days nor more than one  
7 hundred eighty (180) days next succeeding the date of the first publication  
8 of the notice of the filing of the outline of the project with the district  
9 as provided in § 14-120-206(c).

10 ~~(b)(1) The special election shall occur on the second Tuesday of any~~  
11 ~~month, except as provided in subdivision (b)(2) of this section.~~

12 ~~(2)(A)(i) Special elections held in months in which a~~  
13 ~~presidential preferential primary election, preferential primary election,~~  
14 ~~general primary election, or general election is scheduled to occur shall be~~  
15 ~~held on the date of the presidential preferential primary election,~~  
16 ~~preferential primary election, general primary election, or general election.~~

17 ~~(ii) If a special election is held on the date of~~  
18 ~~the presidential preferential primary election, preferential primary~~  
19 ~~election, or general primary election, the issue or issues to be voted upon~~  
20 ~~at the special election shall be included on the ballot of each political~~  
21 ~~party.~~

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

25 ~~(b) No voter shall be required to vote in a political party's~~  
26 ~~presidential preferential primary, preferential primary, or general primary~~  
27 ~~in order to be able to vote in the special election.~~

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

31  
32 SECTION 65. Arkansas Code § 14-122-104 is amended to read as follows:  
33 14-122-104. Filing referendum petitions - Special election.

34 ~~(a)~~ If petitions signed by not less than fifteen percent (15%) of the  
35 qualified electors voting on the office of mayor in the city at the last  
36 preceding general election are filed with the city clerk of the city within

1 forty-five (45) days after the enactment of the ordinance creating the  
 2 municipal drainage improvement district requesting that the ordinance be  
 3 referred to a vote of the qualified electors of the district, the petitions  
 4 shall be referred to the people at a special election to be called by the  
 5 mayor of the municipality in accordance with § 7-5-103(b) to be held not less  
 6 than ~~thirty (30) days nor~~ more than ~~sixty (60)~~ ninety (90) days after the  
 7 ~~filing of the petitions~~ proclamation.

8 ~~(b)(1) The special election shall occur on the second Tuesday of any~~  
 9 ~~month, except as provided in subdivision (b)(2) of this section.~~

10 ~~(2)(A)(i) Special elections held in months in which a~~  
 11 ~~presidential preferential primary election, preferential primary election,~~  
 12 ~~general primary election, or general election is scheduled to occur shall be~~  
 13 ~~held on the date of the presidential preferential primary election,~~  
 14 ~~preferential primary election, general primary election, or general election.~~

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

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

22 ~~(b) No voter shall be required to vote in a political party's~~  
 23 ~~presidential preferential primary, preferential primary, or general primary~~  
 24 ~~in order to be able to vote in the special election.~~

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

28  
 29 SECTION 66. Arkansas Code § 14-142-208 is amended to read as follows:  
 30 14-142-208. Bonds generally - Election to authorize issuance.

31 (a) The question of the issuance of such bonds shall be submitted to  
 32 the electors of the municipality or county at the general election, or at a  
 33 special election called for that purpose in accordance with § 7-5-103(b), as  
 34 provided in the ordinance or order and held in the manner provided in this  
 35 subchapter; provided, however, that no voter residing within a municipality  
 36 levying a maintenance tax for libraries or levying a tax pledged for the

1 purpose of retiring library bonds issued by the municipality or pledged to  
 2 pay for capital improvements to or construction of a public library pursuant  
 3 to Arkansas Constitution, Amendment 30 and Amendment 72, shall be entitled to  
 4 vote on the question of the issuance of bonds by the county within which the  
 5 municipality is located as authorized pursuant to Arkansas Constitution,  
 6 Amendment 38 and Amendment 72, and this section.

7 (b)(1) Except as otherwise provided in this subchapter, the election  
 8 shall be held and conducted in the same manner as a special or general  
 9 election under the election laws of the state.

10 (2) The ordinance or order shall set forth the form of the  
 11 ballot question or questions in the form prescribed by Arkansas Constitution,  
 12 Amendment 30 or Amendment 38, as amended by Arkansas Constitution, Amendment  
 13 72.

14 (3) Notice of the election shall be given by the clerk of the  
 15 issuer by one (1) publication in a newspaper having general circulation  
 16 within the municipality or county not less than ten (10) days prior to the  
 17 election. No other publication or posting of a notice by any other public  
 18 official shall be required.

19 ~~(4)(A)(i) The election shall be held no earlier than thirty (30)~~  
 20 ~~days after the date of adoption of the ordinance or entry of the order in~~  
 21 ~~which the election is called.~~

22 ~~(ii) The election shall occur on the second Tuesday~~  
 23 ~~of any month, except as provided in subdivision (b)(4)(B) of this section.~~

24 ~~(B)(i) Elections held in months in which a presidential~~  
 25 ~~preferential primary election, preferential primary election, general primary~~  
 26 ~~election, or general election is scheduled to occur shall be held on the date~~  
 27 ~~of the presidential preferential primary election, preferential primary~~  
 28 ~~election, general primary election, or general election.~~

29 ~~(ii) If an election is held on the date of the~~  
 30 ~~presidential preferential primary election, preferential primary election, or~~  
 31 ~~general primary election, the issue or issues to be voted upon at the~~  
 32 ~~election shall be included on the ballot of each political party.~~

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

36 ~~(b) No voter shall be required to vote in a political party's~~

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

3 ~~(iii) 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 (c) The chief executive officer of the municipality or county shall  
 7 proclaim the results of the election by issuing a proclamation and publishing  
 8 it one (1) time in a newspaper having general circulation within the  
 9 municipality or county.

10 (d)(1) The results of the election as stated in the proclamation shall  
 11 be conclusive unless suit is filed in the circuit court in the county in  
 12 which the issuer is located within thirty (30) days after the date of the  
 13 publication.

14 (2) No other action shall be maintained to challenge the  
 15 validity of the bonds and of the proceedings authorizing the issuance of the  
 16 bonds unless suit is filed in such circuit court within thirty (30) days  
 17 after the date of adoption of an ordinance or entry of the order authorizing  
 18 the sale of the bonds.

19  
 20 SECTION 67. Arkansas Code § 14-163-207(d), concerning the levy of  
 21 special taxes, is amended to read as follows:

22 (d)(1) At the time, date, and place specified in the notice, the  
 23 governing body of the city shall hold the hearing and shall determine and  
 24 make a finding as to whether or not the petition is signed by at least ten  
 25 percent (10%) of the owners of real property in the city.

26 (2)(A) If the governing body finds that the petition is signed  
 27 by the requisite owners of real property, it shall adopt an ordinance setting  
 28 forth its finding and calling a special election to be held in the city ~~on~~  
 29 ~~the date specified in the ordinance, which shall not occur earlier than~~  
 30 ~~thirty (30) days after the passage of the ordinance~~ in accordance with § 7-5-  
 31 103(b).

32 (B) The ordinance shall be published one (1) time.

33 ~~(3) The special election shall occur on the second Tuesday of~~  
 34 ~~any month, except as provided in subdivision (d)(4)(B) of this section.~~

35 ~~(4)(A)(i) Special elections held in months in which a~~  
 36 ~~presidential preferential primary election, preferential primary election,~~

~~1 general primary election, or general election is scheduled to occur shall be  
 2 held on the date of the presidential preferential primary election,  
 3 preferential primary election, general primary election, or general election.~~

~~4 (ii)(a) If a special election is held on the date of  
 5 the presidential preferential primary election, preferential primary  
 6 election, or general primary election, the issue or issues to be voted upon  
 7 at the special election shall be included on the ballot of each political  
 8 party.~~

~~9 (b) However, separate ballots containing only the issue or issues to  
 10 be voted upon at the special election shall be prepared and made available to  
 11 voters requesting a separate ballot.~~

~~12 (iii) No voter shall be required to vote in a  
 13 political party's presidential preferential primary, preferential primary, or  
 14 general primary in order to be able to vote in the special election.~~

~~15 (B) Special elections scheduled to occur in a month in  
 16 which the second Tuesday is a legal holiday shall be held on the third  
 17 Tuesday of the month.~~

(C) The finding that the petition is sufficient shall be  
 19 conclusive unless attacked in the courts within thirty (30) days after the  
 20 date of publication of the ordinance.

(D)(i) The ordinance shall contain at least the  
 22 information set forth in this section as required information to be included  
 23 in the petition.

(ii) In addition, the ordinance shall specify the  
 25 form of the ballot to be submitted to the electors.

SECTION 68. Arkansas Code § 14-164-309 is amended to read as follows:

14-164-309. Bonds generally - Election to authorize issuance.

(a) The question of the issuance of such bonds shall be submitted to  
 30 the electors of the county or municipality at the general election or at a  
 31 special election called for that purpose in accordance with § 7-5-103(b) as  
 32 provided in the ordinance and held in the manner provided in this subchapter.

(b) Except as otherwise provided in this subchapter, the election  
 34 shall be held and conducted in the same manner as a special or general  
 35 election under the election laws of the state.

(c) The ordinance shall set forth the form of the ballot question or

1 questions, which shall include a statement of the purpose or purposes for  
2 which the bonds are to be issued and the maximum rate of any ad valorem tax  
3 to be levied for payment of bonded indebtedness.

4 (d) Notice of the election shall be given by the clerk of the issuer  
5 by one (1) publication in a newspaper having general circulation within the  
6 municipality or county not less than ten (10) days prior to the election. No  
7 other publication or posting of a notice by any other public official shall  
8 be required.

9 ~~(e)(1) The election shall be held no earlier than thirty (30) days~~  
10 ~~after the date of adoption of the ordinance in which the election is called~~  
11 ~~by the legislative body.~~

12 ~~(2)(A) The election shall occur on the second Tuesday of any~~  
13 ~~month, except as provided in subdivision (e)(2)(B) of this section.~~

14 ~~(B)(i) Elections held in months in which a presidential~~  
15 ~~preferential primary election, preferential primary election, general primary~~  
16 ~~election, or general election is scheduled to occur shall be held on the date~~  
17 ~~of the presidential preferential primary election, preferential primary~~  
18 ~~election, general primary election, or general election.~~

19 ~~(ii)(a) If an election is held on the date of the~~  
20 ~~presidential preferential primary election, preferential primary election, or~~  
21 ~~general primary election, the issue or issues to be voted upon at the~~  
22 ~~election shall be included on the ballot of each political party.~~

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

26 ~~(iii) No voter shall be required to vote in a~~  
27 ~~political party's presidential preferential primary, preferential primary, or~~  
28 ~~general primary in order to be able to vote in the election.~~

29 ~~(iv) Elections scheduled to occur in a month in~~  
30 ~~which the second Tuesday is a legal holiday shall be held on the third~~  
31 ~~Tuesday of the month.~~

32 ~~(f)(e)~~ The chief executive officer of the municipality or county shall  
33 proclaim the results of the election by issuing a proclamation and publishing  
34 it one (1) time in a newspaper having general circulation within the  
35 municipality or county.

