

Stricken language would be deleted from and underlined language would be added to present law.
Act 448 of the Regular Session

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: H2/4/21 S2/22/21
A Bill

HOUSE BILL 1332

By: Representative Boyd
By: Senator B. Ballinger

For An Act To Be Entitled

AN ACT TO AMEND ELECTION LAW; TO AMEND PUBLICATION
REQUIREMENTS; TO AMEND SCHOOL ELECTION LAW; TO AMEND
ELECTION NOTICE REQUIREMENTS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND ELECTION LAW; TO AMEND
PUBLICATION REQUIREMENTS; TO AMEND SCHOOL
ELECTION LAW; AND TO AMEND ELECTION
NOTICE REQUIREMENTS.

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

SECTION 1. Arkansas Code § 6-14-102(c), concerning the annual school election date and special school election, is amended to read as follows:

(c)(1) ~~In any election year in which~~ When the annual school election is not held at the same time as a preferential primary or general election, if no more than one (1) candidate for ~~any~~ a 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~~ a school district, by resolution, may request the county board of election commissioners to:

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



~~(C)(i) Open no polling places on election day and hold an election by candidate under the procedure in § 7-11-107(b) Declare an election by candidate to be held;~~

~~(ii) Open no polling places; and~~

~~(iii) Allow the candidate to cast a ballot for himself or herself at a designated time and location on election day or during the period that would otherwise be designated for early voting.~~

~~(2)(A) If the annual school election is not held at the same time as a preferential primary election or general election and upon request 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:~~

~~(i) Absentee ballot and early voting only; or~~

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

~~(B) If a county uses electronic voting machines or electronic vote tabulating devices, and is holding an election under subdivision (c)(1) of this section, the county board of election commissioners may use:~~

~~(i)(A) The electronic voting machines or electronic vote tabulating devices; or~~

~~(ii)(B) Paper ballots counted by hand and provide no voting machines to be used in the election, notwithstanding any other provision in the Arkansas Code.~~

SECTION 2. Arkansas Code § 6-14-111(k), concerning candidate filing procedures for school elections, is amended to read as follows:

(k) The order in which the names of the respective candidates are to appear on the ballot shall be determined by lot at the public meeting of the county board of election commissioners held not later than:

~~(1) seventy-two~~ Seventy-two (72) days before the annual school election, if the election is to be held on the:

(A) First Tuesday following the first Monday in November;

(B) Third Tuesday in May for elections held in odd numbered years; or

(C) Tuesday four (4) weeks prior to the third Tuesday in June for years in which the office of Governor will appear on the ballot at the general election; or

(2) Eighty-nine (89) days before the annual school election if the election is to be held on the first Tuesday after the first Monday in March for years in which the office of President of the United States will appear on the ballot at the general election.

SECTION 3. Arkansas Code § 7-5-202(a)(1), concerning public notice of elections, is amended to read as follows:

(a)(1) It shall be the duty of the county board of election commissioners at least ~~twenty (20) days~~ eight (8) days before ~~each the beginning of early voting for a preferential primary, general primary, and general election and at least ten (10) days before the holding of each general primary,~~ general runoff, school, or special election to give public notice in a newspaper of general circulation in the county of:

- (A) The date of the election;
- (B) The hours of voting on election day;
- (C) The places and times for early voting;
- (D) Polling sites for holding the elections in the county;
- (E) The candidates and offices to be elected at that time;
- (F) The time and location of the opening, processing,

canvassing, and counting of ballots; ~~and~~

(G) The location where ~~a list~~ lists of appointed election officials, deputy county clerks, or additional deputies hired to conduct early voting can be found and the ~~date~~ dates the ~~list is~~ lists are available; and

(H) Directions for filing a written objection to the service of an election official, deputy county clerk, or additional deputy.

SECTION 4. Arkansas Code § 7-5-202(a)(2)(B), concerning public notice of elections, is amended to read as follows:

(B) Another person makes an objection to his or her service to the county board of election commissioners within ~~ten (10)~~ seven (7) calendar days after posting the list of officials.

