

Stricken language would be deleted from and underlined language would be added to present law.
Act 300 of the Regular Session

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: H3/2/23
A Bill

HOUSE BILL 1510

By: Representatives Ray, Gonzales, Achor, Andrews, Barker, Beaty Jr., Beck, Bentley, M. Berry, Breaux, Brooks, K. Brown, M. Brown, Burkes, John Carr, C. Cooper, Crawford, Furman, Gramlich, Hawk, G. Hodges, Long, Lundstrum, J. Mayberry, McAlindon, McClure, McCollum, B. McKenzie, S. Meeks, Miller, Milligan, Painter, Pilkington, Puryear, R. Scott Richardson, Richmond, Rose, Rye, Underwood, Unger, Wing, Womack

By: Senators J. Payton, J. Boyd, J. Bryant, J. Dotson, Flippo, Gilmore, Hester, Irvin, M. Johnson, C. Penzo, D. Sullivan, D. Wallace

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

~~(ii)(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)(i)(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~~ this subsection.

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

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

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

~~(iii)(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.

~~(3)(A)(c)(1)~~ 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.

~~(B)(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.

~~(4)(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.

~~(5)(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.

~~(b)(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.*

APPROVED: 3/16/23