

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

State of Arkansas  
91st General Assembly  
Regular Session, 2017

As Engrossed: S2/20/17  
**A Bill**

HOUSE BILL 1279

By: Representatives Gillam, Shepherd, D. Douglas, Branscum, Pitsch, Eubanks, M. Gray, Maddox,  
Cozart, Fortner, Capp, Warren

By: Senator Hester

### **For An Act To Be Entitled**

AN ACT TO AMEND ARKANSAS LAW CONCERNING THE FILLING  
OF VACANCIES IN THE OFFICE OF UNITED STATES SENATOR;  
TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

### **Subtitle**

TO AMEND ARKANSAS LAW CONCERNING THE  
FILLING OF VACANCIES IN THE OFFICE OF  
UNITED STATES SENATOR; AND TO DECLARE AN  
EMERGENCY.

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

SECTION 1. DO NOT CODIFY. The General Assembly finds:

(1) Arkansas Code § 7-8-102 in its current form directly conflicts with Arkansas Constitution, Amendment 29, regarding the method of filling vacancies in the representation of the State of Arkansas in the United States Senate;

(2) The conflicting provisions of Arkansas Constitution, Amendment 29, and § 7-8-102 create the potential for ambiguity and uncertainty in the event a United States Senate vacancy occurs; and

(3) It is the intent of this act to provide consistency between the Arkansas Constitution and the Arkansas Code by providing that:

(A) Vacancies in the office of United States Senator shall be filled by appointment of the Governor; and

(B) The appointee shall serve until the office is filled



at a general election.

SECTION 2. Arkansas Code § 7-8-102 is amended to read as follows:

7-8-102. Filling Senate vacancies.

~~(a) When any vacancy occurs in the representation of the State of Arkansas in the United States Senate by death, resignation, or otherwise, the Governor shall have the power and authority to fill the vacancy by temporary appointment until the people fill the vacancy by election at the next ensuing general election for state and county officers to be held more than sixty (60) days and less than twelve (12) months after the vacancy occurs.~~

~~(b) If no general election for state and county officers occurs within twelve (12) months after the vacancy, the Governor shall call a special election to be held in accordance with § 7-11-101 et seq. but in no event more than one hundred twenty (120) days after the vacancy occurs.~~

(a) Vacancies in the office of United States Senator shall be filled by appointment by the Governor.

(b)(1) The appointee under subsection (a) of this section shall serve during the entire unexpired Senate term if the office would in regular course be filled at the next general election if no vacancy had occurred.

(2)(A) If the office would not in regular course be filled at the next general election, the remaining portion of the vacated term shall be filled as follows:

(i) At the next general election if the vacancy occurs four (4) months or more before the next general election; or

(ii) At the second general election after the vacancy occurs if the vacancy occurs less than four (4) months before the next general election.

(B) The person so elected shall:

(i) Take office on the first day of January following his or her election; and

(ii) Serve the remaining portion of the vacated term.

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that Arkansas Code § 7-8-102 is in conflict with Arkansas Constitution, Amendment 29; that the inconsistency

creates the risk of ambiguity and uncertainty of the process to follow if a vacancy in the office of United States Senator arises; and that this act should become effective as soon as possible to clarify the process for filling a vacancy in the office of United States Senator. 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/Gillam*