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2 91st General Assembly
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4

As Engrossed: S3/15/17

A Bill

SENATE BILL 723

5 By: Senator D. Wallace
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE DATES FOR
9 CERTAIN SPECIAL ELECTIONS; TO PROMOTE VOTER TURNOUT;
10 AND FOR OTHER PURPOSES.
11

Subtitle

14 TO AMEND THE LAW CONCERNING THE DATES FOR
15 CERTAIN SPECIAL ELECTIONS; AND TO PROMOTE
16 VOTER TURNOUT.
17

18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

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

23 *7-11-304. Dates of special elections.*

24 *(a) The proclamation, ordinance, resolution, order, or other*
25 *authorized document calling for a special election shall:*

26 *(1) Set the date of the special election; and*

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

29 *(b) If a special election is called in a year in which a preferential*
30 *primary election or general election is held, the special election shall be*
31 *held with the preferential primary election or general election.*

32 *(c) If a special election is called in a year in which a preferential*
33 *primary election or general election is not held, the special election shall*
34 *be held on the Tuesday next after the first Monday in May or the Tuesday next*
35 *after the first Monday in November.*

36 *(d) This section does not apply to special elections to fill vacancies*



1 in office, special runoff elections, or special elections otherwise provided
2 for by law.

3
4 SECTION 2. Arkansas Code § 2-16-504(b)(1), concerning elections to
5 establish Johnson grass control and eradication districts, is amended to read
6 as follows:

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

14
15 SECTION 3. Arkansas Code § 3-8-205(e)(3), concerning an election date
16 by petition regarding local option, is amended to read as follows:

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

22
23 SECTION 4. Arkansas Code § 6-14-118(a), concerning reimbursement for
24 the cost of school elections, is amended to read as follows:

25 (a)~~(1)~~ ~~In school elections, the school districts in the county shall~~
26 ~~reimburse the county for the cost of the election less expenses incurred for~~
27 ~~election officials at individual polling places~~ additional election costs
28 originating from the school election, with each school district's share of
29 the total being determined by multiplying the total cost of the additional
30 election costs originating from the school election by a fraction, the
31 numerator of which is the number of votes cast in the specific school
32 election and the denominator of which is the total number of votes cast in
33 the entire election.

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

1
2 SECTION 5. Arkansas Code § 6-14-122(b), concerning dates for elections
3 regarding the consolidation, annexation, or merger of school districts, is
4 amended to read as follows:

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

11
12 SECTION 6. Arkansas Code § 6-53-602(b)(2), concerning publication of
13 proclamation by a community college, is amended to read as follows:

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

17 (B) The local board or acting local board shall publish
18 the proclamation at least ninety (90) days after the publication of the
19 proclamation before the election date.

20
21 SECTION 7. Arkansas Code § 6-53-603(a)(2), concerning the date of
22 election for a tax levy called by a local board of a community college, is
23 amended to read as follows:

24 (2) ~~It~~ The tax may be reduced or repealed, with the exception of
25 the amount of tax required to service ~~any~~ an outstanding ~~bonds~~ bond, or the
26 tax may be increased upon approval ~~thereof~~ by a majority of the qualified
27 electors of the district voting on the issue at ~~an~~ the next election called
28 by the local board or acting local board to be held ~~at least thirty (30)~~
29 ~~calendar days after the local board or acting local board notifies the county~~
30 ~~boards of election commissioners~~ under § 7-11-304.

31
32 SECTION 8. Arkansas Code § 6-53-604(b), concerning dissolution of a
33 technical college district, is amended to read as follows:

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

36 (2) The Secretary of State, within ten (10) days of the receipt

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

6
 7 SECTION 9. Arkansas Code § 7-1-101(16), concerning the definition of
 8 "general or special election", is amended to read as follows:

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

14
 15 SECTION 10. Arkansas Code § 7-11-205 is amended to read as follows:
 16 7-11-205. Dates of special elections on measures and questions –
 17 Exceptions – Separate ballots.

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

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.~~

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

32 ~~(B)(2)~~ The portion of the ballot containing the special
 33 election shall be labeled with a heading stating "SPECIAL ELECTION ON

34 _____ " with
 35 a brief description of the measure or question to be decided in the election.

36 ~~(3)(c)~~ Separate ballots containing the issue or issues to be

1 voted on at the special election and candidates for nonpartisan judicial
2 office shall be prepared and made available to voters requesting a separate
3 ballot.

