

Stricken language would be deleted from and underlined language would be added to present law.
Act 1013 of the Regular Session

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: H3/7/19 S4/5/19
A Bill

HOUSE BILL 1460

By: Representatives Speaks, Berry, Bragg, Breaux, Capp, Cloud, Coleman, M. Davis, Deffenbaugh, Della Rosa, V. Flowers, Gazaway, M. Hodges, Hollowell, Lowery, Lynch, Maddox, Magie, Payton, Pilkington, Rye, Scott, Sorvillo, Sullivan, Tosh, Vaught, Wooten
By: Senator Flippo

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING UNOPPOSED
CANDIDATES; TO REQUIRE UNOPPOSED CANDIDATES TO APPEAR
ON THE BALLOT; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING UNOPPOSED
CANDIDATES; AND TO REQUIRE UNOPPOSED
CANDIDATES TO APPEAR ON THE BALLOT.

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

SECTION 1. Arkansas Code § 7-5-207(a), concerning names included on ballots and ballot position, is amended to read as follows:

(a)(1) Except as provided in subdivision (a)(2) of this section, all election ballots provided by the county board of election commissioners of any county in this state for any election shall contain in the proper place the name of every candidate whose nomination for any office to be filled at that election has been certified to the county board of election commissioners and shall not contain the name of any candidate or person who has not been certified.

(2)(A) *Except as provided in subdivision (a)(2)(B) of this section, unopposed candidates for all offices shall be declared and certified elected without the necessity of including those names on the general election ballot.*



(B)(i) In an election in which one (1) or more candidates are unopposed, the phrase “unopposed candidates” shall appear on the ballot, adjacent to a place in which the voter may cast a vote for all unopposed candidates by placing an appropriate mark.

(ii) Votes received by an unopposed candidate in any election in this state may be counted or tabulated by the election officials for administrative purposes, but shall not be certified unless otherwise provided by law.

(iii) Votes received by an unopposed candidate for the office of Governor, Mayor, Circuit Clerk, City Clerk, or the office of a non-judicial state elected official shall be counted or tabulated by the election officials and certified according to law.

~~(B)(iv)~~ The names of all unopposed candidates for the office of Mayor, Governor, Circuit Clerk, City Clerk, and the office of non-judicial state elected official shall be separately placed on the general election ballot, and the votes for Mayor, Governor, Circuit Clerk, City Clerk, and non-judicial state elected officials shall be tabulated as in all contested races.

(v) All unopposed candidates other than for the offices of Mayor, Governor, Circuit Clerk, City Clerk, and the office of a non-judicial state elected official, shall be declared and certified as elected in the same manner as if the candidate had been voted upon at the election.

SECTION 2. Arkansas Code § 7-5-315(a), concerning counting votes for unopposed and deceased candidates, is amended to read as follows:

(a)(1) The votes received by an unopposed candidate in any election held in this state may be counted or tabulated for administrative purposes, but shall not be certified, unless otherwise provided by law, by the election officials. The word “UNOPPOSED” shall be inserted on the tally sheet to indicate that the candidate has received a majority of the votes cast in the election. However, the votes received by an unopposed candidate for the office of mayor, governor, and circuit clerk Mayor, Governor, and Circuit Clerk shall be counted and tabulated by the election officials.

(2) All other unopposed candidates shall be declared and

certified as elected in the same manner as if the candidate had been voted upon at the election.

SECTION 3. Arkansas Code § 7-7-304(d), concerning names to be included on ballots and unopposed candidates, is amended to read as follows:

(d) When only one (1) candidate qualifies for a particular office or position, ~~it is not necessary for~~ the office or position and the name of the unopposed candidate ~~to~~ shall be printed on the political party's ballot in all primary elections.

/s/Speaks

APPROVED: 4/15/19