

State of Arkansas
90th General Assembly
First Extraordinary Session, 2015

A Bill

Call Item 6
HOUSE BILL 1002

By: Representative Bell

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING PRIMARY ELECTIONS;
TO MOVE THE DATES OF THE PREFERENTIAL PRIMARY
ELECTION AND THE GENERAL PRIMARY ELECTION; TO PROVIDE
FOR A STUDY OF THE EFFECTS AND BENEFITS OF HOLDING
THE PREFERENTIAL PRIMARY ELECTION IN MARCH; AND FOR
OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING PRIMARY
ELECTIONS; TO MOVE THE DATES OF THE
PREFERENTIAL PRIMARY ELECTION AND THE
GENERAL PRIMARY ELECTION; AND TO PROVIDE
FOR A STUDY OF HOLDING THE PREFERENTIAL
PRIMARY ELECTION IN MARCH.

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

SECTION 1. DO NOT CODIFY. Legislative Intent. It is the intent of the General Assembly to:

(1) Hold the preferential primary election on the first Tuesday in May of 2016 and the general primary election three (3) weeks after the preferential primary in 2016;

(2) After the 2016 election, require the Senate Committee on State Agencies and Governmental Affairs and the House Committee on State Agencies and Governmental Affairs to study the effects and benefits of holding the preferential primary election and the general primary election in May; and



(3) Beginning with the 2018 election cycle, hold the preferential primary election and the general primary election in May.

SECTION 2. Arkansas Code § 7-7-203(a) and (b), concerning the dates of the preferential primary election and the general primary election, are amended to read as follows:

(a) The general primary election shall be held on the ~~second Tuesday in June preceding the general election~~ three (3) weeks after the preferential primary election.

(b) The preferential primary election shall be held on the ~~Tuesday three (3) weeks before the general primary election~~ first Tuesday in May before the general election.

SECTION 3. Arkansas Code § 7-7-203(a), (b), and (c), concerning the dates of the general primary election and preferential primary election, are amended to read as follows:

(a) The general primary election shall be held on the ~~second Tuesday in June preceding the general election~~ three (3) weeks after the preferential primary election.

(b) The preferential primary election shall be held on the first Tuesday ~~three (3) weeks in March~~ before the general ~~primary~~ election.

(c)(1) The party filing period shall be ~~a one week period ending at 12:00 noon on the first day in March and beginning at 12:00 noon one (1) week prior to the first day in March~~ begin at 12:00 noon on the first business day in December preceding the general primary election and end at 12:00 noon on the fifth business day in December preceding the general primary election.

(2) Party pledges, if any, and affidavits of eligibility shall be filed, any filing fees of a political party, if any, shall be paid, and party certificates shall be issued by the party during regular office hours during the party filing period.

(3) A party certificate and the political practices pledge shall be filed with the county clerk or the Secretary of State, as the case may be, during regular office hours during the party filing period.

(4) The name of a candidate who fails to file a party certificate and political practices pledge by the filing deadline with the Secretary of State or county clerk, as the case may be, shall not appear on

the ballot.

(5) Party pledges, if any, shall be filed, filing fees, if any, shall be paid, and party certificates and political practice pledges shall be filed for special primary elections on or before the deadline established by proclamation of the Governor or other entity authorized to call a special primary election.

SECTION 4. Arkansas Code § 7-7-304(a) and (b), concerning names to be included on ballots, are amended to read as follows:

(a)(1) Not less than ~~seventy-five (75)~~ seventy-eight (78) days before each preferential primary election, the Secretary of State shall certify to all county boards of election commissioners full lists of the names of all candidates who have filed party certificates with him or her to be placed on the ballots in their respective counties at the preferential primary election.

(2) A name of a person shall not be certified and shall not be placed on the ballot if prior to the certification deadline a candidate:

(A) Notifies the Secretary of State in writing, signed by the candidate and acknowledged before an officer authorized to take acknowledgements, of his or her desire to withdraw as a candidate for the office or position; or

(B) Dies.

(b)(1) Not less than ~~seventy-five (75)~~ seventy-eight (78) days before each preferential primary election, the county clerk shall certify to the county board full lists of the names of all candidates who have filed party certificates with him or her to be placed on the ballot at the preferential primary election.

