

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 87th General Assembly  
3 Regular Session, 2009  
4

As Engrossed: S3/25/09 H4/6/09 H4/7/09

# A Bill

SENATE BILL 894

5 By: Senator Faris  
6  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND VARIOUS LAWS *CONCERNING* THE  
10 ADMINISTRATION OF ELECTIONS AND SPECIAL  
11 ELECTIONS; AND FOR OTHER PURPOSES.  
12

## Subtitle

13 TO AMEND VARIOUS LAWS *CONCERNING* THE  
14 ADMINISTRATION OF ELECTIONS AND SPECIAL  
15 ELECTIONS.  
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18

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

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

24 *(b)(1) Immediately upon the submission of the petition to the county*  
25 *court or courts, the court or courts shall issue a proclamation calling the*  
26 *election in accordance with § ~~7-5-103(b)~~ 7-11-201 et seq. and notify the*  
27 *county board or boards of election commissioners in writing. The election*  
28 *shall be held on a date in accordance with § ~~7-5-103(b)~~ 7-11-201 et seq. but*  
29 *in no event more than ninety (90) days following publication of the*  
30 *proclamation.*  
31

32 *SECTION 2. Arkansas Code § 3-9-206(b)(1), concerning referendum*  
33 *elections for or against the sale of alcoholic beverages for on-premises*  
34 *consumption, is amended to read as follows:*

35 *(b)(1) The election shall be called by order of the quorum court in*  
36 *accordance with § ~~7-5-103(b)~~ 7-11-201 et seq. and held and conducted in*



1 accordance with § ~~7-5-103(b)~~ 7-11-201 et seq. and the results certified under  
2 the supervision of the county board of election commissioners in the manner  
3 provided by the election laws of this state.

4  
5 SECTION 3. Arkansas Code § 6-14-106, as amended by Act 292 of 2009, is  
6 amended to read as follows:

7 6-14-106. Polling places – Qualifications and appointment of election  
8 commissioners and poll workers.

9 (a)(1) The county board of election commissioners of each county shall  
10 designate all the polling sites for each school district in its respective  
11 county, including districts having territory in more than one (1) county but  
12 which are domiciled in its county for administrative purposes, and shall  
13 provide the election supplies and appoint the ~~election officials~~ poll workers  
14 for holding all school elections.

15 (2) The county board shall consult with each school district  
16 regarding:

17 (A) The number of polling sites to designate for each  
18 school district; and

19 (B) The location of the polling sites.

20 ~~(3) Each polling site for a school district's annual school~~  
21 ~~election shall be located within the school district.~~

22 (3) Polling sites for school elections shall be established by a  
23 majority vote of the members of the county board of election commissioners  
24 present.

25 (4)(A) The polling sites for each school election shall be the  
26 same as those established for the immediately preceding school election  
27 unless changed by order of the county board of election commissioners.

28 (B) Each polling site for a school district's annual  
29 school election shall be located within the school district.

30 (b) If a school district has territory in more than one (1) county,  
31 the county board of election commissioners of the county in which it is  
32 domiciled shall either:

33 (1) Designate one (1) or more polling sites in each county in  
34 which any part of the school district lies; or

35 (2) Designate one (1) or more polling sites in the county in  
36 which the school district is domiciled for administrative purposes, at which

1 all qualified electors of the school district, regardless of their county of  
2 residence, may vote.

3 (c) When the county board of election commissioners of any county in  
4 which a school district is domiciled for administrative purposes determines  
5 that a polling site shall not be designated in the other county in which a  
6 portion of the school district lies, it shall designate and publish in a  
7 paper of general circulation in that area the location of the polling site in  
8 the county in which the school district is administered for those electors of  
9 the school district in the other county to vote. The county board of election  
10 commissioners shall take appropriate action to assure that the necessary  
11 precinct registration files are delivered to that polling site in order that  
12 the electors in the nonadministering county may vote in the school election.

13 (d) The board of directors of each school district shall cause to be  
14 published, by at least one (1) insertion in a newspaper with general  
15 circulation in the county or counties in which the school district is  
16 located, not more than ten (10) days nor less than three (3) days before any  
17 school election, a notice identifying the polling site for each ward or  
18 precinct. If the polling site for any ward or precinct has changed since the  
19 last school election, the notice shall indicate the change.

20 (e)(1) In addition to any other qualification under Arkansas law  
21 regarding members of the county board of election commissioners, a member of  
22 the county board of election commissioners who is a paid employee of any  
23 school district holding the election in the county shall be disqualified from  
24 participating as a member of the county board of election commissioners in  
25 any matter concerning the school election.

26 (2) In the event of a disqualification under subdivision (e)(1)  
27 of this section, the disqualified member shall notify the chair of the county  
28 committee of the affected party of the disqualification no later than sixty  
29 (60) days before the school election or, if the disqualified member is the  
30 county chair, the notice shall be provided to the chair of the state  
31 committee of the affected party.

32 (3) The chair of the county committee of the party affected by  
33 disqualification of a member of the county board of election commissioners  
34 shall appoint a qualified person to replace the disqualified member for the  
35 school election or, if the disqualified member is the county chair, the state  
36 chair of the affected party shall appoint a qualified person to replace the

1 disqualified member for the school election.

2 (f)(1) The county board of election commissioners of the domicile  
3 county shall appoint one (1) election judge and one (1) election sheriff for  
4 each polling site and as many additional election clerks as are necessary for  
5 the efficient administration of elections at each polling site.

6 (2) In addition to any other qualification under Arkansas law  
7 regarding poll workers, a poll worker at a school election shall not be a  
8 paid employee of the school district holding the election.

9  
10 SECTION 4. Arkansas Code § 6-14-111 is amended to read as follows:

11 6-14-111. Ballots – Write-in candidates.

12 (a)(1) All candidate filings pursuant to this subchapter shall be with  
13 the county clerk of the county in which the school district is domiciled for  
14 administrative purposes.

15 (2) All actions required of county boards of election  
16 commissioners shall be performed by the county board of election  
17 commissioners of the county in which the school district is domiciled for  
18 administrative purposes.

19 (b) The county board of election commissioners shall prepare and  
20 furnish ballots and all other necessary supplies for the annual school  
21 election.

22 (c) A candidate for a position on the board of directors of a school  
23 district may qualify for the ballot by filing a political practices pledge,  
24 an affidavit of eligibility, and either:

25 (1) a A petition; or

26 (2) ~~filing~~ a A notice of write-in candidacy.

27 (d)(1) The petition shall be directed to the county clerk and shall  
28 contain the names of at least twenty (20) registered voters who are residents  
29 of the school district and, if applicable, the electoral zone for the  
30 position.

31 (2) The petition shall:

32 (A) State the name and title of the candidate that the  
33 candidate proposes to appear on the ballot; and

34 (B) Identify the position sought, including without  
35 limitation the position number or other identifying information if  
36 applicable.

1 (e) The petition, affidavit of eligibility, and the candidate's  
2 political practices pledge shall be filed with the clerk during a one-week  
3 period ending at 12:00 noon sixty (60) days before the annual school  
4 election.

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

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

9 (g) Votes for a write-in candidate for school district director shall  
10 not be counted or tabulated unless the candidate files with the county clerk  
11 during a one-week period ending at 12:00 noon fifty-five (55) days before the  
12 annual school election:

13 (1) A written notice of his or her intention to be a write-in  
14 candidate, identifying the position sought, including without limitation the  
15 position number or other identifying information if applicable;

16 (2) An affidavit of eligibility; and

17 ~~(2)~~(3) The political practices pledge.

18 (h) The county board of election commissioners shall place on the  
19 ballot as candidates for school district director the names of any qualified  
20 registered voters whose political practices pledges and affidavits of  
21 eligibility have been filed and whose petitions have been filed with and  
22 verified by the county clerk of the county in which the school district is  
23 domiciled for administrative purposes.

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

29 (2) Immediately after the close of the write-in filing period,  
30 the county clerk shall certify to the county board of election commissioners  
31 any write-in candidates who have filed ~~notices and political practices~~  
32 pledges the affidavit of eligibility, the notice of write-in candidacy, and  
33 the political practices pledge with the clerk.

34 (j) The order in which the names of the respective candidates are to  
35 appear on the ballot shall be determined by lot at the public meeting of the  
36 county board of election commissioners held not later than fifty-five (55)

1 days before the annual school election.

2 (k) When a candidate has identified the position sought on the  
3 petition or notice of write-in candidacy, the candidate shall not be allowed  
4 to change the position on that petition or notice of write-in candidacy but  
5 may withdraw a petition or notice of write-in candidacy and file a new  
6 petition or notice of write-in candidacy designating a different position  
7 before the deadline for filing.

8  
9 SECTION 5. Arkansas Code § 6-14-122(c), concerning special elections  
10 to consider consolidation or annexation of school districts, is amended to  
11 read as follows:

12 (c) If the State Board of Education is petitioned by the board of  
13 directors of a school district or districts, by resolution duly adopted by  
14 majority vote of each of the local boards of directors, or when petitioned by  
15 at least twenty-five percent (25%) of the qualified electors of a school  
16 district or districts as certified in writing by the county clerk of each  
17 county where the school district or districts are located, the state board  
18 may call a special election to be held in accordance with § ~~7-5-103(b)~~ 7-11-  
19 201 et seq. to consider the question of consolidation or annexation of the  
20 school districts as otherwise allowed for in subsection (a) of this section.

21  
22 SECTION 6. Arkansas Code § 6-53-307(e), concerning special elections  
23 on the issue of dedicating all or a portion of any undedicated county sales  
24 or use tax to any technical college, community college, two-year college, or  
25 satellite campus of a community college for capital improvements or  
26 maintenance and operation, is amended to read as follows:

27 (e) Any election called by the quorum court pursuant to this section  
28 shall be called pursuant to the proclamation issued by the quorum court and  
29 held in accordance with § ~~7-5-103(b)~~ 7-11-201 et seq.

30  
31 SECTION 7. Arkansas Code § 6-53-602(b)(2), concerning elections for  
32 the formation of a technical college district, is amended to read as follows:

33 (2) The local board or acting local board shall issue a  
34 proclamation and set a date for the election in accordance with § ~~7-5-103(b)~~  
35 7-11-201 et seq. but in no event later than ninety (90) days after the  
36 publication of the proclamation.

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SECTION 8. Arkansas Code § 6-53-602(c)(2)(B), concerning elections for the formation of a technical college district, is amended to read as follows:

(B) The local board or acting local board shall issue a proclamation and set a date for the election in accordance with § ~~7-5-103(b)~~ 7-11-201 et seq.

SECTION 9. Arkansas Code § 6-53-602(d)(3), concerning elections for tax levies in a technical college district, is amended to read as follows:

(3) In the alternative, the local board or acting local board may set a date for a special election in accordance with § ~~7-5-103(b)~~ 7-11-201 et seq.

SECTION 10. Arkansas Code § 6-61-512 is amended to read as follows:  
6-61-512. Formation of district – Election – Date.

The date of the election shall be set by the Secretary of State in accordance with § ~~7-5-103(b)~~ 7-11-201 et seq.

SECTION 11. Arkansas Code § 6-61-520(c)(2), concerning filing as a candidate for the local board of a community college, is amended to read as follows:

(2) Any person desiring to be a candidate for a position on the local board shall, ~~not less than forty five (45) days~~ not later than noon of the seventieth day prior to the general or annual school election at which the position on the board is to be filled, file a notarized statement of such candidacy with the county ~~board of election commissioners~~ clerk of each county of which any portion is in the community college district, in substantially the following form:

“State of Arkansas  
County of . . . . .  
I, . . . . ., being first duly sworn, state that I  
reside at . . . . .; that I am a resident and qualified  
elector of . . . . . community college district; that I  
am a candidate for the office of position No. . . . . on the local board  
of such community college, and I hereby request that my name be placed on the

1 ballot as a candidate for such position at the coming general or annual  
2 school election.

3 (Signed) . . . . .  
4 Subscribed and sworn to before me this . . . . . day of . . . . .  
5 . . . . ., 20 . . . . .  
6 (Signed). . . . .Notary Public . . . . .”  
7

8 SECTION 12. Arkansas Code § 6-61-602(c) and (d), concerning elections  
9 concerning millage taxes for community colleges, is amended to read as  
10 follows:

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

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

25 (3) The question of the levy shall be placed on the ballot at  
26 the next following general election or a special election called for that  
27 purpose pursuant to § ~~7-5-103(b)~~ 7-11-201 et seq. as determined by the local  
28 board.

29 (d)(1) When the local board of a community college determines that the  
30 question of a tax levy in the district should be submitted to the electors of  
31 the district at a special election, it shall adopt a resolution to that  
32 effect and shall file a certified copy of the resolution with the county  
33 board of election commissioners of each county of which any portion is in the  
34 district that a special election shall be held in the district and shall set  
35 the date of the election, which shall be not more than ninety (90) days after  
36 the date of the proclamation required by § ~~7-5-103(b)~~ 7-11-201 et seq.



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

5           (3) All laws applicable to the conduct of general elections,  
6 counting of ballots, and certification of the results thereof, and other  
7 matters relating to the holding of general elections, so far as the laws are  
8 appropriate shall be applicable to special elections held pursuant to the  
9 provisions of §§ 6-61-101 – 6-61-103, 6-61-201 – 6-61-209, 6-61-211  
10 [repealed], 6-61-212 – 6-61-216, 6-61-301 – 6-61-305, 6-61-306 [repealed], 6-  
11 61-401, 6-61-402, 6-61-501 – 6-61-524, 6-61-601 – 6-61-603, and 6-61-604 – 6-  
12 61-612 [repealed].

13           (4) All expenses of conducting special elections held pursuant  
14 to the provisions of §§ 6-61-101 – 6-61-103, 6-61-201 – 6-61-209, 6-61-211  
15 [repealed], 6-61-212 – 6-61-216, 6-61-301 – 6-61-305, 6-61-306 [repealed], 6-  
16 61-401, 6-61-402, 6-61-501 – 6-61-524, 6-61-601 – 6-61-603, and 6-61-604 – 6-  
17 61-612 [repealed] shall be paid from funds of the respective community  
18 college districts in which the elections are held.

19  
20           SECTION 13. Arkansas Code § 6-71-105(b)(2)(A), concerning elections  
21 related to improvement districts for colleges and universities, is amended to  
22 read as follows:

23           (2)(A) The commission may call at any time within five (5)  
24 years an election in accordance with § ~~7-5-103(b)~~ 7-11-201 et seq. to  
25 determine whether this chapter shall become operative and may call subsequent  
26 elections in accordance with § ~~7-5-103(b)~~ 7-11-201 et seq. after the chapter  
27 has failed to carry if the commission has good reasons to believe that a  
28 majority of the electors then favor this chapter.

29  
30           SECTION 14. Arkansas Code § 7-1-101 is amended to read as follows:  
31           7-1-101. Definitions.

32           As used in this title, unless the context or chapter otherwise  
33 requires:

34           (1) “Administrator” means the administrative head of a long-term  
35 care or residential care facility licensed by the state who is authorized in  
36 writing by a patient of the long-term care or residential care facility to

1 deliver the application for an absentee ballot and to obtain or deliver the  
2 absentee ballot to the county clerk;

3 (2) "Affidavit of eligibility" means an affidavit signed by a  
4 candidate for elective office stating that the candidate is eligible to serve  
5 in the office he or she seeks;

6 ~~(2)~~(3) "Audit log" means an electronically stored record of  
7 events and ballot images from which election officials may produce a  
8 permanent paper record with a manual audit capacity for a voting system using  
9 voting machines;

10 ~~(3)~~(4) "Authorized agent" means a person who is identified and  
11 authorized to deliver the application, obtain a ballot, and deliver the  
12 ballot on the day of the election to the county clerk by an applicant who is  
13 medically unable to cast a ballot at a polling site due to unforeseen medical  
14 necessity as set forth in an affidavit from the administrative head of a  
15 hospital or long-term or residential care facility;

16 ~~(4)~~(5) "Canvassing" means examining and counting the returns of  
17 votes cast at a public election to determine authenticity;

18 ~~(5)~~(6) "Constitutional officers of this state" means the offices  
19 of the Governor, Lieutenant Governor, Secretary of State, Attorney General,  
20 Auditor of State, Treasurer of State, and Commissioner of State Lands;

21 ~~(6)~~(7) "Counting location" means a location selected by the  
22 county board of election commissioners with respect to all elections for the  
23 automatic processing or counting, or both, of votes;

24 ~~(7)~~(8) "Designated bearer" means any person who is identified  
25 and authorized by the applicant to obtain from the county clerk or to deliver  
26 to the county clerk the applicant's ballot;

27 ~~(8)~~(9) "Election official" or "election officer" means a person  
28 who is a member of the county board of election commissioners or a person who  
29 is a poll worker designated by a county board of election commissioners to be  
30 an election clerk, election judge, or election sheriff;

31 ~~(9)~~(10) "Electronic vote tabulating device" means a device used  
32 to electronically scan a marked paper ballot for the purpose of tabulation;

33 ~~(10)~~(11) "Fail-safe voting" means the mechanism established  
34 under the National Voter Registration Act of 1993 that allows voters who have  
35 moved within the same county to vote at their new precinct without having  
36 updated their voter registration records;

1           ~~(11)~~(12) "First-time voter" means any registered voter who has  
2 not previously voted in a federal election in the state;

3           ~~(12)~~(13) "General or special election" means the regular  
4 biennial or annual elections for election of United States, state, district,  
5 county, township, and municipal officials and the special elections to fill  
6 vacancies therein and special elections to approve any measure. The term as  
7 used in this act shall not apply to school elections for officials of school  
8 districts;

9           ~~(13)~~(14) "Majority party" means that political party in the  
10 State of Arkansas whose candidates were elected to a majority of the  
11 constitutional offices of this state in the last preceding general election;

12           ~~(14)~~(15) "Marking device" means any approved device for marking  
13 a paper ballot with ink or other substance that will enable the votes to be  
14 tabulated by means of an electronic vote tabulating device;

15           ~~(15)~~(16) "Minority party" means that political party whose  
16 candidates were elected to less than a majority of the constitutional offices  
17 of this state in the last preceding general election or the political party  
18 that polled the second greatest number of votes for the office of Governor in  
19 the last preceding general election if all of the elected constitutional  
20 officers of this state are from a single political party;

21           ~~(16)~~(17) "Party certificate" means a written statement or  
22 receipt signed by the secretary or chair of the county committee or of the  
23 state committee, as the case may be, of the political party evidencing the  
24 name and title proposed to be used by the candidate on the ballot, the  
25 position the candidate seeks, payment of the fees, and filing of the party  
26 pledge, if any, required by the political party;

27           (18) "Party filing period" means the period of time established  
28 by law for the candidate for a political party's nomination to file his or  
29 her party certificate with the Secretary of State or county clerk, as the  
30 case may be;

31           ~~(17)~~(19)(A) "Political party" means any group of voters that at  
32 the last preceding general election polled for its candidate for Governor in  
33 the state or nominees for presidential electors at least three percent (3%)  
34 of the entire vote cast for the office.

35                   (B) No group of electors shall assume a name or  
36 designation that is so similar in the opinion of the Secretary of State to

1 that of an existing political party as to confuse or mislead the voters at an  
2 election.

