

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

As Engrossed: H2/25/19

A Bill

HOUSE BILL 1420

5 By: Representative Boyd
6 By: Senator B. Ballinger
7

For An Act To Be Entitled

8
9 AN ACT TO AMEND CANDIDATE FILING AND PETITION
10 CIRCULATION PERIODS; TO DECLARE AN EMERGENCY; AND FOR
11 OTHER PURPOSES.
12
13

Subtitle

14
15 TO AMEND CANDIDATE FILING AND PETITION
16 CIRCULATION PERIODS; AND TO DECLARE AN
17 EMERGENCY.
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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 § 6-14-111(e)(1), concerning the circulation
23 period and filing of a petition for election to a school district board of
24 directors, is amended to read as follows:

25 (e)(1) The petition, affidavit of eligibility, and the candidate's
26 political practices pledge shall be filed with the county clerk as follows:

27 (A)(i) ~~During~~ For even-numbered years, during the party
28 filing period as set forth in § 7-7-203 for school elections held
29 concurrently with a preferential primary election;

30 (ii) For odd-numbered years, during the dates that
31 would be the filing period as forth in 7-7-203 if a preferential primary and
32 general election were to be held in that year; or

33 (B) During a one-week period ending at 12:00 noon ~~ninety~~
34 ~~(90) days before the election for~~ on August 1 for school elections held ~~in~~
35 ~~odd years or concurrently with a general election~~ on the first Tuesday
36 following the first Monday in November.



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SECTION 2. Arkansas Code § 6-14-111(f), concerning the circulation period and filing of a petition for election to a school district board of directors, is amended to read as follows:

(f)(1) Candidates may begin circulating petitions not earlier than ~~thirty (30)~~ ninety (90) days before the filing deadline under subdivision (e)(1) of this section.

(2) A signature dated more than ~~thirty (30)~~ ninety (90) days before the filing deadline under subdivision (e)(1) of this section shall not be counted by the county clerk as a valid signature.

SECTION 3. Arkansas Code § 6-14-111(h), concerning the circulation period and filing of a petition for election to a school district board of directors, is amended to read as follows:

(h)(1) The county board of election commissioners shall place on the ballot as candidates for school district director the names of any qualified registered voters whose political practices pledges and affidavits of eligibility have been filed and whose petitions have been filed with and verified by the county clerk of the county in which the school district is domiciled for administrative purposes.

(2) The county board of election commissioners shall not place the name of an unopposed candidate for school district director on the ballot during a school board election held concurrently with the preferential primary election or general election.

SECTION 4. Arkansas Code § 6-61-520(c)(2) and (3), concerning filing for candidacy for a local board of a community college, are amended to read as follows:

(2) Any person desiring to be a candidate for a position on the local board shall, ~~not later than 12:00 noon of the seventieth day prior to the annual school election at which the position on the board is to be filled or the eighty first day before the general election at which the position on the board is to be filled~~ during the respective filing period set forth in § 6-14-111(e)(1), file a notarized statement of such candidacy with the county clerk of each county of which any portion is in the community college district, in substantially the following form:

1 "State of Arkansas
 2 County of
 3 I,, being first duly sworn, state that I reside at
 4; that I am a resident and qualified elector of
 5 community college district; that I am a candidate for the office of position
 6 No..... on the local board of such community college, and I hereby request
 7 that my name be placed on the ballot as a candidate for such position at the
 8 coming general or annual school election.
 9 (Signed)
 10 Subscribed and sworn to before me this day of, 20
 11 (Signed) _____
 12 Notary Public".

13 (3)(A) At the time of filing the statement of candidacy, the
 14 candidate shall pay a ballot fee of three dollars (\$3.00) and shall file a
 15 petition containing the signatures of at least twenty-five (25) qualified
 16 electors of the district, requesting that the name of ~~such person~~ the
 17 candidate be placed on the ballot as a candidate for the position on the
 18 local board.

19 (B) Candidates may begin circulating petitions not earlier
 20 than ninety (90) days before the filing deadline under subdivision (c)(2) of
 21 this section.

23 SECTION 5. Arkansas Code § 7-5-205(3), concerning filing for write-in
 24 candidacy, is amended to read as follows:

25 (3) The notice of write-in candidacy, the political
 26 practices pledge, and the affidavit of eligibility are filed ~~no later than~~
 27 ~~the last day of~~ during the party filing period; and

29 SECTION 6. Arkansas Code § 7-5-207(a)(2)(A), concerning the unopposed
 30 candidates' names not required to appear on the general election ballot, is
 31 amended to read as follows:

32 (a)(2)(A) Except as provided in subdivision (a)(2)(B) of this section,
 33 unopposed candidates for all offices, including school board positions, shall
 34 be declared and certified elected without the necessity of including those
 35 names on the general election ballot.

