

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: H3/7/13 S3/20/13

A Bill

HOUSE BILL 1357

5 By: Representatives Kerr, Slinkard, Cozart, Lowery
6 By: Senator D. Sanders
7

For An Act To Be Entitled

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

Subtitle

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

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

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

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

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

34 (a) ~~Upon application by~~ If a written petition, signed by a number of
35 legal voters in ~~any~~ a county, city, town, district, or precinct to be
36 affected equal to thirty-five percent (35%) of the qualified voters is



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

11
 12 SECTION 3. Arkansas Code § 6-14-102 is amended to read as follows:

13 6-14-102. Annual school election date – Special school election.

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

16 *(2) The annual school election shall only concern issues*
 17 *authorized to be on the ballot by the Arkansas Constitution or by statute,*
 18 *and no other issues shall appear on the ballot.*

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

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

25 *~~(2) The election is held before the date of the annual school~~*
 26 *~~election; and~~*

27 *~~(3) The Commissioner of Education approves the date of the~~*
 28 *~~election.~~*

29 *(1) The annual school election; or*

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

31 (c)(1) In ~~any~~ an annual school election ~~year~~ or special school
 32 election, if no more than one (1) candidate for ~~any~~ each school district
 33 director position presents a petition or notice as required by § 6-14-111 and
 34 if there ~~are~~ is no other ~~ballot issues to be submitted to school district~~
 35 ~~electors for consideration~~ issue, measure, question, or candidate on the
 36 ballot, with the exception of the local tax rate if that rate is not being

1 changed or restructured, the board of directors of ~~any a~~ school district, by
2 resolution, may request the county board of election commissioners to reduce
3 the number of polling places or to open no polling places on election day so
4 that the election can be conducted by absentee ballot and early voting only.

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

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

15
16 SECTION 4. Arkansas Code § 6-53-602(b)(2), concerning publication of
17 proclamation by a community college, is amended to read as follows:

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

21 (B) The local board or acting local board shall publish
22 the proclamation at least ninety (90) days ~~after the publication of the~~
23 ~~proclamation~~ before the election date.

24
25 SECTION 5. Arkansas Code § 6-53-603(a)(2), concerning the date of
26 election for a tax levy called by a local board of a community college, is
27 amended to read as follows:

28 (2) ~~It~~ The tax may be reduced or repealed, with the exception of
29 the amount of tax required to service ~~any an~~ outstanding ~~bonds~~ bond, or the
30 tax may be increased upon approval ~~thereof~~ by a majority of the qualified
31 electors of the district voting on the issue at ~~an~~ the next election called
32 by the local board or acting local board to be held ~~at least thirty (30)~~
33 ~~calendar days after the local board or acting local board notifies the county~~
34 ~~boards of election commissioners~~ under § 7-11-304.

35
36 SECTION 6. Arkansas Code § 6-53-604(b), concerning dissolution of a

1 technical college district, is amended to read as follows:

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

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

11

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

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

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

21 7-11-205. Dates of special elections on measures and questions -
22 ~~Exceptions~~ - Separate ballots.

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

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

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

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

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

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

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

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

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

20
21 SECTION 9. Arkansas Code Title 7, Chapter 11, Subchapter 3, is amended
22 to add an additional section to read as follows:

23 7-11-304. Dates of special elections.

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

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

27 (2) Be filed at least one hundred twenty (120) days before the
28 date the special election is to be held.

29 (b) If a special election is called in a year in which a preferential
30 primary election or general election is held, the special election shall be
31 held with the preferential primary election or general election.

32 (c) If a special election is called in a year in which a preferential
33 primary election or general election is not held, the special election shall
34 be held on the Tuesday next after the first Monday in May or the Tuesday next
35 after the first Monday in November.

36 (d) This section does not apply to a special election to fill a

1 vacancy in office, a special runoff election, or a special election otherwise
2 provided for by law.

3
4 SECTION 10. Arkansas Code § 11-10-1006(a), concerning elections for
5 Arkansas Unemployment Trust Fund Bonds, is amended to read as follows:

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

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

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

16 ~~(C) A special election that is held in months in which a~~
17 ~~presidential preferential primary election, preferential primary election,~~
18 ~~general primary election, or general election is scheduled to occur shall be~~
19 ~~held on the date of the presidential preferential primary election,~~
20 ~~preferential primary election, general primary election, or general election.~~
21 be held under § 7-11-304.

