

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

# A Bill

HOUSE BILL 2162

5 By: Representative Gonzales  
6 By: Senator D. Wallace  
7

## For An Act To Be Entitled

9 AN ACT TO PROMOTE VOTER TURNOUT; TO AMEND THE LAW TO  
10 LIMIT THE DATES ON WHICH CERTAIN SPECIAL ELECTIONS  
11 CAN BE HELD; TO AMEND THE LAW THAT RESULTED FROM  
12 INITIATED ACT 1 OF 1942; AND FOR OTHER PURPOSES.  
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14

## Subtitle

15 TO PROMOTE VOTER TURNOUT; TO AMEND THE  
16 LAW TO LIMIT THE DATES ON WHICH CERTAIN  
17 SPECIAL ELECTIONS CAN BE HELD; TO AMEND  
18 THE LAW THAT RESULTED FROM INITIATED ACT  
19 1 OF 1942.  
20  
21  
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
24

25 SECTION 1. Arkansas Code Title 7, Chapter 11, Subchapter 3, is amended  
26 to add an additional section to read as follows:

27 7-11-304. Dates of special elections.

28 (a) The proclamation, ordinance, resolution, order, or other  
29 authorized document calling for a special election shall:

30 (1) Set the date of the special election; and

31 (2) Be filed at least seventy-five (75) days before the date the  
32 special election is to be held.

33 (b) If a special election is called in a year in which a preferential  
34 primary election or general election is held, the special election shall be  
35 held with the preferential primary election or general election.

36 (c) If a special election is called in a year in which a preferential



1 primary election or general election is not held, the special election shall  
 2 be held on the Tuesday next after the first Monday in May or the Tuesday next  
 3 after the first Monday in November.

4 (d) This section does not apply to special elections to fill vacancies  
 5 in office, special runoff elections, or special elections otherwise provided  
 6 for by law.

7  
 8 SECTION 2. Arkansas Code § 2-16-504(b)(1), concerning elections to  
 9 establish Johnson grass control and eradication districts, is amended to read  
 10 as follows:

11 ~~(b)(1) Immediately upon the submission of~~ If the petition ~~to the~~  
 12 ~~county court or courts~~ is submitted under subdivision (a)(1) of this section,  
 13 the court or courts shall issue a proclamation calling the election ~~in~~  
 14 ~~accordance with~~ under § 7-11-201 et seq. and notify the county board or  
 15 boards of election commissioners in writing. The election shall be held on a  
 16 date ~~in accordance with~~ under § 7-11-201 et seq. ~~but in no event more than~~  
 17 ~~ninety (90) days following publication of the proclamation.~~

18  
 19 SECTION 3. Arkansas Code § 3-8-205(e)(3), concerning an election date  
 20 by petition regarding local option, is amended to read as follows:

21 (3) If the decision is in favor of the petitioners, then the county  
 22 board of election commissioners shall set the day for the election, which  
 23 shall be not earlier than sixty-five (65) days ~~nor later than ninety (90)~~  
 24 ~~days~~ after the final decision of the Supreme Court and shall be held on a  
 25 date authorized under § 7-11-201 et seq.

26  
 27 SECTION 4. Arkansas Code § 6-14-102 is amended to read as follows:

28 6-14-102. Annual school election date – Special school election.

29 ~~(a)(1)~~ The annual school election shall be held in each school  
 30 district of the state on the ~~third Tuesday in September~~ Tuesday next after  
 31 the first Monday in November.

32 ~~(2) The annual school election shall only concern issues~~  
 33 ~~authorized to be on the ballot by the Arkansas Constitution or by statute,~~  
 34 ~~and no other issues shall appear on the ballot.~~

35 (b) The board of directors of ~~any~~ a school district ~~shall have the~~  
 36 ~~authority to~~ may hold a school election concerning the tax rate or debt

1 issues on a date ~~other than that fixed by law~~ under § 7-11-304 provided that:

2 (1) All constitutional and statutory requirements for the annual  
3 school election are met, notwithstanding ~~subdivision~~ subsection (a)(1) of  
4 this section;

5 (2) The election is held before the date of the annual school  
6 election; and

7 (3) The Commissioner of Education approves the date of the  
8 election.

