

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015

A Bill

HOUSE BILL 1422

4
5 By: Representative Bell
6 By: Senator J. English

For An Act To Be Entitled

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

Subtitle

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13
14 TO PROMOTE VOTER TURNOUT; AND TO AMEND
15 THE LAW TO LIMIT THE DATES ON WHICH
16 CERTAIN SPECIAL ELECTIONS CAN BE HELD.

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

21
22 SECTION 1. Arkansas Code Title 7, Chapter 11, Subchapter 3, is amended
23 to add an additional section to read as follows:

24 7-11-304. Dates of special elections.

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

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

28 (2) Be filed at least seventy-five (75) days before the date the
29 special election is to be held.

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

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



1 (d) This section does not apply to special elections to fill vacancies
 2 in office, special runoff elections, or special elections otherwise provided
 3 for by law.

4
 5 SECTION 2. Arkansas Code § 2-16-504(b)(1), concerning elections to
 6 establish Johnson grass control and eradication districts, is amended to read
 7 as follows:

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

15
 16 SECTION 3. Arkansas Code § 3-8-205(e)(3), concerning an election date
 17 by petition regarding local option, is amended to read as follows:

18 (3) If the decision is in favor of the petitioners, then the county
 19 board of election commissioners shall set the day for the election, which
 20 shall be not earlier than sixty-five (65) days ~~nor later than ninety (90)~~
 21 ~~days~~ after the final decision of the Supreme Court and shall be held on a
 22 date authorized under § 7-11-201 et seq.

23
 24 SECTION 4. Arkansas Code § 6-14-102 is amended to read as follows:

25 6-14-102. Annual school election date – Special school election.

26 (a)~~(1)~~ The annual school election shall be held in each school
 27 district of the state on the ~~third Tuesday in September~~ Tuesday next after
 28 the first Monday in November.

29 ~~(2) The annual school election shall only concern issues~~
 30 ~~authorized to be on the ballot by the Arkansas Constitution or by statute,~~
 31 ~~and no other issues shall appear on the ballot.~~

32 (b) The board of directors of ~~any a~~ a school district ~~shall have the~~
 33 ~~authority to~~ may hold a school election concerning the tax rate or debt
 34 issues on a date ~~other than that fixed by law~~ under § 7-11-304 provided that:

35 (1) All constitutional and statutory requirements for the annual
 36 school election are met, notwithstanding ~~subdivision~~ subsection (a)~~(1)~~ of

1 this section;

2 (2) The election is held before the date of the annual school
3 election; and

4 (3) The Commissioner of Education approves the date of the
5 election.

6 (c)(1) In ~~any~~ an annual school election ~~year~~ or special school
7 election, if no more than one (1) candidate for ~~any~~ each school district
8 director position presents a petition or notice as required by § 6-14-111 and
9 if there ~~are~~ is no other ~~ballot issues to be submitted to school district~~
10 ~~electors for consideration~~ issue, measure, question, or candidate on the
11 ballot, with the exception of the local tax rate if that rate is not being
12 changed or restructured, the board of directors of ~~any~~ a school district, by
13 resolution, may request the county board of election commissioners to reduce
14 the number of polling places or to open no polling places on election day so
15 that the election can be conducted by absentee ballot and early voting only.

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

20 (B) If a county uses electronic voting machines or
21 electronic vote tabulating devices, the county board of election
22 commissioners may use:

23 (i) The electronic voting machines or electronic vote
24 tabulating devices; or

25 (ii) Paper ballots counted by hand and provide no
26 voting machines to be used in the election, notwithstanding any other
27 provision in the Arkansas Code.

28
29 SECTION 5. Arkansas Code § 6-14-118(a), concerning reimbursement for
30 the cost of school elections, is amended to read as follows:

31 (a)~~(1)~~ In school elections, the school districts in the county shall
32 reimburse the county for the ~~cost of the election less expenses incurred for~~
33 ~~election officials at individual polling places~~ additional election costs
34 originating from the school election, with each school district's share of
35 the total being determined by multiplying the total cost of the additional
36 election costs originating from the school election by a fraction, the

1 numerator of which is the number of votes cast in the specific school
 2 election and the denominator of which is the total number of votes cast in
 3 the entire election.

