

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015  
4

*As Engrossed: H3/9/15*

# A Bill

HOUSE BILL 1422

5 By: Representative Bell  
6 By: Senator J. English  
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 CERTAIN SPECIAL ELECTIONS  
11 CAN BE HELD; AND FOR OTHER PURPOSES.  
12  
13

### Subtitle

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

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        (e) A proclamation, ordinance, resolution, or order under this section  
 5 is not required to be filed for a special school election.

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

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

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

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

25  
 26        SECTION 4. Arkansas Code § 6-14-102 is amended to read as follows:

27        6-14-102. Annual school election date – Special school election.

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

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

34        ~~(b)(1) The board of directors of any school district shall have the~~  
 35 ~~authority to~~ may hold a school election concerning the tax rate or debt  
 36 ~~issues on a date other than that fixed by law~~ under § 7-11-304 provided that:

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

4 ~~(2)(B)~~ *The election is held before the date of the annual school*  
 5 *election; and*

6 ~~(3)(C)~~ *The Commissioner of Education approves the date of the*  
 7 *election.*

8 (2) The board of directors of any school district may hold an  
 9 emergency school election concerning the tax rate or debt issues on a date  
 10 other than that fixed by law provided that:

11 (A) All constitutional and statutory requirements for the  
 12 annual school election are met, notwithstanding subsection (a) of this  
 13 section;

14 (B) The election is held before the date of the annual  
 15 school election;

16 (C) The Commissioner of Education approves the date of the  
 17 election; and

18 (D) An emergency requires that the election be held on a  
 19 date other than the dates specified under § 7-11-304.

20 (3) As used in this section, "emergency" means a substantial  
 21 change in the interpretation of the law by the federal or Arkansas courts  
 22 which if not addressed by a millage election will render the school district  
 23 financially incapable of performing its lawful duties and obligations.

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

34 (2)(A) If requested by ~~proper~~ resolution adopted by the board of  
 35 directors of ~~any~~ a school district, the county board of election  
 36 commissioners may provide that no polling places be open on election day so

1 that the election can be conducted by absentee ballot and early voting only.

2 (B) If a county uses electronic voting machines or  
3 electronic vote tabulating devices, the county board of election  
4 commissioners may use:

5 (i) The electronic voting machines or electronic vote  
6 tabulating devices; or

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

10  
11 SECTION 5. Arkansas Code § 6-14-118(a), concerning reimbursement for  
12 the cost of school elections, is amended to read as follows:

13 ~~(a)(1) In school elections, the school districts in the county shall~~  
14 ~~reimburse the county for the cost of the election less expenses incurred for~~  
15 ~~election officials at individual polling places, with each school district's~~  
16 ~~share of the total being determined by multiplying the total cost of the~~  
17 ~~election by a fraction, the numerator of which is the number of votes cast in~~  
18 ~~the specific school election and the denominator of which is the total number~~  
19 ~~of votes cast in the entire election.~~

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

23 (a)(1) If the school election is held in an odd-numbered year, the  
24 school district in the county shall reimburse the county for the cost of the  
25 election less the additional costs and expenses incurred for special  
26 elections not related to the school district.

27 (2) If the school election is held in an even-numbered year, the  
28 school district in the county shall reimburse the county an amount equal to  
29 the amount the school district reimbursed the county for the last contested  
30 school election in an odd-numbered year.

31  
32 SECTION 6. Arkansas Code § 6-14-122(b), concerning dates for elections  
33 regarding the consolidation, annexation, or merger of school districts, is  
34 amended to read as follows:

35 (b) The boards of directors of the school districts may, by  
36 resolution duly adopted and with the approval of the Commissioner of

1 Education, set a date for the annual school election in that year for the  
2 school districts involved on a date ~~other than the date set in § 6-14-102 for~~  
3 ~~all school districts~~ under § 7-11-304, provided only one (1) annual school  
4 election may be held in any school district in ~~one (1)~~ a calendar year.

5  
6 SECTION 7. Arkansas Code § 6-53-602(b)(2), concerning publication of  
7 proclamation by a community college, is amended to read as follows:

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

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

14  
15 SECTION 8. Arkansas Code § 6-53-603(a)(2), concerning the date of  
16 election for a tax levy called by a local board of a community college, is  
17 amended to read as follows:

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

25  
26 SECTION 9. Arkansas Code § 6-53-604(b), concerning dissolution of a  
27 technical college district, is amended to read as follows:

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

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

36

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

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

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

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~~ A special election on measures a measure or ~~questions a~~  
14 question shall be held ~~on the second Tuesday of any month, except special~~  
15 ~~elections held under this section in a month in which a preferential primary~~  
16 ~~election or general election is scheduled to occur shall be held on the date~~  
17 ~~of the preferential primary election or general election~~ under § 7-11-304.

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)(b)(1)~~ 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)(2)~~ The portion of the ballot containing the special  
27 election shall be labeled with a heading stating "SPECIAL ELECTION ON

28 \_\_\_\_\_" with  
29 a brief description of the measure or question to be decided in the election.