9 (c)(1) In ~~any~~ an annual school election ~~year~~ or special school  
10 election, if no more than one (1) candidate for ~~any~~ each school district  
11 director position presents a petition or notice as required by § 6-14-111 and  
12 if there ~~are~~ is no other ~~ballot issues to be submitted to school district~~  
13 ~~electors for consideration~~ issue, measure, question, or candidate on the  
14 ballot, with the exception of the local tax rate if that rate is not being  
15 changed or restructured, the board of directors of ~~any~~ a school district, by  
16 resolution, may request the county board of election commissioners to reduce  
17 the number of polling places or to open no polling places on election day so  
18 that the election can be conducted by absentee ballot and early voting only.

19 (2)(A) If requested by ~~proper~~ resolution adopted by the board of  
20 directors of ~~any~~ a school district, the county board of election  
21 commissioners may provide that no polling places be open on election day so  
22 that the election can be conducted by absentee ballot and early voting only.

23 (B) If a county uses electronic voting machines or  
24 electronic vote tabulating devices, the county board of election  
25 commissioners may use:

26 (i) The electronic voting machines or electronic vote  
27 tabulating devices; or

28 (ii) Paper ballots counted by hand and provide no  
29 voting machines to be used in the election, notwithstanding any other  
30 provision in the Arkansas Code.

31  
32 SECTION 5. Arkansas Code § 6-14-118(a), concerning reimbursement for  
33 the cost of school elections, is amended to read as follows:

34 (a)(1) In school elections, the school districts in the county shall  
35 reimburse the county for the ~~cost of the election less expenses incurred for~~  
36 ~~election officials at individual polling places~~ additional election costs

1 originating from the school election, with each school district's share of  
 2 the total being determined by multiplying the total cost of the additional  
 3 election costs originating from the school election by a fraction, the  
 4 numerator of which is the number of votes cast in the specific school  
 5 election and the denominator of which is the total number of votes cast in  
 6 the entire election.

7 ~~(2) Expenses incurred for election officials at individual~~  
 8 ~~polling places shall be paid by the school district in which the polling~~  
 9 ~~place is located.~~

10  
 11 SECTION 6. Arkansas Code § 6-14-122(b), concerning dates for elections  
 12 regarding the consolidation, annexation, or merger of school districts, is  
 13 amended to read as follows:

14 (b) The boards of directors of the school districts may, by  
 15 resolution duly adopted and with the approval of the Commissioner of  
 16 Education, set a date for the annual school election in that year for the  
 17 school districts involved on a date ~~other than the date set in § 6-14-102 for~~  
 18 ~~all school districts~~ under § 7-11-304, provided only one (1) annual school  
 19 election may be held in any school district in ~~one (1) a~~ a calendar year.

20  
 21 SECTION 7. Arkansas Code § 6-53-602(b)(2), concerning publication of  
 22 proclamation by a community college, is amended to read as follows:

23 (2)(A) The local board or acting local board shall issue a  
 24 proclamation and set a date for the election under § 7-11-201 et seq., ~~but~~  
 25 ~~the date set for the election shall not be later than~~

26 (B) The local board or acting local board shall publish  
 27 the proclamation at least ninety (90) days ~~after the publication of the~~  
 28 ~~proclamation~~ before the election date.

29  
 30 SECTION 8. Arkansas Code § 6-53-603(a)(2), concerning the date of  
 31 election for a tax levy called by a local board of a community college, is  
 32 amended to read as follows:

33 (2) ~~It~~ The tax may be reduced or repealed, with the exception of  
 34 the amount of tax required to service ~~any an~~ an outstanding ~~bonds~~ bond, or the  
 35 tax may be increased upon approval ~~thereof~~ by a majority of the qualified  
 36 electors of the district voting on the issue at ~~an~~ the next election called

1 by the local board or acting local board to be held ~~at least thirty (30)~~  
 2 ~~calendar days after the local board or acting local board notifies the county~~  
 3 ~~boards of election commissioners~~ under § 7-11-304.

