

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

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: H2/25/19 H2/28/19

A Bill

HOUSE BILL 1420

By: Representative Boyd

By: Senator B. Ballinger

For An Act To Be Entitled

*AN ACT TO AMEND CANDIDATE FILING AND PETITION
CIRCULATION PERIODS; TO AMEND THE ANNUAL SCHOOL
ELECTION DATE NOTIFICATION PROCESS; TO DECLARE AN
EMERGENCY; AND FOR OTHER PURPOSES.*

Subtitle

*TO AMEND CANDIDATE FILING AND PETITION
CIRCULATION PERIODS; TO AMEND THE ANNUAL
SCHOOL ELECTION DATE NOTIFICATION
PROCESS; AND TO DECLARE AN EMERGENCY.*

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

SECTION 1. Arkansas Code § 6-14-102(a)(1)(B), concerning the notification of the date on which the annual school election shall be held, is amended to read as follows:

~~*(B) By the first day of the filing period for a candidate in a primary election, a school district shall notify the county clerk which election date under subdivisions (a)(1)(A)(i) and (ii) of this section it chooses to hold the annual school election.*~~

(B)(i) A school district shall adopt a policy setting forth which election date under subdivision (a)(1)(A) of this section the school district chooses to hold the annual school election upon.

(ii) At least one hundred (100) days before the first day of the respective candidate filing period set forth in § 6-4-111(e)(1)(A), a school district shall provide a copy of the policy under



subdivision (a)(1)(B)(i) of this section to:

(a) The county board of election commissioners of the county in which the school district is domiciled for administrative purposes; and

(b) The county clerk of each county within the school district's boundaries.

(iii) If a school district fails to timely provide a copy of its most current policy to the county board of election commissioners and county clerks in accordance with subdivision (a)(1)(B)(ii) of this section, the school district shall be required to hold the school district's annual school election in accordance with the most recent policy the school district provided to the county board of election commissioners and county clerks.

SECTION 2. Arkansas Code § 6-14-111(e)(1), concerning the circulation" period and filing of a petition for election to a school district board of directors, is amended to read as follows:

(e)(1) The petition, affidavit of eligibility, and the candidate's political practices pledge shall be filed with the county clerk as follows:

(A)(i) During For even-numbered years, during the party filing period as set forth in § 7-7-203 for school elections held concurrently with a preferential primary election;

(ii) For odd-numbered years, during the dates that would be the filing period as forth in 7-7-203 if a preferential primary and general election were to be held in that year; or

(B) During a one-week period ending at 12:00 noon ~~ninety~~ (90) days before the election for on August 1 for school elections held in odd years or concurrently with a general election on the first Tuesday following the first Monday in November.

SECTION 3. Arkansas Code § 6-14-111(f), concerning the circulation period and filing of a petition for election to a school district board of directors, is amended to read as follows:

(f)(1) Candidates may begin circulating petitions not earlier than ~~thirty (30)~~ ninety (90) days before the filing deadline under subdivision (e)(1) of this section.

(2) A signature dated more than ~~thirty (30)~~ ninety (90) days before the filing deadline under subdivision (e)(1) of this section shall not be counted by the county clerk as a valid signature.

SECTION 4. Arkansas Code § 6-14-111(h), concerning the circulation period and filing of a petition for election to a school district board of directors, is amended to read as follows:

(h)(1) The county board of election commissioners shall place on the ballot as candidates for school district director the names of any qualified registered voters whose political practices pledges and affidavits of eligibility have been filed and whose petitions have been filed with and verified by the county clerk of the county in which the school district is domiciled for administrative purposes.

(2) The county board of election commissioners shall not place the name of an unopposed candidate for school district director on the ballot during a school board election held concurrently with the preferential primary election or general election.

SECTION 5. Arkansas Code § 6-61-520(c)(2) and (3), concerning filing for candidacy for a local board of a community college, are amended to read as follows:

(2) Any person desiring to be a candidate for a position on the local board shall, ~~not later than 12:00 noon of the seventieth day prior to the annual school election at which the position on the board is to be filled or the eighty first day before the general election at which the position on the board is to be filled~~ during the respective filing period set forth in § 6-14-111(e)(1), file a notarized statement of such candidacy with the county clerk of each county of which any portion is in the community college district, in substantially the following form:

“State of Arkansas

County of

I,, being first duly sworn, state that I reside at; that I am a resident and qualified elector of community college district; that I am a candidate for the office of position No..... on the local board of such community college, and I hereby request that my name be placed on the ballot as a candidate for such position at the

coming general or annual school election.

(Signed)

Subscribed and sworn to before me this day of, 20

(Signed) _____

Notary Public”.

