

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
4

As Engrossed: S3/14/07

A Bill

SENATE BILL 855

5 By: Senator Glover
6 By: Representatives E. Brown, Harrelson
7

For An Act To Be Entitled

10 AN ACT AMENDING ARKANSAS LAW CONCERNING
11 PROCEDURES AND DEADLINES FOR ELECTIONS; AND FOR
12 OTHER PURPOSES.
13

Subtitle

15 AN ACT AMENDING ARKANSAS LAW CONCERNING
16 PROCEDURES AND DEADLINES FOR ELECTIONS.
17

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~~

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

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

6
7 SECTION 9. Arkansas Code § 6-53-602 is amended to read as follows:
8 6-53-602. Formation of a proposed district.

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

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

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

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

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

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

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

6 ~~(ii) However, separate ballots containing only the~~
7 ~~issue or issues to be voted upon at the 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~~
10 ~~party's presidential preferential primary, preferential primary, or general~~
11 ~~primary in order to be able to vote in the special election.~~

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

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

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

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

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

36 (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, the additional millage required to the county board of election
16 commissioners of each county of which any portion is in the community college
17 district. However, millage together with the rate then levied will not exceed
18 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)(a)(1) Special elections held in months in which~~
36 ~~a 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.~~

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

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

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

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

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

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

2 7-5-103. ~~Time of special~~ Special elections.

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

8 ~~(b)(1)(A) Special elections held under this section in months in which~~
9 ~~a 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)(i)(a) If a special election is held on the date of the~~
14 ~~presidential preferential primary election, preferential primary election, or~~
15 ~~general 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 issues to~~
18 ~~be voted upon at the special election shall be prepared and made available to~~
19 ~~voters requesting a separate ballot.~~

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

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

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

31 (A) The date of the election;

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

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

36 (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 any 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 any 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....." with the name of
3 the party for which nomination is sought and the office set out in the
4 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 any 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"
17 with a brief description of the 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 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 ~~pledges~~ pledge at the time of filing the notice to be a
 34 write-in candidate. ~~A write-in candidate shall file the political practices~~
 35 ~~pledge with the Secretary of State if a candidate for a state or district~~
 36 ~~office or with the county clerk if a candidate for a county, township, or~~

1 ~~municipal 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 candidate, 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 in accordance with § 7-5-103(a).

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

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

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

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

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

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

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

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

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

1 ~~nominations may be made upon certification of the chairman or secretary of a~~
2 ~~convention of delegates of a political party called and held in accordance~~
3 ~~with the rules of the party.~~

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

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

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

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

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

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

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

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

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

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

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

32 7-7-203. Dates.

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

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

1 (c)(1) Party pledges, if any, shall be filed and any filing fees of a
2 political party, if any, shall be paid during regular office hours in the
3 period beginning at 12:00 noon on the ~~third Tuesday~~ first weekday in March
4 and ending at 12:00 noon on the ~~fourteenth~~ seventh day thereafter before the
5 preferential primary election.

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

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

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

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

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

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

32 ~~(f) Any group of voters desiring to form a new political party may do~~
33 ~~so by filing a petition with the Secretary of State in accordance with § 7-7-~~
34 ~~205.~~

35 ~~(g)~~(f)(1) The county board shall convene, at the time specified in the
36 notice to the members given by the chair of the board, no later than the

1 tenth day after each primary election for the purpose of canvassing the
2 returns and certifying the election results.

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

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

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

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

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

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

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

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

1 township, and municipal offices is due and shall be filed with the county
2 board of election commissioners and the county clerk in order that the
3 candidates' names be placed on the ballot for the general election.

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

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

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

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

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

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

4 (b) The order in which the names of the respective candidates,
5 including candidates for federal, state, and local offices and including
6 persons nominated for committeemen and delegates to the county convention,
7 and the order in which issues and measures are to appear on the ballots at
8 all preferential and general primary elections shall be determined by lot at
9 the public meeting of the county committee held not later than ~~thirty-five~~
10 ~~(35)~~ sixty-five (65) days before the preferential primary election. Ten (10)
11 days' written notice of the time and place of the meeting shall be given each
12 member by the chair, vice chair, or secretary of the committee. The chair,
13 vice chair, or secretary shall publish notice of the time and place of
14 holding the meeting in some newspaper of general circulation in the county.
15

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

17 ~~7-7-403. Declination of nomination.~~

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

23 ~~(b) The county board of election commissioners shall not include on~~
24 ~~the ballot the name of any candidate whose certificate of nomination shall~~
25 ~~have been filed with it, who shall have notified it in like manner that he~~
26 ~~will not accept the nomination.~~
27

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

29 7-8-102. Filling Senate vacancies.

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

36 ~~(b)(1)~~ If no general election for state and county officers occurs

1 within twelve (12) months after the vacancy, the Governor shall call a
 2 special election to be held ~~not less than sixty (60) days and not in~~
 3 accordance with § 7-5-103(b) but in no event more than one hundred twenty
 4 (120) days after the vacancy occurs.

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

12 ~~(b)(1)(A) 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 ~~(B) However, separate ballots containing only the issue or~~
 17 ~~issues to be voted upon at the special election shall be prepared and made~~
 18 ~~available to voters requesting a separate ballot.~~

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

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

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

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

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

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

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

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

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

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

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

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

33
34 SECTION 32. Arkansas Code § 7-10-103 is amended to read as follows:
35 7-10-103. Filing as a candidate.

36 (a) A candidate for a nonpartisan judicial office may pay a filing fee

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

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

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

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

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

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

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

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

34 (B) The petition shall be directed to the office with
35 which it is to be filed and shall request that the name of the candidate be
36 placed on the ballot for the election set forth in the petition. Candidates

1 may begin circulating petitions not earlier than sixty (60) days prior to the
2 filing deadline.

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

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

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

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

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

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

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

36 (d) No votes for a write-in candidate in a nonpartisan judicial

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

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

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

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

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

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

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

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

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

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

1 (a)(1)(A) of this section.

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

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

8 ~~(ii) A special election held in a month 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 ~~(2)(A)(i) If a special election is held on the date of the~~
14 ~~presidential preferential primary election, preferential primary election, or~~
15 ~~general 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 ~~(ii) However, a separate ballot containing only the~~
18 ~~issue or issues to be voted upon at the special election shall be prepared~~
19 ~~and made available to a voter requesting a separate ballot.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (2) Referendum. Referendum petition measures may be submitted to
36 the electors during a regular general election and shall be submitted if the

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

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

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

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

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

35 (B)(i)(a) When any county quorum court receives a request
 36 for the levy of volunteer fire department dues, the quorum court by ordinance

1 shall call for an election on the issue of the levy of the volunteer fire
2 department dues on each residence if the request has been signed by the fire
3 chief and all other officers of a volunteer fire department and filed with
4 the county clerk.

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

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

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

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

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

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

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

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

36 (3) Provided, however, active members of the volunteer fire

1 departments whose annual or quarterly dues are collected in this manner may
2 be exempt from the annual or quarterly dues charged by the department at the
3 discretion of the volunteer fire department in consideration of providing
4 services to the department.

5
6 SECTION 37. Arkansas Code § 14-37-112 is amended to read as follows:

7 14-37-112. Incorporated town may become city of the second class.

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

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

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

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

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

1 county in which the city is located. This special election shall be held for
2 the purpose of electing officers for the city of the second class.

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

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

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

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

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

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

27 14-38-112. Reactivation of inactive city or incorporated town.

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

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

1 reactivate the government of the city or incorporated town, they may file a
2 petition therefor with the county court of the county in which the city or
3 incorporated town is located.

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

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

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

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

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

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

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

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

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

35 (ii) ~~The election shall be conducted in the same~~
36 ~~manner as provided by law for conducting special elections to elect officials~~

1 ~~of a newly incorporated city or town.~~

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

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

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

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

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

26
27 SECTION 39. Arkansas Code § 14-38-113 is amended to read as follows:
28 14-38-113. Reorganization under different form of government.

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

1 section:

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

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

21
22
23
24

25 "FOR the proposition to organize this city under theform
26
27
28 of government[]"
29

31 "AGAINST the proposition to organize this city under the
32

33
34

35 form of government[]"

36 (B) The election thereupon shall be conducted, the votes

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

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

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

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

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

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

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

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

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

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

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

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

1 person signing the petition affixing the date of signing immediately
2 following his name.

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

8

9 SECTION 40. Arkansas Code § 14-40-303 is amended to read as follows:
10 14-40-303. Annexation ordinance - Election - Procedures.

11 (a) The annexation ordinance shall:

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

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

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

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

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

31 ~~(3)(A) 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 ~~(B) However, separate ballots containing only the issue or~~
36 ~~issues to be voted upon at the special election shall be prepared and made~~

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

2 ~~(4) 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 ~~(5) 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.~~

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

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

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

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

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

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

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

1 (D) The city clerk shall give notice of the election by
2 publication by at least one (1) insertion in some newspaper having a general
3 circulation in the city.

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

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

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

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

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

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

1 (2)(A) If the annexation election held first is approved by the
2 voters, the results of it shall be stayed until the second annexation
3 election is held.

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

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

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

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

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

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

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

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

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

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

1 SECTION 42. Arkansas Code § 14-40-1207 is amended to read as follows:
2 14-40-1207. Special election of aldermen or all city officials.

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

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

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

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

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

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

36 ~~(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:

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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 _____.

1 Printed Signature Street Address Date of Date of
 2
 3
 4 Name Birth Signing
 5
 6
 7
 8

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

15 "PETITION OF NOMINATION

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

25 Printed Signature Street Address Date of Date of
 26
 27
 28 Name Birth Signing
 29
 30
 31
 32

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

36 (3) Independent candidates for municipal office shall file a

1 political practices pledge ~~no later than sixty (60) days prior to the date of~~
2 ~~the general election by 12:00 noon~~ at the time of filing their petitions.

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

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

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

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

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

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

25 (ii) No later than noon on the day before the
26 preferential primary election.

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

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

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

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

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

3
4 SECTION 46. Arkansas Code § 14-42-304 is amended to read as follows:
5 14-42-304. Amendments to charter.

6 (a) Amendments to any charter may be proposed by a two-thirds (2/3)
7 vote of the governing body of the municipality or by petition of ten percent
8 (10%) of the qualified electors of the municipality.

9 (b)~~(1)~~ The amendment shall be submitted to the qualified electors of
10 the municipality at a regular or special election called in accordance with §
11 7-5-103(b).

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

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

19 ~~(C)(i) If a special 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 special~~
22 ~~election shall be included on the ballot of each political party.~~

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

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

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

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

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

5
 6 SECTION 47. Arkansas Code § 14-43-411 is amended to read as follows:
 7 14-43-411. Alderman vacancy.

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

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

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

22 (1)~~(A)~~ If the unexpired portion of the term of alderman exceeds
 23 one (1) year, a successor shall be elected by a vote of the electors of the
 24 ward. The city council shall order a special election to be held ~~within~~
 25 pursuant to a proclamation issued by the mayor in accordance with § 7-5-
 26 103(a) no later than ninety (90) days ~~of~~ after the date the vacancy occurs;
 27 or

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

31 ~~(C) 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 ~~(D)(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 ~~(E) 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 ~~(F) Special elections scheduled to occur in a month in~~
11 ~~which the second Tuesday is a legal holiday shall be held on the third~~
12 ~~Tuesday of the month; or~~

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

16
17 SECTION 48. Arkansas Code § 14-44-103(a), concerning the election of
18 aldermen, is amended to read as follows:

19 14-44-103. Election of aldermen.

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

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

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

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

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

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

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

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

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

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

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

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

36 (6)(A) The city council may refer to voters an ordinance on the

1 question of returning the city to electing aldermen to two-year terms using
2 the procedures of subdivisions (a)(4)-(7) of this section.