3 (C) When any political party fails to obtain three percent  
4 (3%) of the total votes cast at an election for the office of Governor or  
5 nominees for presidential electors, it shall cease to be a political party;

6 ~~(18)~~(20) "Polling site" means a location selected by the county  
7 board of election commissioners where votes are cast;

8 ~~(19)~~(21) "Precinct" means the geographical boundary lines  
9 dividing a county, municipality, township, or school district for voting  
10 purposes;

11 ~~(20)~~(22) "Primary election" means any election held by a  
12 political party in the manner provided by law for the purpose of selecting  
13 nominees of the political party for certification as candidates for election  
14 at any general or special election in this state;

15 ~~(21)~~(23) "Provisional ballot" means a ballot:

16 (A) Cast by special procedures to record a vote when there  
17 is some question concerning a voter's eligibility; and

18 (B) Counted contingent upon the verification of the  
19 voter's eligibility;

20 ~~(22)~~(24) "Qualified elector" means a person who holds the  
21 qualifications of an elector and who is registered pursuant to Arkansas  
22 Constitution, Amendment 51;

23 ~~(23)~~(25) "Sample ballot" means a ballot for distribution to the  
24 public or the press marked with the word "SAMPLE" so as to prevent the  
25 production of counterfeit ballots;

26 ~~(24)~~(26) "Vacancy in election" means the vacancy in an elective  
27 office created by death, resignation, or other good and legal cause, arising  
28 prior to election to the office at a general or special election but arising  
29 subsequent to the certification of the ballot;

30 ~~(25)~~(27) "Vacancy in nomination" means the circumstances in  
31 which the person who received the majority of votes at the preferential  
32 primary election or general primary election cannot accept the nomination due  
33 to death or notifies the party that he or she will not accept the nomination  
34 due to serious illness, moving out of the area from which the person was  
35 elected as the party's nominee, or filing for another office preceding the  
36 final date for certification of nominations;

1           ~~(26)~~(28) (A) "Vacancy in office" means the vacancy in an elective  
2 office created by death, resignation, or other good and legal cause arising  
3 subsequent to election to the office at a general or special election or  
4 arising subsequent to taking office and prior to the expiration of the term  
5 of office in those circumstances wherein the vacancy must be filled by a  
6 special election rather than by appointment.

7           (B) The phrase "vacancy in office" shall not apply to the  
8 election of a person at a general election to fill an unexpired portion of a  
9 term of office;

10           ~~(27)~~(29) "Voter-verified paper audit trail" means a  
11 contemporaneous paper record of a ballot printed for the voter to confirm his  
12 or her votes before the voter casts his or her ballot that:

13           (A) Allows the voter to verify the voter-verified paper  
14 audit trail before the casting of the voter's ballot;

15           (B) Is not retained by the voter;

16           (C) Does not contain individual voter information;

17           (D) Is produced on paper that is sturdy, clean, and  
18 resistant to degradation; and

19           (E) Is readable in a manner that makes the voter's ballot  
20 choices obvious to the voter without the use of computer or electronic code;

21           ~~(28)~~(30) "Voting machine" means either:

22           (A) A direct recording electronic voting machine that:

23           (i) Records votes by means of a ballot display  
24 provided with mechanical or electro-optical components that may be actuated  
25 by the voter;

26           (ii) Processes the data by means of a computer  
27 program;

28           (iii) Records voting data and ballot images in  
29 internal and external memory components; and

30           (iv) Produces a tabulation of the voting data stored  
31 in a removable memory component and on a printed copy; or

32           (B) An electronic device for marking a paper ballot to be  
33 electronically scanned; and

34           ~~(29)~~(31) "Voting system" means:

35           (A) The total combination of mechanical,  
36 electromechanical, or electronic equipment, including the software, firmware,

1 and documentation required to program, control, and support the equipment  
2 that is used:

- 3 (i) To define ballots;  
4 (ii) To cast and count votes;  
5 (iii) To report or display election results; and  
6 (iv) To maintain and produce any audit trail  
7 information; and  
8 (B) The practices and documentation used to:  
9 (i) Identify system components and versions of  
10 components;  
11 (ii) Test the system during its development and  
12 maintenance;  
13 (iii) Maintain records of system errors and defects;  
14 (iv) Determine specific system changes to be made to  
15 a system after the initial qualification of the system; and  
16 (v) Make available any materials to the voter,  
17 including, but not limited to, notices, instructions, forms, or paper  
18 ballots.

19

20 SECTION 15. Arkansas Code § 7-5-101, as amended by Act 250 of 2009, is  
21 amended to read as follows:

22 7-5-101. Precinct boundaries and polling sites – Establishment and  
23 alteration.

24 ~~(a)(1) A county board of election commissioners is empowered to alter~~  
25 ~~the boundaries of existing election precincts and to establish new ones when~~  
26 ~~in its judgment it may be necessary.~~

27 ~~(2)(A)(i) The county board shall establish a polling site for~~  
28 ~~each election precinct.~~

29 ~~(ii)(a) Except as provided in subdivision~~  
30 ~~(a)(2)(A)(ii)(b) of this section, the establishment of a polling site shall~~  
31 ~~be by a unanimous vote of the county board.~~

32 ~~(b) A polling site for a school election shall~~  
33 ~~be established by a majority of the county board.~~

34 ~~(B)(i) The county board may combine polling sites for two~~  
35 ~~(2) or more precincts when, in its judgment, it may be necessary.~~

36 ~~(ii)(a) Except as provided in subdivision~~

1 ~~(a)(2)(B)(ii)(b) of this section, the combining of polling sites shall be by~~  
2 ~~a unanimous vote of the county board.~~

3 ~~(b) Polling sites for school elections shall~~  
4 ~~be fixed by a majority of the county board.~~

5 ~~(C) The county board may allow school elections to be~~  
6 ~~conducted by early voting and absentee voting only and open no polling sites~~  
7 ~~on a school election day in any election year if no more than one (1)~~  
8 ~~candidate for school district director presents a petition or notice in~~  
9 ~~writing to the county board of election commissioners as required by § 6-14-~~  
10 ~~111 and if there are no other ballot issues to be submitted to district~~  
11 ~~electors for consideration, if requested by resolution adopted by the board~~  
12 ~~of directors of any school district.~~

13 ~~(3) In changing the boundaries of existing precincts or in~~  
14 ~~creating new ones, the county board shall arrange them so that all qualified~~  
15 ~~voters residing in the precincts may vote on the same day.~~

16 ~~(4)(A) The county board shall not have the power to change the~~  
17 ~~boundaries of existing precincts, to create any new precinct, or to change~~  
18 ~~the polling site in any precinct within thirty (30) days of any election, but~~  
19 ~~all elections shall be held at the sites and within the boundaries as they~~  
20 ~~existed thirty (30) days before the date of the election.~~

21 ~~(B) In the event of an emergency, a county board may~~  
22 ~~change a precinct boundary or a polling site.~~

23 ~~(b) All polling sites shall be fixed at well known points in the~~  
24 ~~several precincts and easily accessible to all electors entitled to vote~~  
25 ~~therein.~~

26 ~~(c)(1)(A) The action of the county board in changing the polling site~~  
27 ~~in any precinct, in altering the boundaries of any precinct, or in~~  
28 ~~establishing any new one shall be determined in a public meeting pursuant to~~  
29 ~~§ 7-4-105 and shall be entered in the record to be kept on file in the county~~  
30 ~~clerk's office.~~

31 ~~(B) A copy of the order, which shall set out intelligently~~  
32 ~~and accurately the boundaries of precincts as so altered or established,~~  
33 ~~shall be filed with the clerk of the county court, who shall record the order~~  
34 ~~at full length on the record book on which the minutes of the proceedings of~~  
35 ~~the county court are recorded.~~

36 ~~(2)(A)(i)(a) Within thirty (30) days after altering the~~

~~boundaries of an election precinct or establishing a new one, the county board shall submit four (4) copies of the changes to the Secretary of State.~~

~~(b) The changes shall be submitted in the form of a map and shall include a written description.~~

~~(ii) A short statement of why the changes were made may be included.~~

~~(B) Upon receipt of the changes, the Secretary of State shall immediately forward a copy to the office of the Attorney General, the Census State Data Center, and the Cartography Section of the Arkansas State Highway and Transportation Department.~~

~~(d)(1) Notice of any changes made in polling sites shall also be given to the electors by prominently posting information about any changes at all previous polling sites that were used in the last election.~~

~~(2) Except for school elections and special elections, the notice shall also be mailed by the county clerk to each affected registered voter at least fifteen (15) days before the election.~~

~~(e) If the county board wishes to combine or eliminate polling sites fixed for the preferential primary election or general election for the general primary election or general runoff election, each combination or elimination of polling sites shall require a unanimous vote of the county board.~~

(a)(1) The county board of election commissioners shall:

(A) Establish election precincts; and

(B)(i) Designate a polling site for each precinct.

(ii) A polling site may serve two (2) or more precincts, including parts of precincts.

(2) Except as provided in § 6-14-106, the designation of polling sites shall be by a unanimous vote of the members of the county board present.

(b)(1) The county board by order may alter the boundaries of existing election precincts and establish new ones.

(2) A precinct shall not be altered and a new precinct shall not be created less than thirty (30) days before an election, except in the event of an emergency as determined by the county board.

(3)(A) An order to alter the boundaries of any precinct or establish any new one shall not be effective until it has been filed with the



1 county clerk.

2 (B) The order shall contain a:

3 (i) Written description; and

4 (ii) Map of the boundaries of the precincts altered  
5 or established.

6 (c)(1) Within thirty (30) days after the boundaries of an election  
7 precinct are altered or a new election precinct is established, the county  
8 clerk shall submit five (5) copies of the changes in the form of a map and  
9 written descriptions to the Secretary of State.

10 (2) Upon receipt of the changes, the Secretary of State  
11 immediately shall forward a copy to the:

12 (A) Office of the Attorney General;

13 (B) Census State Data Center; and

14 (C) Cartography Section of the Arkansas State Highway and  
15 Transportation Department.

16 (d)(1) Except for school elections under § 6-14-106, the polling sites  
17 for each election shall be the same as those established for the immediately  
18 preceding general election unless changed by order of the county board.

19 (2) The county board shall not change a polling site for any  
20 precinct less than thirty (30) days before an election, except in the event  
21 of an emergency.

22 (3) Notice of any changes made in polling sites shall be  
23 provided by posting information at the polling sites used in the last  
24 election and, except for school elections and special elections, the notice  
25 shall be mailed by the county clerk to each affected registered voter at  
26 least fifteen (15) days before the election.

27  
28 SECTION 16. Arkansas Code § 7-5-103 is repealed.

29 ~~7-5-103. Special elections.~~

30 ~~(a)(1) All special elections to fill vacancies in an office shall be~~  
31 ~~called by proclamation, ordinance, resolution, or order of the appropriate~~  
32 ~~constituted authority.~~

33 ~~(2) The proclamation, ordinance, resolution, or order shall be~~  
34 ~~published as soon as practicable in a newspaper of general circulation in~~  
35 ~~which the special election is held and the proclamation, ordinance,~~  
36 ~~resolution, or order shall establish:~~

~~(A) The date of the election;~~  
~~(B) The date of the primary election, if any;~~  
~~(C) The deadline for filing party certificates and political practices pledges, if required, with the county clerk or Secretary of State, as the case may be, if applicable;~~  
~~(D) The deadline for party conventions to select nominees, if applicable;~~  
~~(E) The deadline for parties to issue certificates of nomination, if applicable;~~  
~~(F) The deadline for candidates to file certificates of nomination, if applicable, and political practices pledges with the county clerk or Secretary of State, as the case may be;~~  
~~(G) The deadline for filing as an independent candidate and the period in which petitions for independent candidacy may be circulated;~~  
~~(H) The deadline for filing as a write-in candidate, if applicable;~~  
~~(I) The deadline for drawing for ballot position by the appropriate committee or election commission, as the case may be; and~~  
~~(J) The date the election shall be certified by the county board of election commissioners in each county in which the election takes place and, if applicable, by the Secretary of State.~~

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

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

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

1 ~~in the heading.~~

2 ~~(iii) However, separate ballots containing the names~~  
3 ~~of the candidates to be voted on at the special election, nonpartisan~~  
4 ~~judicial elections, if applicable, and any other measures or questions that~~  
5 ~~may be presented for a vote shall be prepared and made available to voters~~  
6 ~~requesting a separate ballot.~~

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

10 ~~(C)(i) If the special election is held at the same time as~~  
11 ~~the general election, the names of the candidates in the special election~~  
12 ~~shall be included on the general election ballot, and the portion of the~~  
13 ~~ballot on which the special election appears shall be labeled with a heading~~  
14 ~~stating "SPECIAL ELECTION FOR \_\_\_\_\_" with~~  
15 ~~the name of the office set out in the heading.~~

16 ~~(ii) The county board of election commissioners may~~  
17 ~~include the special election on a separate ballot if the special election is~~  
18 ~~held at the same time as the general election and if the commission~~  
19 ~~determines that a separate ballot is necessary to avoid voter confusion.~~

20 ~~(D) A special election to fill a vacancy in office shall~~  
21 ~~be held not less than sixty five (65) days following the date in the~~  
22 ~~proclamation, ordinance, resolution, or order for drawing for ballot position~~  
23 ~~when the special election is to be held on the date of the presidential~~  
24 ~~preferential primary election, preferential primary election, general primary~~  
25 ~~election, or general election.~~

26 ~~(4) If the special election is not held at the same time as a~~  
27 ~~presidential preferential primary election, preferential primary election,~~  
28 ~~general primary election, or general election, the special election shall be~~  
29 ~~held not less than fifty (50) days following the date in the proclamation,~~  
30 ~~ordinance, resolution, or order for drawing for ballot position.~~

31 ~~(5)(A) All special primary elections required for an election to~~  
32 ~~fill a vacancy in office shall be held on the second Tuesday of any month,~~  
33 ~~and special primary elections held under this section 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 (B) If a special primary election in conjunction with an  
3 election to fill a vacancy in office is held on the date of the presidential  
4 preferential primary election, preferential primary election, general primary  
5 election, or general election, the candidates to be voted upon at the special  
6 election shall be included on the ballot of each political party or the  
7 general election ballot, as the case may be, and the portion of the ballot on  
8 which the special primary election appears shall be labeled with a heading  
9 stating "SPECIAL PRIMARY ELECTION FOR \_\_\_\_\_"  
10 with the name of the party for which nomination is sought and the office set  
11 out in the heading.~~

~~12 (C) The county board of election commissioners may include  
13 the special primary election on a separate ballot if the special primary  
14 election is held at the same time as a presidential preferential primary  
15 election, preferential primary election, general primary election, or general  
16 election and if the commission determines that a separate ballot is necessary  
17 to avoid voter confusion.~~

~~18 (6) A special primary election shall be held not less than  
19 sixty five (65) days following the date in the proclamation, ordinance,  
20 resolution, or order for drawing for ballot position when the special  
21 election is to be held on the date of the presidential preferential primary  
22 election, preferential primary election, general primary election, or general  
23 election.~~

~~24 (7)(A) If the special primary election is not held at the same  
25 time as a presidential preferential primary election, preferential primary  
26 election, general primary election, or general election, the special election  
27 shall be held not less than fifty (50) days following the date in the  
28 proclamation, ordinance, resolution, or order for drawing for ballot  
29 position.~~

~~30 (B) When a special primary election is called to select  
31 nominees for a special election to fill a vacancy in office, the nominee  
32 shall be the person who receives the highest number of votes in the special  
33 primary election. There shall be no runoff after a special primary election.~~

~~34 (8) In addition to the publication of the proclamation,  
35 ordinance, resolution, or order required by the provisions of this section,  
36 notice of special elections to fill vacancies called under this section shall~~

1 ~~be published and posted under §§ 7-5-202 and 7-5-206.~~

2 ~~(b)(1) Except for special school elections held under § 6-14-102(d),~~  
3 ~~all special elections on measures or questions referred to the voters shall~~  
4 ~~be called by proclamation, ordinance, resolution, or order of the properly~~  
5 ~~constituted authority.~~

6 ~~(2) The proclamation, ordinance, resolution, or order shall set~~  
7 ~~forth:~~

8 ~~(A) The date of the special election;~~

9 ~~(B) The full text of any measure or question for which the~~  
10 ~~election is called;~~

11 ~~(C) Any ballot title for the measure or question for which~~  
12 ~~the election is called; and~~

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

14 ~~(3) All special elections on measures or questions shall be held~~  
15 ~~on the second Tuesday of any month, except special elections held under this~~  
16 ~~section in a month in which a presidential preferential primary election,~~  
17 ~~preferential primary election, general primary election, or general election~~  
18 ~~is scheduled to occur shall be held on the date of the presidential~~  
19 ~~preferential primary election, preferential primary election, general primary~~  
20 ~~election, or general election. Special elections scheduled to occur in a~~  
21 ~~month in which the second Tuesday is a legal holiday shall be held on the~~  
22 ~~third Tuesday of the month.~~

23 ~~(4)(A) If a special election is held on the date of the~~  
24 ~~presidential preferential primary election, preferential primary election, or~~  
25 ~~general primary election, the issue or issues to be voted upon at the special~~  
26 ~~election shall be included on the ballot of each political party. The portion~~  
27 ~~of the ballot containing the special election shall be labeled with a heading~~  
28 ~~stating "SPECIAL ELECTION ON \_\_\_\_\_" with a~~  
29 ~~brief description of the measure or question to be decided in the election.~~

30 ~~(B) However, separate ballots containing the issue or~~  
31 ~~issues or candidates to be voted on at the special election and candidates~~  
32 ~~for nonpartisan judicial office shall be prepared and made available to~~  
33 ~~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 ~~(5) A special election shall be held not less than sixty-five~~  
2 ~~(65) days following the date that the ordinance or resolution is adopted or~~  
3 ~~the date the proclamation or order is issued when the special election is to~~  
4 ~~be held on the date of the presidential preferential primary election,~~  
5 ~~preferential primary election, general primary election, or general election.~~

6 ~~(6) If the special election is not held at the same time as a~~  
7 ~~presidential preferential primary election, preferential primary election,~~  
8 ~~general primary election, or general election, the special election shall be~~  
9 ~~held not less than fifty (50) days following the date that the proclamation,~~  
10 ~~ordinance, resolution, or order is published.~~

11 ~~(7) Notice of the election shall be published and posted in~~  
12 ~~accordance with § 7-5-202, § 7-5-206, or as may be otherwise provided by~~  
13 ~~Arkansas law.~~

14  
15 SECTION 17. Arkansas Code § 7-5-203 is amended to read as follows:  
16 7-5-203. Certification of candidate lists.

17 (a)(1) Not less than ~~seventy-five (75)~~ seventy (70) days before each  
18 general election day, the Secretary of State shall certify to all county  
19 boards of election commissioners full lists of all candidates to be voted for  
20 in their respective counties as the nominations have been certified or  
21 otherwise submitted to him or her.

22 (2) A name of a person shall not be certified and shall not be  
23 placed on the ballot if prior to the certification a candidate on the list:

24 (A) Notifies the Secretary of State in writing, signed by  
25 the candidate and acknowledged before an officer authorized to take  
26 acknowledgements, of his or her desire to withdraw as a candidate for the  
27 office or position; or

28 (B) Dies.

29 (b)(1) Not less than ~~seventy-five (75)~~ seventy (70) days before each  
30 general election day, the clerk of each county shall certify to the county  
31 board of his or her county a full list of all candidates to be voted for in  
32 the county as the nominations have been certified or otherwise submitted to  
33 him or her.

34 (2) A name of a person shall not be certified and shall not be  
35 placed on the ballot if prior to the certification a candidate on the list:

36 (A) Notifies the county clerk in writing, signed by the

1 candidate and acknowledged before an officer authorized to take  
2 acknowledgements, of his or her desire to withdraw as a candidate for the  
3 office or position; or

4 (B) Dies.

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

9  
10 SECTION 18. Arkansas Code § 7-5-205 is amended to read as follows:

11 7-5-205. Write-in candidates' votes – When counted.

