

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

HOUSE BILL 1710

By: Representative Bragg

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING BALLOTS IN CERTAIN ELECTIONS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING BALLOTS IN CERTAIN ELECTIONS.

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

SECTION 1. Arkansas Code § 7-7-306 is amended to read as follows:

7-7-306. Ballots – Partisan and nonpartisan judicial general ballots
ballot – Nonpartisan and special election ballot.

(a) At ~~each~~ a party primary and nonpartisan judicial general election ~~each~~ the county board of election commissioners shall furnish separate ballots for each political party containing:

(1) The names of persons seeking offices to be voted on as a nominee or candidate of that political party;

(2) The names of ~~all qualified~~ candidates for the general election to nonpartisan judicial offices under § 7-10-101; ~~and~~

(3) The names of candidates for special elections; and

~~(3)-(4) All measures~~ Measures and questions, ~~if any,~~ to be decided by the voters.

(b) The county board of election commissioners shall ~~also~~ furnish a separate nonpartisan and special election ballot containing the names of ~~all qualified~~ candidates for the general election to nonpartisan judicial offices, the names of candidates for special elections, ~~and all~~ measures, ~~if any,~~ and questions to be decided by the voters.



SECTION 2. Arkansas Code § 7-11-105 is amended to read as follows:

7-11-105. Special elections to be held on the second Tuesday of a month – Exceptions – Separate ballots.

(a) Except as provided in this chapter, ~~all a special elections~~ election to fill ~~vacancies~~ a vacancy in office and ~~the~~ associated special primary ~~elections~~ election shall be held on the second Tuesday of ~~any a~~ a month.

(b) A special election or special primary election scheduled to occur in a month in which the second Tuesday of the month is a legal holiday shall be held on the third Tuesday of the month.

(c) A special election or special primary election called in June of an even-numbered year shall be held on the fourth Tuesday of the month.

(d)~~(1)~~ Special elections or special primary 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.

~~(2)~~(e)(1) If a special election ~~to fill a vacancy in office~~ or special primary election is held on the date of the preferential primary election, the names of the candidates in the special election shall be included on the ballot of each political party, and the names of the candidates in the special primary election shall be included on the ballot of the appropriate political party.

(2) ~~the~~ The portion of the ballot on which the special election appears shall be labeled with a heading stating:

(A) “SPECIAL ELECTION FOR _____” with the name of the office set out in the heading; or

(B) “SPECIAL PRIMARY ELECTION FOR _____” with the name of the office set out in the heading.

~~(3) Separate ballots containing the names of the candidates to be voted on at the special election or nonpartisan judicial elections, if applicable, and any other measures or questions that may be presented for a vote shall be prepared and made available to voters requesting a separate ballot.~~

~~(4)(A)~~(3)(A) A voter ~~shall not be~~ is not required to vote in a political party’s preferential primary ~~in order~~ to be able to vote in the

special election.

(B) The names of the candidates to be voted on at the special election shall be printed on the nonpartisan and special election ballot.

~~(B)(i)(f)(1)~~ If a special election or special primary election is held at the same time as with the general election, the names of the candidates in the special election or special primary election shall be included on the general election ballot, and the portion of the ballot on which the special election or special primary election appears shall be labeled with a heading stating:

(A) "SPECIAL ELECTION FOR _____"
with the name of the office set out in the heading; or

(B) "SPECIAL PRIMARY ELECTION FOR _____"
with the name of the party for which nomination is sought and the office set out in the heading.

~~(ii)(2)~~ The county board of election commissioners may shall include the special election or special primary election on a separate ballot if the special:

(A) Special election or special primary election is held at the same time as the general election; and the commission

(B) The county board of election commissioners determines that a separate ballot is necessary to avoid voter confusion.

~~(e)(1)(g)(1)~~ A If the special election or special primary election is held on the date of the preferential primary election or general election, the special election or special primary election to fill a vacancy in office shall be held not less than at least seventy (70) days following after the date established in the proclamation, ordinance, resolution, order, or other authorized document for drawing for ballot position ~~when the special election is to be held on the date of the preferential primary election or general election.~~

(2) If a special election or special primary election to fill a vacancy in office is not held at the same time as a preferential primary election or general election, the special election or special primary election shall be held ~~not less than~~ at least sixty (60) days following after the date established in the proclamation, ordinance, resolution, order, or other authorized document for drawing for ballot position.

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

7-11-107. Unopposed candidates.

(a) If only one (1) candidate qualifies for a political party's nomination in a special primary election for an office, the candidate shall be certified as the nominee of the political party without being placed on a ballot, and the special primary election for the office shall not be held.

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

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

(2) 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.

~~(b)~~(c) 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.

SECTION 4. Arkansas Code § 7-11-301 is amended to read as follows:

7-11-301. Law governing special elections.

(a) ~~In cases of~~ If the circumstances or procedures ~~that may arise in connection with any~~ for a special election ~~for which there is no provision in law governing the circumstances or procedures~~ are not otherwise provided by law, the special election shall be governed by:

(1) The general election laws of this state; or

(2) ~~In the case of~~ If the election is a special primary ~~elections~~ election, the primary election laws of this state.

(b) The time periods and deadlines for candidate filings, conventions, certifications, establishing ballot position, and other procedures necessary to conduct the special election shall be set by the entity calling the special election to fit the schedule of the special election.