

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

As Engrossed: H2/14/23

# A Bill

HOUSE BILL 1399

5 By: Representatives Cavanaugh, Bentley, K. Brown, C. Cooper, Cozart, Eaves, C. Fite, Gramlich, Haak,  
6 G. Hodges, Ladyman, Long, Lynch, McGrew, Milligan, Painter, Rye, Warren, *Burkes*  
7 By: Senators Flippo, B. Davis, K. Hammer, Hester, M. McKee, C. Penzo, J. Petty  
8

## For An Act To Be Entitled

9  
10 AN ACT TO AMEND THE LAW REGARDING PUBLICATION  
11 REQUIREMENTS FOR COUNTIES AND MUNICIPALITIES; TO  
12 AMEND THE LAW CONCERNING ELECTIONS; TO AMEND THE LAW  
13 CONCERNING MUNICIPAL ORDINANCES; TO AMEND THE LAW  
14 CONCERNING COUNTIES; TO AMEND THE LAW CONCERNING THE  
15 POSTING OF LISTS OF TAX-DELINQUENT LAND REAL AND  
16 PERSONAL PROPERTY; AND FOR OTHER PURPOSES.  
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## Subtitle

19  
20 TO AMEND THE LAW REGARDING PUBLICATION  
21 REQUIREMENTS FOR COUNTIES AND  
22 MUNICIPALITIES; TO AMEND THE LAW  
23 CONCERNING ELECTIONS; AND TO AMEND THE  
24 LAW CONCERNING TAX DELINQUENCY LISTS.  
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26

27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
28

29 SECTION 1. Arkansas Code § 7-5-101(e)(2)(C), concerning the  
30 establishment and alteration of precinct boundaries, polling sites, and vote  
31 centers, is amended to read as follows:

32 (C) Notice of a change made to a vote center location  
33 shall be posted at the vote center location used in the last election, and  
34 except for school elections and special elections, the notice shall be  
35 published ~~in a newspaper of general circulation in the county~~ on a website as  
36 defined in § 14-14-117 at least fifteen (15) days before the election.



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SECTION 2. Arkansas Code § 7-5-202(a)(1), concerning public notice of elections, is amended to read as follows:

(a)(1) It shall be the duty of the county board of election commissioners at least eight (8) days before the beginning of early voting for a preferential primary, general primary, general election, general runoff, school, or special election to give public notice ~~in a newspaper of general circulation in the county~~ by publication on a website as defined in § 14-14-117 of:

- (A) The date of the election;
- (B) The hours of voting on election day;
- (C) The places and times for early voting;
- (D) Polling sites for holding the elections in the county;
- (E) The candidates and offices to be elected at that time;
- (F) The time and location of the opening, processing,

canvassing, and counting of ballots;

(G) The location where lists of appointed election officials, deputy county clerks, or additional deputies hired to conduct early voting can be found and the dates the lists are available; and

(H) Directions for filing a written objection to the service of an election official, deputy county clerk, or additional deputy.

SECTION 3. Arkansas Code § 7-5-202(b)(1), concerning public notice of elections, is amended to read as follows:

(b)(1) At least five (5) days before a preferential primary, general primary, general election, general runoff, school election, or special election, a copy of the public notice may be posted at each polling site fixed for holding the election and shall be published ~~in a newspaper of general circulation in the county~~ on a website as defined in § 14-14-117.

SECTION 4. Arkansas Code § 7-5-207(c)(2), concerning ballots, names included on ballots, and the draw for ballot position, is amended to read as follows:

(2) Notice of the public meeting shall be ~~given by publication in a newspaper of general circulation in the county~~ published on a website as defined in § 14-14-117 at least three (3) days before the drawing.

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SECTION 5. Arkansas Code § 7-5-509(a)(2), concerning voting machines used for demonstration, is amended to read as follows:

(2) Public notice of the times and places where voting machines will be exhibited shall be given at least forty-eight (48) hours before the first date of demonstration by publication ~~one (1) time in one (1) or more daily or weekly newspapers published in the town, city, or county using the machines if a newspaper is published in the town, city, or county~~ on a website as defined in § 14-14-117.