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

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

10
11 SECTION 49. Arkansas Code § 14-44-106 is amended to read as follows:
12 14-44-106. Vacancy in mayor's office.

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

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

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

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

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

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

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

4
5 SECTION 50. Arkansas Code § 14-47-106 is amended to read as follows:
6 14-47-106. Election on city manager form of government.

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

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

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

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

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

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

8 ~~(4) 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 ~~(5)(2)(A)~~ At the special election for the submission or
12 resubmission of the proposition, the ballots shall contain substantially the
13 following:

14
15
16
17
18 " FOR the proposition to organize this city under Act 99 of the General
19 Assembly of 1921, as amended[]

20
21
22 AGAINST the proposition to organize this city under Act 99 of the General
23 Assembly of 1921, as amended
24[]"

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

28 (ii) The county board of election commissioners
29 shall certify the result to the mayor. This result shall be conclusive and
30 not subject to attack unless suit is brought in the circuit court of the
31 county in which the city is situated to contest the certification within
32 thirty (30) days after the certification;

33 ~~(6)(3)(A)~~ If a majority of the votes cast on the proposition is
34 against the organization of the city under this chapter, the question of
35 adopting the manager form of government shall not be resubmitted to the
36 voters of that city for adoption within four (4) years thereafter. It shall

1 be resubmitted then only upon presentation to the mayor of petitions signed
2 by electors equal in number to fifteen percent (15%) of the aggregate number
3 of ballots cast for all candidates for mayor at the preceding general city
4 election.

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

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

13
14 SECTION 51. Arkansas Code § 14-47-107(a), concerning subsequent
15 elections on the aldermanic form of government, is amended to read as
16 follows:

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

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

31 ~~(C)(i) 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 ~~(ii) If a special election is held on the date of~~

1 ~~the presidential preferential primary election, preferential primary~~
2 ~~election, or general primary election, the issue or issues to be voted upon~~
3 ~~at the special election shall be included on the ballot of each political~~
4 ~~party. However, separate ballots containing only the issue or issues to be~~
5 ~~voted upon at the special election shall be prepared and made available to~~
6 ~~voters requesting a separate ballot.~~

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

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

19
20 SECTION 52. Arkansas Code § 14-47-110 is amended to read as follows:
21 14-47-110. Election of directors.

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

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

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

30 (B)(i) A special election to fill any vacancy under § 14-
31 47-113 shall be called through a resolution of the board of directors.

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

36 ~~(C)(i) The special election shall occur on the second~~

~~Tuesday of any month, except as provided in subdivision (a)(1)(C)(ii)-(v) of this section.~~

~~(ii) 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.~~

~~(iii) 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. 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.~~

~~(iv) 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.~~

~~(v) 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.~~

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

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

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

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

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

9 (C) *A petition for nomination shall not show the name of*
10 *more than one (1) candidate.*

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

17 (ii)(a) *Whether the names of the candidates so*
18 *certified to the county board of election commissioners are to be submitted*
19 *at a biennial general election or at a special election held on a different*
20 *date, the election board shall have general supervision over the holding of*
21 *each municipal election.*

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

29 (c) *The result of the election shall be certified by the election*
30 *board to the city clerk or recorder.*

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

35 (b) *Each director, before entering upon the discharge of his duties,*
36 *shall take the oath of office required by the Arkansas Constitution, Article*

1 19, § 20.

2
3 SECTION 53. Arkansas Code § 14-48-104(b), concerning the submission of
4 the governmental form question to electors, is amended to read as follows:

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

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

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

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

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

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

31
32 SECTION 54. Arkansas Code § 14-48-105(b), concerning the procedure to
33 change to another form of government, is amended to read as follows:

34 (b)(1) After the expiration of four (4) years from the date on which
35 the first board of directors and mayor take office in a city organized under
36 this chapter, a petition signed by electors equal in number to fifteen

1 percent (15%) of the aggregate number of ballots cast for all candidates for
2 mayor in the preceding general election may be presented to the mayor,
3 calling for an election to consider any other form of municipal government
4 authorized by the laws of this state.

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

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

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

16 (ii) No other notice of the election shall be
17 necessary.

18 ~~(C)(i) The special election shall occur on the second~~
19 ~~Tuesday of any month, except as provided in subdivisions (b)(2)(C)(ii)-(v) of~~
20 ~~this 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 ~~(iii) 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. However, separate ballots containing only the issue or issues to be~~
31 ~~voted upon at the special election shall be prepared and made available to~~
32 ~~voters requesting a separate ballot.~~

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

36 ~~(v) Special elections scheduled to occur in a month~~

1 ~~in which the second Tuesday is a legal holiday shall be held on the third~~
2 ~~Tuesday of the month.~~

3
4 SECTION 55. Arkansas Code § 14-48-108 is amended to read as follows:
5 14-48-108. Calling of elections for directors and mayor.

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

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

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

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

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

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

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

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

3
4 SECTION 56. Arkansas Code § 14-48-109 is amended to read as follows:
5 14-48-109. Election of directors and mayor - Oath.

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

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

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

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

22 (B)(i) Special elections to fill any vacancy under § 14-
23 48-115 shall be called through a resolution of the board.

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

28 (2)(A) Candidates to be voted on at all elections to be held
29 under the provisions of this chapter shall be nominated by primary election,
30 and no names shall be placed upon the general election ballot except those
31 selected in the manner prescribed in this chapter.

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

36 (ii)(a) The elections shall be under the supervision

1 of the county board of election commissioners, and the election judges and
2 clerks appointed for the general election shall be the judges and clerks of
3 the primary elections.

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

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

13
14 "STATE OF ARKANSAS

15
16 COUNTY OF.

17
18 I,, being first duly sworn, state
19 that I reside at. Street, City of.
20, County and State
21 aforesaid; that I am a qualified elector of said city and the ward in which I
22 reside; that I am a candidate for nomination to the office of
23, to be voted upon at

24
25 (Mayor) (Director)

26
27 the primary election to be held on the. day of, 20. .
28, and I hereby request that my name be placed upon the official primary
29 election ballot for nomination by such primary election for such office and I
30 herewith deposit the sum of ten dollars (\$10.00), the fee prescribed by
31 law.";

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

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

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

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

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

27 (C)(i) Whether the names of the candidates so certified to
 28 the county board of election commissioners are to be submitted at a biennial
 29 general election or at a special election held on a different date, the
 30 county board of election commissioners shall have general supervision over
 31 the holding of each municipal election.

32 (ii)(a) In this connection, the election board shall
 33 post the nominations, print the ballots, establish the voting precincts,
 34 appoint the election judges and clerks, determine and certify the results of
 35 the election, and determine the election expense chargeable to the city, all
 36 in the manner prescribed by law in respect to general elections; it is the

1 intention of this chapter that the general election machinery of this state
2 shall be utilized in the holding of all general and special elections
3 authorized under this chapter.

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

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

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

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

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

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

30 (b) Each member of the board of directors, before entering upon the
31 discharge of his duties, shall take the oath of office required by Arkansas
32 Constitution, Article 19, Section 20.

33
34 SECTION 57. Arkansas Code § 14-48-114 is amended to read as follows:
35 14-48-114. Removal of mayor or directors.

36 (a) Any person holding the office of mayor and any person holding the

1 office of member of the board of directors of any city organized under the
2 provisions of this chapter shall be subject to removal from the office by the
3 electors qualified to vote for a successor of the incumbent.

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

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

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

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

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

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

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

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

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

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

6
7 "FOR the removal offrom the office of

8
9
10 (name of officer)

11
12[]

13
14
15 (Mayor) (Director)

16
17
18 AGAINST the removal offrom the

19
20
21 (name of officer)

22
23
24
25 office of[]"

26
27
28 (Mayor) (Director)

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

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

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

1
2 SECTION 58. Arkansas Code § 14-48-115 is amended to read as follows:
3 14-48-115. Mayor or director vacancy.

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

10 (b)~~(1)~~ If the vacancy occurs more than (6) months prior to the next
11 general municipal election, a special election to fill the vacancy shall be
12 called ~~to fill the vacancy~~ by proclamation issued in accordance with § 7-5-
13 103(a) by:

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

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

17 ~~(2)(A) The special election shall occur on the second Tuesday of~~
18 ~~any month, except as provided in subdivisions (b)(2)(B)-(E) 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
2 SECTION 59. Arkansas Code § 14-57-704(a), concerning special elections
3 on the vehicle tax, is amended to read as follows:

4 (a)(1) Before the vehicle tax levied by the governing body of any city
5 of the first class or city of the second class or incorporated town upon
6 vehicle owners residing in the city or town may be collected, the mayor shall
7 call a special election in accordance with § 7-5-103(b).

8 ~~(2)(A) This election shall be held not less than thirty (30)~~
9 ~~days nor more than sixty (60)~~ ninety (90) days from the date of the ~~adoption~~
10 ~~of the levy of the tax by the governing body of the city or town~~ publication
11 of the proclamation, at which the qualified electors of the city or town
12 shall vote on the question of the levy of the tax.

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

16 ~~(ii) Special elections held in months 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 ~~(2)(A)(i) 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 ~~(ii) However, separate ballots containing only the~~
26 ~~issue or issues to be voted upon at the special election shall be prepared~~
27 ~~and made available to voters requesting a separate ballot.~~

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

31 ~~(b) Special elections 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
35 SECTION 60. Arkansas Code § 14-61-113 is amended to read as follows:
36 14-61-113. Petition process for special elections.

1 Except for questions that may be referred to the voters by the board of
2 directors, unless it is a city where a federal court has ordered the
3 redistricting of wards under the federal Voting Rights Act, options provided
4 by this chapter shall be voted on at special elections called as a result of
5 a petition for the special election being filed with the city clerk and
6 provided to the mayor. The following procedure shall be utilized for both
7 initial elections to organize under the management form of government, for
8 reorganization elections by a city already operating under the management
9 form of government, and for elections to reorganize the selection of
10 directors in cities where a federal court has ordered the redistricting of
11 wards under the federal Voting Rights Act:

12 (1) A petition that calls for an election on one (1) particular
13 option for selecting members of the board of directors using the form of the
14 question outlined in § 14-61-115(b) shall be filed with the city clerk and
15 provided to the mayor. The city clerk shall note on the petition the date and
16 time that it was filed. If such a petition contains the signatures of
17 electors equal in number to fifteen percent (15%) of the number of ballots
18 cast for the mayor, or if the mayor is not directly elected, for the director
19 position receiving the highest number of votes, in the last general election,
20 then the mayor, by proclamation in accordance with § 7-5-103(b), shall submit
21 the question to the electors at a special election, provided:

22 (A)(i) The city clerk shall verify the number of
23 signatures on the petitions within ten (10) days of the date they are filed.

24 (ii) If there are insufficient signatures on the
25 petitions, the petitioners shall not receive any extensions for the petition.

26 (iii) If, however, there are a sufficient number of
27 signatures on the petitions but the city clerk is unable to verify the
28 required number of signatures as those of qualified electors, then the
29 petitioners will be given ten (10) days to provide a sufficient number of
30 verified signatures;

31 (B) The proclamation calling the special election shall be
32 issued within three (3) working days of the date the city clerk verifies the
33 number of signatures on the petitions;

34 (C)(i) The special election shall be held not ~~less than~~
35 ~~thirty (30) nor~~ more than sixty (60) days after the proclamation calling the
36 election, provided that if the county board of election commissioners

1 certifies in writing that it cannot prepare the ballots because of other
2 pending elections, then the election can be held not more than ~~seventy-five~~
3 ~~(75)~~ ninety (90) days after the proclamation.