4  
 5 SECTION 9. Arkansas Code § 6-53-604(b), concerning dissolution of a  
 6 technical college district, is amended to read as follows:

7 (b)(1) ~~The petitions~~ A petition shall be filed with the Secretary of  
 8 State, ~~who, within.~~

9 (2) The Secretary of State, within ten (10) days of the receipt  
 10 and verification ~~by the Secretary of State~~ of the sufficiency of ~~the~~  
 11 ~~petitions,~~ a petition, shall notify the county ~~boards~~ board of election  
 12 commissioners in each county in the district that an election ~~shall is to~~ be  
 13 held ~~at a time not less than thirty (30) days nor more than one hundred~~  
 14 ~~eighty (180) days from the date of notification~~ under § 7-11-304.

15  
 16 SECTION 10. Arkansas Code § 7-1-101(16), concerning the definition of  
 17 "general or special election", is amended to read as follows:

18 (16) "General or special election" means the regular biennial or annual  
 19 election for election of United States, state, district, county, township,  
 20 and municipal officials and the special elections to fill vacancies therein  
 21 and special elections to approve any measure. ~~The term as used in this act~~  
 22 ~~shall not apply to school elections for officials of school districts;~~

23  
 24 SECTION 11. Arkansas Code § 7-11-205 is amended to read as follows:

25 7-11-205. Dates of special elections on measures and questions -  
 26 Exceptions - Separate ballots.

27 (a)(1)(A) ~~Except as provided in subdivision (a)(1)(B) of this section,~~  
 28 ~~all special elections~~ A special election on measures a measure or questions a  
 29 question shall be held ~~on the second Tuesday of any month, except special~~  
 30 ~~elections held under this section in a month in which a preferential primary~~  
 31 ~~election or general election is scheduled to occur shall be held on the date~~  
 32 ~~of the preferential primary election or general election~~ under § 7-11-304.

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

36 (ii) ~~A special election called in June of an even-~~

~~numbered year shall be held on the fourth Tuesday of the month.~~

~~(2)(A)(b)(1)~~ If a special election is held on the date of the preferential primary election, the issue or issues to be voted upon at the special election shall be included on the ballot of each political party.

~~(B)(2)~~ The portion of the ballot containing the special election shall be labeled with a heading stating "SPECIAL ELECTION ON \_\_\_\_\_" with a brief description of the measure or question to be decided in the election.

~~(3)(c)~~ Separate ballots containing the issue or issues to be voted on at the special election and candidates for nonpartisan judicial office shall be prepared and made available to voters requesting a separate ballot.

~~(4)(d)~~ A voter shall not be required to vote in a political party's preferential primary in order to be able to vote in the special election.

~~(b)(1)~~ A special election shall be held not less than seventy (70) days following the date that the proclamation, ordinance, resolution, order, or other authorized document is filed with the county clerk when the special election is to be held on the date of the preferential primary election or general election.

~~(2)~~ If the special election is not held at the same time as a preferential primary election or general election, the special election shall be held not less than sixty (60) days following the date that the proclamation, ordinance, resolution, order, or other authorized document is filed with the county clerk.

SECTION 12. Arkansas Code § 14-14-917(a)(2), concerning special elections for referendum petition measures, is amended to read as follows:

(2) Referendum. Referendum petition measures may be submitted to the electors during a regular general election and shall be submitted if the adequacy of the petition is determined within the time limitation prescribed in this section. A referendum measure may also be referred to the electors at a special election called for the expressed purpose proposed by petition. However, no referendum petition certified within the time limitations established for initiative measures shall be referred to a special election, but shall be voted upon at the next regular election. No referendum election

1 shall be held ~~less than sixty (60) days after the certification of adequacy~~  
 2 ~~of the petition by the county clerk~~ on a date under § 7-11-304.

3  
 4 SECTION 13. Arkansas Code § 14-20-108(a)(1)(B)(i)(b), concerning  
 5 special elections on the issue of the levy of volunteer fire department dues  
 6 on residences, is amended to read as follows:

7 (b)~~(1)~~ The issue may be placed on the ballot  
 8 at a special election by order of the quorum court in accordance with § 7-11-  
 9 201 et seq.

10 ~~(2) The special election shall be held by~~  
 11 ~~August 1.~~

12  
 13 SECTION 14. Arkansas Code § 14-47-140(d), concerning special elections  
 14 for mayor, is amended to read as follows:

15 (d) The special election shall be held ~~not less than thirty (30) days~~  
 16 ~~nor more than one hundred twenty (120) days after the proclamation at the~~  
 17 next special election date under § 7-11-304.