SECTION 6. Arkansas Code § 7-5-515(c)(2)(A), concerning the preparation of voting machines for an election, including logic and accuracy testing and public testing, is amended to read as follows:

(A) The county board of election commissioners shall give public notice of the time and place of the test at least forty-eight (48) hours prior to the public test by publication ~~one (1) time in one (1) or more daily or weekly newspapers published in the town, city, or county using the machines if a newspaper is published in the town, city, or county~~ on a website as defined in § 14-14-117;

SECTION 7. Arkansas Code § 7-5-516 is amended to read as follows:  
7-5-516. Notice to candidates of preparation – Rules and statutes unaffected.

Before the county board of election commissioners begins the preparation of the machines for any election, it shall publish a notice ~~in a newspaper of general circulation in the county~~ on a website as defined in § 14-14-117 stating:

(1) The time and place the machines will be prepared for the election; and

(2) A time at which one (1) representative of each candidate may inspect to see that the machines are in proper condition for use in the election.

SECTION 8. Arkansas Code § 7-5-611(b)(1), concerning preparation of electronic vote tabulating devices, tests, and disposition of voting materials, is amended to read as follows:

1           (1) The county board of election commissioners shall provide  
2 public notice of the time and place of the public test at least forty-eight  
3 (48) hours prior thereto by publication ~~one (1) time in one (1) or more daily~~  
4 ~~or weekly newspapers published in the town, city, or county using the~~  
5 ~~devices, if a newspaper is published therein~~ on a website as defined in § 14-  
6 14-117;  
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8           SECTION 9. Arkansas Code § 7-7-305(b)(2), concerning printing of  
9 ballots, their form, and the draw for ballot position, is amended to read as  
10 follows:

11           (2) The county board of election commissioners shall give at  
12 least ten (10) days' written notice of the time and place of the meeting to  
13 the chairs of the county committees if the chairs are not members of the  
14 county board of election commissioners, and at least three (3) days before  
15 the meeting, shall publish notice of the time and place of holding the  
16 meeting ~~in some newspaper of general circulation in the county~~ on a website  
17 as defined in § 14-14-117.  
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19           SECTION 10. Arkansas Code § 7-11-103(b), concerning filling vacancies  
20 in state, federal, or district offices, is amended to read as follows:

21           (b) The county board of election commissioners shall cause the  
22 proclamation, ordinance, resolution, order, or other authorized document to  
23 be published as soon as practicable ~~in a newspaper of general circulation in~~  
24 ~~the county in which the special election is held~~ on a website as defined in §  
25 14-14-117.  
26

27           SECTION 11. Arkansas Code § 7-11-104(b), concerning filling vacancies  
28 in local offices, is amended to read as follows:

29           (b) The county board of election commissioners shall cause the  
30 proclamation, ordinance, resolution, order, or other authorized document to  
31 be published as soon as practicable ~~in a newspaper of general circulation in~~  
32 ~~the county in which the special election is held~~ on a website as defined in §  
33 14-14-117.  
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35           SECTION 12. Arkansas Code § 7-11-202(b), concerning calling special  
36 elections on state measures or questions, is amended to read as follows:

1 (b) The county board of election commissioners shall publish the  
2 document as soon as practicable ~~in a newspaper of general circulation in the~~  
3 ~~county in which the special election is held~~ on a website as defined in § 14-  
4 14-117.

5  
6 SECTION 13. Arkansas Code § 7-11-203(b), concerning calling special  
7 elections on local measures or questions, is amended to read as follows:

8 (b) The county board of election commissioners shall publish the  
9 document as soon as practicable ~~in a newspaper of general circulation in the~~  
10 ~~county in which the special election is held~~ on a website as defined in § 14-  
11 14-117.