4 ~~(ii)(a) The special election shall occur on the~~
5 ~~second Tuesday of any month, except as provided in subdivision (1)(C)(ii)(b)~~
6 ~~of this section.~~

7 ~~(b)(1)(A) Special elections held in months in which a presidential~~
8 ~~preferential primary election, preferential primary election, general primary~~
9 ~~election, or general election is scheduled to occur shall be held on the date~~
10 ~~of the presidential preferential primary election, preferential primary~~
11 ~~election, general primary election, or general election.~~

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

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

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

25 (2) Except for the provisions of subdivision (1)(A) of this
26 section, if petitions filed with the mayor that call for an election on one
27 (1) of the options set forth in this chapter are found to be insufficient for
28 any reason whatsoever, then new petitions will have to be circulated and
29 filed before the question can be considered again.

30 (3) Notwithstanding subdivision (2) of this section, if two (2)
31 or more groups file petitions seeking a special election on one (1) of the
32 options set forth in this chapter, and the first filed petitions are declared
33 to be insufficient, then the city clerk will determine the sufficiency of the
34 petitions that were filed next in time. Otherwise, upon a declaration that a
35 set of petitions is sufficient and the first in time, then all petitions
36 filed after the first sufficient petitions and before the special election

1 shall be deemed moot and may be destroyed.

2 (4) Once an election has been held pursuant to the provisions of
3 any act that results in a change in the manner of selecting the governing
4 body of a city with the manager form of government, or seeks to reorganize a
5 manager-government city under any other form of government, then none of the
6 options presented by this chapter, or any act concerning the organization of
7 the government under any form of municipal government, may be submitted to
8 the voters for a period of four (4) years from the date of the election.

9 (5) Except as provided in § 14-61-114(a), if an election held
10 pursuant to the provisions of any act fails to result in a change in the
11 manner of selecting the governing body of a city with the manager form of
12 government, or fails to reorganize such a city under any other form of
13 government, then no other petitions seeking to adopt any of the options
14 presented by this chapter, or to reorganize the city under any form of
15 municipal government, may be submitted to the voters for a period of two (2)
16 years from the date of the election.

17
18 SECTION 61. Arkansas Code § 14-61-119(g), concerning the removal of
19 city directors, is amended to read as follows:

20 (g) If the board shall find the petition thus submitted to it contains
21 the requisite number of electors signed thereto and is otherwise found to be
22 sufficient, it shall order and fix a date for holding an election in
23 accordance with § 7-5-103(b). This date shall be not ~~less than thirty (30)~~
24 ~~days nor more than forty (40)~~ than ninety (90) days from the date of the
25 clerk's certificate to the board that a sufficient petition is filed.

26
27 SECTION 62. Arkansas Code § 14-72-303 is amended to read as follows:
28 14-72-303. Submission of question to electors - Special election.

29 (a) If the county court decides that it would be advantageous to issue
30 bonds under the authority of Arkansas Constitution, Amendment 17 [repealed],
31 this section, and §§ 14-72-301, 14-72-302, and 14-72-304 - 14-72-307, it
32 shall order the submission of the question to the qualified electors of the
33 county at ~~the next general election~~ a special election to be held in
34 accordance with § 7-5-103(b).

35 ~~(b)(1) However, if no general election for county and state officers~~
36 ~~will be held under the law within one (1) year of the making of the order,~~

1 ~~then the county court by order entered of record may call a special election~~
2 ~~in the county. This election shall be held not less than thirty (30) days nor~~
3 ~~more than sixty (60) days thereafter, and the county court shall name the~~
4 ~~date therefor.~~

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

12 ~~(b)(1)(A) If a special election is held on the date of the presidential~~
13 ~~preferential primary election, preferential primary election, or general~~
14 ~~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, separate ballots containing only the issue or~~
17 ~~issues to be voted upon at the special election shall be prepared and made~~
18 ~~available to voters requesting a separate ballot.~~

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

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

25 ~~(e)(b) In all other respects, the special election shall be held as~~
26 ~~provided by law for the conducting of general elections. It is made the duty~~
27 ~~of the sheriff of the county, by proclamation duly made and published for the~~
28 ~~time and in the manner provided by law, to give notice of the time and place~~
29 ~~of holding the election.~~

30
31 SECTION 63. Arkansas Code § 14-72-606 is amended to read as follows:
32 14-72-606. Election procedures - Contest.

33 (a)(1) Whenever a county or municipality shall determine the need to
34 issue revenue bonds, the issuance of which under the Constitution of the
35 State of Arkansas requires approval at an election, the legislative body
36 thereof shall, by ordinance, submit the question of the issuance of the

1 revenue bonds to the qualified electors of the county or municipality.

2 (2) The question of the issuance of revenue bonds may be
3 submitted at a ~~general election or at a~~ special election called for that
4 purpose in accordance with § 7-5-103(b), as provided in the ordinance, and
5 held in the manner provided in this subchapter.

6 (3) When revenue bonds are to be issued for more than one (1)
7 purpose, the principal amount of revenue bonds applicable to each purpose
8 shall be stated on the ballot as a separate question, and no revenue bonds
9 shall be issued for such a purpose unless a majority of the electors voting
10 on the question shall have approved the issuance of revenue bonds for that
11 purpose.

12 (4) Except as otherwise provided in this subchapter, the
13 election shall be held and conducted in the same manner as a special or
14 general election under the election laws of the state.

15 (b)(1) The ordinance shall set forth the form of ballot questions,
16 which shall include a statement of the purposes for which the revenue bonds
17 are to be issued and the proposed sources of repayment of the revenue bonds.

18 (2)(A) Notice of the election shall be given by the clerk of the
19 county or municipality by one (1) publication in a newspaper having general
20 circulation within the county or municipality not less than ten (10) days
21 prior to the election.

22 ~~(B) No other publication or posting of a notice by any~~
23 ~~other public official shall be required.~~

24 ~~(3)(A) The election shall be held no earlier than thirty (30)~~
25 ~~days after the date of adoption of the ordinance in which the election is~~
26 ~~called by the legislative body.~~

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

29 ~~(ii) 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 an election is held on the date of the presidential~~
35 ~~preferential primary election, preferential primary election, general primary~~
36 ~~election, or primary election, the issue or issues to be voted upon at the~~

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 election shall be prepared and made~~
4 ~~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 election.~~

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

10 (c)(1) The county judge or mayor of the county or municipality shall
11 proclaim the results of the election by issuing a proclamation and publishing
12 the proclamation one (1) time in a newspaper having general circulation
13 within the county or municipality.

14 (2)(A) The results of the election as stated in the proclamation
15 shall be conclusive unless suit is filed in the circuit court in the county
16 in which the municipality is located within thirty (30) days after the date
17 of the publication.

18 (B) No other action shall be maintained to challenge the
19 validity of the revenue bonds and of the proceedings authorizing the issuance
20 of the bonds unless suit is filed in the circuit court within thirty (30)
21 days after the date of the adoption of an ordinance authorizing the sale of
22 the revenue bonds.

23
24 SECTION 64. Arkansas Code § 14-120-209 is amended to read as follows:
25 14-120-209. Date of election.

26 ~~(a) The election shall be held on a date to be fixed by the directors~~
27 ~~of the drainage and levee improvement district at a regular or special~~
28 ~~meeting called for that purpose in accordance with § 7-5-103(b). However, the~~
29 ~~date of the election shall be not less than sixty (60) days nor more than one~~
30 ~~hundred eighty (180) days next succeeding the date of the first publication~~
31 ~~of the notice of the filing of the outline of the project with the district~~
32 ~~as provided in § 14-120-206(c).~~

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

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

12 ~~(b) 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 ~~(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.~~

18
19 SECTION 65. Arkansas Code § 14-122-104 is amended to read as follows:
20 14-122-104. Filing referendum petitions - Special election.

21 ~~(a) If petitions signed by not less than fifteen percent (15%) of the~~
22 ~~qualified electors voting on the office of mayor in the city at the last~~
23 ~~preceding general election are filed with the city clerk of the city within~~
24 ~~forty-five (45) days after the enactment of the ordinance creating the~~
25 ~~municipal drainage improvement district requesting that the ordinance be~~
26 ~~referred to a vote of the qualified electors of the district, the petitions~~
27 ~~shall be referred to the people at a special election to be called by the~~
28 ~~mayor of the municipality in accordance with § 7-5-103(b) to be held not less~~
29 ~~than thirty (30) days nor more than sixty (60) ninety (90) days after the~~
30 ~~filing of the petitions proclamation.~~

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

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

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

~~6 (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 66. Arkansas Code § 14-142-208 is amended to read as follows:

17 14-142-208. Bonds generally - Election to authorize issuance.

18 (a) The question of the issuance of such bonds shall be submitted to
19 the electors of the municipality or county at the general election, or at a
20 special election called for that purpose in accordance with § 7-5-103(b), as
21 provided in the ordinance or order and held in the manner provided in this
22 subchapter; provided, however, that no voter residing within a municipality
23 levying a maintenance tax for libraries or levying a tax pledged for the
24 purpose of retiring library bonds issued by the municipality or pledged to
25 pay for capital improvements to or construction of a public library pursuant
26 to Arkansas Constitution, Amendment 30 and Amendment 72, shall be entitled to
27 vote on the question of the issuance of bonds by the county within which the
28 municipality is located as authorized pursuant to Arkansas Constitution,
29 Amendment 38 and Amendment 72, and this section.

30 (b)(1) Except as otherwise provided in this subchapter, the election
31 shall be held and conducted in the same manner as a special or general
32 election under the election laws of the state.

33 (2) The ordinance or order shall set forth the form of the
34 ballot question or questions in the form prescribed by Arkansas Constitution,
35 Amendment 30 or Amendment 38, as amended by Arkansas Constitution, Amendment
36 72.

1 (3) Notice of the election shall be given by the clerk of the
2 issuer by one (1) publication in a newspaper having general circulation
3 within the municipality or county not less than ten (10) days prior to the
4 election. No other publication or posting of a notice by any other public
5 official shall be required.

6 ~~(4)(A)(i) The election shall be held no earlier than thirty (30)~~
7 ~~days after the date of adoption of the ordinance or entry of the order in~~
8 ~~which the election is called.~~

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

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

29 (c) The chief executive officer of the municipality or county shall
30 proclaim the results of the election by issuing a proclamation and publishing
31 it one (1) time in a newspaper having general circulation within the
32 municipality or county.

33 (d)(1) The results of the election as stated in the proclamation shall
34 be conclusive unless suit is filed in the circuit court in the county in
35 which the issuer is located within thirty (30) days after the date of the
36 publication.

1 (2) No other action shall be maintained to challenge the
2 validity of the bonds and of the proceedings authorizing the issuance of the
3 bonds unless suit is filed in such circuit court within thirty (30) days
4 after the date of adoption of an ordinance or entry of the order authorizing
5 the sale of the bonds.

6
7 SECTION 67. Arkansas Code § 14-163-207(d), concerning the levy of
8 special taxes, is amended to read as follows:

9 (d)(1) At the time, date, and place specified in the notice, the
10 governing body of the city shall hold the hearing and shall determine and
11 make a finding as to whether or not the petition is signed by at least ten
12 percent (10%) of the owners of real property in the city.

13 (2)(A) If the governing body finds that the petition is signed
14 by the requisite owners of real property, it shall adopt an ordinance setting
15 forth its finding and calling a special election to be held in the city ~~on~~
16 ~~the date specified in the ordinance, which shall not occur earlier than~~
17 ~~thirty (30) days after the passage of the ordinance~~ in accordance with § 7-5-
18 103(b).

19 (B) The ordinance shall be published one (1) time.

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

22 ~~(4)(A)(i) Special 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 ~~(ii)(a) If a special 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.~~

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

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

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

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

5 (C) The finding that the petition is sufficient shall be
6 conclusive unless attacked in the courts within thirty (30) days after the
7 date of publication of the ordinance.

8 (D)(i) The ordinance shall contain at least the
9 information set forth in this section as required information to be included
10 in the petition.