12 ~~(a)~~ No votes for write-in candidates ~~in general elections~~ shall be  
13 counted or tabulated unless:

14 (1) ~~The candidate or his or her agent shall notify~~ notifies in  
15 writing the county board of election commissioners of each county in which  
16 the candidate seeks election and files the notice with either: ~~the Secretary~~  
17 ~~of State, if a United States state or district candidate, or a county clerk,~~  
18 ~~if a candidate for a county or township office, of his or her intention to be~~  
19 ~~a write-in candidate no earlier than noon on the third Tuesday in March and~~  
20 ~~not later than ninety (90) days before the election day; and~~

21 (A) The Secretary of State, if a candidate for United  
22 States Senate, United States House of Representatives, or any state or  
23 district office; or

24 (B) The county clerk if a candidate for a county or  
25 township office;

26 (2) The candidate files with the county clerk or the Secretary  
27 of State, as required, a political practices pledge and an affidavit of  
28 eligibility for the office at the same time the candidate files his or her  
29 notice of write-in candidacy;

30 (3) The notice of write-in candidacy, the political practices  
31 pledge, and the affidavit of eligibility are filed no earlier than noon on  
32 the last day of the party filing period and not later than ninety (90) days  
33 before the election day; and

34 ~~(2)~~(4) The name written on the ballot is the same name listed on  
35 the write-in candidate's political practices pledge, except that any  
36 abbreviation, misspelling, or other minor variation in the form of the name

1 of the candidate shall be disregarded if the intention of the voter may be  
2 ascertained.

3 ~~(b) This section shall not apply to the offices of Justice of the~~  
4 ~~Supreme Court, Judge of the Court of Appeals, circuit judge, or district~~  
5 ~~judge.~~

6  
7 SECTION 19. Arkansas Code § 7-5-207 is amended to read as follows:  
8 7-5-207. Ballots – Names included.

9 (a)(1) All Except as provided in subdivisions (a)(2) and (3) of this  
10 section, all election ballots provided by the county board of election  
11 commissioners of any county in this state for any election shall contain in  
12 the proper place the name of every candidate whose nomination for any office  
13 to be filled at that election has been certified to the county board and  
14 shall not contain the name of any candidate or person who has not been  
15 certified. ~~If any candidate shall notify, no later than seventy (70) days~~  
16 ~~before the election, the Secretary of State in the case of a United States,~~  
17 ~~state, or district office, or the county board in the case of a county, city,~~  
18 ~~or township office, in writing, signed by the candidate, and acknowledged~~  
19 ~~before an officer authorized to take acknowledgments, of his or her desire to~~  
20 ~~withdraw as a candidate for the office or position, the name of the person~~  
21 ~~shall not be printed on the ballot at the election.~~

22 (2)(A) Except as provided in subdivision (a)(2)(B) of this  
23 section, unopposed candidates for municipal offices shall be declared and  
24 certified elected without the necessity of including those names on the  
25 general election ballot.

26 (B) The names of all unopposed candidates for the office  
27 of mayor shall be separately placed on the general election ballot, and the  
28 votes for mayor shall be tabulated as in all contested races.

29 (3)(A)(i) Except as provided in subdivision (a)(3)(B) of this  
30 section, the names of all other unopposed candidates for all offices,  
31 including without limitation the names of all unopposed write-in candidates,  
32 shall be grouped together on the ballot indicating the office and the name of  
33 the unopposed candidate.

34 (ii) The phrase "unopposed candidates" shall appear  
35 at the top of the list of the names of all unopposed candidates.

36 (iii) Adjacent to the phrase "unopposed candidates"



1 shall be a place in which the voter may cast a vote for all the candidates by  
2 placing an appropriate mark.

3 (B) The names of all unopposed candidates for the office  
4 of circuit clerk shall be separately placed on the general election ballot,  
5 and the votes for circuit clerk shall be tabulated as in all contested races.

6 (b) No person's name shall be ~~printed~~ placed upon the ballot as a  
7 candidate for any public office in this state at any election unless the  
8 person is qualified and eligible at the time of filing as a candidate for the  
9 office to hold the public office for which he or she is a candidate, except  
10 if a person is not qualified to hold the office at the time of filing because  
11 of age alone, the name of the person shall be ~~printed~~ placed on the ballot as  
12 a candidate for the office if the person will qualify to hold the office at  
13 the time prescribed by law for taking office.

14 (c)(1) The order in which the names of the candidates shall appear on  
15 the ballot shall be determined by lot at a public meeting of the county board  
16 not less than sixty-five (65) days before the general election.

17 (2) Notice of the public meeting shall be given by publication  
18 in a newspaper of general circulation in the county at least three (3) days  
19 before the drawing.

20 (3) For runoff elections, the ballot order for eligible  
21 candidates shall be the same as for the previous election leading to the  
22 runoff.

23 (d)(1) Beside or adjacent to the name of each candidate in the general  
24 election shall be:

25 (A) His or her party designation; or

26 (B) The term "INDEPENDENT" if he or she represents no  
27 officially recognized party.

28 (2) Subdivision (d)(1) of this section shall not apply to a:

29 (A) Nonpartisan judicial election; or

30 (B) Nonpartisan municipal election.

31  
32 SECTION 20. Arkansas Code § 7-5-208 is amended to read as follows:

33 7-5-208. ~~Paper ballots~~ Ballots – Form.

34 (a) All election ballots provided by the county board of election  
35 commissioners of any county in this state for any election shall be alike and  
36 shall be ~~printed~~ in plain type.

1 ~~(b) Each ballot shall be printed on paper with a perforated portion~~  
 2 ~~capable of being detached for use as the ballot stub.~~

3 ~~(c) As ballots are printed, the portion that shall be used as the~~  
 4 ~~ballot stub shall be numbered consecutively from one (1) to the number which~~  
 5 ~~is the total amount of ballots provided for the election.~~

6 ~~(d)(b)(1) The heading on the front or inner side of each ballot shall~~  
 7 ~~be: "OFFICIAL BALLOT \_\_\_\_\_ ELECTION~~  
 8 ~~\_\_\_\_\_, 20 \_\_\_\_\_ (description) \_\_\_\_\_ ELECTION (date),~~  
 9 ~~\_\_\_\_\_ (year) "~~

10 ~~Vote by placing an appropriate mark opposite the person for whom you wish to~~  
 11 ~~vote".~~

12 (2) ~~If the ballot contains an initiated or referred amendment,~~  
 13 ~~act, or measure, the heading shall also contain these words - "Vote on~~  
 14 ~~amendments, acts, and measures by placing an appropriate mark above the~~  
 15 ~~amendment (or act or measure) either FOR or AGAINST".~~

16 ~~(e) Beneath the heading on each paper ballot there shall be printed~~  
 17 ~~instructions that inform the voter:~~

18 ~~(1) Of the effect of casting multiple votes for an office; and~~

19 ~~(2) How to correct the ballot before it is cast and counted,~~  
 20 ~~including, but not limited to, instructions on how to correct an error~~  
 21 ~~through the issuance of a replacement ballot if the voter was otherwise~~  
 22 ~~unable to change the ballot or correct an error.~~

23 ~~(f)(c)(1) Every ballot shall contain the name of each candidate who~~  
 24 ~~has been nominated or has qualified in accordance with law for each office.~~  
 25 ~~The names of the candidates shall be listed in a perpendicular column under~~  
 26 ~~the name of each office to be filled.~~

27 ~~(2)(A) However, the names of all unopposed candidates for all~~  
 28 ~~offices, including the names of all unopposed write-in candidates, except the~~  
 29 ~~names of all unopposed candidates for the office of mayor or circuit clerk,~~  
 30 ~~shall be grouped together on the ballot indicating the office and the name of~~  
 31 ~~the unopposed candidate. At the top of the list of the names of all unopposed~~  
 32 ~~candidates, there shall appear on the ballot the words "Unopposed~~  
 33 ~~Candidates", and adjacent thereto there shall be a place in which the voter~~  
 34 ~~may cast a vote for all the candidates by placing an appropriate mark.~~

35 ~~(B) The names of unopposed candidates for the office of~~  
 36 ~~mayor or circuit clerk shall be separately printed from any grouping of~~

1 ~~unopposed candidates, with a place in which the voter may cast a vote for~~  
2 ~~each unopposed candidate for the office of mayor or circuit clerk by placing~~  
3 ~~an appropriate mark, so that the votes may be separately counted and~~  
4 ~~tabulated as required in § 7-5-315.~~

5 ~~(3)(2) In all elections except primary elections and municipal~~  
6 ~~elections in which votes for a write-in candidate may be counted, at the~~  
7 ~~bottom of each list of names for each position or office appearing on the~~  
8 ~~ballot, there shall be a blank line for a possible write-in vote for that~~  
9 ~~position or office. However, the blank line shall not appear on the ballot~~  
10 ~~with respect to those offices and candidates for positions in which no person~~  
11 ~~has qualified as a write-in candidate by filing his or her notice of~~  
12 ~~intention to be a write-in candidate within the time prescribed in § 7-5-205.~~

13 ~~(4) The order in which the names of the respective candidates~~  
14 ~~shall appear on the ballots shall be determined by lot at a public meeting of~~  
15 ~~the county board not less than sixty-five (65) days prior to the general~~  
16 ~~election. It is expressly understood and provided that the selection on the~~  
17 ~~order of the ballot in all other elections shall be and remain as provided by~~  
18 ~~law. For runoff elections, the ballot order for eligible candidates shall~~  
19 ~~stay the same as for the previous election.~~

20 ~~(5) Beside or adjacent to the name of each candidate in the~~  
21 ~~general election, except for the nonpartisan judicial general election, shall~~  
22 ~~be his or her party designation or the name "INDEPENDENT" if he or she~~  
23 ~~represents no officially recognized party.~~

24 ~~(g)(d) Adjacent to the name of each candidate and on the same line~~  
25 ~~there shall be a place for marking a vote for the candidate. Below each act,~~  
26 ~~amendment, or measure to be voted on, there shall be the words "FOR" and~~  
27 ~~"AGAINST" situated one above the other with a place for marking a vote for~~  
28 ~~the act, amendment, or measure adjacent to each word and on the same line.~~  
29 ~~With respect to all offices and the candidates for those offices who are~~  
30 ~~unopposed and have been grouped together in the manner provided in subsection~~  
31 ~~(f) of this section, the names of all those candidates and their respective~~  
32 ~~offices shall appear under the heading of "Unopposed Candidates". The elector~~  
33 ~~shall vote on each and all such candidates by casting a single vote in the~~  
34 ~~place for marking a vote adjacent to the heading "Unopposed Candidates" as~~  
35 ~~provided in subdivision (f)(2) of this section.~~

36 ~~(h)(e) Opposite the designation of each office, there shall appear~~

1 these words: "VOTE FOR \_\_\_\_\_ ". The number of persons required to fill the  
2 vacancy in office shall be placed in the blank space.

3  
4 SECTION 21. Arkansas Code 7-5-209 is amended to read as follows:

5 7-5-209. Ballots – Correction of errors.

6 Whenever it shall appear by affidavit that an error or omission has  
7 occurred in the publication of the names or description of candidates  
8 nominated for office or in the ~~printing~~ preparation of ballots, the county  
9 board of election commissioners shall in a public meeting announce the error  
10 or omission and immediately correct the error or omission or show cause why  
11 the correction should not be done.

12  
13 SECTION 22. Arkansas Code § 7-5-210 is repealed.

14 ~~7-5-210. Ballots – Number – Official.~~

15 ~~(a) The county board of election commissioners of each county in this~~  
16 ~~state using paper ballots counted by hand at the polling site, paper ballots~~  
17 ~~counted by an electronic vote tabulating device at the polling site, or paper~~  
18 ~~ballots cast at a polling site and counted at a central location shall~~  
19 ~~provide for each election precinct one hundred fifty (150) printed ballots~~  
20 ~~for each one hundred (100), or fraction of one hundred (100), electors voting~~  
21 ~~thereat at the last preceding comparable election. Provided, however, the~~  
22 ~~total number of ballots required to be printed for each election precinct~~  
23 ~~shall not be required to exceed one hundred five percent (105%) of the total~~  
24 ~~number of registered voters for the respective precinct.~~

25 ~~(b) No ballot shall be received or counted in any election to which~~  
26 ~~this act applies unless it is provided by the county board as provided in~~  
27 ~~this section.~~

28  
29 SECTION 23. Arkansas Code § 7-5-211(a)(1)(A), concerning the delivery  
30 of election supplies, is amended to read as follows:

31 (a) At least one (1) day before any election:

32 (1)(A) The county board of election commissioners shall  
33 designate a suitable person or persons and deliver to the person or persons  
34 the ballots ~~as set forth in § 7-5-210.~~

35  
36 SECTION 24. Arkansas Code § 7-5-212 is repealed.

1       ~~7-5-212. Permanent ink when ballots counted by hand.~~  
2       ~~At general, primary, special, and school elections in counties which~~  
3 ~~use paper ballots and in which those ballots are counted by hand, the ballots~~  
4 ~~shall be marked using permanent ink.~~

5  
6       SECTION 25. Arkansas Code § 7-5-308 is amended to read as follows:

7       7-5-308. Provisional ballot procedure.

8       (a) When the voter is required by law to cast a provisional ballot,  
9 the ballot shall be cast pursuant to the following procedures:

10           (1) ~~An election official at the polling place~~ A poll worker  
11 shall notify the individual that the individual may cast a provisional ballot  
12 in that election;

13           (2) The voter shall execute a written eligibility affirmation in  
14 the presence of the ~~election official~~ poll worker stating that he or she is a  
15 registered voter in the precinct in which he or she desires to vote and is  
16 eligible to vote;

17           (3) ~~The election official~~ poll worker shall initial the back of  
18 the ballot, remove the ballot stub from the provisional ballot, and place the  
19 stub in the stub box provided;

20           (4) The voter shall mark his or her provisional ballot;

21           (5) The voter shall place the voted provisional ballot in a  
22 ballot secrecy envelope marked "provisional ballot" and seal the envelope;

23           (6) The voter shall place the sealed provisional ballot envelope  
24 containing the voted provisional ballot in a voter envelope, seal the  
25 envelope, and give it to the ~~election official~~ poll worker;

26           (7) ~~The election official~~ poll worker shall provide the voter  
27 written information instructing him or her on how to determine whether his or  
28 her provisional ballot was counted, and if not, the reason the ballot was not  
29 counted; and

30           (8) ~~The election official~~ poll worker shall make a separate list  
31 of the names and addresses of all persons voting a provisional ballot.

32       (b) ~~Election officials~~ The poll worker shall preserve, secure, and  
33 separate all provisional ballots from the remaining ballots so that the right  
34 of any person to vote may be determined later by the county board of election  
35 commissioners or the court in which an election contest may be filed.

36       (c)(1) Whenever a person casts a provisional ballot, the ~~election~~

1 ~~official poll worker~~ shall provide the voter written information that states  
 2 that the individual who casts a provisional ballot will be able to ascertain  
 3 whether the vote was counted, and if not, the reason the vote was not  
 4 counted, ~~by accessing a toll-free telephone number, Internet website, or~~  
 5 ~~other free access system established by the Secretary of State for that~~  
 6 ~~purpose.~~

7 (2) The Secretary of State shall establish a free access system  
 8 to allow a provisional voter to ascertain whether his or her vote was  
 9 counted, and if not, the reason his or her vote was not counted.

10 ~~(2)(3)~~ Access to information about an individual provisional  
 11 ballot shall be restricted to the individual who cast the ballot.

12 ~~(d)(1) Any person who votes in an election as a result of a federal or~~  
 13 ~~state court order or any other order extending the time established for~~  
 14 ~~closing the polls only may vote in that election by casting a provisional~~  
 15 ~~ballot.~~

16 ~~(2) The ballot shall be separated and held apart from other~~  
 17 ~~provisional ballots cast by those not affected by the order.~~

18 ~~(e)(d)(1) Prior to~~ Before certification of the results of the  
 19 election, the county board shall determine whether the provisional ballots  
 20 are valid.

21 (2) Unless enjoined by a court of competent jurisdiction, a  
 22 provisional ballot shall be counted if it is cast by a registered voter and  
 23 is the correct ballot, according to the precinct listed on the voter's  
 24 eligibility affirmation, for the precinct of the voter's residence.

25 ~~(f)(e)~~ If, upon examination of any provisional ballots, the county  
 26 board suspects that a violation of the election laws has occurred, the county  
 27 board may refer the matter to the prosecuting attorney.

28  
 29 SECTION 26. Arkansas Code § 7-5-312 is amended to read as follows:

30 7-5-312. Challenge of voter's ballot by poll watchers, candidates, or  
 31 designees.

32 (a) Poll watchers shall include any:

33 (1) Candidate in person, but only during the counting and  
 34 tabulation of ballots and the processing of absentee ballots;

35 (2) Authorized representative of a candidate;

36 (3) Authorized representative of a group seeking the passage or

1 defeat of a measure on the ballot; and

2 (4) Authorized representative of a political party with a  
3 candidate on the ballot.

4 (b) Each candidate, group, or party may have, at any given time during  
5 the election, including early voting:

6 (1) One (1) authorized representative present at any one (1)  
7 time at each location within a polling site where voters identify themselves  
8 to election officials, so as to observe and ascertain the identity of those  
9 persons presenting themselves to vote for the purpose of challenging ~~any~~  
10 ~~voter who appears for the purpose of casting a ballot~~ voters; and

11 (2) One (1) authorized representative present at any one (1)  
12 time at each location within the absentee ballot processing site where  
13 absentee ballots are processed, so as to observe and ascertain the identity  
14 of absentee voters for the purpose of challenging any absentee vote.

15 (c) In accordance with §§ 7-5-316, 7-5-413, 7-5-416, 7-5-527, and 7-5-  
16 615, a candidate in person or an authorized representative of a candidate or  
17 political party may be present at a polling site, central counting location,  
18 and absentee ballot counting location for the purpose of witnessing the  
19 counting of ballots by election officials and determining whether ballots are  
20 fairly and accurately counted.

21 (d) The document designating and authorizing a representative of a  
22 candidate, a representative of a group seeking the passage or defeat of a  
23 measure on the ballot, and a representative of a political party with a  
24 candidate on the ballot shall be filed with the county clerk and a file-  
25 marked copy shall be presented by the poll watcher to the election official  
26 immediately upon entering the polling site, absentee ballot processing site,  
27 or counting location in the following form:

28  
29 "POLL WATCHER AUTHORIZATION FORM

30  
31 Representative of a Candidate

32  
33 I, . . . . . , state that I am a candidate for  
34 the office of . . . . . in the . . . . .  
35 . . . . . election. I further state that I have designated . .  
36 . . . . . as my authorized representative at the

1 election at polling sites . . . . . and  
 2 absentee ballot processing sites . . . . . in  
 3 . . . . . County, Arkansas, to observe and  
 4 ascertain the identity of persons presenting themselves to vote in person or  
 5 by absentee for the purpose of challenging any voter in accordance with  
 6 Arkansas Code §§ 7-5-312, 7-5-416, and 7-5-417. I further state that I have  
 7 designated and authorized my representative named above to be present at the  
 8 ballot counting locations at . . . . . in . .  
 9 . . . . . County, Arkansas, for the purpose of  
 10 witnessing the counting of ballots by election officials and determining  
 11 whether ballots are fairly and accurately counted in accordance with Arkansas  
 12 Code §§ 7-5-312, 7-5-316, 7-5-413, 7-5-416, 7-5-527, and 7-5-615.

13  
14 Representative of a Group

15  
16 I, . . . . . , state that I represent the . . .  
 17 . . . . . group that is seeking passage/defeat (circle  
 18 one) of the ballot measure entitled . . . . .  
 19 on the ballot in the . . . . . election at  
 20 polling sites . . . . . and absentee ballot  
 21 processing sites . . . . . in . . . . .  
 22 . . . . . County, Arkansas, to observe and ascertain the  
 23 identity of persons presenting themselves to vote in person or by absentee  
 24 for the purpose of challenging any voter in accordance with Arkansas Code §§  
 25 7-5-312, 7-5-416, and 7-5-417.