36 ~~(g)(f)~~(1) The results of the election as stated in the proclamation

1 shall be conclusive unless suit is filed in the circuit court in the county  
2 in which the issuer is located within thirty (30) days after the date of the  
3 publication.

4 (2) No other action shall be maintained to challenge the  
5 validity of the bonds and of the proceedings authorizing the issuance of the  
6 bonds unless suit is filed in such circuit court within thirty (30) days  
7 after the date of the adoption of an ordinance authorizing the sale of the  
8 bonds.

9  
10 SECTION 69. Arkansas Code § 14-174-103 is amended to read as follows:  
11 14-174-103. Levy of new taxes permitted.

12 (a)(1)(A) In addition to all other authority of local governments to  
13 levy taxes provided by law, any county, acting through its quorum court, or  
14 any municipality, acting through its governing body, may levy any tax.

15 (B)(i) However, no ordinance levying any tax authorized by  
16 this subchapter shall be valid until adopted at a special ~~or general~~ election  
17 in accordance with § 7-5-103(b) by qualified electors of the city or in the  
18 county where the tax is to be imposed, as the case may be.

19 (ii) An election will also be required to increase,  
20 decrease, or repeal a tax levied pursuant to this subchapter.

21 ~~(2)(A) A special election held under this section shall occur on~~  
22 ~~the second Tuesday of any month, except as provided in subdivision (a)(2)(B)~~  
23 ~~of this section.~~

24 ~~(B)(i)(a) Special elections held in months in which a~~  
25 ~~presidential preferential primary election, preferential primary election,~~  
26 ~~general primary election, or general election is scheduled to occur shall be~~  
27 ~~held on the date of the presidential preferential primary election,~~  
28 ~~preferential primary election, general primary election, or general election.~~

29 ~~(b)(1)(A) If a special election is held on the date of the~~  
30 ~~presidential preferential primary election, preferential primary election, or~~  
31 ~~general primary election, the issue or issues to be voted upon at the special~~  
32 ~~election shall be included on the ballot of each political party.~~

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

36 ~~(2) No voter shall be required to vote in a political party's~~

~~presidential preferential primary, preferential primary, or general primary in order to be able to vote in the special election.~~

~~(ii) 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.~~

(b) Nothing in this subchapter shall be construed to diminish the existing powers of county governments or city governments.

(c) Nothing in this subchapter shall terminate, repeal, or otherwise affect any other tax levied by a local government.

(d) The local government levying the tax shall collect and administer the tax.

SECTION 70. Arkansas Code § 14-200-107 is amended to read as follows:

14-200-107. Election to authorize purchase by municipality.

(a) Any municipality may determine to acquire the property of a public utility as authorized under the provisions of this act by the vote of the municipal council or city commission, taken after a public hearing, of which at least thirty (30) days' notice has been given, and ratified and confirmed by a majority of the electors voting thereon at any general or special municipal election held ~~not less than thirty (30) days after a passage of the vote of the municipal council or city commissioners~~ in accordance with § 7-5-103(b).

~~(b)(1) A special election held under this section shall occur on the second Tuesday of any month, except as provided in subdivision (b)(2) of this section.~~

~~(2)(A)(i) Special elections 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.~~

~~(ii) 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.~~

~~(2) Separate ballots containing only the issue or issues to be~~



1 ~~voted upon at the special election shall be prepared and made available to~~  
 2 ~~voters requesting a separate ballot.~~

3 ~~(b) No voter shall be required to vote in a political party's~~  
 4 ~~presidential preferential primary, preferential primary, or general primary~~  
 5 ~~in order to be able to vote in the special election.~~

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

9  
 10 SECTION 71. Arkansas Code § 14-201-109 is amended to read as follows:

11 14-201-109. Abolition of commission.

12 (a)(1) When such a utility commission has been established pursuant to  
 13 this subchapter by the city council or other governing body it cannot be  
 14 abolished except by a majority vote of the electorate of the city at either a  
 15 special election called for the purpose ~~or at a general election.~~

16 (2) No abolishment of any such commission, whether pursuant to  
 17 the provisions of this subchapter or otherwise, shall affect the rights,  
 18 properties, or obligations held or incurred by the commission.

19 (b)(1) If twenty-five percent (25%) of the electors of the city  
 20 petition the city council to do so, a special election shall be ordered in  
 21 accordance with § 7-5-103(b) not later than fourteen (14) days from the date  
 22 on which the petition was filed to be held ~~within sixty (60)~~ at least ninety  
 23 (90) days after the order on the question whether the utility commission  
 24 shall be abolished or continued.

25 ~~(2)(A) The special election shall occur on the second Tuesday of~~  
 26 ~~any month, except as provided in subdivision (b)(2)(B) of this section.~~

27 ~~(B)(i) Special elections held in months in which a~~  
 28 ~~presidential preferential primary election, preferential primary election,~~  
 29 ~~general primary election, or general election is scheduled to occur shall be~~  
 30 ~~held on the date of the presidential preferential primary election,~~  
 31 ~~preferential primary election, general primary election, or general election.~~

32 ~~(ii)(a) If a special election is held on the date of~~  
 33 ~~the presidential preferential primary election, preferential primary~~  
 34 ~~election, or general primary election, the issue or issues to be voted upon~~  
 35 ~~at the special election shall be included on the ballot of each political~~  
 36 ~~party.~~

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

4           ~~(c) No voter shall be required to vote in a political party's~~  
 5 ~~presidential preferential primary, preferential primary, or general primary~~  
 6 ~~in order to be able to vote in the special election.~~

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

10           ~~(3)(2)~~ A majority vote of the electorate shall determine the  
 11 question.

12  
 13           SECTION 72. Arkansas Code § 14-206-103 is amended to read as follows:  
 14           14-206-103. Confirmation by electors.

15           (a)(1) Any municipality may determine to seek approval from the  
 16 commission to acquire the property of a gas or electric public utility as  
 17 authorized under the provisions of this chapter by the vote of the municipal  
 18 council, city commission, or governing body taken after a public hearing, of  
 19 which at least thirty (30) days' notice has been given by publication in  
 20 newspapers having a general circulation within the municipality. This vote  
 21 shall have been ratified and confirmed by a majority of the electors voting  
 22 thereon at any ~~general or~~ special election held ~~not less than thirty (30)~~  
 23 ~~days after a passage of the vote of the municipal council or city~~  
 24 ~~commissioners in accordance with § 7-5-103(b).~~

25           ~~(2)(A) A special election held under this section shall occur on~~  
 26 ~~the second Tuesday of any month, except as provided in subdivision (a)(2)(B)~~  
 27 ~~of this section.~~

28           ~~(B)(i)(a) Special elections held in months in which a~~  
 29 ~~presidential preferential primary election, preferential primary election,~~  
 30 ~~general primary election, or general election is scheduled to occur shall be~~  
 31 ~~held on the date of the presidential preferential primary election,~~  
 32 ~~preferential primary election, general primary election, or general election.~~

33           ~~(b)(1)(A) If a special election is held on the date of the~~  
 34 ~~presidential preferential primary election, preferential primary election, or~~  
 35 ~~general primary election, the issue or issues to be voted upon at the special~~  
 36 ~~election shall be included on the ballot of each political party.~~

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

4                   ~~(2) No voter shall be required to vote in a political party's~~  
 5 ~~presidential preferential primary, preferential primary, or general primary~~  
 6 ~~in order to be able to vote in the special election.~~

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

10           (b)(1) In the event the vote of the municipal council, city  
 11 commission, or governing body is ratified and confirmed by a majority of the  
 12 electors voting thereon, the clerk of the municipality shall notify the  
 13 commission of the results of the election within ninety (90) days thereafter.

14           (2) Within one (1) year after the election, the municipality may  
 15 file with the commission an application for approval of a certificate for the  
 16 acquisition or purchase of the property of a gas or electric public utility  
 17 as provided in this chapter.

18  
 19           SECTION 73. Arkansas Code § 14-283-101 is amended to read as follows:  
 20           14-283-101. Petition for special election.

21           (a) When petitions are filed with the county court of any county  
 22 containing the signatures of ten percent (10%) or more of the qualified  
 23 electors of all or any defined part of any county, or all or any defined part  
 24 of any city, as determined by the number of votes cast by the qualified  
 25 electors of the county, city, or designated portion thereof, for all  
 26 candidates for Governor at the last preceding general election, requesting  
 27 the establishment of a mosquito abatement district in the county or a  
 28 designated portion of the county or in the city or designated portion of the  
 29 city and requesting that assessed benefits be made on the property located in  
 30 the district to finance the operation of the district, the county court shall  
 31 call a special election in accordance with § 7-5-103(b) in the county, city,  
 32 or designated area of the city to determine whether a mosquito abatement  
 33 district shall be established for the area.

34           (b) Petitions filed pursuant to subsection (a) of this section shall  
 35 specifically define the area proposed to be included in a mosquito abatement  
 36 district and shall specify the maximum assessed benefits or taxes which may

1 be levied against property within the district for the support of the  
 2 district. In no event shall the assessed benefits in any district exceed an  
 3 amount equal to one percent (1%) of the assessed valuation of real property  
 4 in the district.

5 (c) The quorum court of the county may on its own motion enact an  
 6 ordinance directing the county court to call a special election in accordance  
 7 with § 7-5-103(b) in the county, city, or designated area of the city to  
 8 determine whether a mosquito abatement district shall be established for the  
 9 area.

10  
 11 SECTION 74. Arkansas Code § 14-283-102(a), concerning procedures for  
 12 special elections on the question of the establishment and financing of  
 13 mosquito abatement districts, is amended to read as follows:

14 (a)(1) The special election called by the county court to submit the  
 15 question of the establishment and financing of a mosquito abatement district  
 16 to the electors of the proposed district shall be held in accordance with §  
 17 7-5-103(b) within ninety (90) days after the ~~filing of the petitions~~  
 18 ~~requesting proclamation calling~~ the election.

19 ~~(2)(A) The special election shall occur on the second Tuesday of~~  
 20 ~~any month, except as provided in subdivision (a)(2)(B) of this section.~~

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

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

34 ~~(iii) No voter shall be required to vote in a~~  
 35 ~~political party's presidential preferential primary, preferential primary, or~~  
 36 ~~general primary in order to be able to vote in the special election.~~



~~1 general primary election, or general election is scheduled to occur shall be  
2 held on the date of the presidential preferential primary election,  
3 preferential primary election, general primary election, or general election.~~

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

~~8 (ii) However, separate ballots containing only the  
9 issue or issues to be voted upon at the special election shall be prepared  
10 and made available to voters requesting a separate ballot.~~

~~11 (B) No voter shall be required to vote in a political  
12 party's presidential preferential primary, preferential primary, or general  
13 primary in order to be able to vote in the special election.~~

~~14 (b) Special elections scheduled to occur in a month in which the  
15 second Tuesday is a legal holiday shall be held on the third Tuesday of the  
16 month.~~

17 (3) If the proposed fire protection district is located within  
18 more than one (1) county, the county courts shall set the date of the  
19 election on the same date and set the places of the election within the  
20 proposed fire protection district boundaries.