11 (ii) In addition, the ordinance shall specify the
12 form of the ballot to be submitted to the electors.

13
14 SECTION 68. Arkansas Code § 14-164-309 is amended to read as follows:

15 14-164-309. Bonds generally - Election to authorize issuance.

16 (a) The question of the issuance of such bonds shall be submitted to
17 the electors of the county or municipality at the general election or at a
18 special election called for that purpose in accordance with § 7-5-103(b), as
19 provided in the ordinance and held in the manner provided in this subchapter.

20 (b) Except as otherwise provided in this subchapter, the election
21 shall be held and conducted in the same manner as a special or general
22 election under the election laws of the state.

23 (c) The ordinance shall set forth the form of the ballot question or
24 questions, which shall include a statement of the purpose or purposes for
25 which the bonds are to be issued and the maximum rate of any ad valorem tax
26 to be levied for payment of bonded indebtedness.

27 (d) Notice of the election shall be given by the clerk of the issuer
28 by one (1) publication in a newspaper having general circulation within the
29 municipality or county not less than ten (10) days prior to the election. No
30 other publication or posting of a notice by any other public official shall
31 be required.

32 ~~(e)(1) The election shall be held no earlier than thirty (30) days~~
33 ~~after the date of adoption of the ordinance in which the election is called~~
34 ~~by the legislative body.~~

35 ~~(2)(A) The election shall occur on the second Tuesday of any~~
36 ~~month, except as provided in subdivision (e)(2)(B) of this section.~~

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

6 ~~(ii)(a) If an 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~~
9 ~~election shall be included on the ballot of each political party.~~

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

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

16 ~~(iv) 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 ~~(f)(e)~~ The chief executive officer of the municipality or county shall
20 proclaim the results of the election by issuing a proclamation and publishing
21 it one (1) time in a newspaper having general circulation within the
22 municipality or county.

23 ~~(g)(f)~~(1) The results of the election as stated in the proclamation
24 shall be conclusive unless suit is filed in the circuit court in the county
25 in which the issuer is located within thirty (30) days after the date of the
26 publication.

27 (2) No other action shall be maintained to challenge the
28 validity of the bonds and of the proceedings authorizing the issuance of the
29 bonds unless suit is filed in such circuit court within thirty (30) days
30 after the date of the adoption of an ordinance authorizing the sale of the
31 bonds.

32
33 SECTION 69. Arkansas Code § 14-174-103 is amended to read as follows:
34 14-174-103. Levy of new taxes permitted.

35 (a)(1)~~(A)~~ In addition to all other authority of local governments to
36 levy taxes provided by law, any county, acting through its quorum court, or

1 any municipality, acting through its governing body, may levy any tax.

2 ~~(B)(i)(2)(A)~~ However, no ordinance levying any tax
3 authorized by this subchapter shall be valid until adopted at a special ~~or~~
4 ~~general~~ election in accordance with § 7-5-103(b) by qualified electors of the
5 city or in the county where the tax is to be imposed, as the case may be.

6 ~~(ii)(B)~~ An election will also be required to
7 increase, decrease, or repeal a tax levied pursuant to this subchapter.

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

11 ~~(B)(i)(a)~~ ~~Special elections held in months 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 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 special~~
19 ~~election shall be included on the ballot of each political party.~~

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

23 ~~(2)~~ ~~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 special election.~~

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

29 (b) Nothing in this subchapter shall be construed to diminish the
30 existing powers of county governments or city governments.

31 (c) Nothing in this subchapter shall terminate, repeal, or otherwise
32 affect any other tax levied by a local government.

33 (d) The local government levying the tax shall collect and administer
34 the tax.

35
36 SECTION 70. Arkansas Code § 14-200-107 is amended to read as follows:

1 14-200-107. Election to authorize purchase by municipality.

2 ~~(a) Any municipality may determine to acquire the property of a public~~
3 ~~utility as authorized under the provisions of this act by the vote of the~~
4 ~~municipal council or city commission, taken after a public hearing, of which~~
5 ~~at least thirty (30) days' notice has been given, and ratified and confirmed~~
6 ~~by a majority of the electors voting thereon at any general or special~~
7 ~~municipal election held not less than thirty (30) days after a passage of the~~
8 ~~vote of the municipal council or city commissioners in accordance with § 7-5-~~
9 ~~103(b).~~

10 ~~(b)(1) A special election held under this section shall occur on the~~
11 ~~second Tuesday of any month, except as provided in subdivision (b)(2) of this~~
12 ~~section.~~

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

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

23 ~~(2) Separate ballots containing only the issue or issues to be~~
24 ~~voted upon at the special election shall be prepared and made available to~~
25 ~~voters requesting a separate ballot.~~

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

29 ~~(B) Special 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
33 SECTION 71. Arkansas Code § 14-201-109 is amended to read as follows:

34 14-201-109. Abolition of commission.

35 (a)(1) When such a utility commission has been established pursuant to
36 this subchapter by the city council or other governing body it cannot be

1 ~~abolished except by a majority vote of the electorate of the city at either a~~
 2 ~~special election called for the purpose or at a general election.~~

3 (2) No abolishment of any such commission, whether pursuant to
 4 the provisions of this subchapter or otherwise, shall affect the rights,
 5 properties, or obligations held or incurred by the commission.

6 (b)(1) If twenty-five percent (25%) of the electors of the city
 7 petition the city council to do so, a special election shall be ordered in
 8 accordance with § 7-5-103(b) not later than fourteen (14) days from the date
 9 on which the petition was filed to be held ~~within sixty (60)~~ at least ninety
 10 (90) days after the order on the question whether the utility commission
 11 shall be abolished or continued.

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

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

19 ~~(ii)(a) If a special election is held on the date of~~
 20 ~~the presidential preferential primary election, preferential primary~~
 21 ~~election, or general primary election, the issue or issues to be voted upon~~
 22 ~~at the special election shall be included on the ballot of each political~~
 23 ~~party.~~

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

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

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

33 ~~(3)(2)~~ A majority vote of the electorate shall determine the
 34 question.

35
 36 SECTION 72. Arkansas Code § 14-206-103 is amended to read as follows:

1 14-206-103. Confirmation by electors.

2 ~~(a)(1)~~ Any municipality may determine to seek approval from the
3 commission to acquire the property of a gas or electric public utility as
4 authorized under the provisions of this chapter by the vote of the municipal
5 council, city commission, or governing body taken after a public hearing, of
6 which at least thirty (30) days' notice has been given by publication in
7 newspapers having a general circulation within the municipality. This vote
8 shall have been ratified and confirmed by a majority of the electors voting
9 thereon at any ~~general or special election held not less than thirty (30)~~
10 ~~days after a passage of the vote of the municipal council or city~~
11 ~~commissioners in accordance with § 7-5-103(b).~~

12 ~~(2)(A) A special election held under this section shall occur on~~
13 ~~the second Tuesday of any month, except as provided in subdivision (a)(2)(B)~~
14 ~~of this section.~~

15 ~~(B)(i)(a) 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 ~~(b)(1)(A) If a 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 ~~(B) However, separate ballots containing only the issue or~~
25 ~~issues to be voted upon at the special election shall be prepared and made~~
26 ~~available to voters requesting a separate ballot.~~

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

30 ~~(ii) 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 (b)(1) In the event the vote of the municipal council, city
34 commission, or governing body is ratified and confirmed by a majority of the
35 electors voting thereon, the clerk of the municipality shall notify the
36 commission of the results of the election within ninety (90) days thereafter.

1 (2) Within one (1) year after the election, the municipality may
2 file with the commission an application for approval of a certificate for the
3 acquisition or purchase of the property of a gas or electric public utility
4 as provided in this chapter.

5
6 SECTION 73. Arkansas Code § 14-283-101 is amended to read as follows:

7 14-283-101. Petition for special election.

8 (a) When petitions are filed with the county court of any county
9 containing the signatures of ten percent (10%) or more of the qualified
10 electors of all or any defined part of any county, or all or any defined part
11 of any city, as determined by the number of votes cast by the qualified
12 electors of the county, city, or designated portion thereof, for all
13 candidates for Governor at the last preceding general election, requesting
14 the establishment of a mosquito abatement district in the county or a
15 designated portion of the county or in the city or designated portion of the
16 city and requesting that assessed benefits be made on the property located in
17 the district to finance the operation of the district, the county court shall
18 call a special election in accordance with § 7-5-103(b) in the county, city,
19 or designated area of the city to determine whether a mosquito abatement
20 district shall be established for the area.

21 (b) Petitions filed pursuant to subsection (a) of this section shall
22 specifically define the area proposed to be included in a mosquito abatement
23 district and shall specify the maximum assessed benefits or taxes which may
24 be levied against property within the district for the support of the
25 district. In no event shall the assessed benefits in any district exceed an
26 amount equal to one percent (1%) of the assessed valuation of real property
27 in the district.

28 (c) The quorum court of the county may on its own motion enact an
29 ordinance directing the county court to call a special election in accordance
30 with § 7-5-103(b) in the county, city, or designated area of the city to
31 determine whether a mosquito abatement district shall be established for the
32 area.

33
34 SECTION 74. Arkansas Code § 14-283-102(a), concerning procedures for
35 special elections on the question of the establishment and financing of
36 mosquito abatement districts, is amended to read as follows:

1 (a)~~(1)~~ The special election called by the county court to submit the
 2 question of the establishment and financing of a mosquito abatement district
 3 to the electors of the proposed district shall be held in accordance with §
 4 7-5-103(b) within ninety (90) days after the ~~filing of the petitions~~
 5 ~~requesting proclamation calling the election.~~

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

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

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

21 ~~(iii) 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 ~~(iv) 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
 28 SECTION 75. Arkansas Code § 14-284-205 is amended to read as follows:

29 14-284-205. Establishment by election.

30 (a) When petitions are filed with the county court of any county
 31 wherein the fire protection district to be established is located in a single
 32 county, or if the fire protection district is to be located in more than one
 33 (1) county and the petitions are filed with the county courts of all counties
 34 wherein the fire protection district is to be established, and the petitions
 35 contain the signatures of ten percent (10%) or more of the qualified electors
 36 within the proposed fire protection district boundaries, as determined by the

1 number of votes cast by the qualified electors within the proposed fire
2 protection district boundaries for all candidates for Governor at the last
3 preceding general election, requesting the establishment of a fire protection
4 district in the county or a designated portion thereof and requesting that
5 assessments be made on the property or assessments be made on the landowners
6 or assessments be made both on the property and the landowners located in the
7 district to finance the operation of the district, the county court, or
8 county courts if the fire protection district is located in more than one (1)
9 county, shall call a special election in accordance with § 7-5-103(b) within
10 the proposed fire protection district to determine whether a fire protection
11 district shall be established for the area.

12 (b)(1) The county court or county courts, if the proposed fire
13 protection district is located in more than one (1) county, shall call a
14 special election in accordance with § 7-5-103(b) to submit the question of
15 the establishment and financing of a fire protection district to the electors
16 of a proposed district.

17 (2)~~(A)~~ The special election shall be held within ninety (90)
18 days after the filing of the petitions requesting the election.

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

22 ~~(ii) Special 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 ~~(2)(A)(i) If a special election is held on the date of the~~
28 ~~presidential preferential primary election, preferential primary election, or~~
29 ~~general primary election, the issue or issues to be voted upon at the special~~
30 ~~election shall be included on the ballot of each political party.~~

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

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

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

4 (3) If the proposed fire protection district is located within
5 more than one (1) county, the county courts shall set the date of the
6 election on the same date and set the places of the election within the
7 proposed fire protection district boundaries.