26  
27 Representative of a Party

28  
29 I, . . . . . , state that I am the chair or  
 30 secretary of the state/county (circle one) committee for the . . . . .  
 31 . . . . . party with candidates on the ballot in the . . . . .  
 32 . . . . . election. I further state that I have designated  
 33 . . . . . as an authorized party representative  
 34 at the election at polling sites . . . . . and  
 35 absentee ballot processing sites . . . . . in  
 36 . . . . . County, Arkansas, to observe and



ascertain the identity of persons presenting themselves to vote in person or by absentee for the purpose of challenging any voter in accordance with Arkansas Code §§ 7-5-312, 7-5-416, and 7-5-417. I further state that I have designated and authorized my representative named above to be present at the ballot counting locations at . . . . . in . . . . . County, Arkansas, for the purpose of witnessing the counting of ballots by election officials and determining whether ballots are fairly and accurately counted in accordance with Arkansas Code §§ 7-5-312, 7-5-316, 7-5-413, 7-5-416, 7-5-527, and 7-5-615.

. . . . .

Signature of Candidate, Group Representative, or Chair/Secretary of the State/County Committee

Acknowledged before me this . . . . . day of . . . . . , 20 . . . . .

Notary Public: . . . . . My Commission Expires: . . . . .

I do hereby state that I am familiar with the rights and responsibilities of a poll watcher as outlined on the back of the poll watcher authorization form and will in good faith comply with the provisions of same.

. . . . .

Signature of the Poll Watcher

Acknowledged before me this . . . . . day of . . . . . , 20 . . . . .

Notary Public: . . . . . My Commission Expires: . . . . .

I do hereby acknowledge the filing of this poll watcher authorization form with the county clerk's office.

. . . . .

Signature of County Clerk"

(e) Poll watcher rights and responsibilities shall be printed on the back of the document in the following form:

"POLL WATCHER RIGHTS AND RESPONSIBILITIES

A poll watcher may be:

- (1) A candidate in person, but only during the counting and tabulation of ballots and the processing of absentee ballots;

- 1           (2) An authorized representative of a candidate;  
2           (3) An authorized representative of a group seeking the passage  
3 or defeat of a measure on the ballot; or  
4           (4) An authorized representative of a party with a candidate on  
5 the ballot.

6  
7 Official recognition of poll watchers:

8           (1) Only one (1) authorized poll watcher per candidate, group,  
9 or party at any one (1) given time may be officially recognized as a poll  
10 watcher at each location within a polling site where voters identify  
11 themselves to election officials;

12           (2) Only one (1) authorized poll watcher per candidate, group,  
13 or party at any one (1) given time may be officially recognized as a poll  
14 watcher at each location within the absentee ballot processing site where  
15 absentee ballots are processed; and

16           (3) Only one (1) authorized poll watcher per candidate or party  
17 at any one (1) given time may be officially recognized as a poll watcher at  
18 the counting of the ballots.

19

20 Poll watcher credentials:

21           (1) Except for candidates in person, poll watchers must present  
22 a valid affidavit in the form of a "Poll Watcher Authorization Form" to an  
23 election official immediately upon entering the polling or counting location;  
24 and

25           (2) Candidates in person attending a counting site or absentee  
26 ballot processing site are not required to present a "Poll Watcher  
27 Authorization Form" but must present some form of identification to an  
28 election official immediately upon entering the ~~polling or counting location~~  
29 site for the purpose of confirming the poll watcher as a candidate on the  
30 ballot.

31

32 Poll watchers may:

33           (1) Observe the election officials;

34           (2) Stand close enough to the ~~precinct voter registration lists~~  
35 place where voters check in to vote so as to hear the voter's name ~~and~~  
36 ~~observe the voter's signature;~~

1           (3) Compile lists of persons voting;

2           (4) Challenge ballots upon notification to an election official  
3 before the voter signs the precinct voter registration list and upon  
4 completing a "Challenged Ballot Form";

5           (5) Call to the attention of the election sheriff any occurrence  
6 believed to be an irregularity or violation of election law. The poll watcher  
7 may not discuss the occurrence unless the election sheriff invites the  
8 discussion; and

9           (6) Be present at the opening, processing, and canvassing of  
10 absentee ballots for the purpose of challenging absentee votes in the manner  
11 provided by law for personal voting challenges.

12

13 Poll watchers representing a candidate or political party may:

14           (1) Remain at the polling site after the poll closes if ballots  
15 are counted at the poll;

16           (2) Be present at the counting of votes by hand or by an  
17 electronic vote tabulating device at a central location;

18           (3) Be present at the counting of absentee ballots for the  
19 purpose of witnessing the counting of ballots by election officials and  
20 determining whether ballots are fairly and accurately counted; and

21           (4) Upon request made to an election official, inspect any or  
22 all ballots at the time the ballots are being counted.

23

24 Poll watchers may not:

25           (1) Be within six feet (6') of any voting machine or booth used  
26 by voters to cast their ballot;

27           ~~(2) Electioneer inside the polling site or within one hundred~~  
28 ~~feet (100') of the primary exterior entrance used by voters to the building~~  
29 ~~containing the polling site;~~

30           ~~(3)~~(2) Speak to any voter or in any way attempt to influence a  
31 voter inside the polling site or within one hundred feet (100') of the  
32 primary exterior entrance used by voters to the building containing the  
33 polling site; or

34           ~~(4)~~(3) Disrupt the orderly conduct of the election."

35

36           (f) Poll watcher rights and responsibilities shall be posted in plain

1 view at each polling site, absentee ballot processing site, and counting  
2 site.

3 (g) A poll watcher may challenge a voter only on the grounds that the  
4 voter is not eligible to vote in the precinct or that the voter has  
5 previously voted at that election.

6 ~~(g)(h)~~(1) When the ballot of any voter is thus challenged, it shall be  
7 treated as a provisional ballot.

8 (2) The poll watcher shall notify an election official of the  
9 challenge before the voter signs the precinct voter registration list.

10 (3) The poll watcher shall complete a challenged ballot form.

11 (4) The election official shall inform the voter that his or her  
12 ballot is being challenged.

13 (5) The procedures for casting a provisional ballot under § 7-5-  
14 308 shall be followed.

15

16 SECTION 27. Arkansas Code § 7-5-313 is repealed.

17 ~~7-5-313. Spoiled ballots—Cancellation and return.~~

18 ~~(a) Any voter who shall by accident or mistake mar or spoil any ballot~~  
19 ~~so that he or she cannot conveniently or clearly vote on the ballot may~~  
20 ~~return it to the election officials and receive another not to exceed three~~  
21 ~~(3) in all.~~

22 ~~(b) Spoiled ballots shall be cancelled by an election official's~~  
23 ~~writing "CANCELLED" on its face and initialling the ballot. The cancelled~~  
24 ~~ballots shall be preserved separately from other ballots and returned to the~~  
25 ~~county board of election commissioners and shall be open to public~~  
26 ~~inspection.~~

27

28 SECTION 28. Arkansas Code § 7-5-315 is amended to read as follows:

29 7-5-315. Counting ~~paper ballots at the polling site~~ votes for unopposed  
30 and deceased candidates.

31 ~~In counting the paper ballots at the polling site, the following~~  
32 ~~procedures shall be followed:~~

33 ~~(1)(a)~~ (a) The votes received by an unopposed candidate in any  
34 election held in this state shall not be counted or tabulated by the election  
35 officials. The word "UNOPPOSED" shall be sufficient to insert on the tally  
36 sheet to indicate that the candidate has received a majority of the votes

1 cast in the election. However, the votes received by an unopposed candidate  
2 for the office of mayor or circuit clerk shall be counted and tabulated by  
3 the election officials;.

4 ~~(2) No write-in vote in any election in this state may be~~  
5 ~~counted unless the name of the write-in candidate shall have been handwritten~~  
6 ~~on the ballot;~~

7 ~~(3) In counting the ballots, the ballot box shall be~~  
8 ~~opened, and the ballots shall be counted by counting each ballot in turn or~~  
9 ~~by counting by offices and issues. The election officials must witness the~~  
10 ~~counting of the ballots and shall keep separate tally lists of the votes cast~~  
11 ~~for each candidate or issue on the ballot;~~

12 ~~(4) When two (2) or more ballots are found folded~~  
13 ~~together, it shall be considered as conclusive evidence of their being~~  
14 ~~fraudulent, and neither of them shall be counted. If a ballot shall be found~~  
15 ~~to contain marks for more than the maximum allowable number of candidates in~~  
16 ~~any one (1) contest, the contest shall be considered overvoted, and it shall~~  
17 ~~be the responsibility of the election officials to determine the voter's~~  
18 ~~intent;~~

19 ~~(5) Upon the close of the polls, the election officials~~  
20 ~~shall immediately certify and attest the list of voters and continue the~~  
21 ~~count to completion. If any of the election officials become sick or~~  
22 ~~incapacitated from any other cause, the remaining election officials shall~~  
23 ~~continue the count until it is completed;~~

24 ~~(6) After the count is completed, the election officials~~  
25 ~~shall make out the certificates of election in triplicate and immediately~~  
26 ~~post one (1) copy outside the polling site; and~~

27 ~~(7)(A)(b)(1) The votes received by any person whose name~~  
28 ~~appeared on the ballot and who withdrew or died after the certification of~~  
29 ~~the ballot or filing period ended shall be counted.~~

30 ~~(B)(i)(2)(A) If the person received enough votes to~~  
31 ~~win the nomination or election, a vacancy in the nomination or election shall~~  
32 ~~be declared.~~

33 ~~(ii)(a)(B)(i) If the person received enough~~  
34 ~~votes to qualify for a runoff, the person's name shall appear on the runoff~~  
35 ~~ballot.~~

36 ~~(b)(ii) If enough votes are cast for the~~

1 person to win the runoff, then a vacancy in ~~the nomination or~~ election shall  
2 exist.

3  
4 SECTION 29. Arkansas Code § 7-5-316(a), concerning the designation of  
5 representatives by a candidate or political party, is amended to read as  
6 follows:

7 (a) After the polls have been closed, the counting of votes shall be  
8 open to the public, and any candidate or political party may be present in  
9 person or by representative designated in writing pursuant to § 7-5-312 at  
10 the count of the ballots in any election for the purpose of determining  
11 whether or not the ballots in any election precinct are fairly and accurately  
12 counted. ~~The candidate, political party, or authorized representative of the~~  
13 ~~candidate or political party shall be permitted, upon a request being made to~~  
14 ~~an election official, to inspect any or all ballots at the time the ballots~~  
15 ~~are being counted.~~

16  
17 SECTION 30. Arkansas Code § 7-5-317 is amended to read as follows:

18 7-5-317. Processing and delivery of election materials.

19 (a) After the ~~count of the ballots is completed~~ polls close, all of  
20 the election ~~returns~~ materials shall be processed and delivered in the  
21 following manner:

22 (1) The poll workers shall total the number of voters on the  
23 list of voters form and certify and attest the form;

24 ~~(1)(2)~~ (2) The list-of-voters form, precinct voter registration  
25 list, voter registration application forms, and other recordkeeping supplies  
26 shall be delivered to the county clerk;

27 ~~(2)(3)~~ (3) Certificates of election results and tally sheets:

28 (A) One (1) copy of the certificate of election results  
29 with one (1) copy of the tally sheets, if any, shall be delivered to the  
30 county clerk; and

31 (B) One (1) copy of the certificate of election results  
32 shall be returned with one (1) copy of the tally sheets, if any, and reports  
33 of challenges of voters, if any, to the county board of election  
34 commissioners;

35 ~~(3)(4)~~ (4) Ballots:

36 (A) The ~~election officials~~ poll workers shall securely

1 envelope ~~the~~ any voted ballots separately from ~~the~~ any unused ballots and  
 2 place the ballots in a container with a numbered seal and then deliver the  
 3 ballots with the tally sheets, if any, and other election materials to the  
 4 county board; and

5 (B) All cancelled ballots shall be preserved separately  
 6 from the other ballots and returned to the county board; and

7 ~~(4)(5) Stub boxes.~~ Sealed stub boxes shall be delivered to the  
 8 county treasurer for storage.

9 (b) All of the election materials and returns shall be delivered to  
 10 the county board by the ~~election officials~~ poll workers immediately after the  
 11 polls close.

12  
 13 SECTION 31. Arkansas Code § 7-5-319(c), concerning recount in an  
 14 election using a voter-verified paper audit trail, is amended to read as  
 15 follows:

16 (c)(1) For any recount of an election in which ballots are cast using  
 17 a direct recording electronic voting machine with a voter-verified paper  
 18 audit trail, the voter-verified paper audit trail shall serve as the official  
 19 ballot to be recounted.

20 (2) The county board of election commissioners either may:

21 (A) Manually sum the total votes for each candidate  
 22 involved in the recount that is printed on the voter-verified paper audit  
 23 trail; or

24 (B) Count by hand the votes for each candidate  
 25 involved in the recount as shown on the voter-verified paper audit trail.

26 (3) If the voter-verified paper audit trail is damaged or for  
 27 some other reason is incapable of being used for a recount, the paper record  
 28 produced by the machine for manual audit shall be the official ballot to be  
 29 recounted.

30 (4) If the voting machine is exempt from the requirement to have  
 31 a voter-verified paper audit trail and does not have one, the paper record  
 32 produced by the machine for manual audit shall be the official ballot to be  
 33 recounted.

34  
 35 SECTION 32. Arkansas Code § 7-5-320 is repealed.

36 ~~7-5-320. Election to fill vacancy—Unopposed candidate.~~

1 ~~(a)(1) If, after all deadlines for filing as a candidate or write-in~~  
2 ~~candidate have passed in a special election to fill a vacancy, there is only~~  
3 ~~one (1) candidate and if no other office or issue is on the ballot, then the~~  
4 ~~county board of election commissioners may reduce the number of polling~~  
5 ~~places for the election.~~

6 ~~(2) The county board shall provide at least one (1) polling~~  
7 ~~place.~~

8 ~~(b) In a county that uses voting machines or electronic voting, the~~  
9 ~~county board may choose to use paper ballots for the election.~~

10  
11 SECTION 33. Arkansas Code 7-5-515(c)(1), concerning the preparation of  
12 voting machines for elections, is amended to read as follows:

13 (c)(1) At least ~~five (5)~~ seven (7) days prior to the ~~election day~~  
14 beginning of voting, the county board, with respect to all elections, shall  
15 have ~~the machines~~ each machine tested to ascertain that the voting system  
16 will correctly count the votes cast for all offices and on all measures.

17  
18 SECTION 34. The Arkansas Code Revision Commission shall rename  
19 Arkansas Code Title 7, Chapter 5, Subchapter 6 as "Paper Ballots and  
20 Electronic Vote Tabulating Devices."

21  
22 SECTION 35. Arkansas Code § 7-5-601 is amended to read as follows:

23 7-5-601. Purpose Paper ballots -- Form.

24 ~~The purpose of this subchapter is to authorize the use of electronic~~  
25 ~~vote tabulating devices in which the voter records his or her votes by means~~  
26 ~~of marking a paper ballot which is so designed that votes may be counted by~~  
27 ~~an electronic scanner at one (1) or more counting places. This method of~~  
28 ~~marking ballots and electronically tabulating election results shall be in~~  
29 ~~addition to and supplemental to the existing systems of voting.~~

30 (a) All paper ballots provided by the county board of election  
31 commissioners of any county in this state for any election shall be alike and  
32 shall be printed in plain type.

33 (b) Each ballot shall be printed on paper with a perforated portion  
34 capable of being detached for use as the ballot stub.

35 (c)(1) As ballots are printed, the portion that shall be used as the  
36 ballot stub shall be numbered consecutively beginning with the number 1.



1           (2) The number on the last ballot printed shall show the total  
2 number of ballots provided for the election.

3           (d)(1) The heading on the front or inner side of each ballot shall be:  
4 "OFFICIAL BALLOT. Vote by placing an appropriate mark opposite the person  
5 for whom you wish to vote".

6           (2) If the ballot contains an initiated or referred amendment,  
7 act, or measure, the heading shall also contain these words: "Vote on  
8 amendments, acts, and measures by placing an appropriate mark above the  
9 amendment (or act or measure) either FOR or AGAINST".

10          (e) Beneath the heading on each paper ballot there shall be printed  
11 instructions that inform the voter:

12           (1) Of the effect of casting multiple votes for an office; and

13           (2) How to correct the ballot before it is cast and counted,  
14 including without limitation instructions on how to correct an error through  
15 the issuance of a replacement ballot if the voter was otherwise unable to  
16 change the ballot or correct an error.

17  
18          SECTION 36. Arkansas Code Title 7, Chapter 5, Subchapter 6 is amended  
19 to add an additional section to read as follows:

20          7-5-602. Ballots -- Number -- Official -- Marking device -- Spoiled.

21          (a)(1) The county board of election commissioners of each county in  
22 this state using paper ballots counted by hand at the polling site, paper  
23 ballots counted by an electronic vote tabulating device at the polling site,  
24 or paper ballots cast at a polling site and counted at a central location  
25 shall provide for each election precinct one hundred fifty (150) printed  
26 ballots for each one hundred (100) or fraction of one hundred (100) electors  
27 voting on paper ballots at the last preceding comparable election.

28          (2) The total number of ballots required to be printed for each  
29 election precinct shall not exceed one hundred five percent (105%) of the  
30 total number of registered voters for the respective precinct.

31          (b) A ballot shall not be received or counted in any election to which  
32 this subchapter applies unless it is provided by the county board under this  
33 section.

34          (c) At all elections in counties that use paper ballots and in which  
35 those ballots are counted by hand, the ballots shall be marked using  
36 permanent ink.

1 (d)(1) A voter who shall by accident or mistake mar or spoil any  
2 ballot so that he or she cannot conveniently or clearly vote on the ballot  
3 may return it to the poll workers and receive another ballot, not to exceed  
4 three (3) ballots in total.

5 (2) Spoiled ballots shall be cancelled by a poll worker writing  
6 "CANCELLED" on its face and initialing the ballot.

7 (3) The cancelled ballots shall be preserved separately from  
8 other ballots and returned to the county board of election commissioners and  
9 shall be open to public inspection.

10  
11 SECTION 37. Arkansas Code § 7-5-603 is amended to read as follows:

12 7-5-603. Penalty Counting paper ballots at the polling site.

13 ~~Persons violating the provisions of this subchapter shall be subject to~~  
14 ~~the same fine and imprisonment as is provided by law for violating the~~  
15 ~~comparable provisions of the laws of this state regarding voting by other~~  
16 ~~voting methods.~~

17 When paper ballots are to be counted at the polling site, the following  
18 procedures shall be followed:

19 (1)(A) In counting the ballots, the ballot box shall be opened  
20 and each ballot shall be counted in turn or by counting by offices and  
21 issues.

22 (B) The poll workers shall witness the counting of the  
23 ballots and shall keep separate tally lists of the votes cast for each  
24 candidate or issue on the ballot;

25 (2)(A) When two (2) or more ballots are found folded together,  
26 it shall be considered as conclusive evidence the ballots are fraudulent and  
27 neither of the ballots shall be counted.

28 (B) If a ballot is found to contain marks for more than  
29 the maximum allowable number of candidates in any one (1) contest, the  
30 contest shall be considered overvoted, and it shall be the responsibility of  
31 the poll workers to determine the voter's intent;

32 (3)(A) Upon the close of the polls, the poll workers immediately  
33 shall certify and attest the list of voters and continue the count to  
34 completion.

35 (B) If a poll worker becomes sick or incapacitated from  
36 any other cause, the remaining poll workers shall continue the count until it

1 is completed;

2 (4) After the count is completed, the poll workers shall make  
3 out the certificates of election in triplicate and immediately post one (1)  
4 copy outside the polling site; and

5 (5)(A) The counting of ballots shall be open to the public.

6 (B) Any candidate or political party may be present in  
7 person or by representative designated in writing under § 7-5-312 at the  
8 count of the ballots in any election for the purpose of determining whether  
9 or not the ballots in any election precinct are fairly and accurately  
10 counted.