12  
13 SECTION 14. Arkansas Code Title 14, Chapter 14, Subchapter 1, is  
14 amended to add an additional section to read as follows:

15 14-14-117. Publication on website – Definition.

16 (a) Unless otherwise specifically provided, when a county government,  
17 official, agency, or department is required to publish on a website:

18 (1) The quorum court shall designate by ordinance the website on  
19 which the county's online publications will be posted, including the  
20 website's address or uniform resource locator;

21 (2) The publication shall remain on the website for at least  
22 three (3) years from the date on which it is posted on the website; and

23 (3) The website shall generate a proof of publication to the  
24 county official submitting the publication.

25 (b) As used in this section, "website" means a site on the internet:

26 (1) Owned by a county or a .gov website affiliated with the  
27 county;

28 (2) Identifiable by a specific website address or uniform  
29 resource locator;

30 (3) Accessible to the public at no cost; and

31 (4) Requiring no information or login from the user.

32 (c) No ordinance shall be deemed invalid because of the failure to  
33 remain continuously posted for three (3) years.

34  
35 SECTION 15. Arkansas Code § 14-14-905(b)(2), concerning adoption and  
36 amendment of ordinances generally, is amended to read as follows:

1 (2) Amendment to Existing Ordinances. No county ordinance shall  
2 be revised or amended, or the provisions thereof extended or conferred, by  
3 reference to its title only, but ~~so much thereof as is~~ the portion of the  
4 ordinance that is being revised, amended, extended, or conferred shall be  
5 reenacted and published ~~at length~~ on a website as defined in § 14-14-117.  
6

7 SECTION 16. Arkansas Code § 14-14-905(d)(1)(B), concerning adoption  
8 and amendment of ordinances generally, is amended to read as follows:

9 (B) The ordinances or amendments shall then be published  
10 by the county clerk ~~as prescribed by law~~ on a website as defined in § 14-14-  
11 117.  
12

13 SECTION 17. Arkansas Code § 14-14-917(c), concerning initiative and  
14 referendum elections, is amended to read as follows:

15 (c) Notice of Election.

16 (1) Initiative Petitions. Upon certification of any initiative  
17 or referendum petition measure submitted during the time limitations for a  
18 regular election, the county clerk shall ~~give notice through publication by a~~  
19 ~~two-time insertion, at not less than a seven-day interval, in a newspaper of~~  
20 ~~general circulation in the county or as provided by law. Publication notice~~  
21 ~~shall state~~ publish no later than five (5) days after certification, a notice  
22 on a website as defined in § 14-14-117 stating that the measure will be  
23 submitted to the electors for adoption or rejection at the next regular  
24 election and shall include the full text, the ballot title, and the official  
25 numeric designation of the measure.

26 (2) Referendum Petition. Upon certifying any referendum petition  
27 prior to the time limitations of filing measures established for a regular  
28 election, the county clerk shall ~~give notice through publication by a one-~~  
29 ~~time insertion in a newspaper of general circulation in the county or as~~  
30 ~~provided by law. Publication notice shall state~~ publish no later than five  
31 (5) days after certification, a notice on a website as defined in § 14-14-117  
32 stating that the measure will be submitted to the electors for adoption or  
33 rejection at the next regular election or a special election when ordered by  
34 the county court and shall include the full text, the ballot title, and the  
35 official numeric designation of the measure.

36 (3) Publication of Special Referendum Election Notice. Upon

1 filing of a special election order by the county court, the county clerk  
2 shall ~~give notice of the election through publication by a two time~~  
3 ~~insertion, at not less than a seven day interval, in a newspaper of general~~  
4 ~~circulation in the county or as provided by law. Publication shall state~~  
5 publish no later than five (5) days after certification, a notice on a  
6 website as defined in § 14-14-117 stating that the measure will be submitted  
7 to the electors for adoption or rejection at a special election and shall  
8 include the full text, the date of the election, the ballot title, and  
9 official numeric designation of the measure.

