

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

A Bill

SENATE BILL 445

5 By: Senator T. Garner
6 By: Representative G. Hodges
7

For An Act To Be Entitled

9 AN ACT TO PROVIDE FOR A MARCH PRIMARY ELECTION ON
10 YEARS IN WHICH THE OFFICE OF PRESIDENT OF THE UNITED
11 STATES WILL BE VOTED ON; TO AMEND ARKANSAS LAW
12 CONCERNING THE DATES OF THE GENERAL PRIMARY ELECTION,
13 PREFERENTIAL PRIMARY ELECTION, AND CERTAIN ANNUAL
14 SCHOOL ELECTIONS; TO AMEND THE PERIOD FOR FILING AS A
15 CANDIDATE FOR A PRIMARY ELECTION; TO AMEND THE TIME
16 FOR THE GENERAL ASSEMBLY TO MEET IN FISCAL SESSION;
17 AND FOR OTHER PURPOSES.
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Subtitle

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21 TO PROVIDE FOR A MARCH PRIMARY ELECTION
22 ON YEARS IN WHICH THE OFFICE OF PRESIDENT
23 OF THE UNITED STATES WILL BE VOTED ON;
24 AND TO AMEND THE TIME FOR THE GENERAL
25 ASSEMBLY TO MEET IN FISCAL SESSION.
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28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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30 SECTION 1. Arkansas Code § 6-14-102(a)(1)(A), concerning the dates of
31 an annual school election, is amended to read as follows:

32 (a)(1)(A) The annual school election shall be held in each school
33 district of the state ~~on the~~

34 ~~(i) Date of the preferential primary election in~~
35 ~~even numbered years and the date that would be designated as the preferential~~
36 ~~primary election in odd numbered years if a general election were held in the~~



1 ~~odd-numbered year; or:~~

2 ~~(ii)~~(i) In even-numbered years, on the date of the:

3 (a) Preferential primary election; or

4 (b) General election; and

5 (ii) In odd numbered years, on the:

6 (a) First Tuesday following the first Monday
 7 in November of each year; or

8 (b) Third Tuesday in May.

9
 10 SECTION 2. Arkansas Code § 7-7-203(a)-(c), concerning the dates of the
 11 general primary election and preferential primary election, are amended to
 12 read as follows:

13 (a) The general primary election shall be held ~~on:~~

14 (1) For years in which the office of Governor will appear on the
 15 ballot at the general election, on the third Tuesday in June preceding the
 16 general election; and

17 (2) For years in which the office of President of the United
 18 States will appear on the ballot at the general election, on the Tuesday four
 19 (4) weeks following the preferential primary election.

20 (b) The preferential primary election shall be held ~~on:~~

21 (1) For years in which the office of Governor will appear on the
 22 ballot at the general election, on the Tuesday four (4) weeks before the
 23 general primary election; and

24 (2) For years in which the office of President of the United
 25 States will appear on the ballot at the general election, on the first
 26 Tuesday after the first Monday in March.

27 (c)(1) The party filing period shall be a one-week period beginning
 28 and ending on the following dates and times:

29 (A) For years in which the office of Governor will appear
 30 on the ballot at the general election, beginning at 12:00 noon one (1) week
 31 prior to the first day in March and ending at 12:00 noon on the first day in
 32 March and beginning at 12:00 noon one (1) week prior to the first day in
 33 March; and

34 (B) For years in which the office of President of the
 35 United State will appear on the ballot at the general election, beginning at
 36 12:00 noon on the first Monday in November preceding the general primary

1 election and ending at 12:00 noon on the seventh day thereafter.

2 (2) Party pledges, if any, and affidavits of eligibility shall
3 be filed, any filing fees of a political party, if any, shall be paid, and
4 party certificates shall be issued by the party during regular office hours
5 during the party filing period.

6 (3) A party certificate and the political practices pledge shall
7 be filed with the county clerk or the Secretary of State, as the case may be,
8 during regular office hours during the party filing period.