21 (4) At the election, the question of establishing and financing  
22 the district shall be placed on the ballot in substantially the following  
23 form:

24  
25  
26  
27 "FOR the establishment of a fire protection district in .....  
28 (county), ..... (designated area), and the levy of assessed  
29  
30 benefits on real property in the district to finance the district .....[]

31  
32 AGAINST the establishment of a fire protection district in .....  
33 (county), ..... (designated area), and the levy of assessed  
34  
35 benefits on real property in the district to finance the district .....[]"

1 SECTION 76. Arkansas Code § 14-284-208(f), concerning the  
2 establishment of fire protection districts, is amended to read as follows:

3 (f)(1) If the district includes territory from more than one (1)  
4 county, the board of commissioners shall be composed of seven (7) members:

5 (2) The members of the board of commissioners of multicounty  
6 fire protection districts formed after July 3, 1995, under this subchapter  
7 shall be residents of the fire protection district and elected at a public  
8 meeting as agreed upon by the county courts in order to establish the time of  
9 the meeting and the place of the meeting being within the district. The  
10 commissioners shall be elected by the qualified electors residing within the  
11 district.

12 (3) The members of the board of commissioners shall serve  
13 staggered terms.

14 (4) Vacancies occurring on the board due to resignation,  
15 removal, or otherwise shall be filled by the remaining board members for the  
16 unexpired term.

17 (5)(A)(i) Members of the board may be removed by a special  
18 election to be held within ninety (90) days after the presentation of a  
19 special election removal petition signed by ten percent (10%) of the assessed  
20 landowners or the assessed per-parcel owners, with the removal of the board  
21 member to be determined by the majority votes of the votes cast in person by  
22 the assessed landowners or the assessed per-parcel property owners.

23 (ii) Each assessed landowner or assessed parcel  
24 property owner shall have one (1) vote per paid assessment.

25 (B)(i) The election for the removal of board members shall  
26 be held at a meeting at a designated location within the fire protection  
27 district.

28 ~~(ii)(a) The election shall occur on the second~~  
29 ~~Tuesday of any month, except as provided in subdivision (f)(5)(B)(ii)(b) of~~  
30 ~~this section.~~

31 ~~(b)(1)(A) Elections held in months in which a presidential~~  
32 ~~preferential primary election, preferential primary election, general primary~~  
33 ~~election, or general election is scheduled to occur shall be held on the date~~  
34 ~~of the presidential preferential primary election, preferential primary~~  
35 ~~election, general primary election, or general election.~~

36 ~~(B)(i)(a) If an election is held on the date of the~~

1 presidential preferential primary election, preferential primary election, or  
 2 general primary election, the issue or issues to be voted upon at the  
 3 election shall be included on the ballot of each political party.

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

7 (ii) ~~No voter shall be required to vote in a~~  
 8 ~~political party's presidential preferential primary, preferential primary, or~~  
 9 ~~general primary in order to be able to vote in the election.~~

10 (2) ~~Elections scheduled to occur in a month in which the second~~  
 11 ~~Tuesday is a legal holiday shall be held on the third Tuesday of the month.~~

12  
 13 SECTION 77. Arkansas Code § 14-284-224 is amended to read as follows:

14 (b)(1)~~(A)~~ The special election called by the quorum court to submit  
 15 the question of the annexation and financing of the fire protection district  
 16 to the electors of the district and the area to be annexed shall be held  
 17 within no later than ninety (90) days after the quorum court received  
 18 notification from the board of commissioners proclamation of a special  
 19 election in accordance with § 7-5-103(b).

20 (B)(i) ~~The special election shall occur on the second~~  
 21 ~~Tuesday of any month, except as provided in subdivision (b)(1)(B)(ii) of this~~  
 22 ~~section.~~

23 (ii) ~~Special elections held in months in which a~~  
 24 ~~presidential preferential primary election, preferential primary election,~~  
 25 ~~general primary election, or general election is scheduled to occur shall be~~  
 26 ~~held on the date of the presidential preferential primary election,~~  
 27 ~~preferential primary election, general primary election, or general election.~~

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

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

35 (B) ~~No voter shall be required to vote in a political~~  
 36 ~~party's presidential preferential primary, preferential primary, or general~~



1 ~~primary in order to be able to vote in the special election.~~

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

5 (2) At the election, the question of annexing the area to the  
6 district and the financing of the district shall be placed on the ballot in  
7 substantially the following form:

8  
9  
10  
11 "FOR the annexation of ..... (description of area to be annexed),  
12 and the levy of assessed benefits on real property within the area to be  
13 annexed to help finance the district ..... [ ]

14  
15 AGAINST the annexation of ..... (description of area to be  
16 annexed), and the levy of assessed benefits on real property within the area  
17 to be annexed to help finance the district ..... [ ]"

18 (c) If a majority of those voting at the election who reside within  
19 the area to be annexed, and if a majority of those voting at the election who  
20 reside within the existing district, vote in favor of the annexation, the  
21 area shall be deemed annexed and shall become a part of the fire protection  
22 district and governed accordingly.

23 (d)(1) As an alternative to an election on the annexation issue, if  
24 the board of commissioners of a fire protection district is in favor of the  
25 annexation, the board may refer the petitions to the county quorum court that  
26 may then accomplish the annexation by enactment of a county ordinance  
27 providing for the annexation.

28 (2)(A)(i) However, the ordinance shall not go into effect until  
29 sixty (60) days after its enactment.

30 (ii) During that time, if petitions calling for a  
31 referendum on the ordinance are presented to the quorum court and the  
32 petitions are signed by the number prescribed in subsection (a) of this  
33 section, the quorum court shall call a special election in accordance with §  
34 7-5-103(b) on the issue of the annexation.

35 (B) The election shall be conducted as prescribed in  
36 subsection (b) of this section.

1 (C) Unless at least a majority of those voting at the  
 2 election who reside within the area to be annexed and a majority of those  
 3 voting at the election who reside within the existing district vote in favor  
 4 of the annexation, the annexation shall not occur.

5 (3) If the petitions are filed within sixty (60) days after  
 6 enacting the ordinance, the ordinance shall not go into effect until and  
 7 unless the annexation is approved at the election provided for in this  
 8 section.

9 (e) An attempt at annexation under this section, whether successful or  
 10 not, shall in no way reduce the bonding authority of the fire protection  
 11 district, nor shall the failure of the attempt at annexation have any effect  
 12 on the existing fire protection district.

13 (f) No area shall be annexed under this section if it is located  
 14 within the service area of another fire protection district or a nonprofit  
 15 fire protection corporation.  
 16

17 SECTION 78. Arkansas Code § 14-286-103(a), concerning the  
 18 establishment of red imported fire ant abatement districts, is amended to  
 19 read as follows:

20 (a)~~(1)~~ The special election called by the county court to submit the  
 21 question of the establishment and financing of a red imported fire ant  
 22 abatement district to the electors of the proposed district shall be held  
 23 within in accordance with § 7-5-103(b) no later than ninety (90) days after  
 24 ~~the petitions requesting the election have been filed with the county court~~  
 25 proclamation of election.

26 ~~(2)(A) The special election shall occur on the second Tuesday of~~  
 27 ~~any month, except as provided in subdivision (a)(2)(B) of this section.~~

28 ~~(B)(i)(a) Special elections held in months in which a~~  
 29 ~~presidential preferential primary election, preferential primary election,~~  
 30 ~~general primary election, or general election is scheduled to occur shall be~~  
 31 ~~held on the date of the presidential preferential primary election,~~  
 32 ~~preferential primary election, general primary election, or general election.~~

33 ~~(b)(1)(A) If a special election is held on the date of presidential~~  
 34 ~~preferential primary election, preferential primary election, or general~~  
 35 ~~primary election, the issue or issues to be voted upon at the special~~  
 36 ~~election shall be included on the ballot of each political party.~~

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

4                   ~~(2) No voter shall be required to vote in a political party's~~  
 5 ~~presidential preferential primary, preferential primary, or general primary~~  
 6 ~~in order to be able to vote in the special election.~~

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

10  
 11           SECTION 79. Arkansas Code § 14-387-301 is amended to read as follows:  
 12           14-387-301. Order for election.

13           (a) Whenever twenty-five percent (25%) of the qualified electors of  
 14 three (3) or more townships in any county in this state, as shown by the  
 15 election returns for Governor at the last general election preceding the date  
 16 of the petition, shall petition the county court for the privilege of voting  
 17 on the question of restraining horses, mules, asses, cattle, goats, swine,  
 18 and sheep, or any two (2) or more of these animals, or the male species of  
 19 them, from running at large, the court shall make an order for an election in  
 20 the townships, to be held at any general or special election for state or  
 21 county officers.

22           (b) If petitioners shall file with their petition proper bond to be  
 23 approved by the court conditioned to pay all the cost and expense of a  
 24 special election, the court may call an election in accordance with § 7-5-  
 25 103(b) at any time upon the filing of the petition by giving notice of it as  
 26 provided by law for general elections, if the petition contains twenty-five  
 27 percent (25%) of the qualified electors residing within each township  
 28 mentioned in the petition.

29           ~~(c)(1) Any special election held under this section shall occur on the~~  
 30 ~~second Tuesday of any month, except as provided in subdivision (c)(2) of this~~  
 31 ~~section.~~

32           ~~(2)(A)(i) Special elections held in months in which a~~  
 33 ~~presidential preferential primary election, preferential primary election,~~  
 34 ~~general primary election, or general election is scheduled to occur shall be~~  
 35 ~~held on the date of the presidential preferential primary election,~~  
 36 ~~preferential primary election, general primary election, or general election.~~

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

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

9                   (b) ~~No voter shall be required to vote in a political party's~~  
 10 ~~presidential preferential primary, preferential primary, or general primary~~  
 11 ~~in order to be able to vote in the special election.~~

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

15  
 16           SECTION 80. Arkansas Code § 15-4-3020 is amended to read as follows:  
 17           15-4-3020. Consent by qualified electors to issue bonds.

18           (a) No bonds shall be issued under this subchapter except by and with  
 19 the consent of a majority of the qualified electors of the state voting on  
 20 the question in substantially the form described in this section at ~~the~~  
 21 ~~general election or~~ a special election called by proclamation of the  
 22 Governor.

23           (b)~~(1)~~ The proclamation shall be issued ~~at least sixty (60) calendar~~  
 24 ~~days prior to the date fixed by the proclamation for the election in~~  
 25 accordance with § 7-5-103(b), and notice of the special election shall be  
 26 given by publication of the proclamation by one (1) insertion in one (1)  
 27 newspaper of general circulation published in each county in the state not  
 28 less than thirty (30) calendar days prior to the date of the election.