SECTION 5. Arkansas Code § 7-5-202(a)(3), concerning public notice of elections, is repealed.

~~(3) The public notice shall contain directions for filing an objection to the service of an election official, deputy county clerk, or additional deputy.~~

SECTION 6. Arkansas Code § 7-5-202(b), concerning public notice of elections, is amended to read as follows:

(b)(1) At least five (5) days ~~prior to~~ before a preferential primary, general primary, general election, general runoff, school election, or special election, a copy of the public notice may be posted at each polling site fixed for holding the election and shall be published in a newspaper of general circulation in the county.

(2)(A) At least ~~fifteen (15)~~ eight (8) days before the beginning of early voting ~~and the election day~~, each county board of election commissioners or county clerk shall prepare and post in a public place in the county clerk's office its list of appointed election officials, deputy county clerks, or additional deputies hired to conduct early voting.

~~(B) The list may appoint election officials, deputy county clerks, or additional deputies hired to conduct early voting in the event of a runoff election.~~

(B)(i) At least eight (8) days before election day, each county board of election commissioners shall prepare and post in a public place in the county clerk's office its list of appointed election officials for election day.

(ii) The list may appoint election officials hired for election day in the event of a runoff election.

(iii) All election officials who are qualified to serve on election day are qualified to serve in a corresponding runoff election.

SECTION 7. Arkansas Code § 7-5-207(a)(2)(B)(iii)-(v), concerning the names included on ballots and drawing for ballot position, are amended to read as follows:

(iii) Votes received by an unopposed candidate for the office of Governor, ~~Mayor, Circuit Clerk, City Clerk,~~ mayor, circuit

clerk, or the office of a nonjudicial state elected official shall be counted or tabulated by the election officials and certified according to law.

(iv) The names of all unopposed candidates for the office of ~~Mayor, Governor, Circuit Clerk, City Clerk,~~ mayor, circuit clerk, and the office of a nonjudicial state elected official shall be separately placed on the general election ballot, and the votes for Mayor, Governor, Circuit Clerk, City Clerk, and a nonjudicial state elected official shall be tabulated as in all contested races.

(v) All unopposed candidates, other than for the offices of ~~Mayor, Governor, Circuit Clerk, City Clerk,~~ mayor, circuit clerk, and the office of a nonjudicial 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 8. Arkansas Code § 7-5-701(a)(2), concerning declaration, certification, delivery and custody of election returns, is amended to read as follows:

(2) Unopposed candidates, other than candidates for mayor, governor, ~~city clerk,~~ and circuit clerk, shall be separately declared and certified to the Secretary of State as elected in the same manner as if the candidate had been voted upon at the election.

SECTION 9. Arkansas Code § 14-42-206(a)(3), concerning nominating petitions for municipal elections, is amended to read as follows:

(3) When the resolution has been adopted, the clerk or recorder shall mail a certified copy of the resolution to the chairs of the county party committees, the county clerk, and to the chairs of the state party committees.

SECTION 10. Arkansas Code § 14-42-206(d)(2)(b), concerning nominating petitions for municipal elections, is amended to read as follows:

(B) The ordinance shall be published at least one (1) time a week for two (2) consecutive weeks immediately following adoption of the ordinance in a newspaper having a general circulation in the city, and shall be filed with the county clerk.

SECTION 11. Arkansas Code § 26-75-207(b)(2), concerning levying of a sales and use tax for capital improvements in a municipality, is amended to read as follows:

(2) The petition shall be signed by a number of the legal voters in the city that is no less than fifteen percent (15%) of the number of votes cast for the office of ~~city clerk~~ mayor at the last preceding general election.

SECTION 12. Arkansas Code § 26-75-307(b)(2), concerning levying of a sales tax for capital improvements in a municipality, is amended to read as follows:

(2) The petition shall be signed by a number of the legal voters in the city that is no less than fifteen percent (15%) of the number of votes cast for the office of ~~city clerk~~ mayor at the last preceding general election.

/s/Boyd

APPROVED: 3/24/21