4 ~~(2) Expenses incurred for election officials at individual~~
 5 ~~polling places shall be paid by the school district in which the polling~~
 6 ~~place is located.~~

7
 8 SECTION 6. Arkansas Code § 6-14-122(b), concerning dates for elections
 9 regarding the consolidation, annexation, or merger of school districts, is
 10 amended to read as follows:

11 (b) The boards of directors of the school districts may, by
 12 resolution duly adopted and with the approval of the Commissioner of
 13 Education, set a date for the annual school election in that year for the
 14 school districts involved on a date ~~other than the date set in § 6-14-102 for~~
 15 ~~all school districts~~ under § 7-11-304, provided only one (1) annual school
 16 election may be held in any school district in ~~one (1)~~ a calendar year.

17
 18 SECTION 7. Arkansas Code § 6-53-602(b)(2), concerning publication of
 19 proclamation by a community college, is amended to read as follows:

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

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

26
 27 SECTION 8. Arkansas Code § 6-53-603(a)(2), concerning the date of
 28 election for a tax levy called by a local board of a community college, is
 29 amended to read as follows:

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

1
2 SECTION 9. Arkansas Code § 6-53-604(b), concerning dissolution of a
3 technical college district, is amended to read as follows:

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

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

12
13 SECTION 10. Arkansas Code § 7-1-101(15), concerning the definition of
14 "general or special election", is amended to read as follows:

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

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

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

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

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

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

35 ~~(2)(A)(b)(1)~~ If a special election is held on the date of the
36 preferential primary election, the issue or issues to be voted upon at the

1 special election shall be included on the ballot of each political party.

2 ~~(B)(2)~~ The portion of the ballot containing the special
3 election shall be labeled with a heading stating "SPECIAL ELECTION ON

4 _____" with
5 a brief description of the measure or question to be decided in the election.

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

10 ~~(4)(d)~~ A voter shall not be required to vote in a political
11 party's preferential primary in order to be able to vote in the special
12 election.

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

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

23
24 SECTION 12. Arkansas Code § 14-14-917(a)(2), concerning special
25 elections for referendum petition measures, is amended to read as follows:

26 (2) Referendum. Referendum petition measures may be submitted to the
27 electors during a regular general election and shall be submitted if the
28 adequacy of the petition is determined within the time limitation prescribed
29 in this section. A referendum measure may also be referred to the electors at
30 a special election called for the expressed purpose proposed by petition.
31 However, no referendum petition certified within the time limitations
32 established for initiative measures shall be referred to a special election,
33 but shall be voted upon at the next regular election. No referendum election
34 shall be held ~~less than sixty (60) days after the certification of adequacy~~
35 ~~of the petition by the county clerk~~ on a date under § 7-11-304.

36

1 SECTION 13. Arkansas Code § 14-20-108(a)(1)(B)(i)(b), concerning
 2 special elections on the issue of the levy of volunteer fire department dues
 3 on residences, is amended to read as follows:

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

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

9
 10 SECTION 14. Arkansas Code § 14-47-140(d), concerning special elections
 11 for mayor, is amended to read as follows:

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

15
 16 SECTION 15. Arkansas Code § 14-48-104(b), concerning special elections
 17 after submission of governmental form question to electors, is amended to
 18 read as follows:

19 (b) If the number of signatures certified by the clerk is equal to or
 20 greater than fifteen percent (15%) of the aggregate number of votes cast, as
 21 prescribed, the Secretary of State shall call the election by proclamation ~~in~~
 22 ~~accordance with, and an election shall be held under § 7-11-201 et seq. a~~
 23 ~~special election to be held not more than ninety (90) days from the date of~~
 24 ~~the clerk's certification.~~

25
 26 SECTION 16. Arkansas Code § 14-57-704(a)(2), concerning special
 27 elections for the levy of a vehicle tax, is amended to read as follows:

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

32
 33 SECTION 17. Arkansas Code § 14-61-113(1)(C), concerning special
 34 elections called by petition, is amended to read as follows:

35 (C) The special election shall be held ~~not more than sixty~~
 36 ~~(60) days at the next special election date under § 7-11-304~~ after the

1 proclamation calling the election, ~~provided that if the county board of~~
 2 ~~election commissioners certifies in writing that it cannot prepare the~~
 3 ~~ballots because of other pending elections, then the election can be held not~~
 4 ~~more than ninety (90) days after the proclamation.~~