29           ~~(2)(A) The special election shall occur on the second Tuesday of~~  
 30 ~~any month, except as provided in subdivision (b)(2)(B) of this section.~~

31                   (B)(i)(a) ~~Special elections held in months in which a~~  
 32 ~~presidential preferential primary election, preferential primary election,~~  
 33 ~~general primary election, or general election is scheduled to occur shall be~~  
 34 ~~held on the date of the presidential preferential primary election,~~  
 35 ~~preferential primary election, general primary election, or general election.~~

36           (b)(1)(A) ~~If a special election is held on the date of the~~

1 ~~presidential preferential primary election, preferential primary election, or~~  
 2 ~~general primary election, the issue or issues to be voted upon at the special~~  
 3 ~~election shall be included on the ballot of each political party.~~

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

7 ~~(2) No voter shall be required to vote in a political party's~~  
 8 ~~presidential preferential primary, preferential primary, or general primary~~  
 9 ~~in order to be able to vote in the special election.~~

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

13 (c) If there is no newspaper regularly published in a county, the  
 14 proclamation may be published in any newspaper having a general circulation  
 15 in the county.

16 (d) In the case of the notice or proclamation for the election, it is  
 17 not necessary to publish this subchapter in its entirety, but the notice or  
 18 proclamation shall state that it is issued for the purpose of submitting to  
 19 the people the following question:

20  
 21 "Shall the Arkansas Development Finance Authority be authorized to issue  
 22 general obligation bonds under the authority of the Arkansas General  
 23 Obligation Economic Development Superprojects Bond and Project Funding Act in  
 24 total principal amount not to exceed four hundred million dollars  
 25 (\$400,000,000), in series from time to time in principal amounts not to  
 26 exceed, without prior approval of the General Assembly, sixty million dollars  
 27 (\$60,000,000) in any fiscal biennium, for the financing and refinancing of  
 28 superprojects as defined in the Arkansas General Obligation Economic  
 29 Development Superprojects Bond and Project Funding Act, which bonds shall be  
 30 secured by a pledge of the full faith and credit of the State of Arkansas?"

31 (e) The title of this subchapter shall be the ballot title, and there  
 32 shall be printed on the ballot the proposition stated in subsection (d) of  
 33 this section, and the following:

34  
 35 "FOR Issuance of State of Arkansas Economic Development Superprojects  
 36 General Obligation Bonds \_\_\_\_\_"

1  
 2 "AGAINST Issuance of State of Arkansas Economic Development Superprojects  
 3 General Obligation Bonds \_\_\_\_\_"

4 (f)(1) The county boards of election commissioners of the several  
 5 counties of the state shall conduct the election.

6 (2) Each board shall take action with respect to the appointment  
 7 of election officials and other matters as the law requires.

8 (3) The vote shall be canvassed and the result declared in each  
 9 county by the several county boards.

10 (4) The results shall be certified within ten (10) calendar days  
 11 after the date of the election by the county boards to the Secretary of  
 12 State, who shall tabulate all returns so received and certify to the Governor  
 13 the total vote for and against the proposition.

14 (5) The result of the election shall be proclaimed by the  
 15 Governor by publication one (1) time in a newspaper published in the City of  
 16 Little Rock, and the results as proclaimed shall be conclusive unless  
 17 attacked in the courts within thirty (30) calendar days after the date of the  
 18 publication.

19  
 20 SECTION 81. Arkansas Code § 15-43-204(a), concerning local elections  
 21 to redetermine doe killing areas, is amended to read as follows:

22 (a)(1) Whenever fifty (50) or more qualified electors residing within  
 23 an area wholly or partly located within their particular county, which has  
 24 been designated by regulation of the Arkansas State Game and Fish Commission  
 25 as a doe killing area, petition the appropriate county court, praying that an  
 26 election be held to determine whether or not such an area or portion thereof  
 27 should remain a doe killing area, the county court shall order a special  
 28 election in accordance with § 7-5-103(b) to be held not more than ~~thirty (30)~~  
 29 ninety (90) days after the date of filing of the petition.

30 ~~(2)(A) The special election shall occur on the second Tuesday of~~  
 31 ~~any month, except as provided in subdivision (a)(2)(B) of this section.~~

32 ~~(B)(i)(a) Special elections held in months in which a~~  
 33 ~~presidential preferential primary election, preferential primary election,~~  
 34 ~~general primary election, or general election is scheduled to occur shall be~~  
 35 ~~held on the date of the presidential preferential primary election,~~  
 36 ~~preferential primary election, general primary election, or general election.~~

1           ~~(b)(1)(A) If a special election is held on the date of the~~  
 2 ~~presidential preferential primary election, preferential primary election, or~~  
 3 ~~general primary election, the issue or issues to be voted upon at the special~~  
 4 ~~election shall be included on the ballot of each political party.~~

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

8           ~~(2) No voter shall be required to vote in a political party's~~  
 9 ~~presidential preferential primary, preferential primary, or general primary~~  
 10 ~~in order to be able to vote in the special election.~~

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

14           ~~(3) Notice of the election shall be given in a newspaper of~~  
 15 ~~general circulation within the county, not less than fifteen (15) days prior~~  
 16 ~~to the election.~~

17           ~~(4)(2)~~ Only those qualified electors residing within the  
 18 affected area or portion thereof, which is located within the county where  
 19 the election is held, may vote in the election.

20           ~~(5)(3)~~ Except as provided in this section, the election shall be  
 21 held in conformity with the general election laws of this state.

22  
 23           SECTION 82. Arkansas Code § 23-110-306 is amended to read as follows:  
 24           23-110-306. Subsequent referendum elections.

25           (a) After the elapse of not less than two (2) years next following the  
 26 date of any election conducted pursuant to § 23-110-304, upon petitions filed  
 27 with it containing the signatures of qualified electors of the county of not  
 28 less than fifteen percent (15%) of the total number voting in the election  
 29 for county clerk of the county at the next preceding general election,  
 30 together with a sum of money estimated by the county board of election  
 31 commissioners as sufficient to pay all expenses of the election, the board  
 32 shall call a special election in accordance with § 7-5-103(b) on the  
 33 proposition of continuing horse racing in the county.

34           ~~(b)(1)(A) The date of the special election shall be fixed by the board~~  
 35 ~~on a day not less than thirty (30) days nor more than ninety (90) days~~  
 36 ~~following the date of filing the petitions. The deposit of the funds and the~~

1 ~~election shall be conducted and shall be subject to contest under the general~~  
 2 ~~election laws of this state.~~

3 ~~(B)(i) The special election shall occur on the second~~  
 4 ~~Tuesday of any month, except as provided in subdivision (b)(1)(B)(ii) of this~~  
 5 ~~section.~~

6 ~~(ii) Special elections held in months in which a~~  
 7 ~~presidential preferential primary election, preferential primary election,~~  
 8 ~~general primary election, or general election is scheduled to occur shall be~~  
 9 ~~held on the date of the presidential preferential primary election,~~  
 10 ~~preferential primary election, general primary election, or general election.~~

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

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

18 ~~(B) No voter shall be required to vote in a political~~  
 19 ~~party's presidential preferential primary, preferential primary, or general~~  
 20 ~~primary in order to be able to vote in the special election.~~

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

24 ~~(2)(1) The proposition printed on the ballot shall be "FOR Horse~~  
 25 ~~Racing" and "AGAINST Horse Racing".~~

26 ~~(3)(2) By published notice, the board shall proclaim the results~~  
 27 ~~of the election and shall also certify the results to the commission.~~

28 ~~(4)(3) All contests in relation to the results of the election~~  
 29 ~~shall be commenced within twenty (20) days next following the date of~~  
 30 ~~publication of notice as given pursuant to this subsection.~~

31 (c) If a majority of the qualified electors of the county voting on  
 32 the question shall disapprove the continuance of horse racing, the franchise  
 33 held by the corporation shall, ipso facto, be null and void as of the final  
 34 date on which a contest of the results of the election may be commenced or,  
 35 in the event of contest, upon the date of final determination of the issue.

36



1 SECTION 83. Arkansas Code § 23-111-306 is amended to read as follows:  
2 23-111-306. Subsequent referendum elections.

3 (a) After the elapse of not less than four (4) years next following  
4 the date of any election conducted pursuant to § 23-111-304, the county board  
5 of election commissioners shall call a special election in accordance with §  
6 7-5-103(b) on the proposition of continuing greyhound racing in the county.  
7 The election shall be called upon petitions filed with it containing the  
8 signatures of qualified electors of the county of not less than five percent  
9 (5%) of the total number voting in the election for county clerk of the  
10 county at the next preceding general election, together with a sum of money  
11 estimated by the board as sufficient to pay all expenses of the election.

12 (b)(1)~~(A)~~ The date of the special election shall be fixed by the board  
13 on a day not ~~less than thirty (30) days nor~~ more than ninety (90) days  
14 following the date of filing the petitions. The deposit of the funds as  
15 provided in subsection (a) of this section and the election shall be  
16 conducted and shall be subject to contest under the general election laws of  
17 this state.

18 ~~(B)(i) The special election shall occur on the second~~  
19 ~~Tuesday of any month, except as provided in subdivision (b)(1)(B)(ii) of this~~  
20 ~~section.~~

21 ~~(ii) Special elections 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 ~~(2)(A)(i) If a special election is held on the date of the~~  
27 ~~presidential preferential primary election, preferential primary election, or~~  
28 ~~general primary election, the issue or issues to be voted upon at the special~~  
29 ~~election shall be included on the ballot of each political party.~~

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

33 ~~(B) No voter shall be required to vote in a political~~  
34 ~~party's presidential preferential primary, preferential primary, or general~~  
35 ~~primary in order to be able to vote in the special election.~~

36 ~~(b) Special elections scheduled to occur in a month in which the~~

1 ~~second Tuesday is a legal holiday shall be held on the third Tuesday of the~~  
2 ~~month.~~

3 (2) The proposition printed on the ballot shall be "FOR  
4 Greyhound Racing" and "AGAINST Greyhound Racing".

5 (3) By published notice, the board shall proclaim the results of  
6 the election and shall also certify the results to the Arkansas Racing  
7 Commission.

8 (4) All contests in relation to the results of the election  
9 shall be commenced within twenty (20) days next following the date of  
10 publication of notice as provided in subsection (a) of this section.

11 (c) If a majority of the qualified electors of the county voting on  
12 the question shall disapprove the continuance of greyhound racing, the  
13 franchise held by the corporation shall, ipso facto, be null and void as of  
14 the final date on which a contest of the results of the election may be  
15 commenced or, in the event of contest, upon the date of final determination  
16 of the issue.

17  
18 SECTION 84. Arkansas Code § 24-11-402 is amended to read as follows:  
19 24-11-402. Vote to effect subchapter.

20 (a) The provisions of this subchapter shall be suspended and  
21 inoperative in any city affected by the provisions of this subchapter until  
22 made available by a vote favorable thereto of the majority of qualified  
23 electors of the cities participating in any election on the question and held  
24 ~~at the time of any election in the city, whether state, city, special, or~~  
25 ~~federal, or at a special election in accordance with § 7-5-103(b)~~ for the  
26 purpose of voting on the question.

27 (b)(1) The election may be held in connection with the first general  
28 city election following the passage and approval of this subchapter, but the  
29 failure to submit at that city or other election shall not defeat the right  
30 of submission at any subsequent election.

