

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

A Bill

HOUSE BILL 1739

5 By: Representative C. Douglas
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING PRIMARY ELECTIONS,
9 RUNOFF ELECTIONS, AND SPECIAL ELECTIONS; AND FOR
10 OTHER PURPOSES.
11

Subtitle

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13 TO AMEND THE LAW CONCERNING PRIMARY
14 ELECTIONS, RUNOFF ELECTIONS, AND SPECIAL
15 ELECTIONS.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 7-7-203(a) and (b), concerning dates of
22 primary elections, are amended to read as follows:

23 (a) The general primary election shall be held on the ~~second~~ third
24 Tuesday in June preceding the general election.

25 (b) The preferential primary election shall be held on the Tuesday
26 ~~three (3)~~ four (4) weeks before the general primary election.
27

28 SECTION 2. Arkansas Code § 7-11-105(c)-(e), concerning special
29 elections, are amended to read as follows:

30 ~~(c) A special election called in June of an even-numbered year shall~~
31 ~~be held on the fourth Tuesday of the month.~~

32 ~~(d)(1)(c)(1)~~ (c)(1) Special elections held in months in which a preferential
33 primary election, general primary election, or general election is scheduled
34 to occur shall be held on the date of the preferential primary election or
35 general election.

36 (2) If a special election to fill a vacancy in office is held on



1 the date of the preferential primary election or general primary election,
2 the names of the candidates in the special election shall be included on the
3 ballot of each political party, and the portion of the ballot on which the
4 special election appears shall be labeled with a heading stating "SPECIAL
5 ELECTION FOR _____" with the name of the office set out in the heading.

6 (3) Separate ballots containing the names of the candidates to
7 be voted on at the special election or nonpartisan election and any other
8 measures or questions that may be presented for a vote shall be prepared and
9 made available to voters requesting a separate ballot.

10 (4)(A) A voter shall not be required to vote in a political
11 party's preferential primary election or general primary election in order to
12 be able to vote in the special election.

13 (B)(i) If the special election is held at the same time as
14 the general election, the names of the candidates in the special election
15 shall be included on the general election ballot, and the portion of the
16 ballot on which the special election appears shall be labeled with a heading
17 stating "SPECIAL ELECTION FOR _____" with the name of the
18 office set out in the heading.

19 (ii) The county board may include the special
20 election on a separate ballot if the special election is held at the same
21 time as the general election and the commission determines that a separate
22 ballot is necessary to avoid voter confusion.

23 ~~(e)(1)(d)(1)~~ A special election to fill a vacancy in office shall be
24 held not less than seventy (70) days following the date established in the
25 proclamation, ordinance, resolution, order, or other authorized document for
26 drawing for ballot position when the special election is to be held on the
27 date of the preferential primary election, general primary election, or
28 general election.

29 (2) If a special election to fill a vacancy in office is not
30 held at the same time as a preferential primary election, general primary
31 election, or general election, the special election shall be held not less
32 than sixty (60) days following the date established in the proclamation,
33 ordinance, resolution, order, or other authorized document for drawing for
34 ballot position.

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36 SECTION 3. Arkansas Code § 7-11-106 is amended to read as follows:

1 7-11-106. Special primary elections held in conjunction with regularly
2 scheduled primary election – Separate ballots optional.

3 (a) When a special primary election is held on the date of the
4 preferential primary or general primary election, the candidates to be voted
5 upon at the special primary election shall be included on the ballot of each
6 political party, and the portion of the ballot on which the special primary
7 election appears shall be labeled with a heading stating “SPECIAL PRIMARY
8 ELECTION FOR ” with the name of the party for which nomination is
9 sought and the office set out in the heading.

10 (b) The county board of election commissioners may include the special
11 primary election on a separate ballot if the special primary election is held
12 at the same time as a preferential primary election or general primary
13 election and the commission determines that a separate ballot is necessary to
14 avoid voter confusion.

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16 SECTION 4. Arkansas Code § 7-11-205(a)(1), concerning dates of special
17 elections on measures and questions, is amended to read as follows:

18 (a)(1)(A) Except as provided in subdivision (a)(1)(B) of this section,
19 all special elections on measures or questions shall be held on the second
20 Tuesday of any month, except special elections held under this section in a
21 month in which a preferential primary election, general primary election, or
22 general election is scheduled to occur shall be held on the date of the
23 preferential primary election, general primary election, or general election.

24 (B)~~(i)~~ Special elections scheduled to occur in a month in
25 which the second Tuesday is a legal holiday shall be held on the third
26 Tuesday of the month.

27 ~~(ii) A special election called in June of an even-~~
28 ~~numbered year shall be held on the fourth Tuesday of the month.~~