

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

*As Engrossed: H2/16/17 S3/6/17*

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

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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.

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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.

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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 a complete text of the measure to be submitted and shall be;~~

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

35 (3) Be published in a camera-ready format in a type no smaller  
36 than ~~ten-point~~ 10-point type.

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

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

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

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

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

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

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

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

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

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

~~(C)(i) Provide a complete list of all paid canvassers' names and current residential addresses to the Secretary of State.~~

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

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

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

9   (B) Signature card for each paid canvasser.

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

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

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

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

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

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

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

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35    /s/M. Gray