8 (4) At the election, the question of establishing and financing
9 the district shall be placed on the ballot in substantially the following
10 form:

11
12 "FOR the establishment of a fire protection district in
13 (county), (designated area), and the levy of assessed
14 benefits on real property in the district to finance the district[]

15
16 AGAINST the establishment of a fire protection district in
17 (county), (designated area), and the levy of assessed benefits on
18 real property in the district to finance the district[]"

19
20 SECTION 76. Arkansas Code § 14-284-208(f), concerning the
21 establishment of fire protection districts, is amended to read as follows:

22 (f)(1) If the district includes territory from more than one (1)
23 county, the board of commissioners shall be composed of seven (7) members+.

24 (2) The members of the board of commissioners of multicounty
25 fire protection districts formed after July 3, 1995, under this subchapter
26 shall be residents of the fire protection district and elected at a public
27 meeting as agreed upon by the county courts in order to establish the time of
28 the meeting and the place of the meeting being within the district. The
29 commissioners shall be elected by the qualified electors residing within the
30 district.

31 (3) The members of the board of commissioners shall serve
32 staggered terms.

33 (4) Vacancies occurring on the board due to resignation,
34 removal, or otherwise shall be filled by the remaining board members for the
35 unexpired term.

36 (5)(A)(i) Members of the board may be removed by a special

1 election to be held within ninety (90) days after the presentation of a
 2 special election removal petition signed by ten percent (10%) of the assessed
 3 landowners or the assessed per-parcel owners, with the removal of the board
 4 member to be determined by the majority votes of the votes cast in person by
 5 the assessed landowners or the assessed per-parcel property owners.

6 (ii) Each assessed landowner or assessed parcel
 7 property owner shall have one (1) vote per paid assessment.

8 (B)(i) The election for the removal of board members shall
 9 be held at a meeting at a designated location within the fire protection
 10 district.

11 ~~(ii)(a) The election shall occur on the second~~
 12 ~~Tuesday of any month, except as provided in subdivision (f)(5)(B)(ii)(b) of~~
 13 ~~this section.~~

14 ~~(b)(1)(A) 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 ~~(B)(i)(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 ~~(ii) 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 ~~(2) Elections scheduled to occur in a month in which the second~~
 30 ~~Tuesday is a legal holiday shall be held on the third Tuesday of the month.~~

31
 32 SECTION 77. Arkansas Code § 14-284-224(b), concerning the annexation
 33 and financing of fire protection districts, is amended to read as follows:

34 (b)(1)(A) The special election called by the quorum court to submit
 35 the question of the annexation and financing of the fire protection district
 36 to the electors of the district and the area to be annexed shall be held

1 ~~within no later than ninety (90) days after the quorum court received~~
2 ~~notification from the board of commissioners proclamation of a special~~
3 ~~election in 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 (b)(1)(B)(ii) of this~~
6 ~~section.~~

7 ~~(ii) Special elections held in months 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, separate ballots containing only the~~
17 ~~issue or issues to be voted upon at the special election shall be prepared~~
18 ~~and made available to voters requesting a separate ballot.~~

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

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

25 (2) At the election, the question of annexing the area to the
26 district and the financing of the district shall be placed on the ballot in
27 substantially the following form:

28
29 "FOR the annexation of (description of area to be annexed),
30 and the levy of assessed benefits on real property within the area to be
31 annexed to help finance the district []

32
33 AGAINST the annexation of (description of area to be
34 annexed), and the levy of assessed benefits on real property within the area
35 to be annexed to help finance the district []"

36 (c) If a majority of those voting at the election who reside within

1 the area to be annexed, and if a majority of those voting at the election who
2 reside within the existing district, vote in favor of the annexation, the
3 area shall be deemed annexed and shall become a part of the fire protection
4 district and governed accordingly.

5 (d)(1) As an alternative to an election on the annexation issue, if
6 the board of commissioners of a fire protection district is in favor of the
7 annexation, the board may refer the petitions to the county quorum court that
8 may then accomplish the annexation by enactment of a county ordinance
9 providing for the annexation.

10 (2)(A)(i) However, the ordinance shall not go into effect until
11 sixty (60) days after its enactment.

12 (ii) During that time, if petitions calling for a
13 referendum on the ordinance are presented to the quorum court and the
14 petitions are signed by the number prescribed in subsection (a) of this
15 section, the quorum court shall call a special election in accordance with §
16 7-5-103(b) on the issue of the annexation.

17 (B) The election shall be conducted as prescribed in
18 subsection (b) of this section.

19 (C) Unless at least a majority of those voting at the
20 election who reside within the area to be annexed and a majority of those
21 voting at the election who reside within the existing district vote in favor
22 of the annexation, the annexation shall not occur.

23 (3) If the petitions are filed within sixty (60) days after
24 enacting the ordinance, the ordinance shall not go into effect until and
25 unless the annexation is approved at the election provided for in this
26 section.

27 (e) An attempt at annexation under this section, whether successful or
28 not, shall in no way reduce the bonding authority of the fire protection
29 district, nor shall the failure of the attempt at annexation have any effect
30 on the existing fire protection district.

31 (f) No area shall be annexed under this section if it is located
32 within the service area of another fire protection district or a nonprofit
33 fire protection corporation.

34

35 SECTION 78. Arkansas Code § 14-286-103(a), concerning the
36 establishment of red imported fire ant abatement districts, is amended to

1 read as follows:

2 (a)~~(1)~~ The special election called by the county court to submit the
3 question of the establishment and financing of a red imported fire ant
4 abatement district to the electors of the proposed district shall be held
5 ~~within~~ in accordance with § 7-5-103(b) no later than ninety (90) days after
6 the ~~petitions requesting the election have been filed with the county court~~
7 proclamation of the election.

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

10 ~~(B)(i)(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)(1)(A) If a special election is held on the date of presidential~~
16 ~~preferential primary election, preferential primary election, or general~~
17 ~~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 ~~(B) 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 ~~(2) 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 ~~(ii) Special elections scheduled to occur in a month~~
26 ~~in which the second Tuesday is a legal holiday shall be held on the third~~
27 ~~Tuesday of the month.~~

28
29 SECTION 79. Arkansas Code § 14-387-301 is amended to read as follows:
30 14-387-301. Order for election.

31 (a) Whenever twenty-five percent (25%) of the qualified electors of
32 three (3) or more townships in any county in this state, as shown by the
33 election returns for Governor at the last general election preceding the date
34 of the petition, shall petition the county court for the privilege of voting
35 on the question of restraining horses, mules, asses, cattle, goats, swine,
36 and sheep, or any two (2) or more of these animals, or the male species of

1 them, from running at large, the court shall make an order for an election in
2 the townships, to be held at any general or special election for state or
3 county officers.

4 (b) If petitioners shall file with their petition proper bond to be
5 approved by the court conditioned to pay all the cost and expense of a
6 special election, the court may call an election in accordance with § 7-5-
7 103(b) at any time upon the filing of the petition by giving notice of it as
8 provided by law for general elections, if the petition contains twenty-five
9 percent (25%) of the qualified electors residing within each township
10 mentioned in the petition.

11 ~~(c)(1) Any special election held under this section shall occur on the~~
12 ~~second Tuesday of any month, except as provided in subdivision (c)(2) of this~~
13 ~~section.~~

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

19 ~~(ii) If a special election is held on the date of~~
20 ~~the presidential preferential primary election, preferential primary~~
21 ~~election, or general primary election, the issue or issues to be voted upon~~
22 ~~at the special election shall be included on the ballot of each political~~
23 ~~party.~~

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

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

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

33
34 SECTION 80. Arkansas Code § 15-4-3020 is amended to read as follows:
35 15-4-3020. Consent by qualified electors to issue bonds.

36 (a) No bonds shall be issued under this subchapter except by and with

1 the consent of a majority of the qualified electors of the state voting on
2 the question in substantially the form described in this section at ~~the~~
3 ~~general election or~~ a special election called by proclamation of the
4 Governor.

5 (b)~~(1)~~ The proclamation shall be issued ~~at least sixty (60) calendar~~
6 ~~days prior to the date fixed by the proclamation for the election in~~
7 accordance with § 7-5-103(b), and notice of the special election shall be
8 given by publication of the proclamation by one (1) insertion in one (1)
9 newspaper of general circulation published in each county in the state not
10 less than thirty (30) calendar days prior to the date of the election.

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

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

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

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

31 (c) If there is no newspaper regularly published in a county, the
32 proclamation may be published in any newspaper having a general circulation
33 in the county.

34 (d) In the case of the notice or proclamation for the election, it is
35 not necessary to publish this subchapter in its entirety, but the notice or
36 proclamation shall state that it is issued for the purpose of submitting to

1 the people the following question:

2

3 "Shall the Arkansas Development Finance Authority be authorized to issue
4 general obligation bonds under the authority of the Arkansas General
5 Obligation Economic Development Superprojects Bond and Project Funding Act in
6 total principal amount not to exceed four hundred million dollars
7 (\$400,000,000), in series from time to time in principal amounts not to
8 exceed, without prior approval of the General Assembly, sixty million dollars
9 (\$60,000,000) in any fiscal biennium, for the financing and refinancing of
10 superprojects as defined in the Arkansas General Obligation Economic
11 Development Superprojects Bond and Project Funding Act, which bonds shall be
12 secured by a pledge of the full faith and credit of the State of Arkansas?"

13 (e) The title of this subchapter shall be the ballot title, and there
14 shall be printed on the ballot the proposition stated in subsection (d) of
15 this section, and the following:

16

17 "FOR Issuance of State of Arkansas Economic Development Superprojects
18 General Obligation Bonds _____"

19

20 "AGAINST Issuance of State of Arkansas Economic Development Superprojects
21 General Obligation Bonds _____"

22 (f)(1) The county boards of election commissioners of the several
23 counties of the state shall conduct the election.

24 (2) Each board shall take action with respect to the appointment
25 of election officials and other matters as the law requires.

26 (3) The vote shall be canvassed and the result declared in each
27 county by the several county boards.

28 (4) The results shall be certified within ten (10) calendar days
29 after the date of the election by the county boards to the Secretary of
30 State, who shall tabulate all returns so received and certify to the Governor
31 the total vote for and against the proposition.

32 (5) The result of the election shall be proclaimed by the
33 Governor by publication one (1) time in a newspaper published in the City of
34 Little Rock, and the results as proclaimed shall be conclusive unless
35 attacked in the courts within thirty (30) calendar days after the date of the
36 publication.

1
2 SECTION 81. Arkansas Code § 15-43-204(a), concerning local elections
3 to redetermine doe killing areas, is amended to read as follows:

4 (a)(1) Whenever fifty (50) or more qualified electors residing within
5 an area wholly or partly located within their particular county, which has
6 been designated by regulation of the Arkansas State Game and Fish Commission
7 as a doe killing area, petition the appropriate county court, praying that an
8 election be held to determine whether or not such an area or portion thereof
9 should remain a doe killing area, the county court shall order a special
10 election in accordance with § 7-5-103(b) to be held not more than ~~thirty (30)~~
11 ninety (90) days after the date of filing of the petition.

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

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

19 ~~(b)(1)(A) If a special 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 special~~
22 ~~election shall be included on the ballot of each political party.~~

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

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

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

32 ~~(3) Notice of the election shall be given in a newspaper of~~
33 ~~general circulation within the county, not less than fifteen (15) days prior~~
34 ~~to the election.~~

35 ~~(4)(2) Only those qualified electors residing within the~~
36 ~~affected area or portion thereof, which is located within the county where~~

1 the election is held, may vote in the election.

2 ~~(5)(3)~~ Except as provided in this section, the election shall be
3 held in conformity with the general election laws of this state.

4
5 SECTION 82. Arkansas Code § 23-110-306 is amended to read as follows:
6 23-110-306. Subsequent referendum elections.

