

Stricken language would be deleted from and underlined language would be added to present law.
Act 1244 of the Regular Session

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: S3/25/15 S3/31/15
A Bill

HOUSE BILL 1610

By: Representative Bell
By: Senator E. Williams

For An Act To Be Entitled

AN ACT TO PROVIDE THAT NO ELECTION MAY BE HELD FOR
CERTAIN UNOPPOSED OFFICES; TO PROVIDE A NEW ELECTION
PROCEDURE; AND FOR OTHER PURPOSES.

Subtitle

TO PROVIDE THAT NO ELECTION MAY BE HELD
FOR CERTAIN UNOPPOSED OFFICES; AND TO
PROVIDE A NEW ELECTION PROCEDURE.

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

SECTION 1. Arkansas Code § 6-14-102(c)(1) and (c)(2)(A), concerning annual school elections with unopposed candidates for school district director, is amended to read as follows:

(c)(1) In any election year, if no more than one (1) candidate for any school district director position presents a petition or notice as required by § 6-14-111 and if there are no other ballot issues to be submitted to school district electors for consideration, with the exception of the local tax rate if that rate is not being changed or restructured, the board of directors of any school district, by resolution, may request the county board of election commissioners to ~~reduce;~~

(A) Reduce the number of polling places ~~or to open;~~

(B) Open no polling places on election day so that the election can be conducted by absentee ballot and early voting only; or

(C) Open no polling places on election day and hold an election by candidate under the procedure in § 7-11-107(c).



(2)(A) If requested by proper resolution adopted by the board of directors of any school district, the county board of election commissioners may provide that no polling places be open on election day so that the election can be conducted by ~~absentee~~:

(i) Absentee ballot and early voting only; or

(ii) Election by candidate under the procedure in § 7-11-107(c).

SECTION 2. Arkansas Code § 6-14-106(a)(4)(A), concerning location of polling sites for an annual school election, is amended to read as follows:

(4)(A)(i) The Except as provided in subdivision (a)(4)(A)(ii) and unless changed by order of the county board of election commissioners, the polling sites for each school election shall be the same as those established for the immediately preceding school election unless changed by order of the county board of election commissioners.

(ii) If no polling sites were opened in the immediately preceding school election, the polling sites shall be the same as those established for the most recent school election in which polling sites were opened unless changed by order of the county board of election commissioners.

SECTION 3. Arkansas Code § 7-11-107 is amended to read as follows:

7-11-107. Unopposed candidates.

(a)(1) If there is only one (1) candidate after all deadlines for filing as a candidate have passed in a special election to fill a vacancy and if no other office or issue is on the ballot, the county board of election commissioners may provide that:

(A) Polling places shall not be open on election day and the election shall be conducted by absentee ballot and early voting only; ~~or~~

(B) Only one (1) polling place shall be open and that polling place may be at the courthouse and may be staffed by the county clerk or as many poll workers as the county board deems necessary; or

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

(2) If there is only one (1) candidate after all deadlines for filing as a candidate have passed in a special primary election to fill a

vacancy, the county board of election commissioners shall certify the candidate as the nominee of the political party without holding a special primary election for the political party.

(b) In a county that uses voting machines or an electronic vote tabulating device, the county board may:

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

(2)(A) Provide that no voting machines shall be used in the election.

(B) If the county board chooses to provide that no voting machines shall be used in the election, any other provision in Arkansas law requiring the use of a voting machine shall not apply to this section.

(c)(1) If there is only one (1) candidate for municipal office after all the deadlines for filing as a candidate have passed in a special election to fill a vacancy and if no other office or issue is on the ballot, the county board of election commissioners may:

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

(B) Open no polling places; and

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

(2) If an election by candidate is to be held, the county board of election commissioners shall publish notice that an election by candidate shall be held and no polling places will be opened:

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

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

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

/s/Bell

APPROVED: 04/08/2015