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

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

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

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

11  
12           SECTION 12. Arkansas Code § 14-14-917(a)(2), concerning special  
13 elections for referendum petition measures, is amended to read as follows:

14           (2) Referendum. Referendum petition measures may be submitted to the  
15 electors during a regular general election and shall be submitted if the  
16 adequacy of the petition is determined within the time limitation prescribed  
17 in this section. A referendum measure may also be referred to the electors at  
18 a special election called for the expressed purpose proposed by petition.  
19 However, no referendum petition certified within the time limitations  
20 established for initiative measures shall be referred to a special election,  
21 but shall be voted upon at the next regular election. No referendum election  
22 shall be held ~~less than sixty (60) days after the certification of adequacy~~  
23 ~~of the petition by the county clerk on a date under § 7-11-304.~~

24  
25           SECTION 13. Arkansas Code § 14-20-108(a)(1)(B)(i)(b), concerning  
26 special elections on the issue of the levy of volunteer fire department dues  
27 on residences, is amended to read as follows:

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

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

33  
34           SECTION 14. Arkansas Code § 14-47-140(d), concerning special elections  
35 for mayor, is amended to read as follows:

36           (d) The special election shall be held ~~not less than thirty (30) days~~

1 ~~nor more than one hundred twenty (120) days after the proclamation at the~~  
2 ~~next special election date under § 7-11-304.~~

3  
4 SECTION 15. Arkansas Code § 14-48-104(b), concerning special elections  
5 after submission of governmental form question to electors, is amended to  
6 read as follows:

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

13  
14 SECTION 16. Arkansas Code § 14-57-704(a)(2), concerning special  
15 elections for the levy of a vehicle tax, is amended to read as follows:

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

20  
21 SECTION 17. Arkansas Code § 14-61-113(1)(C), concerning special  
22 elections called by petition, is amended to read as follows:

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

29  
30 SECTION 18. Arkansas Code § 14-120-102(a), concerning elections in  
31 certain combination levee and drainage districts, is amended to read as  
32 follows:

33 (a)(1) ~~There shall be held an~~ An election shall be held annually on  
34 the Tuesday next after the first Monday in May in all combination levee and  
35 drainage districts where the boundaries of the districts embrace all of the  
36 lands within the corporate limits of a city of the first class and no lands



1 situated more than three (3) miles from the corporate limits, for the  
2 election of one (1) member of the board of improvement.

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

5  
6 SECTION 19. Arkansas Code § 14-122-104 is amended to read as follows:  
7 14-122-104. Filing referendum petitions – Special election.

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

18  
19 SECTION 20. Arkansas Code § 14-125-302(c)(2)(A), concerning election  
20 dates for board of directors of conservation districts, is amended to read as  
21 follows:

22 (A) On the first Tuesday in March, 2000, and ~~on the first~~  
23 ~~Tuesday in March~~ every third year thereafter on the date the preferential  
24 primary is held or, if no preferential primary is held, on the Tuesday next  
25 after the first Monday in May, in those districts which have the greatest  
26 amount of district territory in the following counties:

- |    |           |              |
|----|-----------|--------------|
| 27 | Boone     | Little River |
| 28 | Carroll   | Logan        |
| 29 | Clark     | Lonoke       |
| 30 | Clay      | Poinsett     |
| 31 | Cleburne  | Polk         |
| 32 | Cleveland | Saline       |
| 33 | Columbia  | Scott        |
| 34 | Conway    | Searcy       |
| 35 | Crawford  | St. Francis  |
| 36 | Cross     | White        |

1                   Fulton                   Woodruff  
2                   Greene                   Yell  
3                   Jefferson

4

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

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

14

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

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

22

23           SECTION 23. Arkansas Code § 14-286-103(a), concerning special  
24 elections on the question of the establishment and financing of a red  
25 imported fire ant abatement district, is amended to read as follows:

26           (a) The special election called by the county court to submit the  
27 question of the establishment and financing of a red imported fire ant  
28 abatement district to the electors of the proposed district shall be held in  
29 accordance with § 7-11-201 et seq. ~~no later than ninety (90) days after the~~  
30 ~~proclamation of the election~~ and at the next special election date under § 7-  
31 11-304.

32

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

35           (a) The county court shall in the same publication prescribed by § 14-  
36 386-402 give notice of and cause an election to be held ~~within thirty (30)~~

1 ~~days of the date of~~ on the next special election date under § 7-11-304 the  
2 filing of the petition, in the townships or parts of townships included in  
3 the petition, where the question of the creation of the proposed fencing  
4 district shall be submitted to the qualified electors living or owning land  
5 in the proposed district.

6  
7 SECTION 25. Arkansas Code § 15-43-204(a)(1), concerning local  
8 elections to redetermine doe killing areas, is amended to read as follows:

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

18  
19 SECTION 26. Arkansas Code § 23-111-306(b)(1), concerning referendum  
20 elections on continuing greyhound racing, is amended to read as follows:

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

26  
27 SECTION 27. Arkansas Code § 23-113-201(a)(2)(E), concerning elections  
28 to conduct wagering on electronic games of skill, is amended to read as  
29 follows:

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

35  
36 SECTION 28. EFFECTIVE DATE. This act is effective on and after

1 January 1, 2017.

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*/s/Bell*

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