7 (a) After the elapse of not less than two (2) years next following the
8 date of any election conducted pursuant to § 23-110-304, upon petitions filed
9 with it containing the signatures of qualified electors of the county of not
10 less than fifteen percent (15%) of the total number voting in the election
11 for county clerk of the county at the next preceding general election,
12 together with a sum of money estimated by the county board of election
13 commissioners as sufficient to pay all expenses of the election, the board
14 shall call a special election in accordance with § 7-5-103(b) on the
15 proposition of continuing horse racing in the county.

16 ~~(b)(1)(A) The date of the special election shall be fixed by the board
17 on a day not less than thirty (30) days nor more than ninety (90) days
18 following the date of filing the petitions. The deposit of the funds and the
19 election shall be conducted and shall be subject to contest under the general
20 election laws of this state.~~

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

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

36 ~~(B) No voter shall be required to vote in a political~~

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

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

6 ~~(2)(1)~~ The proposition printed on the ballot shall be "FOR Horse
7 Racing" and "AGAINST Horse Racing".

8 ~~(3)(2)~~ By published notice, the board shall proclaim the results
9 of the election and shall also certify the results to the commission.

10 ~~(4)(3)~~ All contests in relation to the results of the election
11 shall be commenced within twenty (20) days next following the date of
12 publication of notice as given pursuant to this subsection.

13 (c) If a majority of the qualified electors of the county voting on
14 the question shall disapprove the continuance of horse racing, the franchise
15 held by the corporation shall, ipso facto, be null and void as of the final
16 date on which a contest of the results of the election may be commenced or,
17 in the event of contest, upon the date of final determination of the issue.

18
19 SECTION 83. Arkansas Code § 23-111-306 is amended to read as follows:
20 23-111-306. Subsequent referendum elections.

21 (a) After the elapse of not less than four (4) years next following
22 the date of any election conducted pursuant to § 23-111-304, the county board
23 of election commissioners shall call a special election in accordance with §
24 7-5-103(b) on the proposition of continuing greyhound racing in the county.
25 The election shall be called upon petitions filed with it containing the
26 signatures of qualified electors of the county of not less than five percent
27 (5%) of the total number voting in the election for county clerk of the
28 county at the next preceding general election, together with a sum of money
29 estimated by the board as sufficient to pay all expenses of the election.

30 (b)(1)~~(A)~~ The date of the special election shall be fixed by the board
31 on a day not ~~less than thirty (30) days nor~~ more than ninety (90) days
32 following the date of filing the petitions. The deposit of the funds as
33 provided in subsection (a) of this section and the election shall be
34 conducted and shall be subject to contest under the general election laws of
35 this state.

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

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

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

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

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

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

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

21 (2) The proposition printed on the ballot shall be "FOR
22 Greyhound Racing" and "AGAINST Greyhound Racing".

23 (3) By published notice, the board shall proclaim the results of
24 the election and shall also certify the results to the Arkansas Racing
25 Commission.

26 (4) All contests in relation to the results of the election
27 shall be commenced within twenty (20) days next following the date of
28 publication of notice as provided in subsection (a) of this section.

29 (c) If a majority of the qualified electors of the county voting on
30 the question shall disapprove the continuance of greyhound racing, the
31 franchise held by the corporation shall, ipso facto, be null and void as of
32 the final date on which a contest of the results of the election may be
33 commenced or, in the event of contest, upon the date of final determination
34 of the issue.

35
36 SECTION 84. Arkansas Code § 24-11-402 is amended to read as follows:

1 24-11-402. Vote to effect subchapter.

2 (a) The provisions of this subchapter shall be suspended and
3 inoperative in any city affected by the provisions of this subchapter until
4 made available by a vote favorable thereto of the majority of qualified
5 electors of the cities participating in any election on the question and held
6 at ~~the time of any election in the city, whether state, city, special, or~~
7 ~~federal, or at a special election~~ in accordance with § 7-5-103(b) for the
8 purpose of voting on the question.

9 (b)~~(1)~~ The election may be held in connection with the first general
10 city election following the passage and approval of this subchapter, but the
11 failure to submit at that city or other election shall not defeat the right
12 of submission at any subsequent election.

13 ~~(2)(A) Any special election held under this section shall occur~~
14 ~~on the second Tuesday of any month, except as provided in subdivision~~
15 ~~(b)(2)(B) of this section.~~

16 ~~(B)(i)(a) Special elections held in months 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, separate ballots containing only the issue or~~
26 ~~issues to be voted upon at the special election shall be prepared and made~~
27 ~~available to voters requesting a separate ballot.~~

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

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

34 (c) Upon filing with the county board of election commissioners not
35 later than ~~ten (10)~~ seventy (70) days before the date of the election the
36 petition signed by twenty (20) or more qualified electors of the city

1 affected and praying that the question of police officers' pensions be
2 submitted, it shall be the duty of the county board of election commissioners
3 to place the question upon the ballot.

4 (d) In the event that for any reason the question of policemen's
5 pension was not voted upon in the next general city election after June 10,
6 1937, the question may be submitted at ~~any other general or a~~ special
7 election in accordance with § 7-5-103(b) held in the city as provided in this
8 section.

9 (e) The question on the ballot shall be as follows:

10
11 "FOR Police Officer's Pension[]
12
13 AGAINST Police Officer's Pension[]".
14

15 SECTION 85. Arkansas Code § 24-11-404 is amended to read as follows:
16 24-11-404. Tax levy for pensions in cities of first and second class.

17 (a)(1) After being once approved by a majority of those voting on the
18 question at any general or special election in any city of the first class or
19 city of the second class, a tax not to exceed one (1) mill on the dollar upon
20 the assessed value of the real and personal property of the city shall be
21 levied annually by the city for the purpose of paying police officers'
22 retirement salaries and pensions, as well as pensions to the surviving
23 spouses and minor children of deceased police officers and the surviving
24 spouses and minor children of deceased retired police officers.

25 (2) The levy shall be made by the city council or other
26 governing body of the city on or before the time fixed by law for levying
27 county taxes, and the city council or other governing body shall make out and
28 certify to the county clerk the rate of taxation levied by the municipal
29 corporation on the real and personal property within the city.

30 (3) The amount so certified shall be placed upon the tax book by
31 the county clerk of the county and collected in the same manner that state
32 and county taxes are collected and shall be turned over to the board of
33 trustees of the policemen's pension and relief fund of the city.

34 (b)(1) In those cities which do not have a policemen's pension and
35 relief fund but which cover their police officers under the Arkansas Local
36 Police and Fire Retirement System, the tax shall also be allowed when

1 approved by a majority of qualified electors of the cities participating in
2 any election on the question and held at ~~the time of any election in the~~
3 ~~city, whether state, city, special, or federal, or at~~ a special election in
4 accordance with § 7-5-103(b) for the purpose of voting on the question.

5 (2) The election may be held in connection with the first
6 general city election following March 6, 1989, but the failure to submit at a
7 city or other election shall not defeat the right of submission at any
8 subsequent election.

9 (3) Upon the filing with the county board of election
10 commissioners not later than ~~sixty (60)~~ ninety (90) days before the date of
11 the election ~~of~~ requested in a petition signed by twenty (20) or more
12 qualified electors of the city affected and praying that the question of a
13 policemen's pension be submitted, it shall be the duty of the county board of
14 election commissioners to ~~place the question upon the ballot~~ call the
15 election in accordance with § 7-5-103(b).

16 (4) In the event that for any reason the question of the
17 policemen's pension is not voted upon in the next general city election after
18 March 6, 1989, the question may be submitted at ~~any other general or a~~
19 special election held in the city as provided in this subsection.

20 (5) The question on the ballot shall be as follows:

21
22 "FOR Police Officer's Pension[]

23
24 AGAINST Police Officer's Pension[]".

25 (6) The tax so levied shall not exceed one (1) mill on the
26 dollar upon the assessed value of the real and personal property of the city
27 or town.

28 (c) Once so approved, the tax shall be levied and certified in the
29 same manner as provided in this section and shall be collected and turned
30 over to the city or town for the sole purpose of making payment for coverage
31 of employees under the Arkansas Local Police and Fire Retirement System.

32 (d)~~(1)~~ A vote on the question of the tax provided for in this section
33 shall be had in the same manner that the Constitution and laws of this state
34 provide for the initiation of measures in municipalities.

35 ~~(2)(A) Any special election held under this section shall occur~~
36 ~~on the second Tuesday of any month, except as provided in subdivision~~

1 ~~(d)(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 (e) The funds provided for in this section shall be supplemental and
21 in addition to any funds provided for by any laws in effect at the time of
22 passage of this section and shall become part of the policemen's pension and
23 relief fund of the city and be administered by the board of trustees of the
24 policemen's pension and relief fund for the same class of beneficiaries and
25 in the same manner as prescribed by law.

26 (f) In those cities which do not have a policemen's pension and relief
27 fund but which cover their police officers under the Arkansas Local Police
28 and Fire Retirement System, the funds shall be applied to each city's account
29 in that system, in such manner and amounts as determined by the board of
30 trustees of that system.

31
32 SECTION 86. Arkansas Code § 24-11-812 is amended to read as follows:

33 24-11-812. Tax levy by city council.

34 (a)(1) After being once approved by a majority of those voting on the
35 question at any general or special election of any city of the first class or
36 city of the second class, a tax not to exceed one (1) mill on the dollar upon

1 the assessed value of the real and personal property in the city shall be
2 levied annually by the city for the purpose of paying firefighters'
3 retirement salaries and pensions and pensions to the widows and minor
4 children of deceased firefighters and the widows and minor children of
5 deceased retired firefighters.

6 (2) The levy shall be made by the city council or other
7 governing body of the city on or before the time fixed by law for levying
8 county taxes, and the city council or other governing body shall make out and
9 certify to the county clerk the rate of taxation levied by the municipal
10 corporation on the real and personal property within the city.

11 (3) The amount so certified shall be placed upon the tax book by
12 the county clerk of the county and collected in the same manner that state
13 and county taxes are collected. This amount shall be turned over to the board
14 of trustees of the firemen's relief and pension fund of the city, as created
15 under §§ 24-11-801 - 24-11-807, 24-11-809, 24-11-810, 24-11-813 - 24-11-815,
16 and 24-11-818 - 24-11-821.

17 (b)(1) However, in those cities which do not have a firemen's pension
18 and relief fund but which cover their firefighters under the Arkansas Local
19 Police and Fire Retirement System, the levy shall also be allowed when
20 approved by a majority of the qualified electors of the cities or towns
21 participating in ~~any election on the question and held at the time of any~~
22 ~~election in the city, whether state, city, special, or federal, or at a~~
23 special election 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 the passage and approval of this subsection,
26 but the failure to submit at the city or other election shall not defeat the
27 right of submission at any 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 or town affected, stating the amount of tax to
32 be voted on, not to exceed one (1) mill on the dollar, and praying that the
33 question of a firemen's pension be submitted, it shall be the duty of the
34 county board of election commissioners to ~~place the question upon the ballot~~
35 call the election in accordance with § 7-5-103(b).

36 (4) In the event that for any reason the question of a firemen's

1 pension is not voted upon in the next general city election after the passage
2 and approval of this subsection, the question may be submitted at any other
3 general or special election held in the city or town as provided in this
4 subsection.

5 (5) The ballot shall state the amount of tax being voted on and
6 the purpose thereof, and the question on the ballot shall be as follows:

7
8 "FOR Firemen's Pension[]

9
10 AGAINST Firemen's Pension[]"

11 (c) Once so approved, the levy shall be certified in the same manner
12 as provided in this section and shall be collected and turned over to the
13 city for the sole purpose of payment for coverage of employees under the
14 Arkansas Local Police and Fire Retirement System.

15 (d)~~(1)~~ A vote on the question of the tax provided for in this section
16 shall be had in the same manner that the Constitution and laws of this state
17 provide for the initiation of measures in municipalities.

