

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4
5 By: Representative Bell

A Bill

HOUSE BILL 1610

For An Act To Be Entitled

8 AN ACT TO PROVIDE THAT NO ELECTION MAY BE HELD FOR
9 CERTAIN UNOPPOSED OFFICES; TO PROVIDE A NEW ELECTION
10 PROCEDURE; AND FOR OTHER PURPOSES.

Subtitle

14 TO PROVIDE THAT NO ELECTION MAY BE HELD
15 FOR CERTAIN UNOPPOSED OFFICES; AND TO
16 PROVIDE A NEW ELECTION PROCEDURE.

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

21 SECTION 1. Arkansas Code § 6-14-102(c)(1) and (c)(2)(A), concerning
22 annual school elections with unopposed candidates for school district
23 director, is amended to read as follows:

24 (c)(1) In any election year, if no more than one (1) candidate for any
25 school district director position presents a petition or notice as required
26 by § 6-14-111 and if there are no other ballot issues to be submitted to
27 school district electors for consideration, with the exception of the local
28 tax rate if that rate is not being changed or restructured, the board of
29 directors of any school district, by resolution, may request the county board
30 of election commissioners to ~~reduce~~:

31 (A) Reduce the number of polling places ~~or to open~~;
32 (B) Open no polling places on election day so that the
33 election can be conducted by absentee ballot and early voting only; ~~or~~
34 (C) Open no polling places on election day and hold an
35 election by candidate under the procedure in § 7-11-107(c).

36 (2)(A) If requested by proper resolution adopted by the board of



1 directors of any school district, the county board of election commissioners
 2 may provide that no polling places be open on election day so that the
 3 election can be conducted by ~~absentee~~;

4 (i) Absentee ballot and early voting only; or

5 (ii) Election by candidate under the procedure in §
 6 7-11-107(c).

7
 8 SECTION 2. Arkansas Code § 6-14-106(a)(4)(A), concerning location of
 9 polling sites for an annual school election, is amended to read as follows:

10 (4)(A)(i) The Except as provided in subdivision (a)(4)(A)(ii)
 11 and unless changed by order of the county board of election commissioners,
 12 the polling sites for each school election shall be the same as those
 13 established for the immediately preceding school election unless changed by
 14 order of the county board of election commissioners.

15 (ii) If no polling sites were opened in the
 16 immediately preceding school election, the polling sites shall be the same as
 17 those established for the most recent school election in which polling sites
 18 were opened unless changed by order of the county board of election
 19 commissioners.

20
 21 SECTION 3. Arkansas Code § 7-11-107 is amended to read as follows:

22 7-11-107. Unopposed candidates.

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

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

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

32 (C) If the candidate is for county or municipal office,
 33 the provisions in subsection (c) of this section may be followed.

34 (2) If there is only one (1) candidate after all deadlines for
 35 filing as a candidate have passed in a special primary election to fill a
 36 vacancy, the county board of election commissioners shall certify the

1 candidate as the nominee of the political party without holding a special
2 primary election for the political party.

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

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

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

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

12 (c)(1)(A) If there is only one (1) candidate for county or municipal
13 office after all the deadlines for filing as a candidate have passed in a
14 special election to fill a vacancy and if no other office or issue is on the
15 ballot, the county board of election commissioners may:

16 (i) Declare an election by candidate to be held on
17 the election date;

18 (ii) Open no polling places; and

19 (iii) Allow the candidate to cast a ballot for
20 himself or herself at a designated time and location on the special election
21 day.

22 (B)(i) If an election by candidate is to be held, the
23 county board of election commissioners shall publish notice that an election
24 by candidate shall be held and no polling places will be opened:

25 (a) By one (1) insertion in a newspaper of
26 general circulation in the county or municipality at least two (2) weeks
27 before the special election day; and

28 (b) By posting a notice on the door of each
29 polling place on the special election day.

30 (C) After the candidate casts a ballot for himself or
31 herself at an election by candidate, the candidate shall be declared elected.

32 (2) The following offices are exempt from the provisions of this
33 subsection:

34 (A) County Assessor;

35 (B) County Coroner;

36 (C) Sheriff;

- 1 (D) County Surveyor;
- 2 (E) County Treasurer;
- 3 (F) County Clerk;
- 4 (G) Constable;
- 5 (H) Justice of the Peace;
- 6 (I) Circuit Court Judge; and
- 7 (J) District Court Judge.

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