

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

S5/27/2015
A Bill

Call Item 6
HOUSE BILL 1006

By: Representatives Davis, Ballinger, Bentley, Bragg, Brown, Collins, Copeland, C. Douglas, Eubanks, Gates, Hickerson, G. Hodges, Lemons, Lowery, J. Mayberry, Payton, Pitsch, Rushing, Scott, B. Smith, Wardlaw

By: Senators G. Stubblefield, J. Dismang, Bledsoe, A. Clark, Collins-Smith, J. Cooper, J. Hutchinson, Irvin, E. Williams

For An Act To Be Entitled

AN ACT TO AMEND ARKANSAS LAW CONCERNING THE DATES OF THE GENERAL PRIMARY ELECTION AND PREFERENTIAL PRIMARY ELECTION; TO AMEND THE TIME PERIOD FOR FILING AS A CANDIDATE FOR A PRIMARY ELECTION; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND ARKANSAS LAW CONCERNING THE DATES OF THE GENERAL PRIMARY ELECTION AND PREFERENTIAL PRIMARY ELECTION; TO AMEND THE TIME PERIOD FOR FILING AS A CANDIDATE FOR A PRIMARY ELECTION; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. 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 fourth Tuesday in March before the general election.

(b) The preferential primary election shall be held on the Tuesday three (3) weeks 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~~ beginning at 12:00 noon on the first Monday in November preceding the general primary election and ending at 12:00 noon on the seventh day thereafter.

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

(a)(1) Not less than ~~seventy-five (75)~~ ninety-two (92) 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)~~ ninety-two (92) 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 3. 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)~~ eighty-nine (89) 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 4. 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 5. Arkansas Code Title 21, Chapter 8, Subchapter 7, is amended to add an additional section to read as follows:

21-8-705. Filing of additional statement of financial interest in year in which party filing period is held.

If the party filing period under § 7-7-203 ends before January 1 of the year of the general election, a candidate for elective office shall file a statement of financial interest for the previous calendar year no later than January 31 of the year of the general election in addition to the statement of financial interest required under § 21-8-701.

SECTION 6. DO NOT CODIFY - ACT TO BE RETROACTIVE. (a) To ensure that independent candidates are provided the maximum number of days allowed by law to circulate petitions to qualify as an independent candidate, the provisions of this act are retroactive to August 1, 2015.

(b) Signatures on a petition to have the name of a person placed upon the ballot as an independent candidate under § 7-7-103 collected between August 11, 2015, and the effective date of this act shall be counted if:

(1) The signatures are not otherwise collected in violation of Arkansas law;

(2) The signatures otherwise comply with applicable Arkansas law; and

(3) The petition is lawfully filed.

SECTION 7. DO NOT CODIFY - TEMPORARY LANGUAGE AND SUSPENSION OF CURRENT LAW. (a) This act is cumulative of existing laws and shall not repeal but merely suspend any law in conflict with the act.

(b) The provisions of this act are temporary and expire on December 31, 2016.

(c) On and after December 31, 2016, the provisions of law suspended by this act shall be in full force and effect.

(d) The expiration of this act shall not affect rights acquired under it or affect suits then pending.

SECTION 8. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that independent candidates may

circulate petitions for candidacy for ninety (90) days before the deadline for filing as a candidate for office; and that without an emergency clause, the effective date of this act will cause confusion regarding the rights and interests of independent candidates and the time period for circulating petitions for candidacy. 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.

/s/Davis