

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

As Engrossed: H3/2/23

A Bill

HOUSE BILL 1510

5 By: Representatives Ray, Gonzales, Achor, Andrews, Barker, Beaty Jr., Beck, Bentley, M. Berry, Breaux,
6 Brooks, K. Brown, M. Brown, Burkes, John Carr, C. Cooper, Crawford, Furman, Gramlich, Hawk, G.
7 Hodges, Long, Lundstrum, J. Mayberry, McAlindon, McClure, McCollum, B. McKenzie, S. Meeks,
8 Miller, Milligan, Painter, Pilkington, Puryear, R. Scott Richardson, Richmond, Rose, Rye, Underwood,
9 Unger, Wing, Womack
10 By: Senators J. Payton, J. Boyd, J. Bryant, J. Dotson, Flippo, Gilmore, Hester, Irvin, M. Johnson, C.
11 Penzo, D. Sullivan, D. Wallace

For An Act To Be Entitled

14 AN ACT TO AMEND THE LAW CONCERNING SPECIAL ELECTIONS
15 ON MEASURES AND QUESTIONS; AND FOR OTHER PURPOSES.

Subtitle

18 TO AMEND THE LAW CONCERNING SPECIAL
19 ELECTIONS ON MEASURES AND QUESTIONS.

22
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

24
25 SECTION 1. Arkansas Code § 7-11-205 is amended to read as follows:
26 7-11-205. Dates of special elections on measures and questions –
27 Exceptions – Separate ballots – Definition.

28 (a)(1) Except as provided in subdivision (a)(2) of this section, all
29 special elections on measures or questions referred to the voters by
30 governmental entities as authorized by law shall be held on the second
31 Tuesday of:

32 (A) ~~March, May, August,~~ or November in a year when a
33 presidential election is held; and

34 (B) ~~February, May, August,~~ or November of all other years.

35 (2)(A) Special elections scheduled to occur in a month in which
36 the second Tuesday is a legal holiday shall be held on the third Tuesday of



1 the month.

2 (B) Special elections held in months in which a
3 preferential primary election or general election is scheduled to occur shall
4 be held on the date of the preferential primary election or general election.

5 (C) A special election on a measure or question may be
6 scheduled on the second Tuesday of a month, other than the months provided in
7 subdivision (a)(1) of this section, if necessary to comply with the
8 requirements of Arkansas Constitution, Article 5, § 1.

9 (b)(1) An emergency special election may be held on a date other than
10 the dates specified under subsection (a) of this section.

11 ~~(D)(2)~~ An emergency special election may be held on the
12 second Tuesday of any month, other than the month following a preferential
13 primary election or general election, when two-thirds (2/3) of all the
14 members elected to the governing entity have determined that an emergency
15 exists.+

16 ~~(i) An event has occurred that constitutes a~~
17 ~~substantial change in circumstances; and~~

18 (3) As used in this subsection, "emergency" means that:

19 (A) A substantial change has occurred in:

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

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

27 (iii) Circumstances that the governing body of the
28 entity requesting the election has determined to be an imminent danger to
29 public health and safety; and

30 ~~(ii)(B)~~ A delay of the emergency special election
31 until the next date under this section would cause a substantial and undue
32 hardship to the governing entity or a threat to the public peace, health, and
33 safety.

34 ~~(E)(i)(4)(A)~~ A qualified elector for an emergency special
35 election may file an action in the circuit court of the county in which the
36 document calling for the emergency special election is filed to ask the court

1 to determine if circumstances exist that permit the governing entity to call
2 an emergency special election under ~~subdivision (a)(1)(D) of this section~~
3 this subsection.

4 ~~(ii)(B)~~ If the court determines circumstances do not
5 exist that permit the governing entity to call an emergency special election:

6 ~~(a)(i)~~ The emergency special election shall
7 not occur; or

8 ~~(b)(ii)~~ If the emergency special election has
9 already occurred, any measure approved in the emergency special election
10 shall be void.

11 ~~(iii)(C)~~ A challenge filed under subdivision
12 ~~(a)(1)(E)-(i)(b)(4)(A)~~ of this section may not be filed more than thirty (30)
13 days from the date the document calling for the special election being
14 challenged is filed with the county clerk.

15 ~~(3)(A)(c)(1)~~ If a special election is held on the date of the
16 preferential primary election, the issue or issues to be voted upon at the
17 special election shall be included on the ballot of each political party.

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

22 ~~(4)(d)~~ Separate ballots containing the issue or issues to be
23 voted on at the special election and candidates for nonpartisan judicial
24 office shall be prepared and made available to voters requesting a separate
25 ballot.

26 ~~(5)(e)~~ A voter shall not be required to vote in a political
27 party's preferential primary in order to be able to vote in the special
28 election.

29 ~~(b)(f)~~ A special election shall be held not less than seventy (70)
30 days following the date that the proclamation, ordinance, resolution, order,
31 *or other authorized document is filed with the county clerk.*

32
33 **SECTION 2. EFFECTIVE DATE.** *This act is effective on and after January*
34 *1, 2024.*

35
36 /s/Ray