

State of Arkansas      *As Engrossed: H2/16/17 S3/6/17 S3/29/17*  
91st General Assembly      **A Bill**  
Regular Session, 2017

HOUSE BILL 1440

By: Representative M. Gray

By: Senator Hester

### For An Act To Be Entitled

AN ACT TO AMEND PROVISIONS IN THE ARKANSAS CODE  
CONCERNING ELECTION RUNOFFS, INITIATIVES, AND  
REFERENDA; AND FOR OTHER PURPOSES.

### Subtitle

TO AMEND PROVISIONS IN THE ARKANSAS CODE  
CONCERNING ELECTION RUNOFFS, INITIATIVES,  
AND REFERENDA.

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

SECTION 1. Arkansas Code § 6-14-121(a)(3), concerning runoff elections for school elections, is amended to read as follows:

(3) The runoff election shall be held:

(A) ~~three~~ Three (3) weeks following the date of the election in any election year in which the annual school election is held in September; or

(B) Four (4) weeks following the date of the election in any election year in which the annual school election is held in November.

SECTION 2. Arkansas Code § 7-5-106(a)(2)(B)(ii), concerning runoff elections for county and municipal officers, is amended to read as follows:

(ii) If required, the runoff general election between the two (2) candidates shall be held in that municipality ~~three (3)~~ four (4) weeks following the date of the general election with the names of the two (2) candidates placed on the ballot to be voted upon by the qualified



electors of the municipality.

SECTION 3. Arkansas Code § 7-5-703(c), concerning tie votes for United States Congress, is amended to read as follows:

(c)(1) Should any two (2) or more persons have an equal number of votes, and a higher number than any other person, the names of the two (2) candidates receiving the highest number of votes for United States Senator or United States Representative shall be certified to a special runoff election which shall be held ~~three (3)~~ four (4) weeks from the day on which the general election is held.

(2) The special runoff election shall be conducted in the same manner as is ~~now~~ provided by law, and the election results shall be canvassed and certified in the manner provided by law.

SECTION 4. Arkansas Code § 7-5-704(b), concerning tie votes for legislative, judicial, and executive officers, is amended to read as follows:

(b)(1) If two (2) or more persons have an equal number of votes for the same office and a higher number than any other person, the names of the two (2) candidates receiving the highest number of votes for any legislative or executive office, except those offices named in Arkansas Constitution, Article 6, § 3, and constables, shall be certified to a special runoff election which shall be held ~~three (3)~~ four (4) weeks from the day on which the general election is held.

(2) The special runoff election shall be conducted in the same manner as is now provided by law, and the election results thereof shall be canvassed and certified in the manner provided by law.

SECTION 5. Arkansas Code § 7-9-305(b)(2), concerning election and certification of delegates, is amended to read as follows:

(2)(A) In the event that more than two (2) candidates are seeking a particular delegate position and ~~that~~ no candidate receives a majority of the votes cast for all candidates for the position, the names of the two (2) candidates receiving the highest number of votes for the position shall be certified to a special runoff election that shall be held by the respective county board of election commissioners of the district ~~three (3)~~ four (4) weeks from the day on which the general election is held.

(B) The special runoff election shall be conducted in the same manner as is ~~now~~ provided by law, and the election results shall be canvassed and certified in the manner provided by law.

SECTION 6. Arkansas Code § 7-9-601(a) and (b), concerning the hiring and training of paid canvassers, is amended to read as follows:

(a)(1) A person shall not provide money or anything of value to another person for obtaining signatures on a statewide initiative or referendum petition unless the person receiving the money or item of value meets the requirements of this section.

(2) Before a signature is solicited by a paid canvasser the sponsor shall:

(A) Provide the paid canvasser with a copy of the most recent edition of the Secretary of State's initiatives and referenda handbook; and

(B) Explain the Arkansas law applicable to obtaining signatures on an initiative or referendum petition to the canvasser; ~~and~~

*(C)(i) Provide a complete list of all paid canvassers' names and current residential addresses to the Secretary of State.*

*(ii) If additional paid canvassers agree to solicit signatures on behalf of a sponsor after the complete list is provided, the sponsor shall provide an updated list of all paid canvassers' names and current residential addresses to the Secretary of State.*

(3) Upon filing the petition with the Secretary of State, the sponsor shall submit to the Secretary of State a:

(A) Final list of the names and current residential addresses of each paid canvasser; and

(B) Signature card for each paid canvasser.

(b)(1) To verify that there are no criminal offenses on record, a sponsor shall obtain, at its cost, from the Department of Arkansas State Police, a current state and federal criminal record search on every paid canvasser to be registered with the Secretary of State.

(2) The criminal record search shall be obtained within thirty ~~(30) days prior to before~~ the ~~registration of~~ date that the paid canvasser begins collecting signatures.

(3) Upon submission of its list of paid canvassers to the

Secretary of State, the sponsor shall certify to the Secretary of State that each paid canvasser in its employ has passed a criminal background ~~search~~ check in accordance with this section.

(4) A willful violation of this section by a sponsor or paid canvasser constitutes a Class A misdemeanor.

(5) Signatures incorrectly obtained or submitted under this section shall not be counted by the Secretary of State.

SECTION 7. Arkansas Code § 14-43-304(c)(1), concerning mayors in cities having mayor-council government, is amended to read as follows:

(c)(1) ~~In the event that~~ If no candidate for mayor of a city of the first class receives ~~a majority~~ the requisite amount of the votes cast in the general election, the two (2) candidates receiving the highest number of votes shall be certified to a special runoff election that shall be held ~~three (3) weeks~~ four (4) weeks from the day on which the general election is held.

/s/M. Gray

**APPROVED: 04/07/2017**