10 (4) Costs. ~~The~~ Any cost ~~of all publication to publish~~ notices  
11 required in this section shall be paid out of the county general fund.

12  
13 SECTION 18. Arkansas Code § 14-55-206(a), concerning publishing or  
14 posting requirements by a municipality, is amended to read as follows:

15 (a)(1)(A) All bylaws or ordinances of a general or permanent nature  
16 and all those imposing any fine, penalty, or forfeiture shall be published:

17 (i) ~~in some~~ In a newspaper published in the  
18 municipality; or

19 (ii) On a website as defined in § 14-55-209.

20 (B) In municipalities in which no newspaper is published,  
21 written or printed notice posted in five (5) of the most public places  
22 designated by the governing body in an ordinance or minutes of the governing  
23 body shall also be deemed a sufficient publication of any law or ordinance.

24 (2) It shall be deemed a sufficient defense to any suit or  
25 prosecution of such fine, penalty, or forfeiture imposed by law or ordinance  
26 to show that no notice was given ~~as provided herein~~ under this section.

27  
28 SECTION 19. Arkansas Code Title 14, Chapter 55, Subchapter 2, is  
29 amended to add an additional section to read as follows:

30 14-55-209. Publication on a website – Definition.

31 (a)(1) When authorized by law, a municipality may publish on a website  
32 designated by the governing body in an ordinance.

33 (2) The ordinance shall contain the address or uniform resource  
34 locator of the website designated by the governing body for online  
35 publication.

36 (3) The publication shall remain on the website for at least

1 three (3) years from the date on which it is posted on the website.

2 (4) The website shall generate a proof of publication to the  
3 municipal official submitting the publication.

4 (b) As used in this section, "website" means a site on the internet:

5 (1) Owned by the municipality or a .gov site affiliated with the  
6 municipality;

7 (2) Identifiable by a specific website address or uniform  
8 resource locator;

9 (3) Accessible to the public at no cost; and

10 (4) Requiring no information or login from the user.

11 (c) No ordinance shall be deemed invalid because of the failure to  
12 remain continuously posted for three (3) years.

13  
14 SECTION 20. Arkansas Code § 14-59-116 is amended to read as follows:

15 14-59-116. Annual publication of financial statement.

16 (a)(1)(A) The governing body of each municipality shall publish  
17 annually a financial statement of the municipality, including receipts and  
18 expenditures for the period and a statement of the indebtedness and financial  
19 condition of the municipality.

20 (B) The financial statement shall be published:

21 (i) ~~one~~ One (1) time in a newspaper published in the  
22 municipality; or

23 (ii) On a website as defined in § 14-55-209.

24 (2) ~~This~~ The financial statement shall be at least as detailed  
25 as the minimum record of accounts as provided in this chapter.

26 (3) ~~This~~ The financial statement shall be published by April 1  
27 of the following year.

28 (b) In municipalities in which no newspaper is published, posting the  
29 financial statement ~~shall be posted~~ in two (2) of the most public places in  
30 the municipality shall be considered sufficient publication.

31  
32 SECTION 21. Arkansas Code § 26-36-203 is amended to read as follows:

33 26-36-203. Publication of delinquent personal property tax list.

34 (a)(1)(A) No later than December 1 ~~in~~ of each year, the county  
35 collector shall prepare a list of delinquent personal property taxes ~~and~~  
36 ~~deliver a copy of the list to a legal newspaper of the county.~~



1                   ~~(B)(i) Within seven (7) days thereafter, the newspaper~~  
2 ~~shall publish the list.~~

3                   ~~(ii) The newspaper shall publish the list in at~~  
4 ~~least seven point type.~~

5                   ~~(C) If the newspaper regularly publishes a total market~~  
6 ~~coverage edition or supplement publication that has wider circulation within~~  
7 ~~the county or district, the newspaper may publish the list in that edition or~~  
8 ~~publication.~~

9                   ~~(2) If there is no newspaper in the county or district, the~~  
10 ~~publication shall be in the nearest newspaper having a general circulation in~~  
11 ~~the county or district for which the list is being published~~ The list shall  
12 be published on a website as defined in § 14-14-117.

