

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

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 1892

By: Representative C. Douglas

By: Senator G. Stubblefield

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING UNOPPOSED
CANDIDATES; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING UNOPPOSED
CANDIDATES.

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

SECTION 1. Arkansas Code § 7-5-207(a), concerning names included on ballots and ballot position, is amended to read as follows:

(a)(1) Except as provided in ~~subdivisions (a)(2) and (3)~~ subdivision (a)(2) of this section, all election ballots provided by the county board of election commissioners of any county in this state for any election shall contain in the proper place the name of every candidate whose nomination for any office to be filled at that election has been certified to the county board and shall not contain the name of any candidate or person who has not been certified.

(2)(A) Except as provided in subdivision (a)(2)(B) of this section, unopposed candidates for ~~municipal~~ all offices shall be declared and certified elected without the necessity of including those names on the general election ballot.

(B) The names of all unopposed candidates for the office of mayor, governor, and circuit clerk shall be separately placed on the general election ballot, and the votes for mayor, governor, and circuit clerk shall be tabulated as in all contested races.



~~(3)(A)(i) Except as provided in subdivision (a)(3)(B) of this section, the names of all other unopposed candidates for all offices, including without limitation the names of all unopposed write-in candidates, shall be grouped together on the ballot indicating the office and the name of the unopposed candidate.~~

~~(ii) The phrase "Unopposed Candidates" shall appear at the top of the list of the names of all unopposed candidates.~~

~~(iii) Adjacent to the phrase "Unopposed Candidates" shall be a place in which the voter may cast a vote for all the candidates by placing an appropriate mark.~~

~~(B) The names of all unopposed candidates for the office of circuit clerk shall be separately placed on the general election ballot, and the votes for circuit clerk shall be tabulated as in all contested races.~~

SECTION 2. Arkansas Code § 7-5-315(a), concerning counting votes for unopposed and deceased candidates, is amended to read as follows:

~~(a)(1) The votes received by an unopposed candidate in any election held in this state shall not be counted or tabulated by the election officials. The word "UNOPPOSED" shall be sufficient to insert on the tally sheet to indicate that the candidate has received a majority of the votes east in the election. However, the votes received by an unopposed candidate for the office of mayor, governor, or circuit clerk shall be counted and tabulated by the election officials.~~

(2) All other unopposed candidates shall be declared and certified as elected in the same manner as if the candidate had been voted upon at the election.

SECTION 3. Arkansas Code § 7-5-701(a)-(c), concerning the declaration of election results, are amended to read as follows:

(a)(1) No earlier than forty-eight (48) hours after the election and no later than the fifteenth calendar day after the election, the county board of election commissioners, from the certificates and ballots received from the several precincts, shall proceed to ascertain, declare, and certify the result of the election to the Secretary of State.

(2) Unopposed candidates, other than candidates for mayor, governor, and circuit clerk, shall be separately declared and certified to

the Secretary of State as elected in the same manner as if the candidate had been voted upon at the election.

~~(2)(A)~~(3)(A) As results are received and tabulated on election night for all state and federal elections, the county board of election commissioners shall declare preliminary and unofficial results of the election as soon as early voting, absentee, or individual precinct results are tabulated on election night and immediately shall transmit the results by precinct to the Secretary of State through the election night reporting interface provided by the Secretary of State.

(B) The county board of election commissioners may, by agreement with the county clerk, transmit the results to the county clerk who immediately shall transmit the results by precinct to the Secretary of State ~~as described~~ under subdivision ~~(2)(A)~~ (3)(A) of this section.

(C) On election night for all state and federal elections, immediately after the count of the vote is complete, the county board of election commissioners shall:

(i) Declare preliminary and unofficial results of the election, including a statement of the number of outstanding:

(a) Ballots of voters who requested ballots under the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973ff et seq.; and

(b) Provisional ballots; and

(ii) Immediately transmit the results by precinct to the Secretary of State through the election night reporting interface provided by the Secretary of State.