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

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

30 (iii) A voter shall not be required to vote in a
31 political party's ~~presidential preferential primary election, preferential~~
32 ~~primary election, or general~~ primary election in order to be able to vote in
33 the special election.

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

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

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

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

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

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

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

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

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

(b) If the number of signatures certified by the clerk is equal to or greater than fifteen percent (15%) of the aggregate number of votes cast, as prescribed, the Secretary of State shall call the election by proclamation ~~in~~

1 ~~accordance with and an election shall be held under~~ § 7-11-201 et seq., ~~a~~
2 ~~special election to be held not more than ninety (90) days from the date of~~
3 ~~the clerk's certification.~~

4
5 SECTION 15. Arkansas Code § 14-57-704(a), concerning special elections
6 for the levy of a vehicle tax, is amended to read as follows:

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

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

15
16 SECTION 16. Arkansas Code § 14-61-113(1)(C), concerning special
17 elections called by petition, is amended to read as follows:

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

24
25 SECTION 17. Arkansas Code § 14-120-102(a), concerning elections in
26 combination levee and drainage districts, is amended to read as follows:

27 (a) ~~There shall be held an~~ An election shall be held annually on the
28 Tuesday next after the first Monday in May in all combination levee and
29 drainage districts where the boundaries of the districts embrace all of the
30 lands within the corporate limits of a city of the first class and no lands
31 situated more than three (3) miles from the corporate limits, for the
32 election of one (1) member of the board of improvement. ~~The judges of the~~
33 ~~election are to be appointed by the county board of election commissioners.~~

34
35 SECTION 18. Arkansas Code § 14-122-104 is amended to read as follows:
36 14-122-104. Filing referendum petitions – Special election.

1 If ~~petitions~~ a petition signed by ~~not no~~ no less than fifteen percent
2 (15%) of the qualified electors voting on the office of mayor in the city at
3 the last preceding general election ~~are~~ is filed with the city clerk of the
4 city within forty-five (45) days after the enactment of the ordinance
5 creating the municipal drainage improvement district ~~requesting, and the~~
6 petition requests that the ordinance be referred to a vote of the qualified
7 electors of the district, the ~~petitions~~ petition shall be referred to the
8 people at a special election to be called by the mayor of the municipality in
9 accordance with § 7-11-201 et seq. to be held ~~not more than ninety (90) days~~
10 after the proclamation at the next special election date under § 7-11-304.
11

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

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

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

26 (B) The election called by the elected board of
27 commissioners for an increase in the flat fee assessment shall be held ~~within~~
28 ninety (90) days at the next special election date under § 7-11-304 after the
29 board of commissioners' meeting that approves the assessment increase.
30

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

34 (a) The special election called by the county court to submit the
35 question of the establishment and financing of a red imported fire ant
36 abatement district to the electors of the proposed district shall be held in

1 accordance with § 7-11-201 et seq. ~~no later than ninety (90) days after the~~
2 ~~proclamation of the election and at the next special election date under § 7-~~
3 ~~11-304.~~

4
5 SECTION 22. Arkansas Code § 14-386-403(a), concerning elections on
6 enclosures in fencing districts, is amended to read as follows:

7 (a) The county court shall in the same publication prescribed by § 14-
8 386-402 give notice of and cause an election to be held ~~within thirty (30)~~
9 ~~days of the date of~~ on the next special election date under § 7-11-304 after
10 the filing of the petition, in the townships or parts of townships included
11 in the petition, where the question of the creation of the proposed fencing
12 district shall be submitted to the qualified electors ~~living or owning land~~
13 in the proposed district.

14
15 SECTION 23. Arkansas Code § 15-43-204(a)(1), concerning local
16 elections to redetermine doe killing areas, is amended to read as follows:

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

26
27 SECTION 24. Arkansas Code § 23-111-306(b)(1), concerning referendum
28 elections on continuing greyhound racing, is amended to read as follows:

29 (b)(1) The date of the special election shall be fixed by the board ~~on~~
30 ~~a day not more than ninety (90) days following the date of filing the~~
31 ~~petitions~~ under § 7-11-304. The deposit of the funds as provided in
32 subsection (a) of this section and the election shall be conducted and shall
33 be subject to contest under the general election laws of this state.