11 (C) The candidate in person or an authorized  
12 representative of the candidate or political party shall be permitted, upon a  
13 request's being made to a poll worker, to inspect any or all ballots after  
14 the ballots have been counted.

15  
16 SECTION 38. Arkansas Code § 7-5-604(a), concerning voting systems that  
17 include electronic vote tabulating devices, is amended to read as follows:

18 (a) ~~Voting~~ Paper ballot voting systems that include electronic vote  
19 tabulating devices may be used in elections, provided that the systems shall:

20 (1) Enable the voter to cast a vote in secrecy;

21 (2) Enable the voter to vote for all offices and measures on  
22 which he or she is entitled to vote;

23 (3) Permit the voter to verify in a private and independent  
24 manner the votes selected by the voter on the ballot before the ballot is  
25 cast;

26 (4) Provide the voter with the opportunity in a private and  
27 independent manner to change the ballot or correct any error before the  
28 ballot is cast;

29 (5)(A) Notify the voter that he or she has selected more than  
30 one (1) candidate for the office, notify the voter before the ballot is cast  
31 and counted of the effect of casting multiple votes for the office, and  
32 provide the voter with the opportunity to correct the ballot before the  
33 ballot is cast if the voter is legally entitled to select only one (1)  
34 candidate for an office but the voter selects more than one (1) candidate for  
35 the office.

36 (B) Electronic vote tabulating devices used to cast and

1 count votes at the polling place shall be programmed to reject ballots  
2 containing overvotes as described in this section.

3 (C) When votes are cast at polling places and are to be  
4 counted by hand or at the courthouse or other central counting location, the  
5 county board of election commissioners shall provide a voter education  
6 program to inform the voters:

7 (i) Of the effect of casting multiple votes for an  
8 office; and

9 (ii) How to correct the ballot before it is cast,  
10 including, but not limited to, instructions on how to correct the error  
11 through the issuance of a replacement ballot if the voter was otherwise  
12 unable to change the ballot or correct any error;

13 (6)(A) Notify the voter that the voter has selected more than  
14 the allowed number of candidates for the office on the ballot, notify the  
15 voter before the ballot is cast and counted of the effect of casting more  
16 than the allowed number of votes for that office, and provide the voter with  
17 the opportunity to correct the ballot before the ballot is cast if the voter  
18 is legally entitled to select multiple candidates for an office but the voter  
19 selects more than the number of candidates he or she is legally entitled to  
20 select.

21 (B) Electronic vote tabulating devices used to cast and  
22 count votes at the polling places shall be programmed to reject ballots  
23 containing overvotes as described in this section.

24 (C) When votes are cast at polling places and are to be  
25 counted by hand or at the courthouse or other central counting location, the  
26 county board of election commissioners shall provide a voter education  
27 program to inform the voters:

28 (i) Of the effect of casting more votes than the  
29 voter is legally entitled to cast for an office; and

30 (ii) How to correct the ballot before it is cast,  
31 including, but not limited to, instructions on how to correct the error  
32 through the issuance of a replacement ballot if the voter was otherwise  
33 unable to change the ballot or correct any error;

34 (7) Permit the voter to vote:

35 (A) At any election for all persons and officers for whom  
36 he or she is lawfully entitled to vote and no others;

- 1 (B) For as many persons for an office as he or she is  
2 entitled to vote;
- 3 (C) For or against any question upon which he or she is  
4 entitled to vote; and
- 5 (D) By means of a single device, if authorized by law, for  
6 all candidates for one (1) party or to vote a split ticket as he or she  
7 desires;
- 8 (8) Permit the voter by one (1) mark to vote for the candidates  
9 for that party for president, vice president, and their presidential electors  
10 at presidential elections;
- 11 (9) Generate a printed record at the beginning of its operation  
12 which verifies that the tabulating elements for each candidate position and  
13 each question and the public counter are all set to zero (000); and
- 14 (10) Generate a printed record at the finish of its operation of  
15 the total number of:
- 16 (A) Voters whose ballots have been tabulated;
- 17 (B) Votes cast for each candidate whose name appears on  
18 the ballot;
- 19 (C) Votes cast for or against any question appearing on  
20 the ballot; and
- 21 (D) Undervotes and overvotes by contest.

22

23 SECTION 39. Arkansas Code 7-5-611(a)(2), concerning the preparation of  
24 electronic vote tabulating machines, is amended to read as follows:

25 (2) At least ~~five (5)~~ seven (7) days prior to the ~~election day~~  
26 beginning of voting, the county board, with respect to all elections, shall  
27 have ~~the electronic vote tabulating devices~~ each electronic vote tabulating  
28 device tested to ascertain that the devices will correctly count the votes  
29 cast for all offices and on all measures.

30

31 SECTION 40. Arkansas Code Title 7, Chapter 5, Subchapter 6 is amended  
32 to add an additional section to read as follows:

33 7-5-616. Penalty.

34 A person who violates this subchapter shall be subject to the same fine  
35 and imprisonment as provided by law for violating the comparable provisions  
36 of the laws of this state regarding voting by other voting methods.

1  
2 SECTION 41. Arkansas Code § 7-7-103, as amended by Act 188 of 2009, is  
3 amended to read as follows:

4 7-7-103. Filing as an independent – Petitions – Disqualification.

5 (a)(1) ~~Any~~ A person desiring to have his or her name placed upon the  
6 ballot as an independent candidate without political party affiliation for  
7 any United States office other than President of the United States or Vice-  
8 President of the United States or state, county, township, or district office  
9 in any general election in this state shall file, ~~as an independent~~  
10 ~~candidate, during the party filing period for the year in which the election~~  
11 is to be held, a political practices pledge, an affidavit of eligibility, and  
12 a notice of candidacy stating the name and title the candidate proposes to  
13 appear on the ballot and identifying the elective office sought, ~~during the~~  
14 ~~period for filing political practices pledges and party pledges if any are~~  
15 ~~required by the rules of the party to qualify as a candidate of a political~~  
16 ~~party in a primary election including the position number, if any.~~

17 (2)(A) An independent candidate shall state the same position,  
18 including the position number, if any, on his or her petition.

19 (B) When a candidate has identified the position sought on  
20 the notice of candidacy, the candidate shall not be allowed to change the  
21 position but may withdraw a notice of candidacy and file a new notice of  
22 candidacy designating a different position before the deadline for filing.

23 (b)(1)(A) The person shall furnish by 12:00 noon on May 1 of the year  
24 in which the election is to be held petitions signed by not less than three  
25 percent (3%) of the qualified electors in the county, township, or district  
26 in which the person is seeking office, but in no event shall more than two  
27 thousand (2,000) signatures be required for a district, county, or township  
28 office.

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

34 (2) Each elector signing the petition shall be a registered  
35 voter, and the petition shall be directed to the official with whom the  
36 person is required by law to file the petition to qualify as a candidate and

1 shall request that the name of the person be placed on the ballot for  
2 election to the office mentioned in the petition.

3 (3) Petitions shall be circulated not earlier than ninety (90)  
4 calendar days before the deadline for filing petitions to qualify as an  
5 independent candidate unless the number of days is reduced by a proclamation,  
6 ordinance, resolution, ~~or order, or other authorized document~~ or for a  
7 special election under ~~§ 7-5-103~~ 7-11-101 et seq.

8 (4) In determining the number of qualified electors in any  
9 county, township, or district or in the state, the total number of votes cast  
10 therein for all candidates in the preceding general election for the office  
11 of Governor shall be conclusive of the number of qualified electors therein  
12 for the purposes of this section.

13 (5) If the number of days in which the petition for independent  
14 candidacy may be circulated is reduced by a proclamation, ordinance,  
15 resolution, ~~or order, or other authorized document~~ for a special election  
16 under § 7-5-103 7-11-101 et seq., the number of signatures required on the  
17 petition shall be reduced proportionately.

18 ~~(c)(1)(A) Independent candidates for municipal office may qualify by a~~  
19 ~~petition of not fewer than ten (10) electors for incorporated towns and~~  
20 ~~cities of the second class and not fewer than thirty (30) electors for cities~~  
21 ~~of the first class of the ward or city in which the election is to be held.~~

22 ~~(B) The county clerk shall determine within ten (10) days~~  
23 ~~of filing whether the petition contains the names of a sufficient number of~~  
24 ~~qualified electors. The county clerk shall promptly notify the candidate of~~  
25 ~~the result.~~

26 ~~(2)(A) Independent candidates for municipal office shall file~~  
27 ~~their petitions of nomination with the county clerk not more than ninety (90)~~  
28 ~~days nor less than seventy (70) days before the general election.~~

29 ~~(B) The filing on the last day shall occur before 12:00~~  
30 ~~noon.~~

31 ~~(d) The sufficiency of any petition filed under the provisions of this~~  
32 ~~section may be challenged in the same manner as is provided by law for~~  
33 ~~election contests, § 7-5-801 et seq.~~

34 ~~(e) A person who has been defeated in a party primary shall not be~~  
35 ~~permitted to file as an independent candidate in the general election for the~~  
36 ~~office for which he or she was defeated in the party primary.~~

1 ~~(f) This section shall not apply to the offices of Justice of the~~  
2 ~~Supreme Court, Judge of the Court of Appeals, circuit judge, or district~~  
3 ~~judge.~~

4  
5 SECTION 42. Arkansas Code § 7-7-105 is amended to read as follows:

6 7-7-105. Filling vacancies in certain offices - Special primary  
7 elections.

8 ~~Nominees for election at a special election called for the purpose of~~  
9 ~~filling a vacancy in office for a member of the United States House of~~  
10 ~~Representatives, for Lieutenant Governor, or as a member of the Senate or~~  
11 ~~House of Representatives of the General Assembly shall be chosen in~~  
12 ~~accordance with § 7-5-103(a).~~

13 (a) Nominees for special elections called for the purpose of filling a  
14 vacancy in office for a member of the United States House of Representatives,  
15 Lieutenant Governor, or for a member of the Senate or House of  
16 Representatives of the General Assembly shall be chosen as follows:

17 (1) The Governor shall certify in writing to the state  
18 committees of the respective political parties the fact of vacancy and shall  
19 request the respective state committees to make a determination and notify  
20 him or her in writing within ten (10) days with respect to whether the  
21 political parties desire to hold a special primary election or a convention  
22 of delegates held under party rules to choose nominees; and

23 (2)(A) If the state committee of any political party timely  
24 notifies the Governor that it chooses to hold a special primary election, any  
25 political party desiring to choose a nominee shall choose the nominee at a  
26 special primary election.

27 (B) The Governor's proclamation shall set dates for the  
28 special primary election and the runoff primary election to be held if no  
29 candidate receives a majority of the vote at the special primary election;  
30 and

31 (3)(A) A special election to fill the vacancy in office shall be  
32 held on a date as soon as possible after the vacancy occurs, but not more  
33 than one hundred fifty (150) days after the occurrence of the vacancy.

34 (B) The special election shall be held in accordance with  
35 laws governing special elections.

36 (C)(i) If a nominee is to be chosen at a special primary



1 election and if, after the close of the filing period, only one (1) or two  
 2 (2) candidates have filed for the nomination of a party holding a primary,  
 3 the state committee of a party holding a primary shall notify the Governor.

4 (ii) The Governor shall issue a new proclamation  
 5 setting the special election for an earlier date so long as the earlier date  
 6 is in accordance with state laws governing special elections.

7 (b) If no state committee of any political party timely notifies the  
 8 Governor of the desire to hold a special primary election or convention, the  
 9 Governor, in issuing his or her proclamation calling for the special  
 10 election, shall declare that the nominee of a political party shall be chosen  
 11 at a convention.

12  
 13 SECTION 43. Arkansas Code § 7-7-301 is amended to read as follows:

14 7-7-301. Party pledges, affidavits of eligibility, and party filing  
 15 fees.

16 (a) A political party may impose a filing fee for candidates seeking  
 17 nomination by that party. The filing fee for county, municipal, and township  
 18 offices shall be fixed by the county committee, as authorized by the state  
 19 executive committee. For all other races, the filing fee shall be established  
 20 by the state executive committee. On or before noon of the time provided in §  
 21 7-7-203(e), last day of the political party filing period, all candidates at  
 22 primary elections of political parties shall file an affidavit of eligibility  
 23 and any pledge required by such party and shall pay the party filing fees  
 24 required by the party, as follows:

25 (1) Candidates for United States Senator, United States  
 26 Representative, and for all state offices shall file the pledge and the  
 27 affidavit of eligibility, and pay the party filing fees with the secretary of  
 28 the state committee of the political party or his or her designated agent;

29 (2) Candidates for district offices, including, but not limited  
 30 to, the offices of State Representative and State Senator, shall file the  
 31 pledge and affidavit of eligibility with the secretary of the state committee  
 32 of the political party or his or her designated agent and pay the party  
 33 filing fees with the secretary of the state committee of the political party  
 34 or his or her designated agent; and

35 (3) All candidates for county, municipal, and township offices,  
 36 candidates for county committeeman, and delegates to the county convention

1 shall file the pledge and the affidavit of eligibility and pay the party  
2 filing fees with the secretary of the county committee of the political  
3 party.

4 ~~(b)(1) Before the name of any person shall appear on the primary~~  
5 ~~ballot of a political party as a candidate for any local, state, or federal~~  
6 ~~office, the secretary of the county committee or the secretary of the state~~  
7 ~~committee, as the case may be, of the political party must make an~~  
8 ~~affirmative determination that the person complies with the eligibility~~  
9 ~~requirements of the office.~~

10 ~~(2) The secretary of the county committee or of the state~~  
11 ~~committee, as the case may be, shall require an affidavit of eligibility from~~  
12 ~~the candidate, and the secretary may make an independent investigation as he~~  
13 ~~or she deems necessary to determine the eligibility of the candidate to serve~~  
14 ~~in the office he or she seeks, including the power to compel the person to~~  
15 ~~answer interrogatories. The affidavit of eligibility shall be filed, along~~  
16 ~~with the filing fee and party pledge, with the county or state committee, and~~  
17 ~~the investigation concerning the eligibility shall be concluded within two~~  
18 ~~(2) weeks after the filing deadline for nomination.~~

19 ~~(e)(b)~~ The county clerk shall not accept for filing the political  
20 practices pledge of any candidate for nomination by a political party to any  
21 county, township, or partisan municipal office, nor shall the Secretary of  
22 State accept for filing the political practices pledge of any candidate for  
23 nomination by a political party to any state or district office, unless the  
24 candidate first files a party certificate.

25 ~~(d)(c)~~ Any candidate who shall fail to file the party pledge and  
26 affidavit of eligibility and pay the party filing fee at the time and in the  
27 manner as provided in this section shall not receive a party certificate and  
28 shall not have his or her name printed on the ballot at any primary election.

29 ~~(e)(d)~~ The names of candidates who file with the state committee as  
30 provided in this section shall be certified to the various county committees  
31 and the various county boards of election commissioners in the manner and at  
32 the time provided in § 7-7-203(d).

33  
34 SECTION 44. Arkansas Code § 7-7-304 is amended to read as follows:

35 7-7-304. Names to be included on ballots – Withdrawal – Unopposed  
36 candidates – Position.

1 ~~(a)(1) Whenever a person qualifies for a primary election of a~~  
2 ~~political party as a candidate for an office or a position, his or her name~~  
3 ~~shall be printed on the ballot at the preferential primary election.~~

4 ~~(2) If at the preferential primary election for a political~~  
5 ~~party a candidate receives a majority of the votes cast for that office or~~  
6 ~~position, the person shall be declared the party nominee, and it shall not be~~  
7 ~~necessary for the candidate's name to appear on the ballot at the general~~  
8 ~~primary election.~~

9 ~~(3) If no candidate receives a majority of the votes cast for an~~  
10 ~~office or a position at the preferential primary election for a political~~  
11 ~~party, the names of the two (2) candidates of the political party who~~  
12 ~~received the highest number of votes for an office or a position shall be~~  
13 ~~printed upon the ballots at the general primary election.~~

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

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

33 (a)(1) Not less than seventy (70) days before each preferential  
34 primary election, the Secretary of State shall certify to all county boards  
35 of election commissioners full lists of the names of all candidates who have  
36 filed party certificates with him or her to be placed on the ballots in their

1 respective counties at the preferential primary election.

2 (2) A name of a person shall not be certified and shall not be  
3 placed on the ballot if prior to the certification a candidate:

4 (A) Notifies the Secretary of State in writing, signed by  
5 the candidate and acknowledged before an officer authorized to take  
6 acknowledgements, of his or her desire to withdraw as a candidate for the  
7 office or position; or

8 (B) Dies.

9 (b)(1) Not less than seventy (70) days before each preferential  
10 primary election, the county clerk shall certify to the county board full  
11 lists of the names of all candidates who have filed party certificates with  
12 him or her to be placed on the ballot at the preferential primary election.

13 (2) A name of a person shall not be certified and shall not be  
14 placed on the ballot if prior to the certification a candidate:

15 (A) Notifies the county clerk in writing, signed by the  
16 candidate and acknowledged before an officer authorized to take  
17 acknowledgements, of his or her desire to withdraw as a candidate for the  
18 office or position; or

19 (B) Dies.

20 (c)(1) The votes received by a person whose name appeared on the  
21 preferential primary ballot and who withdrew or died after the certification  
22 of the ballot shall be counted.

23 (2) If the person receives enough votes to win the nomination, a  
24 vacancy in nomination shall exist.

25 (3) If the person receives enough votes to advance to the  
26 general primary election, the person's name shall be printed on the general  
27 primary election ballot.

28 (4) If the person receives enough votes to win the general  
29 primary election, a vacancy in nomination shall exist.

30 ~~(e)~~(d) When only one (1) candidate qualifies for a particular office  
31 or position, the office or position and the name of the unopposed candidate  
32 shall be printed on the political party's ballot in all primary elections.

33 ~~(d)~~(e) When there are two (2) or more nominees to be selected for the  
34 same office, such as Associate Justice of the Supreme Court, state senator,  
35 state representative, justice of the peace, alderman, or for any other  
36 office, the proper committee shall require the candidates to designate in

1 writing a particular position, i.e., Position Number 1, Position Number 2,  
2 Position Number 3, etc., at the time that a party pledge is required to be  
3 filed with the secretary of the committee. ~~An independent candidate shall~~  
4 ~~designate his or her position prior to circulation of his or her petition.~~  
5 When a candidate has once filed and designated for a certain position, that  
6 candidate shall not be permitted to thereafter change the position.

7 ~~(e) The provisions of subsection (d) of this section with respect to~~  
8 ~~filing for positions shall be equally applicable to candidates seeking~~  
9 ~~election at all general and special elections of this state and to all school~~  
10 ~~elections.~~

11 (f)(1) If at the preferential primary election for a political party a  
12 candidate receives a majority of the votes cast for that office or position,  
13 the person shall be declared the party nominee and it shall not be necessary  
14 for the candidate's name to appear on the ballot at the general primary  
15 election.

16 (2) If no candidate receives a majority of the votes cast for an  
17 office or position at the preferential primary for a political party, the  
18 names of the two (2) candidates of the political party who received the  
19 highest number of votes for an office or a position shall be placed upon the  
20 ballots at the general primary election.

21  
22 SECTION 45. Arkansas Code § 7-8-102(b), concerning filling Senate  
23 vacancies, is amended to read as follows:

24 (b) If no general election for state and county officers occurs within  
25 twelve (12) months after the vacancy, the Governor shall call a special  
26 election to be held in accordance with § ~~7-5-103(b)~~ 7-11-101 et seq. but in  
27 no event more than one hundred twenty (120) days after the vacancy occurs.  
28

29 SECTION 46. Arkansas Code § 7-9-111(h), concerning special elections  
30 on municipal referendum petition measures, is amended to read as follows:

31 (h) Municipal referendum petition measures shall be submitted to the  
32 electors at a regular general election unless the petition expressly calls  
33 for a special election. If the date set by the petition does not allow  
34 sufficient time to comply with election procedures, then the city or town  
35 council shall fix the date for any special election on the referendum  
36 measure. The date of any special election shall be set in accordance with §

1 ~~7-5-103(b)~~ 7-11-201 et seq. but in no event more than one hundred twenty  
2 (120) calendar days after the date of certification of sufficiency by the  
3 municipal clerk.