18 ~~(2)(A) Any special election held under this section shall occur~~
19 ~~on the second Tuesday of any month, except as provided in subdivision~~
20 ~~(d)(2)(B) of this section.~~

21 ~~(B)(i)(a) 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 ~~(b)(1)(A) If a special election is held on the date of the presidential~~
27 ~~preferential primary election, preferential primary election, or general~~
28 ~~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 ~~(B) However, separate ballots containing only the issue or~~
31 ~~issues to be voted upon at the special election shall be prepared and made~~
32 ~~available to voters requesting a separate ballot.~~

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

36 ~~(ii) Special elections scheduled to occur in a month~~

1 ~~in which the second Tuesday is a legal holiday shall be held on the third~~
2 ~~Tuesday of the month.~~

3 (e) The funds provided for in this section shall be supplemental to
4 and in addition to any funds provided for by any laws in effect at the time
5 of the passage of this section, shall become part of the firemen's relief and
6 pension fund of the city, as created under §§ 24-11-801 - 24-11-807, 24-11-
7 809, 24-11-810, 24-11-813 - 24-11-815, and 24-11-818 - 24-11-821, and shall
8 be administered by the board of trustees created by those sections, for the
9 same class of beneficiaries and in the same manner as the funds provided for
10 in §§ 24-11-801 - 24-11-807, 24-11-809, 24-11-810, 24-11-813 - 24-11-815, and
11 24-11-818 - 24-11-821, since it is the specific intention of this section not
12 to repeal §§ 24-11-801 - 24-11-807, 24-11-809, 24-11-810, 24-11-813 - 24-11-
13 815, and 24-11-818 - 24-11-821, or any amendments thereto, but rather to
14 provide additional money for the firemen's relief and pension fund.

15 (f) In those cities which do not have a firemen's pension and relief
16 fund but which cover their firefighters under the Arkansas Local Police and
17 Fire Retirement System, the funds shall be applied to each city's account in
18 that system in such manner and amounts as determined by the board of trustees
19 of that system.

20
21 SECTION 87. Arkansas Code § 24-12-103 is amended to read as follows:
22 24-12-103. Vote to effect act.

23 (a) The provisions of this act shall be suspended and inoperative in
24 any city affected by the provisions of the act until made available by a vote
25 favorable thereto of the majority of the qualified electors of the cities
26 participating in any election on the question ~~and held at the time of any~~
27 ~~election in the city, whether state, city, special, or federal, or at a~~
28 special election called for the purpose of voting on the question.

29 (b) The election may be held in connection with the first general city
30 election following the passage and approval of this act, but the failure to
31 submit or the failure to adopt at the city or other election shall not bar,
32 abridge, or defeat the right of submission at any subsequent election.

33 (c) Upon the filing with the county board of election commissioners
34 not later than ~~ten (10)~~ ninety (90) days before the date of the election ~~of~~
35 requested in a petition signed by twenty (20) or more qualified electors of
36 the city affected and praying that the question of paid nonuniformed

1 employees' pensions and the levying of a tax therefor, not exceeding one and
2 one-half (1 1/2) mills, be submitted, it shall be the duty of the county board
3 of election commissioners to ~~place the question on the ballot~~ call the
4 election in accordance with § 7-5-103(b).

5 (d)~~(1)~~ If for any reason the question is not voted upon at the next
6 general city election after the passage and approval of this act, the
7 question may be submitted at any other general or special election held in
8 the city as provided in this section.

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

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

20 ~~(B) 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 ~~(2) 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 ~~(ii) Elections scheduled to occur in a month in~~
27 ~~which the second Tuesday is a legal holiday shall be held on the third~~
28 ~~Tuesday of the month.~~

29 (e) The question on the ballot shall be as follows:

30
31 "FOR Paid Nonuniformed Employees pensions and the levying of a mill tax of
32 (amount here designated on ballot not exceeding one and one-half (1 1/2)
33 mills) therefor[]

34
35 AGAINST Paid Nonuniformed Employees pensions and the levying of a mill tax
36 of (amount here designated on ballot not exceeding one and one-half

1 (11/2) mills) therefor
2["].
3

4 SECTION 88. Arkansas Code § 26-52-605 is amended to read as follows:
5 26-52-605. Election proceedings.

6 (a) The governing body of an Arkansas border city or town, as
7 described in § 26-52-602, by ordinance, may call a special election, or, upon
8 petition of not less than ten percent (10%) of the qualified electors of the
9 Arkansas border city or town, as determined by the number of votes cast in
10 the Arkansas border city or town for all candidates for election to the
11 Office of Governor of Arkansas in the immediately preceding general election,
12 filed with the city clerk of the city or town petitioning that a special
13 election be called, a special election shall be called by proclamation of the
14 mayor in accordance with § 7-5-103(b) in the city or town on the question of
15 the imposition of an additional state tax of one percent (1%) upon the gross
16 receipts or gross proceeds derived from taxable sales within the border city
17 or town under the provisions of the Arkansas Gross Receipts Act of 1941, §
18 26-52-101 et seq., and the proceeds derived therefrom shall benefit the State
19 of Arkansas in lieu of the state income tax law applying to the net taxable
20 income derived by individuals who are residents of the border city or town.

21 (b)(1) The special election shall be called not later than ~~ninety (90)~~
22 ~~days nor earlier than forty five (45)~~ one hundred twenty (120) days following
23 the adoption of the ordinance by the governing body of the city or town, or
24 the filing of a petition requesting the special election.

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)(a) A special election held in a month 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 ~~(b)(1)(A) 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 ~~(B) However, a separate ballot containing only the issue~~

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

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

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

9 (c) Notice of the special election shall be given by publication in
10 some newspaper of general circulation within the Arkansas border city or town
11 on two (2) occasions not more than thirty (30) days and not less than ten
12 (10) days prior to the date of the special election.

13 (d) The special election shall be held by the county board of election
14 commissioners, and the special election judges and clerks shall be selected
15 and the special election shall be conducted and the results shall be
16 tabulated and certified in the manner now provided by law for the holding of
17 elections in this state.

18 (e) On the ballot shall be printed the following issue:
19

20 FOR the levy of an additional one percent (1%) state gross
21 receipts tax in the City of
22, County, Arkansas, in lieu of paying
23 state income taxes by individuals who are residents of said city (town).
24

25 AGAINST the levy of an additional one percent (1%) state gross
26 receipts tax in the City of
27, County, Arkansas, in lieu of paying
28 state income taxes by individuals who are residents of said city (town).
29

30 (f) The voter shall cast the vote of his or her choice by placing an
31 "X" opposite the issue of his or her choice.

32 SECTION 89. Arkansas Code § 26-73-111 is amended to read as follows:
33 26-73-111. Special local sales and use tax - Election.

34 (a) On the date of the adoption of an ordinance levying a special
35 local sales and use tax for the benefit of a county, city, or town, the
36 county, city, or town shall provide, by ordinance, for calling and holding a

1 special election on the question.

2 (b) The special election shall be in accordance with § 7-5-103(b) and
 3 conducted in the manner provided by law for all county or municipal elections
 4 unless otherwise specified in this section.

5 (c)~~(1)~~ The special election shall be called for a date ~~within~~ not
 6 later than one hundred twenty (120) days from the date of the action of the
 7 governing body in establishing the date of the special election.

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

10 ~~(B)(i)(a) A special election held in a month 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)(1)(A) 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 ~~(B) However, a separate ballot containing only the issue~~
 20 ~~or issues to be voted upon at the special election shall be prepared and made~~
 21 ~~available to a voter requesting a separate ballot.~~

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

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

28 (d)(1) The governing body of the county or municipality shall notify
 29 the county board of election commissioners that the measure has been referred
 30 to a vote of the people and shall submit a copy of the ballot title to the
 31 county board of election commissioners.

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

34
 35 [] "FOR adoption of a one-fourth of one percent (.25%) special local
 36 sales and use tax within (name of county or municipality) for

1 support of a Public Mass Transportation System and Facilities."

2
3 [] "AGAINST adoption of a one-fourth of one percent (.25%) special
4 local sales and use tax within (name of county or municipality)
5 for support of a Public Mass Transportation System and Facilities."

6
7 SECTION 90. Arkansas Code § 26-74-207(a)(2), concerning calls for
8 elections on a countywide sales and use tax, is amended to read as follows:

9 (2) The election shall be called by order of the quorum court
10 and shall be held within one hundred twenty (120) days of the ordinance
11 calling the election.

12
13 SECTION 91. Arkansas Code § 26-74-210(a), concerning the resubmission
14 of questions of levy or repeal, is amended to read as follows:

15 (a)(1) When the question of the levy or repeal of a county sales and
16 use tax is submitted to the electors and the proposition is approved or
17 defeated, the question shall not again be submitted to the electors by
18 ordinance of the quorum court of the county or by petition of electors at a
19 special or general election for a period of six (6) months from the date the
20 proposition was last voted upon.

21 (2)(A) A petition requesting that the issue be submitted to the
22 electors of the county shall contain the signatures of at least fifteen
23 percent (15%) of the electors of the county as determined by the total number
24 of votes cast for all candidates for circuit clerk of the county at the last
25 preceding general election.

26 (B)(i) The petition shall be filed and verified by the
27 county clerk.

28 (ii) If the petition is found to be sufficient, the
29 issue shall be submitted to the electors at a special election ~~or at the next~~
30 ~~general election~~ on a date as may be requested by the petition.

31 (C)(i) ~~If the petition requests that the issue be~~
32 ~~submitted at a special election, the~~ The special election shall be called in
33 accordance with § 7-5-103(b) for a date not ~~less than thirty (30) days nor~~
34 ~~more than sixty (60)~~ ninety (90) days from the date on which the county clerk
35 certifies the sufficiency of the petition to the county board of election
36 commissioners.

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

4 ~~(b)(1)(A) A special election held in a month in which a presidential~~
5 ~~preferential primary election, preferential primary election, general primary~~
6 ~~election, or general election is scheduled to occur shall be held on the date~~
7 ~~of the presidential preferential primary election, preferential primary~~
8 ~~election, general primary election, or general election.~~

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

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

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

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

24
25 SECTION 92. Arkansas Code § 26-74-307(a)(2), concerning calls for
26 elections on countywide sales taxes, is amended to read as follows:

27 (2) The election shall be called by order of the quorum court
28 and shall be held within one hundred twenty (120) days of the ordinance
29 calling for the election.

30
31 SECTION 93. Arkansas Code § 26-74-402(a), concerning elections
32 concerning countywide sales and use taxes, is amended to read as follows:

33 (a) The county quorum court of any county not having a countywide one
34 percent (1%) sales and use tax on March 14, 1991 may call an election for the
35 levy of a one-half percent (0.5%) countywide sales and use tax for any
36 purpose for which the county general fund or county road fund may be used

1 including allocating portions of this tax to the municipalities located
2 therein. The election shall be called by order of the quorum court and shall
3 be held within one hundred twenty (120) days of the ordinance calling the
4 election.

5
6 SECTION 94. Arkansas Code § 26-74-502(a), concerning petitions
7 requesting an election on the issue of a county gross receipts tax on hotels
8 and restaurants, is amended to read as follows:

9 (a) If petitions are filed requesting an election for an initiated
10 ordinance levying the tax authorized under this subchapter, the quorum court
11 shall submit the question of the levying of the tax to the electors. The
12 petitions must be signed by not less than five hundred (500) electors of the
13 county. The election shall be called by order of the quorum court and shall
14 be held within one hundred twenty (120) days of the filing of the petitions.
15 The tax shall be levied upon approval of a majority of the qualified electors
16 voting on the issue at the election.

17
18 SECTION 95. Arkansas Code § 26-74-603 is amended to read as follows:
19 26-74-603. Call for tax election.