18  
 19 SECTION 15. Arkansas Code § 14-48-104(b), concerning special elections  
 20 after submission of governmental form question to electors, is amended to  
 21 read as follows:

22 (b) If the number of signatures certified by the clerk is equal to or  
 23 greater than fifteen percent (15%) of the aggregate number of votes cast, as  
 24 prescribed, the Secretary of State shall call the election by proclamation ~~in~~  
 25 ~~accordance with, and an election shall be held under~~ § 7-11-201 et seq. ~~a~~  
 26 ~~special election to be held not more than ninety (90) days from the date of~~  
 27 ~~the clerk's certification.~~

28  
 29 SECTION 16. Arkansas Code § 14-57-704(a)(2), concerning special  
 30 elections for the levy of a vehicle tax, is amended to read as follows:

31 (2) ~~This~~ The election shall be held ~~not more than ninety (90)~~  
 32 ~~days from the date of the publication of the proclamation, at which the~~  
 33 ~~qualified electors of the city or town shall vote on the question of the levy~~  
 34 ~~of the tax~~ at the next special election date under § 7-11-304.

35  
 36 SECTION 17. Arkansas Code § 14-61-113(1)(C), concerning special

1 elections called by petition, is amended to read as follows:

2 (C) The special election shall be held ~~not more than sixty~~  
 3 ~~(60) days at the next special election date under § 7-11-304~~ after the  
 4 proclamation calling the election, ~~provided that if the county board of~~  
 5 ~~election commissioners certifies in writing that it cannot prepare the~~  
 6 ~~ballots because of other pending elections, then the election can be held not~~  
 7 ~~more than ninety (90) days after the proclamation.~~

8  
 9 SECTION 18. Arkansas Code § 14-120-102(a), concerning elections in  
 10 certain combination levee and drainage districts, is amended to read as  
 11 follows:

12 (a)(1) ~~There shall be held an~~ An election shall be held annually on  
 13 the Tuesday next after the first Monday in May in all combination levee and  
 14 drainage districts where the boundaries of the districts embrace all of the  
 15 lands within the corporate limits of a city of the first class and no lands  
 16 situated more than three (3) miles from the corporate limits, for the  
 17 election of one (1) member of the board of improvement.

18 (2) The judges of the election ~~are to~~ shall be appointed by the  
 19 county board of election commissioners.

20  
 21 SECTION 19. Arkansas Code § 14-122-104 is amended to read as follows:

22 14-122-104. Filing referendum petitions – Special election.

23 If petitions signed by not less than fifteen percent (15%) of the  
 24 qualified electors voting on the office of mayor in the city at the last  
 25 preceding general election are filed with the city clerk of the city within  
 26 forty-five (45) days after the enactment of the ordinance creating the  
 27 municipal drainage improvement district requesting that the ordinance be  
 28 referred to a vote of the qualified electors of the district, the petitions  
 29 shall be referred to the people at a special election to be called by the  
 30 mayor of the municipality in accordance with § 7-11-201 et seq. to be held  
 31 ~~not more than ninety (90) days after the proclamation~~ at the next special  
 32 election date under § 7-11-304.

33  
 34 SECTION 20. Arkansas Code § 14-125-302(c)(2)(A), concerning election  
 35 dates for board of directors of conservation districts, is amended to read as  
 36 follows:



1 (A) On the first Tuesday in March, 2000, and ~~on the first~~  
 2 ~~Tuesday in March~~ every third year thereafter on the date the preferential  
 3 primary is held or, if no preferential primary is held, on the Tuesday next  
 4 after the first Monday in May, in those districts ~~which~~ that have the  
 5 greatest amount of district territory in the following counties:

- |    |           |              |
|----|-----------|--------------|
| 6  | Boone     | Little River |
| 7  | Carroll   | Logan        |
| 8  | Clark     | Lonoke       |
| 9  | Clay      | Poinsett     |
| 10 | Cleburne  | Polk         |
| 11 | Cleveland | Saline       |
| 12 | Columbia  | Scott        |
| 13 | Conway    | Searcy       |
| 14 | Crawford  | St. Francis  |
| 15 | Cross     | White        |
| 16 | Fulton    | Woodruff     |
| 17 | Greene    | Yell         |
| 18 | Jefferson |              |