4  
5 SECTION 47. Arkansas Code Title 7 is amended to add an additional  
6 chapter to read as follows:

7  
8 CHAPTER 11- SPECIAL ELECTIONS

9  
10 SUBCHAPTER 1-

11 ELECTIONS TO FILL VACANCIES

12  
13 7-11-101. Calling elections to fill vacancies.

14 All special elections and other elections to fill a vacancy in an  
15 office shall be called by proclamation, ordinance, resolution, order, or  
16 other authorized document of the appropriate constituted authority.

17  
18 7-11-102. Content of calling document.

19 The proclamation, ordinance, resolution, order, or other authorized  
20 document of the appropriate constituted authority calling a special election  
21 or other election to fill a vacancy in an office shall set forth:

22 (1) The date of the election;

23 (2) The date of the special primary election, if any;

24 (3) The date of the special primary runoff election, if any is  
25 required;

26 (4) The deadline for filing as a party candidate with the county  
27 clerk or Secretary of State, as the case may be;

28 (5) The deadline for party conventions to select nominees if  
29 applicable;

30 (6) The deadline for parties to issue certificates of nomination  
31 or certified lists of nominees, as the case may be, if applicable;

32 (7) The deadline for candidates to file certificates of  
33 nomination, if applicable, with the county clerk or Secretary of State, as  
34 the case may be;

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

1           (9) The deadline for filing as a write-in candidate if  
2 applicable;

3           (10) The deadline for drawing for ballot position by the county  
4 board of election commissioners; and

5           (11) The date the election shall be certified by the county  
6 board in each county in which the election takes place and, if applicable, by  
7 the Secretary of State.

8  
9           7-11-103. Filling vacancies in state, federal, or district offices.

10           (a) The proclamation, ordinance, resolution, order, or other  
11 authorized document of the appropriate constituted authority calling a  
12 special election to fill a state, federal, or district office shall be filed  
13 with the Secretary of State, who shall immediately transmit the document to  
14 the county board of election commissioners of each county where the special  
15 election shall be held.

16           (b) The county board shall cause the proclamation, ordinance,  
17 resolution, order, or other authorized document to be published as soon as  
18 practicable in a newspaper of general circulation in the county in which the  
19 special election is held.

20  
21           7-11-104. Filling vacancies in local offices.

22           (a) The proclamation, ordinance, resolution, order, or other  
23 authorized document of the appropriate constituted authority calling a  
24 special election to fill a local office shall be filed with the county clerk  
25 of the county administering the election, who shall immediately transmit the  
26 document to the county board of election commissioners of each county where  
27 the special election shall be held.

28           (b) The county board shall cause the proclamation, ordinance,  
29 resolution, order, or other authorized document to be published as soon as  
30 practicable in a newspaper of general circulation in the county in which the  
31 special election is held.

32  
33           7-11-105. Special elections to be held on the second Tuesday of a  
34 month – Exceptions – Separate ballots.

35           (a) Except as provided in this chapter, all special elections to fill  
36 vacancies in office and associated special primary elections shall be held on

1 the second Tuesday of any month.

2 (b) A special election scheduled to occur in a month in which the  
3 second Tuesday of the month is a legal holiday shall be held on the third  
4 Tuesday of the month.

5 (c) A special election called in June of an even-numbered year shall  
6 be held on the fourth Tuesday of the month.

7 (d)(1) Special elections held in months in which a preferential  
8 primary election or general election is scheduled to occur shall be held on  
9 the date of the preferential primary election or general election.

10 (2) If a special election to fill a vacancy in office is held on  
11 the date of the preferential primary election, the names of the candidates in  
12 the special election shall be included on the ballot of each political party,  
13 and the portion of the ballot on which the special election appears shall be  
14 labeled with a heading stating "SPECIAL ELECTION FOR \_\_\_\_\_" with  
15 the name of the office set out in the heading.

16 (3) Separate ballots containing the names of the candidates to  
17 be voted on at the special election or nonpartisan judicial elections, if  
18 applicable, and any other measures or questions that may be presented for a  
19 vote shall be prepared and made available to voters requesting a separate  
20 ballot.

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

24 (B)(i) If the special election is held at the same time as  
25 the general election, the names of the candidates in the special election  
26 shall be included on the general election ballot, and the portion of the  
27 ballot on which the special election appears shall be labeled with a heading  
28 stating "SPECIAL ELECTION FOR \_\_\_\_\_" with  
29 the name of the office set out in the heading.

30 (ii) The county board may include the special  
31 election on a separate ballot if the special election is held at the same  
32 time as the general election and the commission determines that a separate  
33 ballot is necessary to avoid voter confusion.

34 (e)(1) A special election to fill a vacancy in office shall be held  
35 not less than sixty-five (65) days following the date established in the  
36 proclamation, ordinance, resolution, order, or other authorized document for



1 drawing for ballot position when the special election is to be held on the  
2 date of the preferential primary election or general election.

3 (2) If a special election to fill a vacancy in office is not  
4 held at the same time as a preferential primary election or general election,  
5 the special election shall be held not less than fifty (50) days following  
6 the date established in the proclamation, ordinance, resolution, order, or  
7 other authorized document for drawing for ballot position.

8  
9 7-11-106. Special primary elections held in conjunction with regularly  
10 scheduled primary election -- Separate ballots optional.

11 (a) When a special primary election is held on the date of the  
12 preferential primary election, the candidates to be voted upon at the special  
13 primary election shall be included on the ballot of each political party and  
14 the portion of the ballot on which the special primary election appears shall  
15 be labeled with a heading stating "SPECIAL PRIMARY ELECTION FOR  
16 \_\_\_\_\_  
17 " with the name of the party for which  
18 nomination is sought and the office set out in the heading.

19 (b) The county board of election commissioners may include the special  
20 primary election on a separate ballot if the special primary election is held  
21 at the same time as a preferential primary election and the commission  
22 determines that a separate ballot is necessary to avoid voter confusion.

23 7-11-107. Unopposed candidates.

24 (a) If there is only one (1) candidate after all deadlines for filing  
25 as a candidate have passed in a special election or special primary election  
26 to fill a vacancy and if no other office or issue is on the ballot, the  
27 county board of election commissioners may provide that:

28 (1) Polling places shall not be open on election day and the  
29 election shall be conducted by absentee ballot and early voting only; or

30 (2) Only one (1) polling place shall be open and that polling  
31 place may be at the courthouse and may be staffed by the county clerk or as  
32 many poll workers as the county board deems necessary.

33 (b) In a county that uses voting machines or an electronic vote  
34 tabulating device, the county board may:

35 (1) Choose to use paper ballots counted by hand for the  
36 election; and

1           (2)(A) Provide that no voting machines shall be used in the  
2 election.

3           (B) If the county board chooses to provide that no voting  
4 machines shall be used in the election, any other provision in Arkansas law  
5 requiring the use of a voting machine shall not apply to this section.

6  
7 SUBCHAPTER 2-

8 SPECIAL ELECTIONS ON MEASURES AND QUESTIONS

9  
10       7-11-201. Calling special elections on measures or questions.

11       Except for special school elections, all special elections on measures  
12 or questions referred to the voters by governmental entities as authorized by  
13 law shall be called by proclamation, ordinance, statute, resolution, order,  
14 or other authorized document of the properly constituted authority as  
15 required by law.

16  
17       7-11-202. Calling special elections on state measures or questions.

18       (a) The document under § 7-11-201 calling the special election on a  
19 state measure or question shall be filed with the Secretary of State, who  
20 shall immediately transmit the document to the county board of election  
21 commissioners in each county where the special election is to be held.

22       (b) The county board shall publish the document as soon as practicable  
23 in a newspaper of general circulation in the county in which the special  
24 election is held.

25  
26       7-11-203. Calling special elections on local measures or questions.

27       (a) The document under § 7-11-201 calling the special election on a  
28 local measure or question shall be filed with the county clerk of the county  
29 administering the election, who shall immediately transmit the document to  
30 the county board in each county where the special election is to be held.

31       (b) The county board shall publish the document as soon as practicable  
32 in a newspaper of general circulation in the county in which the special  
33 election is held.

34  
35       7-11-204. Content of calling document.

36       (a) The proclamation, ordinance, statute, resolution, order, or other

1 authorized document of the properly constituted authority calling the special  
2 election shall state:

3 (1) The date of the special election;

4 (2) The full text of any measure or question for which the  
5 election is called;

6 (3) The ballot title, if any, for the measure or question for  
7 which the election is called; and

8 (4) Any other information required by law.

9  
10 7-11-205. Dates of special elections on measures and questions --  
11 Exceptions -- Separate ballots.

12 (a)(1)(A) Except as provided in subdivision (a)(1)(B) of this section,  
13 all special elections on measures or questions shall be held on the second  
14 Tuesday of any month, except special elections held under this section in a  
15 month in which a preferential primary election or general election is  
16 scheduled to occur shall be held on the date of the preferential primary  
17 election or general election.

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

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

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

26 (B) The portion of the ballot containing the special  
27 election shall be labeled with a heading stating "SPECIAL ELECTION ON  
28 \_\_\_\_\_  
29 " with a brief description of the measure or question to be  
30 decided in the election.

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

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

36 (b)(1) A special election shall be held not less than sixty-five (65)  
days following the date that the proclamation, ordinance, resolution, order,

1 or other authorized document is filed with the county clerk when the special  
2 election is to be held on the date of the preferential primary election or  
3 general election.

4 (2) If the special election is not held at the same time as a  
5 preferential primary election or general election, the special election shall  
6 be held not less than fifty (50) days following the date that the  
7 proclamation, ordinance, resolution, order, or other authorized document is  
8 filed with the county clerk.

9  
10 SUBCHAPTER 3-

11 CERTAIN PROCEDURES FOR SPECIAL ELECTIONS

12  
13 7-11-301. Law governing special elections.

14 In cases of circumstances or procedures that may arise in connection  
15 with any special election for which there is no provision in law governing  
16 the circumstances or procedures, the special election shall be governed by:

17 (1) The general election laws of this state; or

18 (2) In the case of special primary elections, the primary  
19 election laws of this state.

20  
21 7-11-302. Special procedures for vacancies filled under Arkansas  
22 Constitution, Amendment 29.

23 (a) Whenever a vacancy in office is to be filled under Arkansas  
24 Constitution, Amendment 29, the following shall apply:

25 (1) The Governor shall issue a proclamation calling an election  
26 to fill a vacancy;

27 (2) If the vacancy occurs less than one hundred eighty (180)  
28 days before a general election at which the vacancy is to be filled and the  
29 position is one that may be filled by partisan election, the political  
30 parties shall choose their nominees at a convention of delegates held in  
31 accordance with the party rules for the convention;

32 (3) If the vacancy occurs more than one hundred eighty (180)  
33 days before the general election and is a position that may be filled by  
34 partisan election, the Governor shall certify in writing to the state  
35 committees of the respective political parties the fact of vacancy and shall  
36 request the respective state committees to make a determination and notify

1 him or her in writing within ten (10) days with respect to whether the  
2 political parties desire to hold a special primary election or a convention  
3 of delegates under party rules to choose nominees;

4 (4) If the state committee of any political party shall timely  
5 notify the Governor that it chooses to hold a special primary election, it is  
6 mandatory that any political party desiring to choose a nominee shall choose  
7 the nominee at a special primary election, and the Governor's proclamation  
8 shall set dates for both the special primary election and for any runoff  
9 primary election to be held if no candidate receives a majority of the vote  
10 at the special primary election; and

11 (5) If no state committee of any political party timely notifies  
12 the Governor of the desire to hold either a primary election or convention of  
13 delegates, the Governor, in issuing his or her proclamation calling for the  
14 special election, shall declare that the nominee of any political party shall  
15 be chosen at a convention of delegates.

16  
17 7-11-303. Notice.

18 In addition to the publication of the calling document, notice of  
19 special elections under this chapter shall be published and posted under § 7-  
20 5-202 and 7-5-206.

21  
22 SECTION 48. Arkansas Code § 12-10-318(a)(2), concerning special  
23 elections on emergency telephone service charges, is amended to read as  
24 follows:

25 (2) Upon its own initiative, the governing authority of the  
26 political subdivision may call such a special election to be held in  
27 accordance with § ~~7-5-103(b)~~ 7-11-201 et seq.

28  
29 SECTION 49. Arkansas Code § 13-2-501(b)(1), concerning an election for  
30 the establishment of a public library, is amended to read as follows:

31 (b)(1) In a city of the first class, on petition of five percent (5%)  
32 of the voters requesting the establishment of a public library, the city  
33 council or governing body of the municipality within thirty (30) days after  
34 the filing of the petition shall call an election to be held in accordance  
35 with § ~~7-5-103(b)~~ 7-11-201 et seq.

36



1 ~~103(b)~~ 7-11-201 et seq.

2 (2) The special election shall be held  
3 by August 1.

4  
5 SECTION 53. Arkansas Code § 14-37-112(a)(1), concerning the conversion  
6 of an incorporated town into a city of the second class, is amended to read  
7 as follows:

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)~~ 7-11-201 et seq., in favor of the ordinance.

15  
16 SECTION 54. Arkansas Code § 14-37-112(b)(2)(B), concerning special  
17 elections for officers after the conversion of an incorporated town to a city  
18 of the second class, is amended to read as follows:

19 (B) However, the mayor of the incorporated town which has been  
20 raised to a city of the second class may call a special election by  
21 proclamation, to be held in accordance with § ~~7-5-103(b)~~ 7-11-101 et seq.,  
22 which shall be published by two (2) insertions in a newspaper of general  
23 circulation in the county in which the city is located. This special election  
24 shall be held for the purpose of electing officers for the city of the second  
25 class.

26  
27 SECTION 55. Arkansas Code § 14-38-112(c)(2)(A), concerning special  
28 elections to elect municipal officers of a reactivated city or incorporated  
29 town, is amended to read as follows:

30 (2)(A) If the county court determines that a majority of  
31 the qualified electors of the city or incorporated town, as reflected by the  
32 voter registration records of the county, has petitioned for the calling of a  
33 special election to elect the municipal officials of the city or incorporated  
34 town, the county court shall enter an order approving the petitions and shall  
35 call a special election to be held in accordance with § ~~7-5-103(b)~~ 7-11-101  
36 et seq. for the election of the officials of the city or incorporated town.

1  
2           SECTION 56. Arkansas Code § 14-38-113(a)(1), concerning special  
3 elections on reorganization under a different form of municipal government,  
4 is amended to read as follows:

5           (1) When petitions shall be filed with the mayor containing the  
6 signatures of qualified electors of the municipality equal in number to  
7 fifteen percent (15%) of the aggregate number of votes cast at the preceding  
8 general municipal election of all candidates for mayor in the case of a  
9 municipality operating under the aldermanic form of government or the  
10 commission form of government, and for all candidates for the office of  
11 director for the director position for which the greatest number of votes  
12 were cast in the case of a municipality operating under the manager form of  
13 government, requesting that an election be called to submit the proposition  
14 of organizing the municipality under any other form of municipal government  
15 authorized by the laws of this state, a special election shall be called by  
16 the mayor by proclamation, to be held in accordance with § ~~7-5-103(b)~~ 7-11-  
17 201 et seq. The proclamation, shall be published one (1) time at length in a  
18 newspaper having a general circulation in the municipality, and notice of the  
19 election shall be published in the newspaper one (1) time a week for two (2)  
20 weeks, with the first publication to be not less than fifteen (15) days  
21 before the date set for the election;

22  
23           SECTION 57. Arkansas Code § 14-38-113(a)(3)(B)(i), concerning special  
24 elections for municipal offices in municipalities reorganizing under a  
25 different form of municipal government, is amended to read as follows:

26           (B)(i) However, if a municipality votes to change its form  
27 of government and the date of the election to change its form of municipal  
28 government is six (6) months or more prior to the next regular general  
29 election for municipal officials, the mayor of the municipality by  
30 proclamation shall call a special election, to be held in accordance with §  
31 ~~7-5-103(b)~~ 7-11-101 et seq. for the purpose of electing municipal officials  
32 under the form of government adopted by the municipality. When the officials  
33 are elected, the municipality shall proceed to organize and operate under the  
34 newly adopted form of government.

35  
36           SECTION 58. Arkansas Code § 14-40-303(b)(1), concerning special



1 elections on annexation, is amended to read as follows:

2 (b)(1) The annexation ordinance shall not become effective until the  
3 question of annexation is submitted to the qualified electors of the annexing  
4 municipality and of the area to be annexed at the next general election or at  
5 a special election. The special election shall be called by ordinance or  
6 proclamation of the mayor of the annexing municipality in accordance with §  
7 ~~7-5-103(b)~~ 7-11-201 et seq.

8  
9 SECTION 59. Arkansas Code § 14-40-303(f), concerning special elections  
10 on annexation held by more than one (1) city and as amended by Act 420 of  
11 2009, is amended to read as follows:

12 (f)(1) In the event that within thirty (30) days of the date that one  
13 (1) city calls for an annexation election, another city calls for an  
14 annexation election on all or part of the same land proposed to be annexed by  
15 the first city, then both annexation elections shall be held, provided that  
16 the second city must call for its annexation election to be held on the next  
17 available date in accordance with § ~~7-5-103(b)~~ 7-11-201 et seq. before or  
18 after the holding of the first city's election.

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

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

25 (ii)(a) Except as provided in subdivisions  
26 (f)(2)(B)(ii)(b) and (c) of this section, if both annexation elections are  
27 approved by the voters, then a third election shall be held three (3) weeks  
28 after the second annexation election. The provisions of § ~~7-5-103(b)~~ 7-11-201  
29 et seq. governing the procedures and dates on which special elections may be  
30 held shall not apply to the third annexation election provided in this  
31 subsection.

32 (b) If the date of the third election falls  
33 upon a legal holiday, the election shall be held four (4) weeks after the  
34 second annexation election.

35 (c) If the date of the election under  
36 subdivision (f)(2)(B)(ii)(b) of this section is a legal holiday, the election

1 shall be held five (5) weeks after the second annexation election.

2 (iii) Notice of the third election shall be  
3 published in a newspaper circulated in the area to be annexed during the  
4 period following the second election.

5 (iv) Only the residents of the area proposed to be  
6 annexed by both cities shall vote in the third election.

7 (v) The issue on the ballot in the third election  
8 shall be into which of the two (2) cities the residents of the area want to  
9 be annexed.

10 (vi) The area shall be annexed into the city  
11 receiving the most votes in the third election.

12 (vii) In the event of a tie vote in the third  
13 election, the area shall be annexed to the city that had the highest  
14 percentage vote in favor of the annexation in the first or second election.

15 (3) If the city that does not get to annex the area voted on by  
16 both cities included land in its annexation election other than the land  
17 voted on by both cities, then that land shall be annexed into such city if it  
18 is still contiguous to such city after the other land is annexed to the other  
19 city, but such land shall remain part of the county if it is not so  
20 contiguous.

21

22 SECTION 60. Arkansas Code § 14-40-1202(a)(1)(A), concerning special  
23 elections on the consolidation of municipalities, is amended to read as  
24 follows:

25 (a)(1)(A) Upon presentation of the petition to the county court by the  
26 authorized persons, the court shall at once order and call a special  
27 election, to be held in accordance with § ~~7-5-103(b)~~ 7-11-201 et seq. in both  
28 of the municipal corporations on the question of the annexation and the name  
29 of the proposed consolidated municipality.