31 ~~(2)(A) Any special election held under this section shall occur~~  
32 ~~on the second Tuesday of any month, except as provided in subdivision~~  
33 ~~(b)(2)(B) of this section.~~

34 ~~(B)(i)(a) Special elections held in months in which a~~  
35 ~~presidential preferential primary election, preferential primary election,~~  
36 ~~general primary election, or general election is scheduled to occur shall be~~

1 ~~held on the date of the presidential preferential primary election,~~  
2 ~~preferential primary election, general primary election, or general election.~~

3 ~~(b)(1)(A) If a special election is held on the date of the~~  
4 ~~presidential preferential primary election, preferential primary election, or~~  
5 ~~general primary election, the issue or issues to be voted upon at the special~~  
6 ~~election shall be included on the ballot of each political party.~~

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

10 ~~(2) No voter shall be required to vote in a political party's~~  
11 ~~presidential preferential primary, preferential primary, or general primary~~  
12 ~~in order to be able to vote in the special election.~~

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

16 (c) Upon filing with the county board of election commissioners not  
17 later than ~~ten (10)~~ seventy (70) days before the date of the election the  
18 petition signed by twenty (20) or more qualified electors of the city  
19 affected and praying that the question of police officers' pensions be  
20 submitted, it shall be the duty of the county board of election commissioners  
21 to place the question upon the ballot.

22 (d) In the event that for any reason the question of policemen's  
23 pension was not voted upon in the next general city election after June 10,  
24 1937, the question may be submitted at ~~any other general or~~ special election  
25 in accordance with § 7-5-103(b) held in the city as provided in this section.

26 (e) The question on the ballot shall be as follows:  
27  
28  
29

30 "FOR Police Officer's Pension .....[]  
31  
32 AGAINST Police Officer's Pension .....[]".  
33

34 SECTION 85. Arkansas Code § 24-11-404 is amended to read as follows:  
35 24-11-404. Tax levy for pensions in cities of first and second class.

36 (a)(1) After being once approved by a majority of those voting on the

1 question at any general or special election in any city of the first class or  
 2 city of the second class, a tax not to exceed one (1) mill on the dollar upon  
 3 the assessed value of the real and personal property of the city shall be  
 4 levied annually by the city for the purpose of paying police officers'  
 5 retirement salaries and pensions, as well as pensions to the surviving  
 6 spouses and minor children of deceased police officers and the surviving  
 7 spouses and minor children of deceased retired police officers.

8 (2) The levy shall be made by the city council or other  
 9 governing body of the city on or before the time fixed by law for levying  
 10 county taxes, and the city council or other governing body shall make out and  
 11 certify to the county clerk the rate of taxation levied by the municipal  
 12 corporation on the real and personal property within the city.

13 (3) The amount so certified shall be placed upon the tax book by  
 14 the county clerk of the county and collected in the same manner that state  
 15 and county taxes are collected and shall be turned over to the board of  
 16 trustees of the policemen's pension and relief fund of the city.

17 (b)(1) In those cities which do not have a policemen's pension and  
 18 relief fund but which cover their police officers under the Arkansas Local  
 19 Police and Fire Retirement System, the tax shall also be allowed when  
 20 approved by a majority of qualified electors of the cities participating in  
 21 any election on the question and held at ~~the time of any election in the~~  
 22 ~~city, whether state, city, special, or federal, or at a special election in~~  
 23 accordance with § 7-5-103(b) for the purpose of voting on the question.

24 (2) The election may be held in connection with the first  
 25 general city election following March 6, 1989, but the failure to submit at a  
 26 city or other election shall not defeat the right of submission at any  
 27 subsequent election.

28 (3) Upon the filing with the county board of election  
 29 commissioners not later than ~~sixty (60)~~ ninety (90) days before the date of  
 30 the election ~~of~~ requested in a petition signed by twenty (20) or more  
 31 qualified electors of the city affected and praying that the question of a  
 32 policemen's pension be submitted, it shall be the duty of the county board of  
 33 election commissioners to ~~place the question upon the ballot~~ call the  
 34 election in accordance with § 7-5-103(b).

35 (4) In the event that for any reason the question of the  
 36 policemen's pension is not voted upon in the next general city election after

1 March 6, 1989, the question may be submitted at ~~any other general or a~~  
2 special election held in the city as provided in this subsection.

3 (5) The question on the ballot shall be as follows:  
4  
5  
6

7 "FOR Police Officer's Pension .....[]  
8  
9 AGAINST Police Officer's Pension .....[]".

10 (6) The tax so levied shall not exceed one (1) mill on the  
11 dollar upon the assessed value of the real and personal property of the city  
12 or town.

13 (c) Once so approved, the tax shall be levied and certified in the  
14 same manner as provided in this section and shall be collected and turned  
15 over to the city or town for the sole purpose of making payment for coverage  
16 of employees under the Arkansas Local Police and Fire Retirement System.

17 (d)~~(1)~~ A vote on the question of the tax provided for in this section  
18 shall be had in the same manner that the Constitution and laws of this state  
19 provide for the initiation of measures in municipalities.

20 ~~(2)(A) Any special election held under this section shall occur~~  
21 ~~on the second Tuesday of any month, except as provided in subdivision~~  
22 ~~(d)(2)(B) of this section.~~

23 ~~(B)(i)(a) Special elections held in months in which a~~  
24 ~~presidential preferential primary election, preferential primary election,~~  
25 ~~general primary election, or general election is scheduled to occur shall be~~  
26 ~~held on the date of the presidential preferential primary election,~~  
27 ~~preferential primary election, general primary election, or general election.~~

28 ~~(b)(1)(A) If a special election is held on the date of the~~  
29 ~~presidential preferential primary election, preferential primary election, or~~  
30 ~~general primary election, the issue or issues to be voted upon at the special~~  
31 ~~election shall be included on the ballot of each political party.~~

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

35 ~~(2) No voter shall be required to vote in a political party's~~  
36 ~~presidential preferential primary, preferential primary, or general primary~~

1 ~~in order to be able to vote in the special election.~~

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

5 (e) The funds provided for in this section shall be supplemental and  
 6 in addition to any funds provided for by any laws in effect at the time of  
 7 passage of this section and shall become part of the policemen's pension and  
 8 relief fund of the city and be administered by the board of trustees of the  
 9 policemen's pension and relief fund for the same class of beneficiaries and  
 10 in the same manner as prescribed by law.

11 (f) In those cities which do not have a policemen's pension and relief  
 12 fund but which cover their police officers under the Arkansas Local Police  
 13 and Fire Retirement System, the funds shall be applied to each city's account  
 14 in that system, in such manner and amounts as determined by the board of  
 15 trustees of that system.

16  
 17 SECTION 86. Arkansas Code § 24-11-812 is amended to read as follows:  
 18 24-11-812. Tax levy by city council.

19 (a)(1) After being once approved by a majority of those voting on the  
 20 question at any general or special election of any city of the first class or  
 21 city of the second class, a tax not to exceed one (1) mill on the dollar upon  
 22 the assessed value of the real and personal property in the city shall be  
 23 levied annually by the city for the purpose of paying firefighters'  
 24 retirement salaries and pensions and pensions to the widows and minor  
 25 children of deceased firefighters and the widows and minor children of  
 26 deceased retired firefighters.

27 (2) The levy shall be made by the city council or other  
 28 governing body of the city on or before the time fixed by law for levying  
 29 county taxes, and the city council or other governing body shall make out and  
 30 certify to the county clerk the rate of taxation levied by the municipal  
 31 corporation on the real and personal property within the city.

32 (3) The amount so certified shall be placed upon the tax book by  
 33 the county clerk of the county and collected in the same manner that state  
 34 and county taxes are collected. This amount shall be turned over to the board  
 35 of trustees of the firemen's relief and pension fund of the city, as created  
 36 under §§ 24-11-801 - 24-11-807, 24-11-809, 24-11-810, 24-11-813 - 24-11-815,

1 and 24-11-818 - 24-11-821.

2 (b)(1) However, in those cities which do not have a firemen's pension  
3 and relief fund but which cover their firefighters under the Arkansas Local  
4 Police and Fire Retirement System, the levy shall also be allowed when  
5 approved by a majority of the qualified electors of the cities or towns  
6 participating in ~~any election on the question and held at the time of any~~  
7 ~~election in the city, whether state, city, special, or federal, or at a~~  
8 special election for the purpose of voting on the question.

9 (2) The election may be held in connection with the first  
10 general city election following the passage and approval of this subsection,  
11 but the failure to submit at the city or other election shall not defeat the  
12 right of submission at any subsequent election.

13 (3) Upon the filing with the county board of election  
14 commissioners not later than ~~sixty (60)~~ ninety (90) days before the date of  
15 the election ~~of~~ requested in a petition signed by twenty (20) or more  
16 qualified electors of the city or town affected, stating the amount of tax to  
17 be voted on, not to exceed one (1) mill on the dollar, and praying that the  
18 question of a firemen's pension be submitted, it shall be the duty of the  
19 county board of election commissioners to ~~place the question upon the ballot~~  
20 call the election in accordance with § 7-5-103(b).

21 (4) In the event that for any reason the question of a firemen's  
22 pension is not voted upon in the next general city election after the passage  
23 and approval of this subsection, the question may be submitted at any other  
24 general or special election held in the city or town as provided in this  
25 subsection.

26 (5) The ballot shall state the amount of tax being voted on and  
27 the purpose thereof, and the question on the ballot shall be as follows:

28

29

30

31 "FOR Firemen's Pension .....[ ]

32

33 AGAINST Firemen's Pension .....[ ]".

34

35 (c) Once so approved, the levy shall be certified in the same manner  
36 as provided in this section and shall be collected and turned over to the  
city for the sole purpose of payment for coverage of employees under the

1 Arkansas Local Police and Fire Retirement System.

2 (d)~~(1)~~ A vote on the question of the tax provided for in this section  
3 shall be had in the same manner that the Constitution and laws of this state  
4 provide for the initiation of measures in municipalities.

5 ~~(2)(A) Any special election held under this section shall occur~~  
6 ~~on the second Tuesday of any month, except as provided in subdivision~~  
7 ~~(d)(2)(B) of this section.~~

8 ~~(B)(i)(a) Special elections held in months in which a~~  
9 ~~presidential preferential primary election, preferential primary election,~~  
10 ~~general primary election, or general election is scheduled to occur shall be~~  
11 ~~held on the date of the presidential preferential primary election,~~  
12 ~~preferential primary election, general primary election, or general election.~~

13 ~~(b)(1)(A) If a special election is held on the date of the presidential~~  
14 ~~preferential primary election, preferential primary election, or general~~  
15 ~~primary election, the issue or issues to be voted upon at the special~~  
16 ~~election shall be included on the ballot of each political party.~~

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

20 ~~(2) No voter shall be required to vote in a political party's~~  
21 ~~presidential preferential primary, preferential primary, or general primary~~  
22 ~~in order to be able to vote in the special election.~~

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

26 (e) The funds provided for in this section shall be supplemental to  
27 and in addition to any funds provided for by any laws in effect at the time  
28 of the passage of this section, shall become part of the firemen's relief and  
29 pension fund of the city, as created under §§ 24-11-801 - 24-11-807, 24-11-  
30 809, 24-11-810, 24-11-813 - 24-11-815, and 24-11-818 - 24-11-821, and shall  
31 be administered by the board of trustees created by those sections, for the  
32 same class of beneficiaries and in the same manner as the funds provided for  
33 in §§ 24-11-801 - 24-11-807, 24-11-809, 24-11-810, 24-11-813 - 24-11-815, and  
34 24-11-818 - 24-11-821, since it is the specific intention of this section not  
35 to repeal §§ 24-11-801 - 24-11-807, 24-11-809, 24-11-810, 24-11-813 - 24-11-  
36 815, and 24-11-818 - 24-11-821, or any amendments thereto, but rather to



1 provide additional money for the firemen's relief and pension fund.