5
 6 SECTION 18. Arkansas Code § 14-120-102(a), concerning elections in
 7 certain combination levee and drainage districts, is amended to read as
 8 follows:

9 (a)(1) ~~There shall be held an~~ An election shall be held annually on
 10 the Tuesday next after the first Monday in May in all combination levee and
 11 drainage districts where the boundaries of the districts embrace all of the
 12 lands within the corporate limits of a city of the first class and no lands
 13 situated more than three (3) miles from the corporate limits, for the
 14 election of one (1) member of the board of improvement.

15 (2) The judges of the election ~~are to~~ shall be appointed by the
 16 county board of election commissioners.

17
 18 SECTION 19. Arkansas Code § 14-122-104 is amended to read as follows:
 19 14-122-104. Filing referendum petitions – Special election.

20 If petitions signed by not less than fifteen percent (15%) of the
 21 qualified electors voting on the office of mayor in the city at the last
 22 preceding general election are filed with the city clerk of the city within
 23 forty-five (45) days after the enactment of the ordinance creating the
 24 municipal drainage improvement district requesting that the ordinance be
 25 referred to a vote of the qualified electors of the district, the petitions
 26 shall be referred to the people at a special election to be called by the
 27 mayor of the municipality in accordance with § 7-11-201 et seq. to be held
 28 ~~not more than ninety (90) days after the proclamation~~ at the next special
 29 election date under § 7-11-304.

30
 31 SECTION 20. Arkansas Code § 14-125-302(c)(2)(A), concerning election
 32 dates for board of directors of conservation districts, is amended to read as
 33 follows:

34 (A) On the first Tuesday in March, 2000, and ~~on the first~~
 35 ~~Tuesday in March~~ every third year thereafter on the date the preferential
 36 primary is held or, if no preferential primary is held, on the Tuesday next

1 after the first Monday in May, in those districts which have the greatest
 2 amount of district territory in the following counties:

3	Boone	Little River
4	Carroll	Logan
5	Clark	Lonoke
6	Clay	Poinsett
7	Cleburne	Polk
8	Cleveland	Saline
9	Columbia	Scott
10	Conway	Searcy
11	Crawford	St. Francis
12	Cross	White
13	Fulton	Woodruff
14	Greene	Yell
15	Jefferson	

16
 17 SECTION 21. Arkansas Code § 14-201-316(a), concerning election of
 18 members of the board of public utilities, is amended to read as follows:

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

26
 27 SECTION 22. Arkansas Code § 14-284-212(g)(2)(B), concerning elections
 28 to approve increased assessments in fire protection districts outside of
 29 cities and towns, is amended to read as follows:

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

34
 35 SECTION 23. Arkansas Code § 14-286-103(a), concerning special
 36 elections on the question of the establishment and financing of a red

1 imported fire ant abatement district, is amended to read as follows:

2 (a) The special election called by the county court to submit the
3 question of the establishment and financing of a red imported fire ant
4 abatement district to the electors of the proposed district shall be held in
5 accordance with § 7-11-201 et seq. ~~no later than ninety (90) days after the~~
6 ~~proclamation of the election~~ and at the next special election date under § 7-
7 11-304.

8
9 SECTION 24. Arkansas Code § 14-386-403(a), concerning elections on
10 enclosures in fencing districts, is amended to read as follows:

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

18
19 SECTION 25. Arkansas Code § 15-43-204(a)(1), concerning local
20 elections to redetermine doe killing areas, is amended to read as follows:

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

30
31 SECTION 26. Arkansas Code § 23-111-306(b)(1), concerning referendum
32 elections on continuing greyhound racing, is amended to read as follows:

33 (b)(1) The date of the special election shall be fixed by the board ~~on~~
34 ~~a day not more than ninety (90) days following the date of filing the~~
35 ~~petitions~~ under § 7-11-304. The deposit of the funds as provided in
36 subsection (a) of this section and the election shall be conducted and shall

1 be subject to contest under the general election laws of this state.

2
 3 SECTION 27. Arkansas Code § 23-113-201(a)(2)(E), concerning elections
 4 to conduct wagering on electronic games of skill, is amended to read as
 5 follows:

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

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