30

31 SECTION 61. Arkansas Code § 14-40-1207(a)(1), concerning special  
32 elections for alderman or all city officials, is amended to read as follows:

33 (a)(1)(A) Except as provided under subdivision (a)(1)(B) of this  
34 section, the city or town council shall call a special election of aldermen,  
35 to be held at such times and places as the council may direct pursuant to a  
36 proclamation issued by the mayor in accordance with § ~~7-5-103(a)~~ 7-11-101 et

1 seq., in the wards of the smaller municipality and for the election of  
2 aldermen from any other new wards that may be created by the council out of  
3 territory included in the larger city or incorporated town before the  
4 annexation, as provided in this subchapter.

5 (B) If the petition calls for a citywide election for all  
6 officials of the new consolidated city or incorporated town, then the city or  
7 town council shall call a special election pursuant to a proclamation issued  
8 by the mayor in accordance with § ~~7-5-103(a)~~ 7-11-101 et seq. for all city  
9 or town officials to be held at the times and places as it may direct  
10 throughout each ward of the consolidated city or incorporated town.

11  
12 SECTION 62. Arkansas Code § 14-42-203(a) concerning special elections  
13 of mayors of cities of the first and second class, is amended to read as  
14 follows:

15 (a) Special elections of mayors of cities of the first class and  
16 cities of the second class shall be held at such time and place as the  
17 council directs in accordance with § ~~7-5-103(a)~~ 7-11-101 et seq.

18  
19 SECTION 63. Arkansas Code § 14-42-206(b), concerning nominating  
20 positions for municipal elections, is amended to read as follows:

21 (b)(1) Any person desiring to become an independent candidate for  
22 municipal office in cities and towns with the mayor-council form of  
23 government shall file not more than ninety (90) nor less than seventy (70)  
24 days prior to the general election by 12:00 noon with the county clerk the  
25 petition of nomination in substantially the following forms:

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

28  
29 "PETITION OF NOMINATION

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



1 . . . . .”

2 (2)(A) ~~The county clerk shall determine whether the petition~~  
3 ~~contains a sufficient number of qualified electors~~ An independent candidate  
4 for municipal office may qualify by a petition of not fewer than ten (10)  
5 electors for incorporated towns and cities of the second class and not fewer  
6 than thirty (30) electors for cities of the first class of the ward or city  
7 in which the election is to be held.

8 (B) The county clerk shall determine within ten (10) days  
9 of filing whether the petition contains the names of a sufficient number of  
10 qualified electors.

11 (C) The county clerk promptly shall notify the candidate  
12 of the result.

13 (3) Independent candidates for municipal office shall file a  
14 political practices pledge and an affidavit of eligibility at the time of  
15 filing their petitions.

16 (4)(A) An independent candidate shall state the position,  
17 including the position number, if any, on his or her petition.

18 (B) When a candidate has identified the position sought on  
19 the notice of candidacy, the candidate shall not be allowed to change the  
20 position but may withdraw a notice of candidacy and file a new notice of  
21 candidacy designated a different position before the deadline for filing.

22 (5) The sufficiency of a petition filed under this section may  
23 be challenged in the same manner as election contests under § 7-5-801 et seq.

24 (6) A person who has been defeated in a party primary shall not  
25 file as an independent candidate in the general election for the office for  
26 which he or she was defeated in the party primary.

27  
28 SECTION 64. Arkansas Code § 14-42-304(b), concerning special elections  
29 for amendments to a municipalities’ charter, is amended to read as follows:

30 (b) The amendment shall be submitted to the qualified electors of the  
31 municipality at a regular or special election called in accordance with § 7-  
32 ~~5-103(b)~~ 7-11-201 et seq.

33  
34 SECTION 65. Arkansas Code § 14-43-411(b)(1), concerning special  
35 elections for certain alderman vacancies and as amended by Act 385 of 2009,  
36 is amended to read as follows:

1           (1) If the unexpired portion of the term of alderman exceeds one  
2 (1) year, at the first regular meeting after the occurrence of the vacancy,  
3 the city council shall proceed to either elect by a majority vote of the  
4 remaining members elected to the council an alderman to serve for the  
5 unexpired term or call for a special election to be held in accordance with §  
6 ~~7-5-103(a)~~ 7-11-101 et seq. to fill the vacancy; or

7  
8           SECTION 66. Arkansas Code § 14-44-103(a)(4)(B), concerning elections  
9 to approve a four-year term for certain alderman, is amended to read as  
10 follows:

11           (B) The voters shall vote on the ordinance at a general election  
12 or at a special election called for that purpose by proclamation of the mayor  
13 in accordance with § ~~7-5-103(b)~~ 7-11-201 et seq. However, the election to  
14 approve the four-year election procedure shall be held no later than February  
15 1 of the year of the general election in which the procedure is proposed to  
16 be effective.

17  
18           SECTION 67. Arkansas Code § 14-44-106 is amended to read as follows:  
19           14-44-106. Vacancy in mayor's office.

20           Whenever a vacancy occurs in the office of mayor in any city of the  
21 second class, at the first regular meeting after the occurrence of the  
22 vacancy, the city council shall proceed to either elect by a majority vote of  
23 the aldermen a mayor to serve the unexpired term or call for a special  
24 election to be held in accordance with § ~~7-5-103(a)~~ 7-11-101 et seq. to fill  
25 the vacancy. At this election, a mayor shall be elected to fill out the  
26 unexpired term.

27  
28           SECTION 68. Arkansas Code § 14-47-106(b)(1)(A), concerning elections  
29 on the city manager form of government, is amended to read as follows:

30           (1)(A) When petitions containing the signatures of electors  
31 equal in number to fifteen percent (15%) of the aggregate number of ballots  
32 cast for all candidates for mayor in the preceding general city election are  
33 presented to the mayor, the mayor by proclamation shall submit the question  
34 of organizing the city under the manager form of government to the electors  
35 of the city at a special election to be held in accordance with § ~~7-5-103(b)~~  
36 7-11-201 et seq.

1  
2           SECTION 69. Arkansas Code § 14-47-107(a)(1), concerning subsequent  
3 elections on the aldermanic form of government, is amended to read as  
4 follows:

5           (a)(1) After the expiration of six (6) years after the date on which  
6 the first board of directors takes office in a city organized under this  
7 chapter, a petition may be presented to the mayor. It shall be signed by  
8 electors equal in number to fifteen percent (15%) of the aggregate number of  
9 ballots cast for all candidates for director in that position for which the  
10 greatest number of ballots were cast in the preceding general election.  
11 Whereupon, the mayor by proclamation shall submit the question of  
12 organization of the city under the aldermanic form of government at a special  
13 election to be held in accordance with § ~~7-5-103(b)~~ 7-11-201 et seq.  
14

15           SECTION 70. Arkansas Code § 14-47-110(a)(1), concerning the election  
16 of directors in a city manager form of municipal government, is amended to  
17 read as follows:

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

20                               (ii) The mayor's proclamation shall be in accordance  
21 with § ~~7-5-103(a)~~ 7-11-101 et seq.

22           (B)(i) A special election to fill any vacancy under § 14-  
23 47-113 shall be called through a resolution of the board of directors.

24                               (ii) A proclamation announcing the holding of the  
25 election shall be signed by the mayor and published in accordance with § ~~7-5-~~  
26 ~~103(a)~~ 7-11-101 et seq.;  
27

28           SECTION 71. Arkansas Code § 14-48-104(b), concerning the submission of  
29 municipal governmental form questions to electors, is amended to read as  
30 follows:

31           (b) If the number of signatures certified by the clerk is equal to or  
32 greater than fifteen percent (15%) of the aggregate number of votes cast, as  
33 prescribed, the Secretary of State shall call by proclamation in accordance  
34 with § ~~7-5-103(b)~~ 7-11-201 et seq. a special election to be held not more  
35 than ninety (90) days from the date of the clerk's certification.  
36

1           SECTION 72. Arkansas Code § 14-48-105(b)(2)(A)(i), concerning  
2 procedures for changing to another form of government in the city  
3 administrator form of municipal government, is amended to read as follows:

4           (2)(A)(i) Thereupon, the mayor by proclamation in accordance  
5 with § ~~7-5-103(b)~~ 7-11-201 et seq. shall submit the question of organization  
6 of the city under the form of government stated in the petition at a special  
7 election to be held at a time specified therein.

8  
9           SECTION 73. Arkansas Code § 14-48-108(a), concerning the calling of  
10 elections for directors and mayors in the city administrator form of  
11 municipal government, is amended to read as follows:

12           (a)(1) Within ten (10) days after the designation of the four (4)  
13 wards, the Secretary of State by proclamation in accordance with § ~~7-5-103(a)~~  
14 7-11-101 et seq. shall call special primary and general elections to be held  
15 in the municipality for the purpose of electing seven (7) directors and a  
16 mayor.

17           (2)(A) The primary election shall be held in accordance with §  
18 ~~7-5-103(a)~~ 7-11-101 et seq.

19           (B) The special general election shall be held in  
20 accordance with § ~~7-5-103(a)~~ 7-11-101 et seq.

21  
22           SECTION 74. Arkansas Code § 14-48-109(a)(1), concerning special  
23 elections for the initial membership of the board of directors and mayor in a  
24 city administrator form of municipal government, is amended to read as  
25 follows:

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

29           (ii) The proclamation shall be published in  
30 accordance with § ~~7-5-103(a)~~ 7-11-101 et seq.

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



1 holding municipal elections.

2 (B)(i) Special elections to fill any vacancy under § 14-  
3 48-115 shall be called through a resolution of the board.

4 (ii) A proclamation of the election shall be signed  
5 by the mayor and published in accordance with § ~~7-5-103(a)~~ 7-11-101 et seq.  
6 in some newspaper having a bona fide circulation in the municipality;

7  
8 SECTION 75. Arkansas Code § 14-48-114(b)(3), concerning the removal of  
9 mayors or directors in a city administrator form of municipal government, is  
10 amended to read as follows:

11 (3) The county board of election commissioners shall issue a  
12 proclamation in accordance with § ~~7-5-103(b)~~ 7-11-201 et seq. calling a  
13 special election on the question and shall fix a date for holding it not more  
14 than ninety (90) days from the date of the certification of the petitions by  
15 the clerk.

16  
17 SECTION 76. Arkansas Code § 14-48-115(b), concerning mayor or director  
18 vacancies in the city administrator form of municipal government, is amended  
19 to read as follows:

20 (b) If the vacancy occurs more than six (6) months prior to the next  
21 general municipal election, a special election to fill the vacancy shall be  
22 called by proclamation issued in accordance with § ~~7-5-103(a)~~ 7-11-101 et  
23 seq. by:

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

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

27  
28 SECTION 77. Arkansas Code § 14-57-704(a)(1), concerning special  
29 elections for a city or town vehicle tax, is amended to read as follows:

30 (a)(1) Before the vehicle tax levied by the governing body of any city  
31 of the first class or city of the second class or incorporated town upon  
32 vehicle owners residing in the city or town may be collected, the mayor shall  
33 call a special election in accordance with § ~~7-5-103(b)~~ 7-11-201 et seq.

34  
35 SECTION 78. Arkansas Code § 14-61-113(1), concerning the petition  
36 process for special elections for selecting members of the board of directors

1 in the city manager form of government, is amended to read as follows:

2 (1) A petition that calls for an election on one (1) particular  
3 option for selecting members of the board of directors using the form of the  
4 question outlined in § 14-61-115(b) shall be filed with the city clerk and  
5 provided to the mayor. The city clerk shall note on the petition the date and  
6 time that it was filed. If such a petition contains the signatures of  
7 electors equal in number to fifteen percent (15%) of the number of ballots  
8 cast for the mayor, or if the mayor is not directly elected, for the director  
9 position receiving the highest number of votes in the last general election,  
10 then the mayor by proclamation in accordance with § ~~7-5-103(b)~~ 7-11-201 et  
11 seq. shall submit the question to the electors at a special election,  
12 provided:

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

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

17 (iii) If, however, there are a sufficient number of  
18 signatures on the petitions but the city clerk is unable to verify the  
19 required number of signatures as those of qualified electors, then the  
20 petitioners will be given ten (10) days to provide a sufficient number of  
21 verified signatures;

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

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

30  
31 SECTION 79. Arkansas Code § 14-61-119(g), concerning elections for the  
32 removal of directors in the city manager form of government, is amended to  
33 read as follows:

34 (g) If the board shall find the petition thus submitted to it contains  
35 the requisite number of electors signed thereto and is otherwise found to be  
36 sufficient, it shall order and fix a date for holding an election in

1 accordance with § ~~7-5-103(b)~~ 7-11-201 et seq. This date shall be not more  
2 than ninety (90) days from the date of the clerk's certificate to the board  
3 that a sufficient petition is filed.

4  
5 SECTION 80. Arkansas Code § 14-72-303(a), concerning special elections  
6 on the issuance of bonds by the county court, is amended to read as follows:

7 (a) If the county court decides that it would be advantageous to issue  
8 bonds under the authority of Arkansas Constitution, Amendment 17 [repealed],  
9 this section, and §§ 14-72-301, 14-72-302, and 14-72-304 – 14-72-307, it  
10 shall order the submission of the question to the qualified electors of the  
11 county at a special election to be held in accordance with § ~~7-5-103(b)~~ 7-11-  
12 201 et seq.

13  
14 SECTION 81. Arkansas Code § 14-72-606(a)(2), concerning special  
15 elections on the issuance of local government revenue bonds, is amended to  
16 read as follows:

17 (2) The question of the issuance of revenue bonds may be  
18 submitted at a special election called for that purpose in accordance with §  
19 ~~7-5-103(b)~~ 7-11-201 et seq., as provided in the ordinance, and held in the  
20 manner provided in this subchapter.

21  
22 SECTION 82. Arkansas Code § 14-116-303(a), concerning nomination and  
23 election of directors for water districts and as amended by Act 370 of 2009,  
24 is amended to read as follows:

25 (a)(1) If a water district is composed of all or a portion of four  
26 (4) or more counties, then nominations for directors shall be upon petitions  
27 signed by at least fifty (50) qualified electors residing in the area of the  
28 district from which the director is to be elected. This petition shall be  
29 filed with the county ~~board of election commissioners no later than July 1~~  
30 clerk not later than 12:00 noon on July 1 before the general election.

31 (2) If a water district is composed of all or a portion of less  
32 than four (4) counties, then nominations for directors shall be upon  
33 petitions signed by at least fifty (50) qualified electors, who shall consist  
34 of those electors residing in all or part of any precinct in the service area  
35 of the customers of the district from which the director is to be elected.  
36 This petition shall be filed with the county ~~board of election commissioners~~

1 ~~no later than July 1~~ clerk not later than 12:00 noon on July 1 before the  
2 general election.

3 (3) A water district shall file a service area map with the  
4 county clerk no later than January 31 before the general election.

5  
6 SECTION 83. Arkansas Code § 14-120-209 is amended to read as follows:  
7 14-120-209. Date of election.

8 The election shall be held on a date to be fixed by the directors of  
9 the drainage and levee improvement district at a special meeting called for  
10 that purpose in accordance with § ~~7-5-103(b)~~ 7-11-201 et seq. However, the  
11 date of the election shall be not less than sixty (60) days nor more than one  
12 hundred eighty (180) days next succeeding the date of the first publication  
13 of the notice of the filing of the outline of the project with the district  
14 as provided in § 14-120-206(c).

15  
16 SECTION 84. Arkansas Code § 14-122-104 is amended to read as follows:  
17 14-122-104. Filing referendum petitions – Special election.

18 If petitions signed by not less than fifteen percent (15%) of the  
19 qualified electors voting on the office of mayor in the city at the last  
20 preceding general election are filed with the city clerk of the city within  
21 forty-five (45) days after the enactment of the ordinance creating the  
22 municipal drainage improvement district requesting that the ordinance be  
23 referred to a vote of the qualified electors of the district, the petitions  
24 shall be referred to the people at a special election to be called by the  
25 mayor of the municipality in accordance with § ~~7-5-103(b)~~ 7-11-201 et seq. to  
26 be held not more than ninety (90) days after the proclamation.

27  
28 SECTION 85. Arkansas Code § 14-142-208(a), concerning the issuance of  
29 local government library bonds, is amended to read as follows:

30 (a) The question of the issuance of such bonds shall be submitted to  
31 the electors of the municipality or county at the general election, or at a  
32 special election called for that purpose in accordance with § ~~7-5-103(b)~~ 7-  
33 11-201 et seq., as provided in the ordinance or order and held in the manner  
34 provided in this subchapter; provided, however, that no voter residing within  
35 a municipality levying a maintenance tax for libraries or levying a tax  
36 pledged for the purpose of retiring library bonds issued by the municipality

1 or pledged to pay for capital improvements to or construction of a public  
2 library pursuant to Arkansas Constitution, Amendment 30 and Amendment 72,  
3 shall be entitled to vote on the question of the issuance of bonds by the  
4 county within which the municipality is located as authorized pursuant to  
5 Arkansas Constitution, Amendment 38 and Amendment 72, and this section.

6  
7 SECTION 86. Arkansas Code § 14-163-207(d)(2)(A), concerning special  
8 election on the levy of a special tax for certain purposes, is amended to  
9 read as follows:

10 (2)(A) If the governing body finds that the petition is signed  
11 by the requisite owners of real property, it shall adopt an ordinance setting  
12 forth its finding and calling a special election to be held in the city in  
13 accordance with § ~~7-5-103(b)~~ 7-11-201 et seq.

14  
15 SECTION 87. Arkansas Code § 14-164-309(a), concerning the issuance of  
16 local government bonds, is amended to read as follows:

17 (a) The question of the issuance of such bonds shall be submitted to  
18 the electors of the county or municipality at the general election or at a  
19 special election called for that purpose in accordance with § ~~7-5-103(b)~~ 7-  
20 11-201 et seq., as provided in the ordinance and held in the manner provided  
21 in this subchapter.

22  
23 SECTION 88. Arkansas Code § 14-174-103(a)(2)(A), concerning special  
24 election on the levy of new economic development taxes, is amended to read as  
25 follows:

26 (2)(A) However, no ordinance levying any tax authorized by this  
27 subchapter shall be valid until adopted at a special election in accordance  
28 with § ~~7-5-103(b)~~ 7-11-201 et seq. by qualified electors of the city or in  
29 the county where the tax is to be imposed, as the case may be.

30  
31 SECTION 89. Arkansas Code § 14-200-107 is amended to read as follows:  
32 14-200-107. Election to authorize purchase by municipality.

33 Any municipality may determine to acquire the property of a public  
34 utility as authorized under the provisions of this act by the vote of the  
35 municipal council or city commission, taken after a public hearing, of which  
36 at least thirty (30) days' notice has been given, and ratified and confirmed

1 by a majority of the electors voting thereon at any general or special  
2 municipal election held in accordance with § ~~7-5-103(b)~~ 7-11-201 et seq.

3  
4 SECTION 90. Arkansas Code § 14-201-109(b)(1), concerning special  
5 elections on the abolition or continuance of a utility commission, is amended  
6 to read as follows:

7 (b)(1) If twenty-five percent (25%) of the electors of the city  
8 petition the city council to do so, a special election shall be ordered in  
9 accordance with § ~~7-5-103(b)~~ 7-11-201 et seq. not later than fourteen (14)  
10 days from the date on which the petition was filed to be held at least ninety  
11 (90) days after the order on the question whether the utility commission  
12 shall be abolished or continued.

13  
14 SECTION 91. Arkansas Code § 14-206-103(a), concerning special  
15 elections on the acquisition of a gas or electric public utility by a  
16 municipality, is amended to read as follows:

17 (a) Any municipality may determine to seek approval from the  
18 commission to acquire the property of a gas or electric public utility as  
19 authorized under the provisions of this chapter by the vote of the municipal  
20 council, city commission, or governing body taken after a public hearing, of  
21 which at least thirty (30) days' notice has been given by publication in  
22 newspapers having a general circulation within the municipality. This vote  
23 shall have been ratified and confirmed by a majority of the electors voting  
24 thereon at any special election held in accordance with § ~~7-5-103(b)~~ 7-11-201  
25 et seq.