2 (f) In those cities which do not have a firemen's pension and relief  
3 fund but which cover their firefighters under the Arkansas Local Police and  
4 Fire Retirement System, the funds shall be applied to each city's account in  
5 that system in such manner and amounts as determined by the board of trustees  
6 of that system.

7  
8 SECTION 87. Arkansas Code § 24-12-103 is amended to read as follows:  
9 24-12-103. Vote to effect act.

10 (a) The provisions of this act shall be suspended and inoperative in  
11 any city affected by the provisions of the act until made available by a vote  
12 favorable thereto of the majority of the qualified electors of the cities  
13 participating in any election on the question ~~and held at the time of any~~  
14 ~~election in the city, whether state, city, special, or federal, or at a~~  
15 special election called for the purpose of voting on the question.

16 (b) The election may be held in connection with the first general city  
17 election following the passage and approval of this act, but the failure to  
18 submit or the failure to adopt at the city or other election shall not bar,  
19 abridge, or defeat the right of submission at any subsequent election.

20 (c) Upon the filing with the county board of election commissioners  
21 not later than ~~ten (10)~~ ninety (90) days before the date of the election ~~of~~  
22 requested in a petition signed by twenty (20) or more qualified electors of  
23 the city affected and praying that the question of paid nonuniformed  
24 employees' pensions and the levying of a tax therefor, not exceeding one and  
25 one-half (1 1/2) mills, be submitted, it shall be the duty of the county board  
26 of election commissioners to ~~place the question on the ballot~~ call the  
27 election in accordance with § 7-5-103(b).

28 (d)(1) If for any reason the question is not voted upon at the next  
29 general city election after the passage and approval of this act, the  
30 question may be submitted at any other general or special election held in  
31 the city as provided in this section.

32 ~~(2)(A) The election shall occur on the second Tuesday of any~~  
33 ~~month, except as provided in subdivision (d)(2)(B) of this section.~~

34 ~~(B)(i)(a) Elections held in months in which a presidential~~  
35 ~~preferential primary election, preferential primary election, general primary~~  
36 ~~election, or general election is scheduled to occur shall be held on the date~~

1 of the presidential preferential primary election, preferential primary  
2 election, general primary election, or general election.

3 (b)(1)(A) If an election is held on the date of the presidential  
4 preferential primary election, preferential primary election, or general  
5 primary election, the issue or issues to be voted upon at the election shall  
6 be included on the ballot of each political party.

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

10 (2) No voter shall be required to vote in a political party's  
11 presidential preferential primary, preferential primary, or general primary  
12 in order to be able to vote in the election.

13 (ii) Elections scheduled to occur in a month in  
14 which the second Tuesday is a legal holiday shall be held on the third  
15 Tuesday of the month.

16 (e) The question on the ballot shall be as follows:

17  
18  
19  
20 "FOR Paid Nonuniformed Employees pensions and the levying of a mill tax of  
21 (amount here designated on ballot not exceeding one and one-half (1 1/2)  
22 mills) therefor .....[]

23  
24 AGAINST Paid Nonuniformed Employees pensions and the levying of a mill tax  
25 of (amount here designated on ballot not exceeding one and one-half  
26 (1 1/2) mills) therefor  
27 .....[]".

28  
29 SECTION 88. Arkansas Code § 26-52-605 is amended to read as follows:

30 26-52-605. Election proceedings.

31 (a) The governing body of an Arkansas border city or town, as  
32 described in § 26-52-602, by ordinance, may call a special election, or, upon  
33 petition of not less than ten percent (10%) of the qualified electors of the  
34 Arkansas border city or town, as determined by the number of votes cast in  
35 the Arkansas border city or town for all candidates for election to the  
36 Office of Governor of Arkansas in the immediately preceding general election,

1 filed with the city clerk of the city or town petitioning that a special  
 2 election be called, a special election shall be called by proclamation of the  
 3 mayor in accordance with § 7-5-103(b) in the city or town on the question of  
 4 the imposition of an additional state tax of one percent (1%) upon the gross  
 5 receipts or gross proceeds derived from taxable sales within the border city  
 6 or town under the provisions of the Arkansas Gross Receipts Act of 1941, §  
 7 26-52-101 et seq., and the proceeds derived therefrom shall benefit the State  
 8 of Arkansas in lieu of the state income tax law applying to the net taxable  
 9 income derived by individuals who are residents of the border city or town.

10 (b)(1) The special election shall be called not later than ~~ninety (90)~~  
 11 ~~days nor earlier than forty five (45)~~ one hundred twenty (120) days following  
 12 the adoption of the ordinance by the governing body of the city or town, or  
 13 the filing of a petition requesting the special election.

14 ~~(2)(A) The special election shall occur on the second Tuesday of~~  
 15 ~~any month, except as provided in subdivision (b)(2)(B) of this section.~~

16 ~~(B)(i)(a) A special election held in a month in which a~~  
 17 ~~presidential preferential primary election, preferential primary election,~~  
 18 ~~general primary election, or general election is scheduled to occur shall be~~  
 19 ~~held on the date of the presidential preferential primary election,~~  
 20 ~~preferential primary election, general primary election, or general election.~~

21 ~~(b)(1)(A) If a special election is held on the date of the~~  
 22 ~~presidential preferential primary election, preferential primary election, or~~  
 23 ~~general primary election, the issue or issues to be voted upon at the special~~  
 24 ~~election shall be included on the ballot of each political party.~~

25 ~~(B) However, a separate ballot containing only the issue~~  
 26 ~~or issues to be voted upon at the special election shall be prepared and made~~  
 27 ~~available to a voter requesting a separate ballot.~~

28 ~~(2) No voter shall be required to vote in a political party's~~  
 29 ~~presidential preferential primary election, preferential primary election, or~~  
 30 ~~general primary election in order to be able to vote in the special election.~~

31 ~~(ii) A special election scheduled to occur in a~~  
 32 ~~month in which the second Tuesday is a legal holiday shall be held on the~~  
 33 ~~third Tuesday of the month.~~

34 (c) Notice of the special election shall be given by publication in  
 35 some newspaper of general circulation within the Arkansas border city or town  
 36 on two (2) occasions not more than thirty (30) days and not less than ten

1 (10) days prior to the date of the special election.

2 (d) The special election shall be held by the county board of election  
3 commissioners, and the special election judges and clerks shall be selected  
4 and the special election shall be conducted and the results shall be  
5 tabulated and certified in the manner now provided by law for the holding of  
6 elections in this state.

7 (e) On the ballot shall be printed the following issue:  
8  
9  
10

11  FOR the levy of an additional one percent (1%) state gross  
12 receipts tax in the City of . . . . .  
13 . . . . ., . . . . . County, Arkansas, in lieu of paying  
14 state income taxes by individuals who are residents of said city (town).  
15

16  AGAINST the levy of an additional one percent (1%) state gross  
17 receipts tax in the City of . . . . .  
18 . . . . ., . . . . . County, Arkansas, in lieu of paying  
19 state income taxes by individuals who are residents of said city (town).  
20

21 (f) The voter shall cast the vote of his or her choice by placing an  
"X" opposite the issue of his or her choice.  
22

23 SECTION 89. Arkansas Code § 26-73-111 is amended to read as follows:  
24 26-73-111. Special local sales and use tax - Election.

25 (a) On the date of the adoption of an ordinance levying a special  
26 local sales and use tax for the benefit of a county, city, or town, the  
27 county, city, or town shall provide, by ordinance, for calling and holding a  
28 special election on the question.

29 (b) The special election shall be in accordance with § 7-5-103(b) and  
30 conducted in the manner provided by law for all county or municipal elections  
31 unless otherwise specified in this section.

32 (c)~~(1)~~ The special election shall be called for a date ~~within~~ not  
33 later than one hundred twenty (120) days from the date of the action of the  
34 governing body in establishing the date of the special election.

35 (2)(A) The special election shall occur on the second Tuesday of  
36 any month, except as provided in subdivision (c)(2)(B) of this section.

1                   (B)(i)(a) A special election held in a month in which a  
2 presidential preferential primary election, preferential primary election,  
3 general primary election, or general election is scheduled to occur shall be  
4 held on the date of the presidential preferential primary election,  
5 preferential primary election, general primary election, or general election.

6                   ~~(b)(1)(A) If a special election is held on the date of the~~  
7 ~~presidential preferential primary election, preferential primary election, or~~  
8 ~~general primary election, the issue or issues to be voted upon at the special~~  
9 ~~election shall be included on the ballot of each political party.~~

10                   ~~(B) However, a separate ballot containing only the issue~~  
11 ~~or issues to be voted upon at the special election shall be prepared and made~~  
12 ~~available to a voter requesting a separate ballot.~~

13                   ~~(2) No voter shall be required to vote in a political party's~~  
14 ~~presidential preferential primary election, preferential primary election, or~~  
15 ~~general primary election in order to be able to vote in the special election.~~

16                   ~~(ii) A special election scheduled to occur in a~~  
17 ~~month in which the second Tuesday is a legal holiday shall be held on the~~  
18 ~~third Tuesday of the month.~~

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

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

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

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

33  
34                   SECTION 90. Arkansas Code § 26-74-210(a), concerning the resubmission  
35 of questions of levy or repeal, is amended to read as follows:

36                   (a)(1) When the question of the levy or repeal of a county sales and

1 use tax is submitted to the electors and the proposition is approved or  
 2 defeated, the question shall not again be submitted to the electors by  
 3 ordinance of the quorum court of the county or by petition of electors at a  
 4 special or general election for a period of six (6) months from the date the  
 5 proposition was last voted upon.

6 (2)(A) A petition requesting that the issue be submitted to the  
 7 electors of the county shall contain the signatures of at least fifteen  
 8 percent (15%) of the electors of the county as determined by the total number  
 9 of votes cast for all candidates for circuit clerk of the county at the last  
 10 preceding general election.

11 (B)(i) The petition shall be filed and verified by the  
 12 county clerk.

13 (ii) If the petition is found to be sufficient, the  
 14 issue shall be submitted to the electors at a special election ~~or at the next~~  
 15 ~~general election~~ on a date as may be requested by the petition.

