

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: H2/14/19

A Bill

HOUSE BILL 1402

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

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE DATES FOR
10 CERTAIN SPECIAL ELECTIONS; TO PROMOTE VOTER TURNOUT;
11 AND FOR OTHER PURPOSES.
12
13

Subtitle

15 TO AMEND THE LAW CONCERNING THE DATES FOR
16 CERTAIN SPECIAL ELECTIONS; AND TO PROMOTE
17 VOTER TURNOUT.
18
19

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

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

24 7-11-304. Dates of special elections.

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

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

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

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

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



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

4 (e)(1) An emergency special election may be held on a date other than
5 the dates specified under subsections (b) and (c) of this section.

6 (2) As used in this section "emergency" means:

7 (A) Either a substantial change in:

8 (i) The interpretation of the law by the federal or
9 state courts which if not addressed by an election will render the governing
10 entity incapable of performing its lawful duties and obligations;

11 (ii) Circumstances due to a fire, flood, tornado, or
12 other natural disaster which if not addressed by an election will render the
13 governing entity financially incapable of performing its lawful duties and
14 obligations; or

15 (iii) Circumstances determined by the governing body
16 of the entity requesting the election to be an imminent danger to public
17 health and safety; and

18 (B) A delay of the special election that, until the next
19 date under subsections (b) and (c) of this section, would cause a substantial
20 and undue hardship to the governing entity.

21
22 SECTION 2. Arkansas Code § 3-8-205(d)(3), concerning an election date
23 by petition regarding local option, is amended to read as follows:

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

29
30 SECTION 3. Arkansas Code § 6-14-122(b), concerning dates for elections
31 regarding the consolidation, annexation, or merger of school districts, is
32 amended to read as follows:

33 (b) The boards of directors of the school districts may, by resolution
34 duly adopted and with the approval of the Commissioner of Education, set a
35 date for the annual school election in that year for the school districts
36 involved on a date ~~other than the date set in § 6-14-102 for all school~~

1 ~~districts~~ under § 7-11-304, provided only one (1) annual school election may
2 be held in any school district in ~~one (1) a~~ a calendar year.

3
4 SECTION 4. Arkansas Code § 6-53-602(b)(2), concerning publication of
5 proclamation by a community college, is amended to read as follows:

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

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

12
13 SECTION 5. Arkansas Code § 6-53-603(a)(2), concerning the date of
14 election for a tax levy called, is amended to read as follows:

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

22
23 SECTION 6. Arkansas Code § 6-53-604(b), concerning dissolution of a
24 technical college district, is amended to read as follows:

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

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

33
34 SECTION 7. Arkansas Code § 7-1-101(16), concerning the definition of
35 "general or special election", is amended to read as follows:

36 (16) "General or special election" means the regular biennial or

1 annual election for election of United States, state, district, county,
2 township, and municipal officials and the special elections to fill
3 vacancies therein and special elections to approve any measure. ~~The term as~~
4 ~~used in this act shall not apply to school elections for officials of school~~
5 ~~districts;~~

6
7 SECTION 8. Arkansas Code § 7-11-205 is amended to read as follows:

8 7-11-205. Dates of special elections on measures and questions -
9 Exceptions - Separate ballots.

10 ~~(a)(1)(A) Except as provided in subdivision (a)(1)(B) of this section,~~
11 ~~all special elections on measures or questions~~ A special election on a
12 measure or a question shall be held ~~on the second Tuesday of any month,~~
13 ~~except special elections held under this section in a month in which a~~
14 ~~preferential primary election, general primary election, or general election~~
15 ~~is scheduled to occur, which shall be held on the date of the preferential~~
16 ~~primary election, general primary election, or general election~~ under § 7-11-
17 304.

18 ~~(B) Special elections scheduled to occur in a month in~~
19 ~~which the second Tuesday is a legal holiday shall be held on the third~~
20 ~~Tuesday of the month.~~

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

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

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

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

35 ~~(b)(1) A special election shall be held not less than seventy (70)~~
36 ~~days following the date that the proclamation, ordinance, resolution, order,~~

1 ~~or other authorized document is filed with the county clerk when the special~~
2 ~~election is to be held on the date of the preferential primary election or~~
3 ~~general election.~~

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

9
10 SECTION 9. Arkansas Code § 14-14-917(a)(2), concerning special
11 elections for referendum petition measures, is amended to read as follows:

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

23
24 SECTION 10. Arkansas Code § 14-20-108(a)(1)(B)(i)(b), concerning
25 special elections on the issue of the levy of volunteer fire department dues
26 on residences, is amended to read as follows:

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

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

32
33 SECTION 11. Arkansas Code § 14-47-140(d), concerning special elections
34 for mayor, is amended to read as follows:

35 (d) The special election shall be held ~~not less than thirty (30) days~~
36 ~~nor more than one hundred twenty (120) days after the proclamation at the~~

1 next special election date under § 7-11-304.