13                   ~~(b) The publication shall show, besides the name of the taxpayer, the~~  
14 ~~taxpayer's school district and the total amount of taxes delinquent,~~  
15 ~~including penalties. The publication shall be in substance as follows:~~

16 ~~The personal Tax Books of ..... County reflect the following list of~~  
17 ~~personal property to be delinquent for nonpayment of taxes for the year~~  
18 ~~.....~~

<del>Name</del>	<del>School District No.</del>	<del>Amount Due</del>
<del>.....</del>	<del>.....</del>	<del>.....</del>
<del>(ACRON, R. J. ....</del>	<del>C 11 .....</del>	<del>\$21.35)</del>
<del>(B &amp; B MFG. CO. ..</del>	<del>S 1 .....</del>	<del>\$167.06)</del>

23 ~~STATE OF ARKANSAS~~  
24 ~~COUNTY OF .....~~

25 ~~I, ....., Collector of Revenue within and for ..... County in~~  
26 ~~the State of Arkansas, do hereby certify that the personal tax books of~~  
27 ~~..... County reflect the foregoing list of personal property to be~~  
28 ~~delinquent for nonpayment of taxes for the year ..... Witness my hand~~  
29 ~~this ..... day of ....., 20 .....~~

30 ~~COLLECTOR FOR ..... County, Arkansas~~  
31 ~~....."~~

32                   ~~(c)(1) The newspaper publishing this list shall receive as publication~~  
33 ~~cost the sum of one dollar and twenty five cents (\$1.25) per name, per~~  
34 ~~insertion, which sum, together with fifty cents (50¢) per name for the county~~  
35 ~~collector preparing and furnishing the list, shall be charged to the~~  
36 ~~delinquent taxpayer and shall be paid by the county collector from any moneys~~

1 ~~in the county collector's possession derived from payment of personal~~  
2 ~~property taxes.~~

3 ~~(2) The receipt for the payment, verified by the certificate of~~  
4 ~~the county clerk as to its correctness, shall entitle the county collector to~~  
5 ~~a credit for the amount so paid.~~

6 ~~(d) This section shall be cumulative to all existing laws relative to~~  
7 ~~the collection of personal property taxes The list shall include:~~

8 (1) The name of the taxpayer;

9 (2) The taxpayer's school district; and

10 (3) The total amount of delinquent taxes plus penalties.

11  
12 SECTION 22. Arkansas Code § 26-37-102(a), concerning the publication  
13 of notice by a county collector, is amended to read as follows:

14 (a) The county collector in each county shall, not less than thirty  
15 (30) days nor more than forty (40) days prior to the certification of the  
16 land, publish ~~in a newspaper of general circulation in the county~~ on a  
17 website as defined in § 14-14-117:

18 (1) A list of real property not previously redeemed;

19 (2) The names of the owners of record;

20 (3) The amount of the taxes, penalties, interest, and costs  
21 necessary to be paid to redeem the property;

22 (4) The date upon which such period of redemption expires; and

23 (5) Notice that unless the property is redeemed prior to the  
24 expiration of the period of redemption, the lands will be forfeited to the  
25 state.

26  
27 SECTION 23. Arkansas Code § 26-37-107 is amended to read as follows:

28 26-37-107. Publication of delinquent list.

29 (a)(1)(A) ~~The county collectors of this state shall cause the list of~~  
30 publish the list of delinquent lands in their respective counties ~~to be~~  
31 ~~prepared and a copy of the list to be delivered to a legal newspaper of the~~  
32 ~~county by no later than December 1 of each year~~ on a website as defined in §  
33 14-14-117.