26  
27 SECTION 92. Arkansas Code § 14-283-101 is amended to read as follows:  
28 14-283-101. Petition for special election.

29 (a) When petitions are filed with the county court of any county  
30 containing the signatures of ten percent (10%) or more of the qualified  
31 electors of all or any defined part of any county, or all or any defined part  
32 of any city, as determined by the number of votes cast by the qualified  
33 electors of the county, city, or designated portion thereof, for all  
34 candidates for Governor at the last preceding general election, requesting  
35 the establishment of a mosquito abatement district in the county or a  
36 designated portion of the county or in the city or designated portion of the

1 city and requesting that assessed benefits be made on the property located in  
2 the district to finance the operation of the district, the county court shall  
3 call a special election in accordance with ~~§ 7-5-103(b)~~ 7-11-201 et seq. in  
4 the county, city, or designated area of the city to determine whether a  
5 mosquito abatement district shall be established for the area.

6 (b) Petitions filed pursuant to subsection (a) of this section shall  
7 specifically define the area proposed to be included in a mosquito abatement  
8 district and shall specify the maximum assessed benefits or taxes which may  
9 be levied against property within the district for the support of the  
10 district. In no event shall the assessed benefits in any district exceed an  
11 amount equal to one percent (1%) of the assessed valuation of real property  
12 in the district.

13 (c) The quorum court of the county may on its own motion enact an  
14 ordinance directing the county court to call a special election in accordance  
15 with ~~§ 7-5-103(b)~~ 7-11-201 et seq. in the county, city, or designated area of  
16 the city to determine whether a mosquito abatement district shall be  
17 established for the area.

18  
19 SECTION 93. Arkansas Code § 14-283-102(a), concerning special  
20 elections on the establishment and financing of a mosquito abatement  
21 district, is amended to read as follows:

22 (a) The special election called by the county court to submit the  
23 question of the establishment and financing of a mosquito abatement district  
24 to the electors of the proposed district shall be held in accordance with §  
25 ~~7-5-103(b)~~ 7-11-201 et seq. within ninety (90) days after the proclamation  
26 calling the election.

27  
28 SECTION 94. 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)~~ 7-11-  
 10 201 et seq. within the proposed fire protection district to determine whether  
 11 a fire protection 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)~~ 7-11-201 et seq. to submit  
 15 the question of the establishment and financing of a fire protection district  
 16 to the electors of a proposed district.

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

19 (3) If the proposed fire protection district is located within  
 20 more than one (1) county, the county courts shall set the date of the  
 21 election on the same date and set the places of the election within the  
 22 proposed fire protection district boundaries.

23 (4) At the election, the question of establishing and financing  
 24 the district shall be placed on the ballot in substantially the following  
 25 form:

26 "FOR the establishment of a fire protection district in . . . . . (county),  
 27 . . . . . (designated area), and the levy of  
 28 assessed benefits on real property in the district to finance the district .  
 29 . . . . [ ]

30 AGAINST the establishment of a fire protection district in . . . . .  
 31 . (county), . . . . . (designated area), and the  
 32 levy of assessed benefits on real property in the district to finance the  
 33 district . . . . . [ ]"

34

35 SECTION 95. Arkansas Code § 14-284-224 is amended to read as follows:  
 36 14-284-224. Petition to annex territory to an existing district -



1 Special election.

2 (a)(1)(A) When petitions are filed with the board of commissioners of  
3 a fire protection district created pursuant to this subchapter containing the  
4 signatures of at least ten percent (10%) of qualified electors of a portion  
5 of the unincorporated area of the county, as determined by the number of  
6 votes cast by the qualified electors of that portion of the county for all  
7 candidates for Governor at the last preceding general election, requesting  
8 the annexation of the territory to an existing fire protection district  
9 created under this subchapter and requesting that assessed benefits be made  
10 on the property located within the area to be annexed to help finance the  
11 operation of the district, the board of commissioners shall conduct a public  
12 hearing on the petition.

13 (B) If the board determines the annexation to be  
14 desirable, the board shall notify the quorum court, and the quorum court may  
15 at its discretion call a special election within the area of the existing  
16 fire protection district and the area proposed to be annexed to determine  
17 whether the annexation should occur.

18 (2) No annexation shall occur except pursuant to an election  
19 under subsection (b) of this section or by ordinance under subsection (d) of  
20 this section.

21 (b)(1) The special election called by the quorum court to submit the  
22 question of the annexation and financing of the fire protection district to  
23 the electors of the district and the area to be annexed shall be held no  
24 later than ninety (90) days after the proclamation of a special election in  
25 accordance with ~~§ 7-5-103(b)~~ 7-11-201 et seq.

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

29 “FOR the annexation of . . . . . (description of area to be  
30 annexed), and the levy of assessed benefits on real property within the area  
31 to be annexed to help finance the district . . . . . [ ]  
32 AGAINST the annexation of . . . . . (description of area to be  
33 annexed), and the levy of assessed benefits on real property within the area  
34 to be annexed to help finance the district . . . . . [ ]”

35 (c) If a majority of those voting at the election who reside within  
36 the area to be annexed and a majority of those voting at the election who

1 reside within the existing district vote in favor of the annexation, the area  
2 shall be deemed annexed and shall become a part of the fire protection  
3 district and governed accordingly.

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

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

11 (ii) During that time, if petitions calling for a  
12 referendum on the ordinance are presented to the quorum court and the  
13 petitions are signed by the number prescribed in subsection (a) of this  
14 section, the quorum court shall call a special election in accordance with §  
15 ~~7-5-103(b)~~ 7-11-201 et seq. on the issue of the annexation.

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

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

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

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

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

33  
34 SECTION 96. Arkansas Code § 14-286-103(a), concerning special  
35 elections on the establishment and financing of a red imported fire ant  
36 abatement district, is amended to read as follows:

1           (a) The special election called by the county court to submit the  
2 question of the establishment and financing of a red imported fire ant  
3 abatement district to the electors of the proposed district shall be held in  
4 accordance with ~~§ 7-5-103(b)~~ 7-11-201 et seq. no later than ninety (90) days  
5 after the proclamation of the election.

6  
7           SECTION 97. Arkansas Code § 14-387-301(b), concerning special  
8 elections on the question of restraining horses, mules, asses, cattle, goats,  
9 swine, and sheep, or any two (2) or more of these animals, or the male  
10 species of them, from running at large, is amended to read as follows:

11           (b) If petitioners shall file with their petition proper bond to be  
12 approved by the court conditioned to pay all the cost and expense of a  
13 special election, the court may call an election in accordance with ~~§ 7-5-~~  
14 ~~103(b)~~ 7-11-201 et seq. at any time upon the filing of the petition by giving  
15 notice of it as provided by law for general elections, if the petition  
16 contains twenty-five percent (25%) of the qualified electors residing within  
17 each township mentioned in the petition.

18  
19           SECTION 98. Arkansas Code § 15-4-3020(b), concerning special elections  
20 to issue bonds under the Arkansas General Obligation Economic Development  
21 Superprojects Bond and Project Funding Act, is amended to read as follows:

22           (b) The proclamation shall be issued in accordance with ~~§ 7-5-103(b)~~  
23 7-11-201 et seq., and notice of the special election shall be given by  
24 publication of the proclamation by one (1) insertion in one (1) newspaper of  
25 general circulation published in each county in the state not less than  
26 thirty (30) calendar days prior to the date of the election.

27  
28           SECTION 99. Arkansas Code § 15-43-204(a)(1), concerning special  
29 elections to redetermine a doe killing area, is amended to read as follows:

30           (a)(1) Whenever fifty (50) or more qualified electors residing within  
31 an area wholly or partly located within their particular county, which has  
32 been designated by regulation of the Arkansas State Game and Fish Commission  
33 as a doe killing area, petition the appropriate county court, praying that an  
34 election be held to determine whether or not such an area or portion thereof  
35 should remain a doe killing area, the county court shall order a special  
36 election in accordance with ~~§ 7-5-103(b)~~ 7-11-201 et seq. to be held not more

1 than ninety (90) days after the date of filing of the petition.

2  
3 SECTION 100. Arkansas Code § 23-110-306(a), concerning special  
4 elections on subsequent referendums on horse racing, is amended to read as  
5 follows:

6 (a) After the elapse of not less than two (2) years next following the  
7 date of any election conducted pursuant to § 23-110-304, upon petitions filed  
8 with it containing the signatures of qualified electors of the county of not  
9 less than fifteen percent (15%) of the total number voting in the election  
10 for county clerk of the county at the next preceding general election,  
11 together with a sum of money estimated by the county board of election  
12 commissioners as sufficient to pay all expenses of the election, the board  
13 shall call a special election in accordance with § ~~7-5-103(b)~~ 7-11-201 et  
14 seq. on the proposition of continuing horse racing in the county.

15  
16 SECTION 101. Arkansas Code § 23-111-306(a), concerning special  
17 elections on subsequent referendums on greyhound racing, is amended to read  
18 as follows:

19 (a) After the elapse of not less than four (4) years next following  
20 the date of any election conducted pursuant to § 23-111-304, the county board  
21 of election commissioners shall call a special election in accordance with §  
22 ~~7-5-103(b)~~ 7-11-201 et seq. on the proposition of continuing greyhound racing  
23 in the county. The election shall be called upon petitions filed with it  
24 containing the signatures of qualified electors of the county of not less  
25 than five percent (5%) of the total number voting in the election for county  
26 clerk of the county at the next preceding general election, together with a  
27 sum of money estimated by the board as sufficient to pay all expenses of the  
28 election.

29  
30 SECTION 102. Arkansas Code § 24-11-402(a), concerning special  
31 elections to suspend the applicability of § 24-11-401 et seq., is amended to  
32 read as follows:

33 (a) The provisions of this subchapter shall be suspended and  
34 inoperative in any city affected by the provisions of this subchapter until  
35 made available by a vote favorable thereto of the majority of qualified  
36 electors of the cities participating in any election on the question and held

1 at a special election in accordance with § ~~7-5-103(b)~~ 7-11-201 et seq. for  
2 the purpose of voting on the question.

3  
4 SECTION 103. Arkansas Code § 24-11-402(d), concerning special  
5 elections on the question of policemen's pension, is amended to read as  
6 follows:

7 (d) In the event that for any reason the question of policemen's  
8 pension was not voted upon in the next general city election after June 10,  
9 1937, the question may be submitted at a special election in accordance with  
10 § ~~7-5-103(b)~~ 7-11-201 et seq. held in the city as provided in this section.

11  
12 SECTION 104. Arkansas Code § 24-11-404(b), concerning special  
13 elections for tax levies for pensions in cities of the first and second  
14 class, is amended to read as follows:

15 (b)(1) In those cities that do not have a policemen's pension and  
16 relief fund but that cover their police officers under the Arkansas Local  
17 Police and Fire Retirement System, the tax shall also be allowed when  
18 approved by a majority of qualified electors of the cities participating in  
19 any election on the question and held at a special election in accordance  
20 with § ~~7-5-103(b)~~ 7-11-201 et seq. for the purpose of voting on the question.

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

25 (3) Upon the filing with the county board of election  
26 commissioners not later than ninety (90) days before the date of the election  
27 requested in a petition signed by twenty (20) or more qualified electors of  
28 the city affected and praying that the question of a policemen's pension be  
29 submitted, it shall be the duty of the county board of election commissioners  
30 to call the election in accordance with § ~~7-5-103(b)~~ 7-11-201 et seq.

31 (4) In the event that for any reason the question of the  
32 policemen's pension is not voted upon in the next general city election after  
33 March 6, 1989, the question may be submitted at a special election held in  
34 the city as provided in this subsection.

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

36 "FOR Police Officer's Pension . . . . [ ]

1 AGAINST Police Officer's Pension . . . . . [ ]".

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

5  
6 SECTION 105. Arkansas Code § 24-11-812(b)(3), concerning special  
7 elections on tax levies by the city council relating to firemen's relief and  
8 pension funds, is amended to read as follows:

9 (3) Upon the filing with the county board of election  
10 commissioners not later than ninety (90) days before the date of the election  
11 requested in a petition signed by twenty (20) or more qualified electors of  
12 the city or town affected, stating the amount of tax to be voted on, not to  
13 exceed one (1) mill on the dollar, and praying that the question of a  
14 firemen's pension be submitted, it shall be the duty of the county board of  
15 election commissioners to call the election in accordance with § ~~7-5-103(b)~~  
16 7-11-201 et seq.

17  
18 SECTION 106. Arkansas Code § 24-12-103(c), concerning special  
19 elections on the question of the levying of a tax on paid nonuniformed  
20 employees' pensions, is amended to read as follows:

21 (c) Upon the filing with the county board of election commissioners  
22 not later than ninety (90) days before the date of the election requested in  
23 a petition signed by twenty (20) or more qualified electors of the city  
24 affected and praying that the question of paid nonuniformed employees'  
25 pensions and the levying of a tax therefor, not exceeding one and one-half  
26 (1½) mills, be submitted, it shall be the duty of the county board of  
27 election commissioners to call the election in accordance with § ~~7-5-103(b)~~  
28 7-11-201 et seq.

29  
30 SECTION 107. Arkansas Code § 26-52-605(a), concerning special  
31 elections on the question of the imposition of an additional state tax of one  
32 percent (1%) to be administered and collected as a local sales tax upon the  
33 gross receipts or gross proceeds derived from taxable sales within the border  
34 city or town, is amended to read as follows:

35 (a) The governing body of an Arkansas border city or town, as  
36 described in § 26-52-602, by ordinance, may call a special election, or, upon

1 petition of not less than ten percent (10%) of the qualified electors of the  
2 Arkansas border city or town, as determined by the number of votes cast in  
3 the Arkansas border city or town for all candidates for election to the  
4 Office of Governor of Arkansas in the immediately preceding general election,  
5 filed with the city clerk of the city or town petitioning that a special  
6 election be called, a special election shall be called in accordance with §  
7 ~~7-5-103(b)~~ 7-11-201 et seq. in the city or town on the question of the  
8 imposition of an additional state tax of one percent (1%) to be administered  
9 and collected as a local sales tax upon the gross receipts or gross proceeds  
10 derived from taxable sales within the border city or town under the  
11 provisions of this chapter, and the proceeds derived therefrom shall benefit  
12 the State of Arkansas in lieu of the state income tax law applying to the net  
13 taxable income derived by individuals who are residents of the border city or  
14 town.

15  
16 SECTION 108. Arkansas Code § 26-73-111(b), concerning special  
17 elections on local sales and use taxes for the benefit of a county, city, or  
18 town, is amended to read as follows:

19 (b) The special election shall be in accordance with § ~~7-5-103(b)~~ 7-  
20 11-201 et seq. and conducted in the manner provided by law for all county or  
21 municipal elections unless otherwise specified in this section.

22  
23 SECTION 109. Arkansas Code § 26-74-210(a)(2)(C), concerning special  
24 elections on the levy or repeal of a county sales and use tax, is amended to  
25 read as follows:

26 (C) The special election shall be called in accordance with § ~~7-~~  
27 ~~5-103(b)~~ 7-11-201 et seq. for a date not more than ninety (90) days from the  
28 date on which the county clerk certifies the sufficiency of the petition to  
29 the county board of election commissioners.

30  
31 SECTION 110. Arkansas Code § 26-74-603(b)(2), concerning elections for  
32 a sales and use tax for capital improvements of a community college, is  
33 amended to read as follows:

34 (2) The election shall be called by ordinance and proclamation  
35 issued in accordance with § ~~7-5-103(b)~~ 7-11-201 et seq.

36

1           SECTION 111. Arkansas Code § 26-75-208(a)(1), concerning a special  
2 election by a city on the issue of a sales and use tax for capital  
3 improvements, is amended to read as follows:

4           (a)(1) On the date of the filing of a petition described in § 26-75-  
5 207(b) or on the date of adoption of an ordinance levying a local sales and  
6 use tax for the benefit of the city, or within thirty (30) days following the  
7 filing of the petition described in § 26-75-207(b) or adoption of the  
8 ordinance, the city by ordinance shall provide for the calling of a special  
9 election on the question in accordance with § ~~7-5-103(b)~~ 7-11-201 et seq.

10  
11           SECTION 112. Arkansas Code § 26-75-213(a)(4), concerning special  
12 elections on the resubmission of a question on the levy or repeal of a city  
13 sales and use tax, is amended to read as follows:

14           (4) The special election shall be called in accordance with § ~~7-~~  
15 ~~5-103(b)~~ 7-11-201 et seq. for a date not more than ninety (90) days from the  
16 date on which the city clerk certifies the sufficiency of the petition to the  
17 governing body of the city.

18  
19           SECTION 113. Arkansas Code § 26-75-308(a)(1), concerning special  
20 elections to approve sales and use taxes for capital improvements for cities,  
21 is amended to read as follows:

22           (a)(1) On the date of the filing of a petition described in § 26-75-  
23 307(b) or on the date of adoption of an ordinance levying a local sales and  
24 use tax for the benefit of the city, or within thirty (30) days following the  
25 filing of the petition described in § 26-75-307(b) or adoption of the  
26 ordinance, the city by ordinance shall provide for the calling and holding of  
27 a special election on the question in accordance with § ~~7-5-103(b)~~ 7-11-201  
28 et seq.

29  
30           SECTION 114. Arkansas Code § 26-75-404(a)(2), concerning special  
31 elections for a tax on the acquisition, construction, or improvement of  
32 parks, is amended to read as follows:

33           (2) If the ordinance provides for submitting the question at a  
34 special election, the election shall be called in accordance with § ~~7-5-~~  
35 ~~103(b)~~ 7-11-201 et seq. for a date not more than ninety (90) days from the  
36 date of the adoption of the ordinance calling the special election.



1  
2           SECTION 115. Arkansas Code § 26-78-103(b)(1), concerning special  
3 elections on county and municipal motor vehicle taxes, is amended to read as  
4 follows:

5           (b)(1) Notwithstanding other provisions of this chapter, before the  
6 tax levied by any county quorum court upon owners residing everywhere in the  
7 county or only upon owners residing within the county but outside the  
8 corporate boundaries of all municipalities in the county may be collected,  
9 the county court shall call a special election in accordance with § ~~7-5-~~  
10 ~~103(b)~~ 7-11-201 et seq. upon the first levy of the tax by the county quorum  
11 court, to be held not more than ninety (90) days from the date of the  
12 adoption of the levy of the tax by the quorum court, at which the qualified  
13 electors of the area to be affected by the tax shall vote on the question of  
14 the levy of the tax.

15  
16           SECTION 116. Arkansas Code § 27-64-206(a), concerning special  
17 elections under the Arkansas Highway Financing Act of 1999, is amended to  
18 read as follows:

19           (a) No bonds shall be issued under this subchapter unless the issuance  
20 of bonds has been approved by a majority of the qualified electors of the  
21 state voting on the question at a statewide special election called by  
22 proclamation of the Governor in accordance with § ~~7-5-103(b)~~ 7-11-201 et seq.

23  
24           SECTION 117. EMERGENCY CLAUSE. It is found and determined by  
25 the General Assembly of the State of Arkansas that this act makes various  
26 revisions to Arkansas election laws that are designed to improve the  
27 administration of elections and special elections and that these revisions  
28 should be implemented as soon as possible so that the citizens of this state  
29 may benefit from improved election procedures. Therefore, an emergency is  
30 declared to exist and this act being immediately necessary for the  
31 preservation of the public peace, health, and safety shall become effective  
32 on:

33           (1) The date of its approval by the Governor;

34           (2) If the bill is neither approved nor vetoed by the Governor,  
35 the expiration of the period of time during which the Governor may veto the  
36 bill; or

