

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

State of Arkansas
89th General Assembly
Fiscal Session, 2014

A Bill

SENATE BILL 139

By: Senator E. Williams

For An Act To Be Entitled

AN ACT TO AMEND ARKANSAS LAW CONCERNING FILLING
VACANCIES IN CERTAIN OFFICES; TO DECLARE AN
EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND ARKANSAS LAW CONCERNING FILLING
VACANCIES IN CERTAIN OFFICES; AND TO
DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 7-7-105 is amended to read as follows:

7-7-105. Filling vacancies in certain offices – Special primary elections.

(a) Nominees for special elections called for the purpose of filling a vacancy in office for a member of the United States House of Representatives, Lieutenant Governor, or for a member of the Senate or House of Representatives of the General Assembly shall be chosen as follows:

(1) The Governor shall certify in writing to the state committees of the respective political parties the fact of vacancy and shall request the respective state committees to make a determination and notify him or her in writing within ten (10) days with respect to whether the political parties desire to hold a special primary election or a convention of delegates held under party rules to choose nominees;

(2)(A) If the state committee of any political party timely notifies the Governor that it chooses to hold a special primary election, any political party desiring to choose a nominee shall choose the nominee at a



special primary election.

(B) The Governor's proclamation shall set dates for the special primary election and the runoff primary election to be held if no candidate receives a majority of the vote at the special primary election; and

(3)(A)(i) A Except as provided in subsection (c) of this section, a special election to fill the vacancy in office shall be held on a date as soon as possible after the vacancy occurs, but not more than one hundred fifty (150) days after the occurrence of the vacancy.

(ii) Except as provided in subdivision (a)(3)(A)(iii) of this section, the special election shall be held not more than one hundred fifty (150) days after the occurrence of the vacancy.

(iii) If the Governor determines it is impracticable or unduly burdensome to hold the special election within one hundred fifty (150) days after the occurrence of the vacancy, the special election shall be held as soon as practicable after the one hundred fiftieth day following the occurrence of the vacancy.

(B) The special election shall be held in accordance with laws governing special elections.

(C)(i) If a nominee is to be chosen at a special primary election and if, after the close of the filing period, only one (1) or two (2) candidates have filed for the nomination of a party holding a primary, the state committee of a party holding a primary shall notify the Governor.

(ii) The Governor shall issue a new proclamation setting the special election for an earlier date so long as the earlier date is in accordance with state laws governing special elections.

(b) If no state committee of any political party timely notifies the Governor of the desire to hold a special primary election or convention, the Governor, in issuing his or her proclamation calling for the special election, shall declare that the nominee of a political party shall be chosen at a convention.

(c) A special election for a vacancy in the office of Lieutenant Governor shall not be held if:

(1) The vacancy occurs less than ten (10) months before the next scheduled general election;

(2) The office of Lieutenant Governor would in regular course be

filled at the next scheduled general election; and

(3) The Governor determines that the cost of holding a special election for a vacancy in the office of Lieutenant Governor less than ten (10) months before the office will be filled at the next scheduled general election is impractical because of the timing of the vacancy.

SECTION 2. DO NOT CODIFY. Section 1 of this act applies to a vacancy occurring on or after January 1, 2014.

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the current time allotted for special elections to fill vacancies in certain offices is often rendered impracticable by legal and practical considerations associated with holding a statewide special election. The General Assembly further finds that because statewide special elections cost in excess of one million dollars (\$1,000,000), the Governor should have the discretion to determine whether special elections to fill certain vacancies are impractical because of the timing of the vacancy and that this act should become effective at the earliest opportunity to allow the state to avoid election expenses that the Governor determines are impractical. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.