9 (4) The name of a candidate who fails to file a party
10 certificate and political practices pledge by the filing deadline with the
11 Secretary of State or county clerk, as the case may be, shall not appear on
12 the ballot.

13 (5) Party pledges, if any, shall be filed, filing fees, if any,
14 shall be paid, and party certificates and political practice pledges shall be
15 filed for special primary elections on or before the deadline established by
16 proclamation of the Governor or other entity authorized to call a special
17 primary election.

18
19 SECTION 3. Arkansas Code § 7-7-304(a) and (b), concerning names to be
20 included on ballots, are amended to read as follows:

21 (a)(1) ~~Not less than seventy five (75) days before each preferential~~
22 ~~primary election, the~~ The Secretary of State shall certify to all county
23 boards of election commissioners full lists of the names of all candidates
24 who have filed party certificates with him or her to be placed on the ballots
25 in their respective counties at the preferential primary election not less
26 than:

27 (A) Seventy-five (75) days before a preferential primary
28 election that is held in May under § 7-7-203; and

29 (B) Ninety-two (92) days before a preferential primary
30 election that is held in March under § 7-7-203.

31 (2) A name of a person shall not be certified and shall not be
32 placed on the ballot if prior to the certification deadline a candidate:

33 (A) Notifies the Secretary of State in writing, signed by
34 the candidate and acknowledged before an officer authorized to take
35 acknowledgements, of his or her desire to withdraw as a candidate for the
36 office or position; or

1 (B) Dies.

2 (b)(1) ~~Not less than seventy five (75) days before each preferential~~
 3 ~~primary election, the~~ The county clerk shall certify to the county board of
 4 election commissioners full lists of the names of all candidates who have
 5 filed party certificates with him or her to be placed on the ballot at the
 6 preferential primary election not less than:

7 (A) Seventy-five (75) days before a preferential primary
 8 election that is held in May under § 7-7-203; and

9 (B) Ninety-two (92) days before a preferential primary
 10 election that is held in March under § 7-7-203.

11 (2) A name of a person shall not be certified and shall not be
 12 placed on the ballot if prior to the certification deadline a candidate:

13 (A) Notifies the county clerk in writing, signed by the
 14 candidate and acknowledged before an officer authorized to take
 15 acknowledgements, of his or her desire to withdraw as a candidate for the
 16 office or position; or

17 (B) Dies.

18
 19 SECTION 4. Arkansas Code § 7-7-305(b), concerning printing of ballots,
 20 is amended to read as follows:

21 (b)(1) The order in which the names of the respective candidates are
 22 to appear on the ballots at all preferential and general primary elections
 23 shall be determined by lot at the public meeting of the county board of
 24 election commissioners held not later than ~~seventy-two;~~

25 (A) Seventy-two (72) days before the a preferential
 26 primary election that is held in May under § 7-7-203; and

27 (B) Eighty-nine (89) days before a preferential primary
 28 election that is held in March under § 7-7-203.

29 (2) The county board of election commissioners shall give at
 30 least ten (10) days' written notice of the time and place of the meeting to
 31 the chairs of the county committees if the chairs are not members of the
 32 county board of election commissioners, and at least three (3) days before
 33 the meeting, shall publish notice of the time and place of holding the
 34 meeting in some newspaper of general circulation in the county.

1 SECTION 5. Arkansas Code § 10-2-101(b)(1), concerning the timing of
2 the fiscal session of the General Assembly, is amended to read as follows:

3 (b)(1) The General Assembly shall meet in a fiscal session ~~at 12:00~~
4 ~~noon on the second Monday in February of each even-numbered year~~ to consider
5 appropriation bills in each even-numbered year at 12:00 noon on the:

6 (A) Second Monday in February in years in which the
7 preferential primary election is held in May under § 7-7-203; and

8 (B) Second Wednesday in April in years in which the
9 preferential primary election is held in March under § 7-7-203 .