16 (C)(i) ~~If the petition requests that the issue be~~  
 17 ~~submitted at a special election, the~~ The special election shall be called in  
 18 accordance with § 7-5-103(b) for a date not ~~less than thirty (30) days nor~~  
 19 more than ~~sixty (60)~~ ninety (90) days from the date on which the county clerk  
 20 certifies the sufficiency of the petition to the county board of election  
 21 commissioners.

22 ~~(ii)(a) The special election shall occur on the~~  
 23 ~~second Tuesday of any month, except as provided in subdivision~~  
 24 ~~(a)(2)(C)(ii)(b) of this section.~~

25 ~~(b)(1)(A) A special election held in a month in which a presidential~~  
 26 ~~preferential primary election, preferential primary election, general primary~~  
 27 ~~election, or general election is scheduled to occur shall be held on the date~~  
 28 ~~of the presidential preferential primary election, preferential primary~~  
 29 ~~election, general primary election, or general election.~~

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

35 ~~(b) However, a separate ballot containing only the issue or issues to~~  
 36 ~~be voted upon at the special election shall be prepared and made available to~~

1 ~~a voter requesting a separate ballot.~~

2 ~~(ii) No voter shall be required to vote in a~~  
 3 ~~political party's presidential preferential primary election, preferential~~  
 4 ~~primary election, or general primary election in order to be able to vote in~~  
 5 ~~the special election.~~

6 ~~(2) A special election scheduled to occur in a month in which~~  
 7 ~~the second Tuesday is a legal holiday shall be held on the third Tuesday of~~  
 8 ~~the month.—~~

9  
 10 SECTION 91. Arkansas Code § 26-74-603 is amended to read as follows:  
 11 26-74-603. Call for tax election.

12 (a) Any eligible county may by ordinance of its quorum court levy a  
 13 countywide sales and use tax in the amount of one-eighth of one percent  
 14 (0.125%), one-fourth of one percent (0.25%), one-half of one percent (0.50%),  
 15 three-fourths of one percent (0.75%), or one percent (1%) to provide capital  
 16 improvements to or the maintenance and operation of an eligible campus.

17 (b)(1)(A) No ordinance shall be adopted by the quorum court of an  
 18 eligible county for the purpose of levying a tax under this subchapter unless  
 19 the quorum court shall have been requested to adopt the ordinance by the  
 20 local board and until a majority of the qualified electors of the eligible  
 21 county voting on the question at a ~~general or~~ special election shall have  
 22 approved levy of the tax.

23 (B) The election shall be called by ordinance and ~~shall be~~  
 24 ~~held no earlier than thirty (30) days after the adoption of the ordinance~~  
 25 proclamation issued in accordance with § 7-5-103(b).

26 (C) The ballot for the election shall be subject to the  
 27 approval of the local board.

28 ~~(2)(A) The election shall occur on the second Tuesday of any~~  
 29 ~~month, except as provided in subdivision (b)(2)(B) of this section.~~

30 ~~(B)(i)(a) An election held in a month in which a~~  
 31 ~~presidential preferential primary election, preferential primary election,~~  
 32 ~~general primary election, or general election is scheduled to occur shall be~~  
 33 ~~held on the date of the presidential preferential primary election,~~  
 34 ~~preferential primary election, general primary election, or general election.~~

35 ~~(b)(1)(A) If the election is held on the date of the presidential~~  
 36 ~~preferential primary election, preferential primary election, or general~~

1 ~~primary election, the issue or issues to be voted upon at the election shall~~  
 2 ~~be included on the ballot of each political party.~~

3 ~~(B) However, a separate ballot containing only the issue~~  
 4 ~~or issues to be voted upon at the election shall be prepared and made~~  
 5 ~~available to a voter requesting a separate ballot.~~

6 ~~(2) No voter shall be required to vote in a political party's~~  
 7 ~~presidential preferential primary election, preferential primary election, or~~  
 8 ~~general primary election in order to be able to vote in the election.~~

9 ~~(ii) An election scheduled to occur in a month in~~  
 10 ~~which the second Tuesday is a legal holiday shall be held on the third~~  
 11 ~~Tuesday of the month.~~

12 (c) The quorum court shall notify its county board of election  
 13 commissioners that the measure has been referred to the vote of the people  
 14 and shall submit a copy of the ordinance calling the election and the  
 15 proposed ballot language to its county board of election commissioners.  
 16

17 SECTION 92. Arkansas Code § 26-75-208(a), concerning special elections  
 18 on sale and use taxes, is amended to read as follows:

19 (a)(1) On the date of adoption of an ordinance levying a local sales  
 20 and use tax for the benefit of the city, or within thirty (30) days following  
 21 the adoption of the ordinance, the city by ordinance shall provide for the  
 22 calling ~~and holding~~ of a special election on the question in accordance with  
 23 § 7-5-103(b).

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

27 ~~(B)(i) The special election shall occur on the second~~  
 28 ~~Tuesday of any month, except as provided in subdivision (a)(2)(B)(ii) of this~~  
 29 ~~section.~~

30 ~~(ii) A special election held in a month in which a~~  
 31 ~~presidential preferential primary election, preferential primary election,~~  
 32 ~~general primary election, or general election is scheduled to occur shall be~~  
 33 ~~held on the date of the presidential preferential primary election,~~  
 34 ~~preferential primary election, general primary election, or general election.~~

35 ~~(2)(A)(i) If the special election is held on the date of~~  
 36 ~~the presidential preferential primary election, preferential primary~~



1 ~~election, or general primary election, the issue or issues to be voted upon~~  
 2 ~~at the special election shall be included on the ballot of each political~~  
 3 ~~party.~~

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

7 ~~(B) No voter shall be required to vote in a political~~  
 8 ~~party's presidential preferential primary election, preferential primary~~  
 9 ~~election, or general primary election in order to be able to vote in the~~  
 10 ~~special election.~~

11 ~~(b) A special election scheduled to occur in a month in which the~~  
 12 ~~second Tuesday is a legal holiday shall be held on the third Tuesday of the~~  
 13 ~~month.~~

14 (3) The date for the special election may be the same as the  
 15 date for the next regular municipal election if the next regular municipal  
 16 election is to be held within the one-hundred-twenty-day period.

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

21  
 22 SECTION 93. Arkansas Code § 26-75-213 is amended to read as follows:

23 26-75-213. Resubmission of question of levy or repeal.

24 (a)(1) Except as provided in § 26-75-210 and in subsection (b) of this  
 25 section, when the question of the levy or repeal of a city sales and use tax  
 26 is submitted to the electors and the proposition is approved or defeated, the  
 27 question shall not again be submitted to the electors by ordinance of the  
 28 governing body of the city or by a petition of electors for a period of six  
 29 (6) months from the date the question was last voted upon.

30 (2) A petition requesting that the question be submitted to the  
 31 electors of the city shall contain the signatures of at least fifteen percent  
 32 (15%) of the electors of the city as determined by the total number of votes  
 33 cast for all candidates for mayor of the city at the last preceding general  
 34 election.

35 (3)(A) The petition shall be filed with and verified by the city  
 36 clerk.

1 (B) If the petition is found to be sufficient, the  
 2 question shall be submitted to the electors at a special election ~~or the next~~  
 3 ~~general election~~ on a date as may be requested by the petition.

4 (4)~~(A)~~ ~~If the petition requests that the question be submitted~~  
 5 ~~at a special election, the~~ The special election shall be called in accordance  
 6 with § 7-5-103(b) for a date not ~~less than thirty (30) days nor~~ more than  
 7 ~~sixty (60)~~ ninety (90) days from the date on which the city clerk certifies  
 8 the sufficiency of the petition to the governing body of the city.

9 ~~(B)(i) The special election shall occur on the second~~  
 10 ~~Tuesday of any month, except as provided in subdivision (a)(4)(B)(ii) of this~~  
 11 ~~section.~~

12 ~~(ii) A special election held in a month in which a~~  
 13 ~~presidential preferential primary election, preferential primary election,~~  
 14 ~~general primary election, or general election is scheduled to occur shall be~~  
 15 ~~held on the date of the presidential preferential primary election,~~  
 16 ~~preferential primary election, general primary election, or general election.~~

17 ~~(2)(A)(i) If the special election is held on the date of the~~  
 18 ~~presidential preferential primary election, preferential primary election, or~~  
 19 ~~general primary election, the issue or issues to be voted upon at the special~~  
 20 ~~election shall be included on the ballot of each political party.~~

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

24 ~~(B) No voter shall be required to vote in a political~~  
 25 ~~party's presidential preferential primary election, preferential primary~~  
 26 ~~election, or general primary election in order to be able to vote in the~~  
 27 ~~special election.~~

28 ~~(b) A special election scheduled to occur in a month in which the~~  
 29 ~~second Tuesday is a legal holiday shall be held on the third Tuesday of the~~  
 30 ~~month.~~

31 (b) In any city in which a local sales and use tax has been adopted in  
 32 the manner provided for in this subchapter and all or any portion pledged to  
 33 secure the payment of lease rentals or bonds as authorized by this  
 34 subchapter, that portion of the tax pledged to the payment of lease rentals  
 35 or bonds shall not be repealed, abolished, or reduced so long as the lease is  
 36 in effect or any of the bonds are outstanding.

1  
2 SECTION 94. Arkansas Code § 26-75-308(a), concerning special elections  
3 to approve a local sales and use tax, is amended to read as follows:

4 (a)(1) On the date of adoption of an ordinance levying a local sales  
5 and use tax for the benefit of the city, or within thirty (30) days following  
6 the adoption of the ordinance, the city by ordinance shall provide for the  
7 calling and holding of a special election on the question in accordance with  
8 § 7-5-103(b).

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

12 ~~(B)(i) The special election shall occur on the second~~  
13 ~~Tuesday of any month, except as provided in subdivision (a)(2)(B)(ii) of this~~  
14 ~~section.~~

15 ~~(ii) A special election held in a month in which a~~  
16 ~~presidential preferential primary election, preferential primary election,~~  
17 ~~general primary election, or general election is scheduled to occur shall be~~  
18 ~~held on the date of the presidential preferential primary election,~~  
19 ~~preferential primary election, general primary election, or general election.~~

20 ~~(2)(A)(i) If the special election is held on the date of the~~  
21 ~~presidential preferential primary election, preferential primary election, or~~  
22 ~~general primary election, the issue or issues to be voted upon at the special~~  
23 ~~election shall be included on the ballot of each political party.~~

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

27 ~~(B) No voter shall be required to vote in a political~~  
28 ~~party's presidential preferential primary election, preferential primary~~  
29 ~~election, or general primary election in order to be able to vote in the~~  
30 ~~special election.~~

31 ~~(b) A special election scheduled to occur in a month in which the~~  
32 ~~second Tuesday is a legal holiday shall be held on the third Tuesday of the~~  
33 ~~month.~~

34 (3) The governing body of the city shall notify the county board  
35 of election commissioners that the question has been referred to the vote of  
36 the people and shall submit a copy of the ballot title to the county board of

1 election commissioners.