2

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

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

12

13 SECTION 13. Arkansas Code § 14-57-704(a)(2), concerning special
14 elections for the levy of a vehicle tax, is amended to read as follows:

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

19

20 SECTION 14. Arkansas Code § 14-61-113(1)(C), concerning special
21 elections called by peitition, is amended to read as follows:

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

28

29 SECTION 15. Arkansas Code § 14-120-102(a), concerning elections in
30 certain combination levee and drainage districts, is amended to read as
31 follows:

32 (a)(1) ~~There~~ An election shall be held ~~an election~~ annually on the
33 Tuesday next after the first Monday in May in all combination levee and
34 drainage districts where the boundaries of the districts embrace all of the
35 lands within the corporate limits of a city of the first class and no lands
36 situated more than three (3) miles from the corporate limits, for the

1 election of one (1) member of the board of improvement.

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

4

5 SECTION 16. Arkansas Code § 14-122-104 is amended to read as follows:

6 14-122-104. Filing referendum petitions – Special election.

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

17

18 SECTION 17. Arkansas Code § 14-125-302(c)(2)(A), concerning election
19 dates for board of directors of conservation districts, is amended to read as
20 follows:

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

26	Boone	Little River
27	Carroll	Logan
28	Clark	Lonoke
29	Clay	Poinsett
30	Cleburne	Polk
31	Cleveland	Saline
32	Columbia	Scott
33	Conway	Searcy
34	Crawford	St. Francis
35	Cross	White
36	Fulton	Woodruff

1 Greene Yell
2 Jefferson

3

4 SECTION 18. Arkansas Code § 14-201-316(a), concerning election of
5 members of the board of public utilities, is amended to read as follows:

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

13

14 SECTION 19. Arkansas Code § 14-284-212(g)(2)(B), concerning elections
15 to approve increased assessments in fire protection districts outside of
16 cities and towns, is amended to read as follows:

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

21

22 SECTION 20. Arkansas Code § 14-286-103(a), concerning special
23 elections on the question of the establishment and financing of a red
24 imported fire ant abatement district, is amended to read as follows:

25 (a) The special election called by the county court to submit the
26 question of the establishment and financing of a red imported fire ant
27 abatement district to the electors of the proposed district shall be held in
28 accordance with § 7-11-201 et seq. ~~no later than ninety (90) days after the~~
29 ~~proclamation of the election and~~ at the next special election date under § 7-
30 11-304.

31

32 SECTION 21. Arkansas Code § 14-386-403(a), concerning elections on
33 enclosures in fencing districts, is amended to read as follows:

34 (a) The county court shall in the same publication prescribed by § 14-
35 386-402 give notice of and cause an election to be held ~~within thirty (30)~~
36 ~~days of~~ on the next special election date under § 7-11-304 after the date of

1 the filing of the petition, in the townships or parts of townships included
2 in the petition, where the question of the creation of the proposed fencing
3 district shall be submitted to the qualified electors living or owning land
4 in the proposed district.

5
6 SECTION 22. Arkansas Code § 15-43-204(a)(1), concerning local
7 elections to redetermine doe killing areas, is amended to read as follows:

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

17
18 SECTION 23. Arkansas Code § 23-111-306(b)(1), concerning referendum
19 elections on continuing greyhound racing, is amended to read as follows:

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

25
26 SECTION 24. Arkansas Code § 23-113-201(a)(2)(E), concerning elections
27 to conduct wagering on electronic games of skill, is amended to read as
28 follows:

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

34
35 SECTION 25. DO NOT CODIFY. Applicability.

36 This act shall become effective contingent upon sufficient

1 appropriation and funding, and the implementation of adequate and updated
2 voting equipment throughout the counties of this state.

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/s/Gonzales