20 (a) Any eligible county may by ordinance of its quorum court levy a
21 countywide sales and use tax in the amount of one-eighth of one percent
22 (0.125%), one-fourth of one percent (0.25%), one-half of one percent (0.50%),
23 three-fourths of one percent (0.75%), or one percent (1%) to provide capital
24 improvements to or the maintenance and operation of an eligible campus.

25 (b)(1)(A) No ordinance shall be adopted by the quorum court of an
26 eligible county for the purpose of levying a tax under this subchapter unless
27 the quorum court shall have been requested to adopt the ordinance by the
28 local board and until a majority of the qualified electors of the eligible
29 county voting on the question at a ~~general or~~ special election shall have
30 approved levy of the tax.

31 (B) The election shall be called by ordinance and ~~shall be~~
32 ~~held no earlier than thirty (30) days after the adoption of the ordinance~~
33 proclamation issued in accordance with § 7-5-103(b).

34 (C) The ballot for the election shall be subject to the
35 approval of the local board.

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

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

2 ~~(B)(i)(a) 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 ~~(b)(1)(A) If the 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 ~~(B) However, a separate ballot containing only the issue~~
 12 ~~or issues to be voted upon at the election shall be prepared and made~~
 13 ~~available to a voter requesting a separate ballot.~~

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

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

20 (c) The quorum court shall notify its county board of election
 21 commissioners that the measure has been referred to the vote of the people
 22 and shall submit a copy of the ordinance calling the election and the
 23 proposed ballot language to its county board of election commissioners.
 24

25 SECTION 96. Arkansas Code § 26-75-208(a), as amended by Act 116 of
 26 2007 and concerning special elections on sale and use taxes, is amended to
 27 read as follows:

28 (a)(1) On the date of the filing of a petition described in § 26-75-
 29 207(b) or on the date of adoption of an ordinance levying a local sales and
 30 use tax for the benefit of the city, or within thirty (30) days following the
 31 filing of the petition described in § 26-75-207(b) or adoption of the
 32 ordinance, the city by ordinance shall provide for the calling ~~and holding~~ of
 33 a special election on the question in accordance with § 7-5-103(b).

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

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

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

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

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

21 ~~(b) A special election 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 (3) The date for the special election may be the same as the
25 date for the next regular municipal election if the next regular municipal
26 election is to be held within the one-hundred-twenty-day period.

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

31
32 SECTION 97. Arkansas Code § 26-75-213 is amended to read as follows:

33 26-75-213. Resubmission of question of levy or repeal.

34 (a)(1) Except as provided in § 26-75-210 and in subsection (b) of this
35 section, when the question of the levy or repeal of a city sales and use tax
36 is submitted to the electors and the proposition is approved or defeated, the

1 question shall not again be submitted to the electors by ordinance of the
2 governing body of the city or by a petition of electors for a period of six
3 (6) months from the date the question was last voted upon.

4 (2) A petition requesting that the question be submitted to the
5 electors of the city shall contain the signatures of at least fifteen percent
6 (15%) of the electors of the city as determined by the total number of votes
7 cast for all candidates for mayor of the city at the last preceding general
8 election.

9 (3)(A) The petition shall be filed with and verified by the city
10 clerk.

11 (B) If the petition is found to be sufficient, the
12 question shall be submitted to the electors at a special election ~~or the next~~
13 ~~general election~~ on a date as may be requested by the petition.

14 (4)(A) ~~If the petition requests that the question be submitted~~
15 ~~at a special election, the~~ The special election shall be called in accordance
16 with § 7-5-103(b) for a date not ~~less than thirty (30) days nor more than~~
17 ~~sixty (60)~~ ninety (90) days from the date on which the city clerk certifies
18 the sufficiency of the petition to the governing body of the city.

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

22 ~~(ii) A special election held in a month 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 ~~(2)(A)(i) If the special election is held on the date of the~~
28 ~~presidential preferential primary election, preferential primary election, or~~
29 ~~general primary election, the issue or issues to be voted upon at the special~~
30 ~~election shall be included on the ballot of each political party.~~

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

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

1 ~~special election.~~

2 ~~(b) A special election 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 (b) In any city in which a local sales and use tax has been adopted in
6 the manner provided for in this subchapter and all or any portion pledged to
7 secure the payment of lease rentals or bonds as authorized by this
8 subchapter, that portion of the tax pledged to the payment of lease rentals
9 or bonds shall not be repealed, abolished, or reduced so long as the lease is
10 in effect or any of the bonds are outstanding.

11
12 SECTION 98. Arkansas Code § 26-75-308(a), as amended by Act 116 of
13 2007 and concerning special elections to approve a local sales and use tax,
14 is amended to read as follows:

15 (a)(1) On the date of the filing of a petition described in § 26-75-
16 307(b) or on the date of adoption of an ordinance levying a local sales and
17 use tax for the benefit of the city, or within thirty (30) days following the
18 filing of the petition described in § 26-75-307(b) or adoption of the
19 ordinance, the city by ordinance shall provide for the calling and holding of
20 a special election on the question in accordance with § 7-5-103(b).

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

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

27 ~~(ii) A special election held in a month 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 ~~(2)(A)(i) If the 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, a separate ballot containing only the~~

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

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

7 ~~(b) A special election 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) The governing body of the city shall notify the county board
11 of election commissioners that the question has been referred to the vote of
12 the people and shall submit a copy of the ballot title to the county board of
13 election commissioners.

14
15 SECTION 99. Arkansas Code § 26-75-404(a), concerning the requirements
16 and procedure for elections on local sales and use taxes, is amended to read
17 as follows:

18 (a)(1) When the governing body of any city or town adopts an ordinance
19 levying a local sales and use tax as authorized in this subchapter, the
20 governing body shall provide, either in the ordinance levying the tax or in a
21 separate ordinance, for submission of the question of the levy to the
22 qualified electors of the city or town either at the next regular municipal
23 election or at a special election.

24 (2)(A) If the ordinance provides for submitting the question at
25 a special election, the election shall be called in accordance with § 7-5-
26 103(b) for a date not ~~less than sixty (60) nor~~ more than ninety (90) days
27 from the date of the adoption of the ordinance calling the special election.

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

31 ~~(ii) A special election held in a month 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 the 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, 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
15 SECTION 100. Arkansas Code § 26-78-103 is amended to read as follows:
16 26-78-103. Procedure for levying.

17 (a)(1) The counties of the state shall have the first opportunity to
18 levy the County and Municipality Vehicle Tax.

19 (2)(A) Any levy by a county may be upon owners residing
20 everywhere in the county or only upon owners residing within the county but
21 outside the corporate boundaries of all municipalities in the county.

22 (B) That is, the tax must cover the entire county or the
23 area outside all municipalities and cannot cover some municipalities and omit
24 others.

25 (3) This levy may be in any amount not exceeding the authorized
26 maximum.

27 (4) A municipality in a county may levy the tax only if the
28 county quorum court, by the time of adjournment of its regular annual session
29 in any calendar year, has failed to levy the tax upon the owners residing
30 within the corporate limits of the municipality or if, by the time of
31 adjournment, the court has not levied the full amount of the authorized tax
32 for the next calendar year at the regular annual session or at any special
33 session held in any calendar year prior to its regular annual session in the
34 calendar year.

35 (5) Each levy by the county quorum court or by the governing
36 body of the municipality shall be for collection during the calendar year

1 next following the year in which the levy is made and, except in the case
2 when bonds are issued as authorized, unless the levy is again made, the tax
3 shall drop at the expiration of the calendar year for which collected and
4 shall not again be collected until levied by the county quorum court by the
5 time of adjournment of the regular annual session of the county quorum court
6 or thereafter by the governing body of a municipality, as indicated.

7 (b)(1) Notwithstanding other provisions of this chapter, before the
8 tax levied by any county quorum court upon owners residing everywhere in the
9 county or only upon owners residing within the county but outside the
10 corporate boundaries of all municipalities in the county may be collected,
11 the county court shall call a special election in accordance with § 7-5-
12 103(b) upon the first levy of the tax by the county quorum court, to be held
13 not ~~less than twenty (20) days nor more than sixty (60)~~ ninety (90) days from
14 the date of the adoption of the levy of the tax by the quorum court, at which
15 the qualified electors of the area to be affected by the tax shall vote on
16 the question of the levy of the tax.

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)(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 ~~(3)~~(2) If at the special election a majority of the qualified
2 electors of the area affected by the tax voting on the issue at the special
3 election shall vote for the levy of the tax, the tax may be thereafter levied
4 in the area in the manner authorized in subsection (a) of this section, and
5 it shall not be necessary that an election be called again in the area on the
6 question of levying the tax.

7 ~~(4)~~(3) If a majority of the qualified electors of the affected
8 area voting on the issue at the special election shall vote against the levy
9 of the tax, the tax shall not be levied in the area.

10 ~~(5)~~(4) The quorum court of the county at any subsequent annual
11 meeting may propose the levy of the tax, and the election on the tax shall be
12 called as provided in this section.

13 ~~(6)~~(5) A special election held pursuant to this chapter shall be
14 conducted in accordance with the election laws of this state, and the form of
15 the ballot, the method of voting, the counting, tabulation, and certification
16 of the special election results shall be in the manner provided by law.

17 (c)(1) Any tax levied by any municipality under the provisions of this
18 chapter for the first time prior to July 1, 1967, and without the calling of
19 a special election of the qualified electors of the municipality, shall
20 continue in full force and effect without the calling of an election.

21 (2) However, before the tax levied by the governing body of any
22 municipality for the first time after July 1, 1967, upon vehicle owners
23 residing in the municipality may be collected, the mayor shall call a special
24 election in accordance with § 7-5-103(b) to be held not ~~less than twenty~~ (20)
25 ~~days nor~~ more than ~~sixty~~ (60) ninety (90) days from the date of the adoption
26 of the levy of the tax by the governing body of the municipality, at which
27 the qualified electors of the municipality shall vote on the question of the
28 levy of the tax.

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

31 ~~(B)(i)(a) A special election held in a month 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 the 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, a separate ballot containing only the issue~~
5 ~~or issues to be voted upon at the special election shall be prepared and made~~
6 ~~available to a voter requesting a separate ballot.~~

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

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

13 ~~(4)(3)~~ At the special election, if a majority of the qualified
14 electors of the municipality voting on the issue shall vote for the levy of
15 the tax, the tax may be thereafter levied in the municipality in the manner
16 authorized in subsection (a) of this section, and it shall not be necessary
17 that an election be called again in the municipality on the question of
18 levying the tax.

19 ~~(5)(4)~~ If a majority of the qualified electors of the
20 municipality voting on the issue at the special election shall vote against
21 the levy of the tax, the tax shall not be levied in the municipality.

22 ~~(6)(5)~~ However, the governing body of the municipality at any
23 time after the expiration of one (1) year from the election in the
24 municipality may propose the levy of the tax, and the election on the tax
25 shall be called as provided in this section.

26 ~~(7)(6)~~ A special election held pursuant to this chapter shall be
27 conducted in accordance with the election laws of this state, and the form of
28 the ballot, the method of voting, the counting, tabulation, and certification
29 of the special election results shall be in the manner provided by law.

30
31 SECTION 101. Arkansas Code § 27-64-206(a), concerning elections on the
32 issuance of bonds, is amended to read as follows:

33 27-64-206. Election.

34 (a)~~(1)~~ No bonds shall be issued under this subchapter unless the
35 issuance of bonds has been approved by a majority of the qualified electors
36 of the state voting on the question at a statewide special election called by

1 proclamation of the Governor in accordance with § 7-5-103(b).

2 ~~(2)(A) Such an election may be in conjunction with a general~~
3 ~~election, or it may be a special election.~~

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

7 ~~(ii) Special elections held in months 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, separate ballots containing only the~~
17 ~~issue or issues to be voted upon at the special election shall be prepared~~
18 ~~and made available to voters requesting a separate ballot.~~

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

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

25
26 /s/ Glover
27
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