19  
 20 SECTION 21. Arkansas Code § 14-201-316(a), concerning election of  
 21 members of the board of public utilities, is amended to read as follows:

22 (a) In all cities and towns where a board of public utilities ~~shall be~~  
 23 is created under the provisions of this subchapter, there shall be held, ~~on a~~  
 24 ~~day to be designated by the county board of election commissioners not less~~  
 25 ~~than thirty (30) days nor more than sixty (60) days~~ at the next special  
 26 election date under § 7-11-304 before the expiration of the term of office of  
 27 any member of the board of public utilities, an election for the purpose of  
 28 electing a member of the board to succeed the outgoing member.

29  
 30 SECTION 22. Arkansas Code § 14-284-212(g)(2)(B), concerning elections  
 31 to approve increased assessments in fire protection districts outside of  
 32 cities and towns, is amended to read as follows:

33 (B) The election called by the elected board of commissioners  
 34 for an increase in the flat fee assessment shall be held ~~within ninety (90)~~  
 35 ~~days~~ at the next special election date under § 7-11-304 after the board of  
 36 commissioners' meeting that approves the assessment increase.

1  
2 SECTION 23. Arkansas Code § 14-286-103(a), concerning special  
3 elections on the question of the establishment and financing of a red  
4 imported fire ant abatement district, is amended to read as follows:

5 (a) The special election called by the county court to submit the  
6 question of the establishment and financing of a red imported fire ant  
7 abatement district to the electors of the proposed district shall be held in  
8 accordance with § 7-11-201 et seq. ~~no later than ninety (90) days after the~~  
9 ~~proclamation of the election~~ and at the next special election date under § 7-  
10 11-304.

11  
12 SECTION 24. Arkansas Code § 14-386-403(a), concerning elections on  
13 enclosures in fencing districts, is amended to read as follows:

14 (a) The county court shall in the same publication prescribed by § 14-  
15 386-402 give notice of and cause an election to be held ~~within thirty (30)~~  
16 ~~days of the date of~~ on the next special election date under § 7-11-304 the  
17 filing of the petition, in the townships or parts of townships included in  
18 the petition, where the question of the creation of the proposed fencing  
19 district shall be submitted to the qualified electors living or owning land  
20 in the proposed district.

21  
22 SECTION 25. Arkansas Code § 15-43-204(a)(1), concerning local  
23 elections to redetermine doe killing areas, is amended to read as follows:

24 (a)(1) Whenever fifty (50) or more qualified electors residing within  
25 an area wholly or partly located within their particular county that has been  
26 designated by regulation of the Arkansas State Game and Fish Commission as a  
27 doe-killing area petition the appropriate county court, praying that an  
28 election be held to determine whether or not such an area or portion thereof  
29 should remain a doe-killing area, the county court shall order a special  
30 election in accordance with § 7-11-201 et seq. to be held ~~not more than~~  
31 ~~ninety (90) days after the date of filing of the petition~~ at the next special  
32 election date under § 7-11-304.

33  
34 SECTION 26. Arkansas Code § 23-111-306(b)(1), concerning referendum  
35 elections on continuing greyhound racing, is amended to read as follows:

36 (b)(1) The date of the special election shall be fixed by the board ~~on~~

1 ~~a day not more than ninety (90) days following the date of filing the~~  
 2 ~~petitions under § 7-11-304.~~ The deposit of the funds as provided in  
 3 subsection (a) of this section and the election shall be conducted and shall  
 4 be subject to contest under the general election laws of this state.

5  
 6 SECTION 27. Arkansas Code § 23-113-201(a)(2)(E), concerning elections  
 7 to conduct wagering on electronic games of skill, is amended to read as  
 8 follows:

9 (E) The election shall be held ~~no earlier than thirty-one~~  
 10 ~~(31) calendar days, and no later than one hundred twenty (120) calendar days,~~  
 11 ~~after the effective date of the ordinance in which the election is called by~~  
 12 ~~the governing body at the next special election date after the ordinance is~~  
 13 filed under § 7-11-304.

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