34
35 SECTION 25. Arkansas Code § 23-113-201(a)(1)(E), concerning elections
36 to conduct wagering on electronic games of skill, is amended to read as

1 follows:

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

7
8 SECTION 26. Arkansas Code § 26-73-111(c) and (d), concerning special
9 elections for special local sales and use taxes, are amended to read as
10 follows:

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

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

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

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

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

26
27 SECTION 27. Arkansas Code § 26-74-207 is amended to read as follows:
28 26-74-207. Call for tax election.

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

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

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

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

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

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

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

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

18
19 SECTION 28. Arkansas Code § 26-74-307(a), concerning an election to
20 levy a countywide sales tax, is amended to read as follows:

21 26-74-307. Call for tax election.

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

24 (A) One-eighth of one percent (0.125%);

25 (B) One-fourth of one percent (0.25%);

26 (C) One-half of one percent (0.5%);

27 (D) Three-fourths of one percent (0.75%);

28 (E) One percent (1%); or

29 (F) Any combination of these amounts.

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

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

34
35 SECTION 29. Arkansas Code § 26-74-402(a), concerning special elections
36 for certain countywide taxes, is amended to read as follows:

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

8
9 SECTION 30. Arkansas Code § 26-74-502(a), concerning special elections
10 called by petition for certain taxes, is amended to read as follows:

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

19
20 SECTION 31. Arkansas Code § 26-75-208(a), concerning special election
21 date to levy a local sales and use tax, is amended to read as follows:

22 (a)(1) On the date of the filing of a petition described in § 26-75-
23 207(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~~
25 after the filing of the petition described in § 26-75-207(b) or adoption of
26 the ordinance, the city by ordinance shall provide for the calling of a
27 special election on the question in accordance with § 7-11-201 et seq.

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

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

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

1 election commissioners.

2 ~~(5)~~(4) The election shall be conducted in the manner provided by
3 law for all other municipal elections unless otherwise provided in this
4 subchapter.

5

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

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

11

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

14 (2) If the ordinance provides for submitting the question at a
15 special election, the election shall be called ~~in accordance with~~ under § 7-
16 11-201 et seq. ~~for a date not more than ninety (90) days from the date of the~~
17 ~~adoption of the ordinance calling the special election.~~

18

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

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

27

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

31 (b)(1) Notwithstanding other provisions of this chapter, before the
32 tax levied by ~~any~~ a county quorum court upon owners residing everywhere in
33 the county or only upon owners residing within the county but outside the
34 corporate boundaries of all municipalities in the county may be collected,
35 the county court shall call a special election in accordance with § 7-11-201
36 et seq. upon the first levy of the tax by the county quorum court, to be held

1 ~~not more than ninety (90) days from the date of~~ at the next special election
2 under § 7-11-304 after the adoption of the levy of the tax by the quorum
3 court, at which the qualified electors of the area to be affected by the tax
4 shall vote on the question of the levy of the tax.

5
6 SECTION 36. Arkansas Code § 26-78-103(c)(2), concerning the dates of a
7 special election to levy a County and Municipality Vehicle Tax, is amended to
8 read as follows:

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

17
18 SECTION 37. Arkansas Code § 26-78-111(b), concerning elections for
19 revenue bonds, is amended to read as follows:

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

24
25 SECTION 38. Arkansas Code § 26-80-111(a)(1) concerning the ad valorem
26 tax rate of school districts involved in consolidation, annexation, or
27 merger, is amended to read as follows:

28 (a)(1) *When a new school district is created from all or parts of two*
29 *(2) or more districts, or a school district is dissolved and all or part of*
30 *the area of the dissolved school district is annexed to or consolidated with*
31 *an existing school district, the board of directors of the resulting school*
32 *district shall submit to the electors of the school district at the next*
33 *annual school election, or at another time as provided by law, a proposed tax*
34 *millage rate for the school district.*

35
36 SECTION 39. EFFECTIVE DATE. This act is effective on and after

1 January 1, 2014.

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/s/Kerr

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