

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

*As Engrossed: H3/7/19*

# A Bill

HOUSE BILL 1460

5 By: Representatives Speaks, Berry, Bragg, Breaux, Capp, Cloud, Coleman, M. Davis, Deffenbaugh, Della  
6 Rosa, V. Flowers, Gazaway, M. Hodges, Hollowell, Lowery, Lynch, Maddox, Magie, Payton, Pilkington,  
7 Rye, Scott, Sorvillo, Sullivan, Tosh, Vaught, Wooten  
8 By: Senator Flippo  
9

## For An Act To Be Entitled

11 AN ACT TO AMEND THE LAW CONCERNING UNOPPOSED  
12 CANDIDATES; TO REQUIRE UNOPPOSED CANDIDATES TO APPEAR  
13 ON THE BALLOT; AND FOR OTHER PURPOSES.  
14  
15

### Subtitle

17 TO AMEND THE LAW CONCERNING UNOPPOSED  
18 CANDIDATES; AND TO REQUIRE UNOPPOSED  
19 CANDIDATES TO APPEAR ON THE BALLOT.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code § 7-5-207(a), concerning names included on  
25 ballots and ballot position, is amended to read as follows:

26 (a)(1) Except as provided in subdivision (a)(2) of this section, all  
27 election ballots provided by the county board of election commissioners of  
28 any county in this state for any election shall contain in the proper place  
29 the name of every candidate whose nomination for any office to be filled at  
30 that election has been certified to the county board of election  
31 commissioners and shall not contain the name of any candidate or person who  
32 has not been certified.

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



1           ~~(B)~~ The names of all unopposed candidates for the office  
2 of ~~mayor, governor, and circuit clerk~~ Mayor, Governor, and Circuit Clerk  
3 shall be separately placed on the general election ballot, and the votes for  
4 of ~~mayor, governor, and circuit clerk~~ Mayor, Governor, and Circuit Clerk  
5 shall be tabulated as in all contested races.

6           (B)(i) The names of all other unopposed candidates for all  
7 other offices, including without limitation the names of all unopposed write-  
8 in candidates, shall be grouped together on the ballot indicating the office  
9 and the name of the unopposed candidate.

10           (ii) The phrase "Unopposed Candidates" shall appear  
11 at the top of the list of the names of all unopposed candidates.

12           (iii) Adjacent to the phrase "Unopposed Candidates"  
13 shall be a place in which the voter may cast a vote for all the candidates by  
14 placing an appropriate mark.

15           (C)(i) Votes received by an unopposed candidate in any  
16 election held in this state shall not be counted or tabulated by the election  
17 officials other than for the offices of Mayor, Governor, and Circuit Clerk.

18           (ii) All unopposed candidates other than for the  
19 offices of mayor, governor, and circuit clerk, shall be declared and  
20 certified as elected in the same manner as if the candidate had been voted  
21 upon at the election.

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23           SECTION 2. Arkansas Code § 7-5-315(a), concerning counting votes for  
24 unopposed and deceased candidates, is amended to read as follows:

25           (a)(1) The votes received by an unopposed candidate in any election  
26 held in this state shall not be counted or tabulated by the election  
27 officials. The word "UNOPPOSED" shall be inserted on the tally sheet to  
28 indicate that the candidate has received a majority of the votes cast in the  
29 election. However, the votes received by an unopposed candidate for the  
30 office of ~~mayor, governor, and circuit clerk~~ Mayor, Governor, and Circuit  
31 Clerk shall be counted and tabulated by the election officials.

32           (2) All other unopposed candidates shall be declared and  
33 certified as elected in the same manner as if the candidate had been voted  
34 upon at the election.

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36           SECTION 3. Arkansas Code § 7-7-304(d), concerning names to be included

1 on ballots and unopposed candidates, is amended to read as follows:

2 (d) When only one (1) candidate qualifies for a particular office or  
3 position, ~~it is not necessary for~~ the office or position and the name of the  
4 unopposed candidate ~~to~~ shall be printed on the political party's ballot in  
5 all primary elections.

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7 SECTION 4. Arkansas Code § 7-7-313 is amended to read as follows:  
8 7-7-313. Unopposed races.

9 If there is a primary election in which only one (1) candidate has  
10 filed for the position by a filing deadline and there are no other ballot  
11 issues to be submitted for consideration, the county board of election  
12 commissioners may ~~declare and certify the candidate as elected in the same~~  
13 ~~manner as if the candidate had been voted upon at the election~~ reduce the  
14 number of polling places or open no polling places on election day so that  
15 the election is conducted by absentee ballot and early voting only.

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17 SECTION 5. Arkansas Code § 7-11-107 is amended to read as follows:  
18 7-11-107. Unopposed candidates.

19 (a)(1) If there is only one (1) candidate after all deadlines for  
20 filing as a candidate have passed in a special election to fill a vacancy and  
21 if no other office or issue is on the ballot, the county board of election  
22 commissioners may ~~declare and certify the candidate as elected in the same~~  
23 ~~manner as if the candidate had been voted upon at the election,~~ provide that:

24 (A) Only one (1) polling place be open, and that polling  
25 place may be at the courthouse and may be staffed by the county clerk or as  
26 many poll workers as the county board of election commissioners deems  
27 necessary; or

28 (B) If the candidate is for municipal office, the  
29 provisions in subsection (c) of this section may be followed.

30 (2) If there is only one (1) candidate after all deadlines for  
31 filing as a candidate have passed in a special primary election to fill a  
32 vacancy, the county board of election commissioners shall certify the  
33 candidate as the nominee of the political party without holding a special  
34 primary election for the political party.

35 (b) If there is only one (1) candidate after all deadlines for filing  
36 as a candidate have passed, in a county that uses voting machines or an

1 electronic vote tabulating device, the county board of election commissioners  
2 may:

3 (1) Choose to use paper ballots counted by hand for the  
4 election; and

5 (2) Provide that only one (1) voting machine be made available  
6 at one (1) polling place.

7 (c)(1) If there is only one (1) candidate for municipal office after  
8 all the deadlines for filing as a candidate have passed in a special election  
9 to fill a vacancy and if no other office or issue is on the ballot, the  
10 county board of election commissioners may ~~declare and certify the candidate~~  
11 ~~as elected in the same manner as if the candidate had been voted upon at the~~  
12 ~~election.~~

13 (A) Declare an election by candidate to be held on the  
14 election date;

15 (B) Open no polling places; and

16 (C) Allow the candidate to cast a ballot for himself or  
17 herself at a designated time and location on the special election day.

18 (2) If an election by candidate is to be held, the county board  
19 of election commissioners shall publish notice that an election by candidate  
20 shall be held and polling places shall not be opened:

21 (A) By placing one (1) insertion in a newspaper of general  
22 circulation in the county or municipality at least two (2) weeks before the  
23 special election day; and

24 (B) By posting a notice on the door of each polling place  
25 on the special election day.

26 (3) After the candidate casts a ballot for himself or herself at  
27 an election by candidate, the candidate shall be declared elected.

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*/s/Speaks*