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

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

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

17
18 SECTION 11. Arkansas Code § 14-14-917(a)(2), concerning special
19 elections for referendum petition measures, is amended to read as follows:

20 (2) Referendum. Referendum petition measures may be submitted to the
21 electors during a regular general election and shall be submitted if the
22 adequacy of the petition is determined within the time limitation prescribed
23 in this section. A referendum measure may also be referred to the electors at
24 a special election called for the expressed purpose proposed by petition.
25 However, no referendum petition certified within the time limitations
26 established for initiative measures shall be referred to a special election,
27 but shall be voted upon at the next regular election. No referendum election
28 shall be held ~~less than sixty (60) days after the certification of adequacy~~
29 ~~of the petition by the county clerk~~ on a date under § 7-11-304.

30
31 SECTION 12. Arkansas Code § 14-20-108(a)(1)(B)(i)(b), concerning
32 special elections on the issue of the levy of volunteer fire department dues
33 on residences, is amended to read as follows:

34 (b)~~(1)~~ The issue may be placed on the ballot
35 at a special election by order of the quorum court in accordance with § 7-11-
36 201 et seq.

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

3
4 SECTION 13. Arkansas Code § 14-47-140(d), concerning special elections
5 for mayor, is amended to read as follows:

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

9
10 SECTION 14. Arkansas Code § 14-48-104(b), concerning special elections
11 after submission of governmental form question to electors, is amended to
12 read as follows:

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

19
20 SECTION 15. Arkansas Code § 14-57-704(a)(2), concerning special
21 elections for the levy of a vehicle tax, is amended to read as follows:

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

26
27 SECTION 16. Arkansas Code § 14-61-113(1)(C), concerning special
28 elections called by petition, is amended to read as follows:

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

35
36 SECTION 17. Arkansas Code § 14-120-102(a), concerning elections in

1 certain combination levee and drainage districts, is amended to read as
2 follows:

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

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

11

12 SECTION 18. Arkansas Code § 14-122-104 is amended to read as follows:

13 14-122-104. Filing referendum petitions – Special election.

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

24

25 SECTION 19. Arkansas Code § 14-125-302(c)(2)(A), concerning election
26 dates for board of directors of conservation districts, is amended to read as
27 follows:

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

- 33 Boone Little River
- 34 Carroll Logan
- 35 Clark Lonoke
- 36 Clay Poinsett

1	<i>Cleburne</i>	<i>Polk</i>
2	<i>Cleveland</i>	<i>Saline</i>
3	<i>Columbia</i>	<i>Scott</i>
4	<i>Conway</i>	<i>Searcy</i>
5	<i>Crawford</i>	<i>St. Francis</i>
6	<i>Cross</i>	<i>White</i>
7	<i>Fulton</i>	<i>Woodruff</i>
8	<i>Greene</i>	<i>Yell</i>
9	<i>Jefferson</i>	

10

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

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

20

21 *SECTION 21. Arkansas Code § 14-284-212(g)(2)(B), concerning elections*
22 *to approve increased assessments in fire protection districts outside of*
23 *cities and towns, is amended to read as follows:*

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

28

29 *SECTION 22. Arkansas Code § 14-286-103(a), concerning special*
30 *elections on the question of the establishment and financing of a red*
31 *imported fire ant abatement district, is amended to read as follows:*

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

1 11-304.

2
3 SECTION 23. Arkansas Code § 14-386-403(a), concerning elections on
4 enclosures in fencing districts, is amended to read as follows:

5 (a) The county court shall in the same publication prescribed by § 14-
6 386-402 give notice of and cause an election to be held ~~within thirty (30)~~
7 ~~days of the date of~~ on the next special election date under § 7-11-304 the
8 filing of the petition, in the townships or parts of townships included in
9 the petition, where the question of the creation of the proposed fencing
10 district shall be submitted to the qualified electors living or owning land
11 in the proposed district.

12
13 SECTION 24. Arkansas Code § 15-43-204(a)(1), concerning local
14 elections to redetermine doe killing areas, is amended to read as follows:

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

24
25 SECTION 25. Arkansas Code § 23-111-306(b)(1), concerning referendum
26 elections on continuing greyhound racing, is amended to read as follows:

27 (b)(1) The date of the special election shall be fixed by the board ~~on~~
28 ~~a day not more than ninety (90) days following the date of filing the~~
29 ~~petitions~~ under § 7-11-304. The deposit of the funds as provided in
30 subsection (a) of this section and the election shall be conducted and shall
31 be subject to contest under the general election laws of this state.

32
33 SECTION 26. Arkansas Code § 23-113-201(a)(2)(E), concerning elections
34 to conduct wagering on electronic games of skill, is amended to read as
35 follows:

36 (E) The election shall be held ~~no earlier than thirty-one~~

1 ~~(31) calendar days, and no later than one hundred twenty (120) calendar days,~~
2 ~~after the effective date of the ordinance in which the election is called by~~
3 ~~the governing body at the next special election date after the ordinance is~~
4 ~~filed under § 7-11-304.~~

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/s/D. Wallace