(2) A name of a person shall not be certified and shall not be placed on the ballot if prior to the certification deadline a candidate:

(A) Notifies the county clerk in writing, signed by the candidate and acknowledged before an officer authorized to take acknowledgements, of his or her desire to withdraw as a candidate for the office or position; or

(B) Dies.

SECTION 5. Arkansas Code § 7-7-305(b), concerning printing of ballots,

is amended to read as follows:

(b) The order in which the names of the respective candidates are to appear on the ballots at all preferential and general primary elections shall be determined by lot at the public meeting of the county board of election commissioners held not later than ~~seventy-two (72)~~ seventy-five (75) days before the preferential primary election. The county board shall give at least ten (10) days' written notice of the time and place of the meeting to the chairs of the county committees if the chairs are not members of the board, and at least three (3) days before the meeting, shall publish notice of the time and place of holding the meeting in some newspaper of general circulation in the county.

SECTION 6. Arkansas Code § 7-8-201 is amended to read as follows:

7-8-201. Preferential elections ~~required~~ and political party caucuses - Apportionment of delegates.

(a) Each political party in the state desiring to select delegates to attend a quadrennial national nominating convention of the party to select a nominee for the office of President of the United States shall either hold a preferential:

(1) Preferential primary election in the state, ~~and; or~~

(2) Political party caucus.

(b)(1) If the nominee to the office of President of the United States is selected by preferential primary election, the delegates to the national party convention shall be apportioned to the presidential candidates whose names were on the ballot at the preferential primary or to "uncommitted" in the proportion that the votes cast for each candidate or for "uncommitted" bear to the total votes cast at the election, rounded to the closest whole number.

(2)(A) If the nominee to the office of President of the United States is selected by political party caucus, the delegates to the national party convention shall be apportioned as determined by appropriate rule adopted by the political party at least one hundred twenty (120) days before the political party caucus is held.

(B) Each political party holding a political party caucus to select a nominee for the office of President of the United States shall adopt appropriate rules governing the political party's practices and

procedures for the political party caucus at least one hundred twenty (120) days before the political party caucus is held.

(3) A political party caucus shall be held on or before the date of the preferential primary election.

SECTION 7. Arkansas Code § 7-8-204 is amended to read as follows:

7-8-204. Rules for selection of delegates and alternates.

Each political party holding a preferential primary election or a political party caucus in the state shall adopt appropriate rules for the selection of delegates and alternate delegates to the quadrennial national nominating convention of the party and to otherwise carry out the intent and purposes of this subchapter.

SECTION 8. Arkansas Code § 14-42-206(a)(1), concerning resolutions requesting that county political party committees conduct party primaries, is amended to read as follows:

(a)(1) The city or town council of any city or town with the mayor-council form of government, by resolution passed before ~~January 1 of the year of the election~~ no less than sixty (60) days before the party filing period under § 7-7-203, may request the county party committees of recognized political parties under the laws of the state to conduct party primaries for municipal offices for the forthcoming year.

SECTION 9. DO NOT CODIFY.

(a) The Senate Committee on State Agencies and Governmental Affairs and the House Committee on State Agencies and Governmental Affairs shall study the effects of holding the:

(1) Preferential primary election on the first Tuesday in March before the general election; and

(2) General primary election three (3) weeks after the preferential primary election.

(b) The study shall include an analysis of the:

(1) Benefits and detriments of holding the preferential primary election and the general primary election in March;

(2) Filing dates that it may be necessary to change as a result of holding the preferential primary election and the general primary election

in March; and

(3) Other laws which may be affected by the changes in dates for holding the preferential primary election and the general primary election.

(c)(1) The Senate Committee on State Agencies and Governmental Affairs and the House Committee on State Agencies and Governmental Affairs shall prepare and file a report concerning the study and the recommendations of Senate Committee on State Agencies and Governmental Affairs and the House Committee on State Agencies and Governmental Affairs with the President Pro Tempore of the Senate and Speaker of the House of Representatives by November 1, 2016.

(2) The Senate Committee on State Agencies and Governmental Affairs and the House Committee on State Agencies and Governmental Affairs may file proposed legislation with the report.

SECTION 10. DO NOT CODIFY. EFFECTIVE DATE.

(a) Section 2 of this act shall be effective from the effective date of this act until June 30, 2017.

(b) Sections 3 through 5, and section 8 of this act shall be effective on and after July 1, 2017.

(c) Sections 1, 6, 7, and 9 of this act shall be effective on and after the effective date of this act.