

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 1440

5 By: Representative M. Gray
6 By: Senator Hester
7

For An Act To Be Entitled

9 AN ACT TO AMEND PROVISIONS IN THE ARKANSAS CODE
10 CONCERNING ELECTION RUNOFFS, INITIATIVES, AND
11 REFERENDA; AND FOR OTHER PURPOSES.
12
13

Subtitle

15 TO AMEND PROVISIONS IN THE ARKANSAS CODE
16 CONCERNING ELECTION RUNOFFS, INITIATIVES,
17 AND REFERENDA.
18
19

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

22 SECTION 1. Arkansas Code § 6-14-121(a)(3), concerning runoff elections
23 for school elections, is amended to read as follows:

24 (3) The runoff election shall be held:

25 (A) three Three (3) weeks following the date of the
26 election in any election year in which the annual school election is held in
27 September; or

28 (B) Four (4) weeks following the date of the election in
29 any election year in which the annual school election is held in November.
30

31 SECTION 2. Arkansas Code § 7-5-106(a)(2)(B)(ii), concerning runoff
32 elections for county and municipal officers, is amended to read as follows:

33 (ii) If required, the runoff general election
34 between the two (2) candidates shall be held in that municipality ~~three (3)~~
35 four (4) weeks following the date of the general election with the names of
36 the two (2) candidates placed on the ballot to be voted upon by the qualified



1 electors of the municipality.

2
3 SECTION 3. Arkansas Code § 7-5-703(c), concerning tie votes for United
4 States Congress, is amended to read as follows:

5 (c)(1) Should any two (2) or more persons have an equal number of
6 votes, and a higher number than any other person, the names of the two (2)
7 candidates receiving the highest number of votes for United States Senator or
8 United States Representative shall be certified to a special runoff election
9 which shall be held ~~three (3)~~ four (4) weeks from the day on which the
10 general election is held.

11 (2) The special runoff election shall be conducted in the same
12 manner as is ~~now~~ provided by law, and the election results shall be canvassed
13 and certified in the manner provided by law.

14
15 SECTION 4. Arkansas Code § 7-5-704(b), concerning tie votes for
16 legislative, judicial, and executive officers, is amended to read as follows:

17 (b)(1) If two (2) or more persons have an equal number of votes for
18 the same office and a higher number than any other person, the names of the
19 two (2) candidates receiving the highest number of votes for any legislative
20 or executive office, except those offices named in Arkansas Constitution,
21 Article 6, § 3, and constables, shall be certified to a special runoff
22 election which shall be held ~~three (3)~~ four (4) weeks from the day on which
23 the general election is held.

24 (2) The special runoff election shall be conducted in the same
25 manner as is now provided by law, and the election results thereof shall be
26 canvassed and certified in the manner provided by law.

27
28 SECTION 5. Arkansas Code § 7-9-113(c), concerning publication of
29 notice, is amended to read as follows:

30 (c) At least one (1) notice shall:

31 (1) ~~contain~~ Contain the number, the popular name, and the ballot
32 title, ~~and~~;

33 (2) Contain a complete text of the measure to be submitted;

34 (3) Reference a website where the full text of the measure is
35 published; and

36 (4) ~~and shall be~~ Be published in a camera-ready format in a type

1 no smaller than ten-point type.

2
3 SECTION 6. Arkansas Code § 7-9-126(b)(3)(A), concerning the count of
4 signatures, is amended to read as follows:

5 (3)(A) The canvasser is a paid canvasser whose name and the
6 information required under § 7-9-601 were not submitted by the sponsor to the
7 Secretary of State ~~before the petitioner signed the petition~~ upon filing the
8 petition.

9
10 SECTION 7. Arkansas Code § 7-9-305(b)(2), concerning election and
11 certification of delegates, is amended to read as follows:

12 (2)(A) In the event that more than two (2) candidates are
13 seeking a particular delegate position and ~~that~~ no candidate receives a
14 majority of the votes cast for all candidates for the position, the names of
15 the two (2) candidates receiving the highest number of votes for the position
16 shall be certified to a special runoff election that shall be held by the
17 respective county board of election commissioners of the district ~~three (3)~~
18 four (4) weeks from the day on which the general election is held.

19 (B) The special runoff election shall be conducted in the
20 same manner as is ~~now~~ provided by law, and the election results shall be
21 canvassed and certified in the manner provided by law.

22
23 SECTION 8. Arkansas Code § 7-9-601(a) and (b), concerning the hiring
24 and training of paid canvassers, is amended to read as follows:

25 (a)(1) A person shall not provide money or anything of value to
26 another person for obtaining signatures on a statewide initiative or
27 referendum petition unless the person receiving the money or item of value
28 meets the requirements of this section.

29 (2) Before a signature is solicited by a paid canvasser the
30 sponsor shall:

31 (A) Provide the paid canvasser with a copy of the most
32 recent edition of the Secretary of State's initiatives and referenda
33 handbook; and

34 (B) Explain the Arkansas law applicable to obtaining
35 signatures on an initiative or referendum petition to the canvasser; ~~and~~

36 ~~(C)(i) Provide a complete list of all paid canvassers'~~

1 ~~names and current residential addresses to the Secretary of State.~~

2 ~~(ii) If additional paid canvassers agree to solicit~~
 3 ~~signatures on behalf of a sponsor after the complete list is provided, the~~
 4 ~~sponsor shall provide an updated list of all paid canvassers' names and~~
 5 ~~current residential addresses to the Secretary of State.~~

6 (3) Upon filing the petition with the Secretary of State, the
 7 sponsor shall submit to the Secretary of State a:

8 (A) List of the names and current residential addresses of
 9 each paid canvasser; and

10 (B) Signature card for each paid canvasser.

11 (b)(1) To verify that there are no criminal offenses on record, a
 12 sponsor shall obtain, at its cost, from the Department of Arkansas State
 13 Police, a current state and federal criminal record search on every paid
 14 canvasser to be registered with the Secretary of State.

15 (2) The criminal record search shall be obtained within thirty
 16 (30) days ~~prior to~~ before the ~~registration of~~ date that the paid canvasser
 17 begins collecting signatures.

18 (3) Upon submission of its list of paid canvassers to the
 19 Secretary of State, the sponsor shall certify to the Secretary of State that
 20 each paid canvasser in its employ has passed a criminal background ~~search~~
 21 check in accordance with this section.

22 (4) A willful violation of this section by a sponsor or paid
 23 canvasser constitutes a Class A misdemeanor.

24 (5) Signatures incorrectly obtained or submitted under this
 25 section shall not be counted by the Secretary of State.

26
 27 SECTION 9. Arkansas Code § 14-43-304(c)(1), concerning mayors in
 28 cities having mayor-council government, is amended to read as follows:

29 (c)(1) ~~In the event that~~ If no candidate for mayor of a city of the
 30 first class receives a majority of the votes cast in the general election,
 31 the two (2) candidates receiving the highest number of votes shall be
 32 certified to a special runoff election ~~that~~ which shall be held ~~three (3)~~
 33 four (4) weeks from the day on which the general election is held.