(D) The county board of election commissioners may, by agreement with the county clerk, transmit the results to the county clerk who shall immediately transmit the results by precinct to the Secretary of State as described in subdivision ~~(2)(C)~~ (a)(3)(C) of this section.

(E) The Secretary of State may establish policies and procedures to accomplish the objectives set forth under this section.

~~(3)(4)~~ Within nineteen (19) calendar days after any general, special, or school election, the county board shall deliver a certificate of election to the person having the highest number of legal votes for any county office.

(b) The county board shall also file in the office of the clerk of the

county court a certificate setting forth in detail the result of the election in each precinct.

(c)(1) No earlier than forty-eight (48) hours after the election and no later than the fifteenth calendar day after the election, the county board shall deposit certified copies of the abstracts of the returns of the election for members of Congress and for all executive, legislative, and judicial officers in the nearest post office on the most direct route to the seat of government and directed to the Secretary of State.

(2) Separate from an abstract, the county board shall certify all unopposed candidates for these offices as elected in the same manner as if the candidate had been voted upon at the election.

~~(2)~~(3) The county board shall not receive compensation for election duties after the election until the election results have been certified and delivered to the Secretary of State.

~~(3)~~(4) The Secretary of State shall file a complaint with the State Board of Election Commissioners ~~pursuant to~~ under § 7-4-118 if the county board does not comply with subdivision (c)(1) of this section.

SECTION 4. Arkansas Code § 7-7-304(d), concerning names to be included on ballots and unopposed candidates, is amended to read as follows:

(d) When only one (1) candidate qualifies for a particular office or position, it is not necessary for the office or position and the name of the unopposed candidate ~~shall~~ to be printed on the political party's ballot in all primary elections.

SECTION 5. Arkansas Code § 7-7-313 is amended to read as follows:

7-7-313. Unopposed races.

If there is a primary election in which only one (1) candidate has filed for the position by a filing deadline and there are no other ballot issues to be submitted for consideration, the county board of election commissioners may ~~reduce the number of polling places or open no polling places on election day so that the election is conducted by absentee ballot and early voting only~~ declare and certify the candidate as elected in the same manner as if the candidate had been voted upon at the election.

SECTION 6. Arkansas Code § 7-11-107 is amended to read as follows:

7-11-107. Unopposed candidates.

(a)(1) If there is only one (1) candidate after all deadlines for filing as a candidate have passed in a special election to fill a vacancy and if no other office or issue is on the ballot, the county board of election commissioners may ~~provide that~~ declare and certify the candidate as elected in the same manner as if the candidate had been voted upon at the election.

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

~~(B) 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 of election commissioners deems necessary; or~~

~~(C) If the candidate is for municipal office, the provisions in subsection (c) of this section may be followed.~~

(2) If there is only one (1) candidate after all deadlines for filing as a candidate have passed in a special primary election to fill a vacancy, the county board of election commissioners shall certify the candidate as the nominee of the political party without holding a special primary election for the political party.

~~(b) In a county that uses voting machines or an electronic vote tabulating device, the county board of election commissioners 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 of election commissioners 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.~~

~~(e)(1)(b)~~ If there is only one (1) candidate for municipal office after all the deadlines for filing as a candidate have passed in a special election to fill a vacancy and if no other office or issue is on the ballot, the county board of election commissioners may declare and certify the candidate as elected in the same manner as if the candidate had been voted upon at the election.

~~(A) Declare an election by candidate to be held on the~~

~~election date;~~

~~(B) Open no polling places; and~~

~~(C) Allow the candidate to cast a ballot for himself or herself at a designated time and location on the special election day.~~

~~(2) If an election by candidate is to be held, the county board of election commissioners shall publish notice that an election by candidate shall be held and no polling places will be opened.~~

~~(A) By one (1) insertion in a newspaper of general circulation in the county or municipality at least two (2) weeks before the special election day; and~~

~~(B) By posting a notice on the door of each polling place on the special election day.~~

~~(3) After the candidate casts a ballot for himself or herself at an election by candidate, the candidate shall be declared elected.~~