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11 SECTION 6. Arkansas Code § 10-2-112(a), concerning the prefiling of
12 bills and resolutions, is amended to read as follows:

13 (a)(1) The Chief Clerk of the House of Representatives and the
14 Secretary of the Senate, under the direction and supervision of the Speaker
15 of the House of Representatives and the President Pro Tempore of the Senate,
16 shall establish a system for the prefiling of bills and resolutions beginning
17 on:

18 (A) November 15 of each year preceding a regular session
19 of the General Assembly; ~~and~~

20 (B) ~~(i)~~ The second Monday of January of each year of a
21 fiscal session of the General Assembly which is held in a year in which the
22 preferential primary election is held in May under § 7-7-203; and

23 (C) The second Monday of March of each year of a fiscal
24 session of the General Assembly which is held in a year in which the
25 preferential primary election is held in March under § 7-7-203.

26 ~~(ii)~~(2) A nonappropriation bill may not be prefiled
27 prior to a fiscal session due to the requirement in Arkansas Constitution,
28 Amendment 86, that a concurrent resolution be approved by a vote of two-
29 thirds (2/3) of the members elected to each house before either body may
30 consider a nonappropriation bill.

31 ~~(2)~~(3) Under that pre-session filing system, each member-elect of
32 the General Assembly and holdover member of the Senate who will be serving at
33 the next-following regular session of the General Assembly shall be permitted
34 to prefile bills and resolutions for the next regular session as soon as the
35 members-elect of the next General Assembly are certified to the Secretary of
36 State.

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2 SECTION 7. Arkansas Code § 10-3-2104(d)(3), concerning findings and
3 recommendations of the House Committee on Education and the Senate Committee
4 on Education, is amended to read as follows:

5 ~~(3) By November 1 of the calendar year before the beginning of a~~
6 ~~fiscal session, if~~ If the House Committee on Education and the Senate
7 Committee on Education find that the recommendations in the most recent
8 adequacy evaluation report filed under this section should be amended, the
9 House Committee on Education and the Senate Committee on Education, jointly
10 or separately, or both, shall advise in writing the President Pro Tempore of
11 the Senate and the Speaker of the House of Representatives of their findings
12 and amendments to the adequacy evaluation report:

13 (A) By November 1 of the calendar year before the
14 beginning of a fiscal session that is held in a year in which the
15 preferential primary election is held in May under § 7-7-203; and

16 (B) By March 1 of the calendar year before the beginning
17 of a fiscal session that is held in a year in which the preferential primary
18 election is held in March under § 7-7-203.

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20 SECTION 8. Arkansas Code § 14-42-206(a)(1), concerning resolutions
21 requesting that county political party committees conduct party primaries, is
22 amended to read as follows:

23 (a)(1) The city or town council of any city or town with the mayor-
24 council form of government, ~~by resolution passed before January 1 of the year~~
25 ~~of the election,~~ may request the county party committees of recognized
26 political parties under the laws of the state to conduct party primaries for
27 municipal offices for the forthcoming year by resolution passed:

28 (A) Before January 1 of the year of the election, if the
29 election will occur in a year in which the preferential primary election is
30 held in May under § 7-7-203; and

31 (B) No less than sixty (60) days before the party filing
32 period begins under § 7-7-203, if the election will occur in a year in which
33 the preferential primary election is held in March under § 7-7-203.

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35 SECTION 9. Arkansas Code § 19-4-304(b), concerning the submission of
36 the annual revenue forecast to the Legislative Council by the Director of the

1 Department of Finance and Administration, is amended to read as follows:

2 (b) The director shall submit the annual revenue forecast to the
3 Legislative Council:

4 (1) By December 1 of the year preceding a fiscal session that is
5 held in a year in which the preferential primary election will be held in May
6 under § 7-7-203; and

7 (2) By February 1 of a year preceding a fiscal session that is
8 held in a year in which the preferential primary election is held in March
9 under § 7-7-203; and

10 (3) No later than sixty (60) days before the start of a regular
11 session.

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