2  
3 SECTION 95. Arkansas Code § 26-75-404(a), concerning the requirements  
4 and procedure for elections on local sales and use taxes, is amended to read  
5 as follows:

6 (a)(1) When the governing body of any city or town adopts an ordinance  
7 levying a local sales and use tax as authorized in this subchapter, the  
8 governing body shall provide, either in the ordinance levying the tax or in a  
9 separate ordinance, for submission of the question of the levy to the  
10 qualified electors of the city or town either at the next regular municipal  
11 election or at a special election.

12 (2)~~(A)~~ If the ordinance provides for submitting the question at  
13 a special election, the election shall be called in accordance with § 7-5-  
14 103(b) for a date not ~~less than sixty (60) nor~~ more than ninety (90) days  
15 from the date of the adoption of the ordinance calling the special election.

16 ~~(B)(i) The special election shall occur on the second~~  
17 ~~Tuesday of any month, except as provided in subdivision (a)(2)(B)(ii) of this~~  
18 ~~section.~~

19 ~~(ii) A special election held in a month in which a~~  
20 ~~presidential preferential primary election, preferential primary election,~~  
21 ~~general primary election, or general election is scheduled to occur shall be~~  
22 ~~held on the date of the presidential preferential primary election,~~  
23 ~~preferential primary election, general primary election, or general election.~~

24 ~~(2)(A)(i) If the special election is held on the date of the~~  
25 ~~presidential preferential primary election, preferential primary election, or~~  
26 ~~general primary election, the issue or issues to be voted upon at the special~~  
27 ~~election shall be included on the ballot of each political party.~~

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

31 ~~(B) No voter shall be required to vote in a political~~  
32 ~~party's presidential preferential primary election, preferential primary~~  
33 ~~election, or general primary election in order to be able to vote in the~~  
34 ~~special election.~~

35 ~~(b) A special election scheduled to occur in a month in which the~~  
36 ~~second Tuesday is a legal holiday shall be held on the third Tuesday of the~~

1 ~~month.~~—

2  
3 SECTION 96. Arkansas Code § 26-78-103 is amended to read as follows:  
4 26-78-103. Procedure for levying.

5 (a)(1) The counties of the state shall have the first opportunity to  
6 levy the County and Municipality Vehicle Tax.

7 (2)(A) Any levy by a county may be upon owners residing  
8 everywhere in the county or only upon owners residing within the county but  
9 outside the corporate boundaries of all municipalities in the county.

10 (B) That is, the tax must cover the entire county or the  
11 area outside all municipalities and cannot cover some municipalities and omit  
12 others.

13 (3) This levy may be in any amount not exceeding the authorized  
14 maximum.

15 (4) A municipality in a county may levy the tax only if the  
16 county quorum court, by the time of adjournment of its regular annual session  
17 in any calendar year, has failed to levy the tax upon the owners residing  
18 within the corporate limits of the municipality or if, by the time of  
19 adjournment, the court has not levied the full amount of the authorized tax  
20 for the next calendar year at the regular annual session or at any special  
21 session held in any calendar year prior to its regular annual session in the  
22 calendar year.

23 (5) Each levy by the county quorum court or by the governing  
24 body of the municipality shall be for collection during the calendar year  
25 next following the year in which the levy is made and, except in the case  
26 when bonds are issued as authorized, unless the levy is again made, the tax  
27 shall drop at the expiration of the calendar year for which collected and  
28 shall not again be collected until levied by the county quorum court by the  
29 time of adjournment of the regular annual session of the county quorum court  
30 or thereafter by the governing body of a municipality, as indicated.

31 (b)(1) Notwithstanding other provisions of this chapter, before the  
32 tax levied by any county quorum court upon owners residing everywhere in the  
33 county or only upon owners residing within the county but outside the  
34 corporate boundaries of all municipalities in the county may be collected,  
35 the county court shall call a special election in accordance with § 7-5-  
36 103(b) upon the first levy of the tax by the county quorum court, to be held

1 not ~~less than twenty (20) days nor more than sixty (60)~~ ninety (90) days from  
 2 the date of the adoption of the levy of the tax by the quorum court, at which  
 3 the qualified electors of the area to be affected by the tax shall vote on  
 4 the question of the levy of the tax.

5 ~~(2)(A) The special election shall occur on the second Tuesday of~~  
 6 ~~any month, except as provided in subdivision (b)(2)(B) of this section.~~

7 ~~(B)(i)(a) A special election held in a month in which a~~  
 8 ~~presidential preferential primary election, preferential primary election,~~  
 9 ~~general primary election, or general election is scheduled to occur shall be~~  
 10 ~~held on the date of the presidential preferential primary election,~~  
 11 ~~preferential primary election, general primary election, or general election.~~

12 ~~(b)(1)(A) If the special election is held on the date of the~~  
 13 ~~presidential preferential primary election, preferential primary election, or~~  
 14 ~~general primary election, the issue or issues to be voted upon at the special~~  
 15 ~~election shall be included on the ballot of each political party.~~

16 ~~(B) However, a separate ballot containing only the issue~~  
 17 ~~or issues to be voted upon at the special election shall be prepared and made~~  
 18 ~~available to a voter requesting a separate ballot.~~

19 ~~(2) No voter shall be required to vote in a political party's~~  
 20 ~~presidential preferential primary election, preferential primary election, or~~  
 21 ~~general primary election in order to be able to vote in the special election.~~

22 ~~(ii) A special election scheduled to occur in a~~  
 23 ~~month in which the second Tuesday is a legal holiday shall be held on the~~  
 24 ~~third Tuesday of the month.~~

25 ~~(3)(2)~~ If at the special election a majority of the qualified  
 26 electors of the area affected by the tax voting on the issue at the special  
 27 election shall vote for the levy of the tax, the tax may be thereafter levied  
 28 in the area in the manner authorized in subsection (a) of this section, and  
 29 it shall not be necessary that an election be called again in the area on the  
 30 question of levying the tax.

31 ~~(4)(3)~~ If a majority of the qualified electors of the affected  
 32 area voting on the issue at the special election shall vote against the levy  
 33 of the tax, the tax shall not be levied in the area.

34 ~~(5)(4)~~ The quorum court of the county at any subsequent annual  
 35 meeting may propose the levy of the tax, and the election on the tax shall be  
 36 called as provided in this section.

1           ~~(6)~~(5) A special election held pursuant to this chapter shall be  
 2 conducted in accordance with the election laws of this state, and the form of  
 3 the ballot, the method of voting, the counting, tabulation, and certification  
 4 of the special election results shall be in the manner provided by law.

5           (c)(1) Any tax levied by any municipality under the provisions of this  
 6 chapter for the first time prior to July 1, 1967, and without the calling of  
 7 a special election of the qualified electors of the municipality, shall  
 8 continue in full force and effect without the calling of an election.

9           (2) However, before the tax levied by the governing body of any  
 10 municipality for the first time after July 1, 1967, upon vehicle owners  
 11 residing in the municipality may be collected, the mayor shall call a special  
 12 election in accordance with § 7-5-103(b) to be held not ~~less than twenty (20)~~  
 13 ~~days nor~~ more than ~~sixty (60)~~ ninety (90) days from the date of the adoption  
 14 of the levy of the tax by the governing body of the municipality, at which  
 15 the qualified electors of the municipality shall vote on the question of the  
 16 levy of the tax.

17           ~~(3)(A) The special election shall occur on the second Tuesday of~~  
 18 ~~any month, except as provided in subdivision (c)(3)(B) of this section.~~

19           ~~(B)(i)(a) A special election held in a month in which a~~  
 20 ~~presidential preferential primary election, preferential primary election,~~  
 21 ~~general primary election, or general election is scheduled to occur shall be~~  
 22 ~~held on the date of the presidential preferential primary election,~~  
 23 ~~preferential primary election, general primary election, or general election.~~

24           ~~(b)(1)(A) If the special election is held on the date of the~~  
 25 ~~presidential preferential primary election, preferential primary election, or~~  
 26 ~~general primary election, the issue or issues to be voted upon at the special~~  
 27 ~~election shall be included on the ballot of each political party.~~

28           ~~(B) However, a separate ballot containing only the issue~~  
 29 ~~or issues to be voted upon at the special election shall be prepared and made~~  
 30 ~~available to a voter requesting a separate ballot.~~

31           ~~(2) No voter shall be required to vote in a political party's~~  
 32 ~~presidential preferential primary election, preferential primary election, or~~  
 33 ~~general primary election in order to be able to vote in the special election.~~

34           ~~(ii) A special election scheduled to occur in a~~  
 35 ~~month in which the second Tuesday is a legal holiday shall be held on the~~  
 36 ~~third Tuesday of the month.~~

1           ~~(4)~~(3) At the special election, if a majority of the qualified  
 2 electors of the municipality voting on the issue shall vote for the levy of  
 3 the tax, the tax may be thereafter levied in the municipality in the manner  
 4 authorized in subsection (a) of this section, and it shall not be necessary  
 5 that an election be called again in the municipality on the question of  
 6 levying the tax.

7           ~~(5)~~(4) If a majority of the qualified electors of the  
 8 municipality voting on the issue at the special election shall vote against  
 9 the levy of the tax, the tax shall not be levied in the municipality.

10           ~~(6)~~(5) However, the governing body of the municipality at any  
 11 time after the expiration of one (1) year from the election in the  
 12 municipality may propose the levy of the tax, and the election on the tax  
 13 shall be called as provided in this section.

14           ~~(7)~~(6) A special election held pursuant to this chapter shall be  
 15 conducted in accordance with the election laws of this state, and the form of  
 16 the ballot, the method of voting, the counting, tabulation, and certification  
 17 of the special election results shall be in the manner provided by law.

18  
 19           SECTION 97. Arkansas Code § 26-64-206(a), concerning elections on the  
 20 issuance of bonds, is amended to read as follows:

21           27-64-206. Election.

22           (a)~~(1)~~ No bonds shall be issued under this subchapter unless the  
 23 issuance of bonds has been approved by a majority of the qualified electors  
 24 of the state voting on the question at a statewide special election called by  
 25 proclamation of the Governor in accordance with § 7-5-103(b).

26           ~~(2)(A) Such an election may be in conjunction with a general~~  
 27 ~~election, or it may be a special election.~~

28           ~~(B)(i) A special election held under this section shall~~  
 29 ~~occur on the second Tuesday of any month, except as provided by subdivision~~  
 30 ~~(a)(2)(B)(ii) of this section.~~

31           ~~(ii) Special elections held in months in which a~~  
 32 ~~presidential preferential primary election, preferential primary election,~~  
 33 ~~general primary election, or general election is scheduled to occur shall be~~  
 34 ~~held on the date of the presidential preferential primary election,~~  
 35 ~~preferential primary election, general primary election, or general election.~~

36           ~~(2)(A)(i) If a special election is held on the date of the~~



1 ~~presidential preferential primary election, preferential primary election, or~~  
2 ~~general primary election, the issue or issues to be voted upon at the special~~  
3 ~~election shall be included on the ballot of each political party.~~

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

7 ~~(B) No voter shall be required to vote in a political~~  
8 ~~party's presidential preferential primary, preferential primary, or general~~  
9 ~~primary in order to be able to vote in the special election.~~

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

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