

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017

A Bill

HOUSE BILL 1279

4
5 By: Representatives Gillam, Shepherd, D. Douglas, Branscum, Pitsch, Eubanks, M. Gray, Maddox,
6 Cozart, Fortner, Capp, Warren

7 By: Senator Hester

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For An Act To Be Entitled

10 AN ACT TO AMEND ARKANSAS LAW CONCERNING THE FILLING
11 OF VACANCIES IN THE OFFICE OF UNITED STATES SENATOR;
12 TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

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Subtitle

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

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24 SECTION 1. DO NOT CODIFY. The General Assembly finds:

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26 (1) Arkansas Code § 7-8-102 in its current form directly
27 conflicts with Arkansas Constitution, Amendment 29, regarding the method of
28 filling vacancies in the representation of the State of Arkansas in the
United States Senate;

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(2) The conflicting provisions of Arkansas Constitution,
Amendment 29, and § 7-8-102 create the potential for ambiguity and
uncertainty in the event a United States Senate vacancy occurs; and

(3) It is the intent of this act to provide consistency between
the Arkansas Constitution and the Arkansas Code by providing that:

(A) Vacancies in the office of United States Senator shall
be filled by appointment of the Governor; and

(B) The appointee shall serve until the office is filled



1 at a general election.

3 SECTION 2. Arkansas Code § 7-8-102 is amended to read as follows:

4 7-8-102. Filling Senate vacancies.

5 ~~(a) When any vacancy occurs in the representation of the State of~~
 6 ~~Arkansas in the United States Senate by death, resignation, or otherwise, the~~
 7 ~~Governor shall have the power and authority to fill the vacancy by temporary~~
 8 ~~appointment until the people fill the vacancy by election at the next ensuing~~
 9 ~~general election for state and county officers to be held more than sixty~~
 10 ~~(60) days and less than twelve (12) months after the vacancy occurs.~~

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

15 (a) Vacancies in the office of United States Senator shall be filled
 16 by appointment by the Governor.

17 (b)(1) The appointee under subsection (a) of this section shall serve
 18 during the entire unexpired Senate term if the office would in regular course
 19 be filled at the next general election if no vacancy had occurred.

20 (2)(A) If the office would not in regular course be filled at
 21 the next general election, the vacancy shall be filled as follows:

22 (i) At the next general election if the vacancy
 23 occurs four (4) months or more before the next general election; or

24 (ii) At the second general election after the
 25 vacancy occurs if the vacancy occurs less than four (4) months before the
 26 next general election.

27 (B) The person so elected shall:

28 (i) Take office on the first day of January
 29 following his or her election; and

30 (ii) Serve the remaining portion of the vacated
 31 term.

33 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
 34 General Assembly of the State of Arkansas that Arkansas Code § 7-8-102 is in
 35 conflict with Arkansas Constitution, Amendment 29; that the inconsistency
 36 creates the risk of ambiguity and uncertainty of the process to follow if a

1 vacancy in the office of United States Senator arises; and that this act
 2 should become effective as soon as possible to clarify the process for
 3 filling a vacancy in the office of United States Senator. Therefore, an
 4 emergency is declared to exist, and this act being immediately necessary for
 5 the preservation of the public peace, health, and safety shall become
 6 effective on:

7 (1) The date of its approval by the Governor;

8 (2) If the bill is neither approved nor vetoed by the Governor,
 9 the expiration of the period of time during which the Governor may veto the
 10 bill; or

11 (3) If the bill is vetoed by the Governor and the veto is
 12 overridden, the date the last house overrides the veto.

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