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1 SECTION 7. Arkansas Code § 14-42-206(b)(1) and (2), concerning filing
 2 for independent candidacy for municipal office in cities and towns with the
 3 mayor-council form of government, are amended to read as follows:

4 (b)(1) Any person desiring to become an independent candidate for
 5 municipal office in cities and towns with the mayor-council form of
 6 government shall file ~~not more than one hundred two (102) days nor less than~~
 7 ~~eighty one (81) days before the general election by 12:00 noon~~ during a one-
 8 week period ending at 12:00 noon ninety (90) days before the general election
 9 with the county clerk the petition of nomination in substantially the
 10 following forms:

11 (A) For all candidates except council members in cities of
 12 the first class and cities of the second class:

13 "PETITION OF NOMINATION

14 We, the undersigned qualified electors of the city (town) of _____, Arkansas,
 15 being in number not less than ten (10) for incorporated towns and cities of
 16 the second class, and not less than thirty (30) for cities of the first
 17 class, do hereby petition that the name of _____ be placed on the ballot for
 18 the office of _____ (A candidate for council member in an incorporated
 19 town shall identify the position for which he or she is running) at the next
 20 election of municipal officials in 20____.

21 Printed Name:_____

22 Signature:_____

23 Street Address:_____

24 Date of Birth:_____

25 Date of Signing:_____".

26 (B) For candidates for council member elected by ward in
 27 cities of the first class and cities of the second class, the nominating
 28 petitions shall be signed only by qualified electors of the ward in the
 29 following manner:

30 "PETITION OF NOMINATION

31 We, the undersigned qualified electors of Ward _____ of the city of _____,
 32 Arkansas, being in number not less than ten (10) for cities of the second
 33 class, and not less than thirty (30) for cities of the first class, do hereby
 34 petition that the name of _____ be placed on the ballot for the office of
 35 council member, Ward _____, position _____, of the next election of municipal
 36 officials in 20 _____.

1 Printed Name:_____

2 Signature:_____

3 Street Address:_____

4 Date of Birth:_____

5 Date of Signing:_____”.

6 (C) For at-large candidates for council member of a ward
 7 in cities of the first class and cities of the second class, the nominating
 8 petitions shall be signed by a qualified elector of the city in the following
 9 manner:

10 “PETITION OF NOMINATION

11 We, the undersigned qualified electors of the city of _____, Arkansas, being
 12 in number not less than ten (10) for cities of the second class, and not less
 13 than thirty (30) for cities of the first class, do hereby petition that the
 14 name of _____ be placed on the ballot for the office of council member, Ward
 15 _____, position _____, of the next election of municipal officials in 20
 16 _____.

17 Printed Name:_____

18 Signature:_____

19 Street Address:_____

20 Date of Birth:_____

21 Date of Signing:_____”.

22 (2)(A) An independent candidate for municipal office may qualify
 23 by a petition, to be circulated no longer than ninety (90) days of not fewer
 24 than ten (10) electors for incorporated towns and cities of the second class
 25 and not fewer than thirty (30) electors for cities of the first class of the
 26 ward or city in which the election is to be held.

27 (B)(i) The county clerk shall determine no later than ten
 28 (10) days from filing whether the petition contains the names of a sufficient
 29 number of qualified electors and certify that no signatures are dated more
 30 than ninety (90) days before the filing of the petition.

31 (ii) The county clerk’s determination shall be made
 32 no less than seventy-five (75) days before the general election.

33 (C) The county clerk promptly shall notify the candidate
 34 of the result.

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SECTION 8. Arkansas Code § 14-116-303(a)(1) and (2), concerning the

1 nomination by petition of directors of water district boards, are amended to
2 read as follows:

3 (a)(1)(A) If a water district is composed of all or a portion of four
4 (4) or more counties, then nominations for directors shall be upon ~~petitions~~
5 a petition signed by at least fifty (50) qualified electors residing in the
6 area of the district from which the director is to be elected, to be
7 circulated for no longer than ninety (90) days.

8 (B) ~~This petition~~ The petition under subdivision (a)(1)(A)
9 of this section shall be filed with the county clerk ~~not later than 12:00~~
10 ~~noon on July 1 before the general election~~ during a one-week period ending at
11 12:00 noon ninety (90) days before the general election.

12 (2)(A) If a water district is composed of all or a portion of
13 less than four (4) counties, then nominations for directors shall be upon
14 ~~petitions~~ a petition signed by at least fifty (50) qualified electors, who
15 shall consist of those electors residing in all or part of any precinct in
16 the service area of the customers of the district from which the director is
17 to be elected.

18 (B) ~~This petition~~ The petition under subdivision (a)(2)(A)
19 of this section shall be circulated no longer than ninety (90) days and filed
20 with the county clerk ~~not later than 12:00 noon on July 1 before the general~~
21 ~~election~~ during a one-week period ending at 12:00 noon ninety (90) days
22 before the general election.

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24 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the
25 General Assembly of the State of Arkansas that there is a need for uniform
26 candidate filing and petition circulation periods; that if there is a delay
27 in implementation, some candidate filing and petition circulation periods may
28 be disrupted by the change in the middle of a candidate's campaign; and that
29 this act should become effective before candidates begin circulating
30 petitions and filing for candidacy in the 2019 November annual school
31 elections. Therefore, an emergency is declared to exist, and this act being
32 necessary for the preservation of the public peace, health, and safety shall
33 become effective on July 1, 2019.

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/s/Boyd