State of Arkansas

As Engrossed: H3/2/23

A Bill

HOUSE BILL 1510


For An Act To Be Entitled
AN ACT TO AMEND THE LAW CONCERNING SPECIAL ELECTIONS ON MEASURES AND QUESTIONS; AND FOR OTHER PURPOSES.

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

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

SECTION 1. Arkansas Code § 7-11-205 is amended to read as follows:

7-11-205. Dates of special elections on measures and questions — Exceptions — Separate ballots — Definition.

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

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

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

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

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

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

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

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

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

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

(A) A substantial change has occurred in:

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

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

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

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

(E)(4)(A) A qualified elector for an emergency special
election may file an action in the circuit court of the county in which the
document calling for the emergency special election is filed to ask the court
to determine if circumstances exist that permit the governing entity to call an emergency special election under subdivision (a)(1)(D) of this section.

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

(i) The emergency special election shall not occur; or

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

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

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

(2) The portion of the ballot containing the special election shall be labeled with a heading stating “SPECIAL ELECTION ON _______” with a brief description of the measure or question to be decided in the election.

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

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

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

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

/s/Ray

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