34 ~~(B)(i) Within seven (7) days thereafter, the newspaper~~  
35 ~~shall publish the list.~~

36 ~~(ii) The newspaper shall publish the list in at~~

1 ~~least seven point type.~~

2 ~~(C) If the newspaper regularly publishes a total market~~  
3 ~~coverage edition or supplement publication that has wider circulation within~~  
4 ~~the county or district, the newspaper may publish the list in that edition or~~  
5 ~~publication.~~

6 ~~(2) If there is no newspaper in the county or district, the~~  
7 ~~publication shall be in the nearest newspaper having a general circulation in~~  
8 ~~the county or district for which the list is being published.~~

9 ~~(3) The list of delinquent lands shall contain at least the name~~  
10 ~~of the owner and the legal description of the property as was recorded on the~~  
11 ~~tax book.~~

12 ~~(b) The publication shall be in substance as follows: The Real Estate~~  
13 ~~Tax Books of ..... County reflect the following list of real property~~  
14 ~~to be delinquent for nonpayment of taxes for the year ..... (The~~  
15 ~~amount included in the "Tax, Penalty and Cost" column may not include all~~  
16 ~~penalties and costs and will not include interest and special improvement~~  
17 ~~assessments that may be due at the time of payment.)~~

18 ~~NAME OF LEGAL \_\_\_\_\_ BASE OWNER DESCRIPTION \_\_\_\_\_ DELINQUENCY~~  
19 ~~NOTICE IS HEREBY GIVEN THAT said several tracts, lots or parts of lots will~~  
20 ~~be held as delinquent for a one year period from this date and then certified~~  
21 ~~to the State of Arkansas, Commissioner of State Lands, for collection or to~~  
22 ~~be sold, unless the delinquent taxes, penalties, and costs are paid before~~  
23 ~~the end of the one year period.~~  
24 ~~(Date of Notice) ..... Collector ..... County."~~

25 ~~(c)(1) The legal fee for each required publication of delinquent real~~  
26 ~~property tax lists shall be one dollar and fifty cents (\$1.50) per tract per~~  
27 ~~insertion.~~

28 ~~(2) The (b)(1) A fee incurred for publication of the list shall~~  
29 ~~be added as costs of forfeiture and shall be paid by the county collector~~  
30 ~~from any moneys in the county collector's possession derived from the payment~~  
31 ~~of real property taxes.~~

32 ~~(3)(2) The receipts for the payment, verified by the certificate~~  
33 ~~of the county clerk as to its correctness, shall entitle the county collector~~  
34 ~~to a credit for the amount so paid.~~

35 ~~(d)(c) The requirements of this section do not apply to delinquent~~  
36 ~~taxes on mineral interests, which shall comply with the requirements stated~~

1 in § 26-36-213.

2  
3 SECTION 24. Arkansas Code § 26-77-104 is amended to read as follows:  
4 26-77-104. Publication of licensing ordinance.

5 Any ordinance passed under the provisions of this chapter, before  
6 becoming effective, shall be published ~~one (1) time in a newspaper of bona~~  
7 ~~fide circulation in the city or town~~ using the process described under § 14-  
8 55-206. The publication shall not be later than one (1) week after the  
9 passage of the ordinance.

10  
11 SECTION 25. DO NOT CODIFY. Temporary language.

12 (a) A county or municipality that publishes notices under the sections  
13 amended by this act in a newspaper and passes an ordinance to publish notices  
14 on a website, shall publish a notice in its current newspaper monthly for a  
15 period of one year.

16 (b) A notice required under subsection (a) of this section shall:

17 (1) Be no larger than two (2) columns wide by two (2) inches  
18 long;

19 (2) Not exceed thirty dollars (\$30) per monthly notice;

20 (3) Contain the website address where the county or  
21 municipality's public notice may be found;

22 (4) Contain the address of the county or municipal office where  
23 notice may be requested; and

24 (5) State where the statement of payment required under § 14-14-  
25 116 or § 14-55-208 may be found.

26  
27 SECTION 26. DO NOT CODIFY. Effective Date. This act is  
28 effective on and after January 1, 2024.

29  
30 /s/Cavenaugh