(3)(A) At the time of filing the statement of candidacy, the candidate shall pay a ballot fee of three dollars (\$3.00) and shall file a petition containing the signatures of at least twenty-five (25) qualified electors of the district, requesting that the name of ~~such person~~ the candidate be placed on the ballot as a candidate for the position on the local board.

(B) Candidates may begin circulating petitions not earlier than ninety (90) days before the filing deadline under subdivision (c)(2) of this section.

SECTION 6. Arkansas Code § 7-5-205(3), concerning filing for write-in candidacy, is amended to read as follows:

(3) The notice of write-in candidacy, the political practices pledge, and the affidavit of eligibility are filed ~~no later than the last day of~~ during the party filing period; and

SECTION 7. Arkansas Code § 7-5-207(a)(2)(A), concerning the unopposed candidates' names not required to appear on the general election ballot, is amended to read as follows:

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

SECTION 8. Arkansas Code § 14-42-206(b)(1) and (2), concerning filing for independent candidacy for municipal office in cities and towns with the mayor-council form of government, are amended to read as follows:

(b)(1) Any person desiring to become an independent candidate for municipal office in cities and towns with the mayor-council form of government shall file ~~not more than one hundred two (102) days nor less than eighty one (81) days before the general election by 12:00 noon~~ during a one-

week period ending at 12:00 noon ninety (90) days before the general election
with the county clerk the petition of nomination in substantially the
following forms:

(A) For all candidates except council members in cities of
the first class and cities of the second class:

“PETITION OF NOMINATION

We, the undersigned qualified electors of the city (town) of _____, Arkansas,
being in number not less than ten (10) for incorporated towns and cities of
the second class, and not less than thirty (30) for cities of the first
class, do hereby petition that the name of _____ be placed on the ballot for
the office of _____ (A candidate for council member in an incorporated
town shall identify the position for which he or she is running) at the next
election of municipal officials in 20_____.

Printed Name:_____

Signature:_____

Street Address:_____

Date of Birth:_____

Date of Signing:_____”.

(B) For candidates for council member elected by ward in
cities of the first class and cities of the second class, the nominating
petitions shall be signed only by qualified electors of the ward in the
following manner:

“PETITION OF NOMINATION

We, the undersigned qualified electors of Ward _____ of the city of _____,
Arkansas, being in number not less than ten (10) for cities of the second
class, and not less than thirty (30) for cities of the first class, do hereby
petition that the name of _____ be placed on the ballot for the office of
council member, Ward _____, position _____, of the next election of municipal
officials in 20 _____.

Printed Name:_____

Signature:_____

Street Address:_____

Date of Birth:_____

Date of Signing:_____”.

(C) For at-large candidates for council member of a ward
in cities of the first class and cities of the second class, the nominating

petitions shall be signed by a qualified elector of the city in the following manner:

“PETITION OF NOMINATION

We, the undersigned qualified electors of the city of _____, Arkansas, being in number not less than ten (10) for cities of the second class, and not less than thirty (30) for cities of the first class, do hereby petition that the name of _____ be placed on the ballot for the office of council member, Ward _____, position _____, of the next election of municipal officials in 20 _____.

Printed Name:_____

Signature:_____

Street Address:_____

Date of Birth:_____

Date of Signing:_____”.

(2)(A) An independent candidate for municipal office may qualify by a petition, to be circulated no longer than ninety (90) days of not fewer than ten (10) electors for incorporated towns and cities of the second class and not fewer than thirty (30) electors for cities of the first class of the ward or city in which the election is to be held.

(B)(i) The county clerk shall determine no later than ten (10) days from filing whether the petition contains the names of a sufficient number of qualified electors and certify that no signatures are dated more than ninety (90) days before the filing of the petition.

(ii) The county clerk’s determination shall be made no less than seventy-five (75) days before the general election.

(C) The county clerk promptly shall notify the candidate of the result.

SECTION 9. Arkansas Code § 14-116-303(a)(1) and (2), concerning the nomination by petition of directors of water district boards, are amended to read as follows:

(a)(1)(A) If a water district is composed of all or a portion of four (4) or more counties, then nominations for directors shall be upon ~~petitions~~ a petition signed by at least fifty (50) qualified electors residing in the area of the district from which the director is to be elected, to be circulated for no longer than ninety (90) days.

(B) This petition ~~The petition under subdivision (a)(1)(A) of this section shall be filed with the county clerk not later than 12:00 noon on July 1 before the general election~~ during a one-week period ending at 12:00 noon ninety (90) days before the general election.

(2)(A) If a water district is composed of all or a portion of less than four (4) counties, then nominations for directors shall be upon ~~petitions~~ a petition signed by at least fifty (50) qualified electors, who shall consist of those electors residing in all or part of any precinct in the service area of the customers of the district from which the director is to be elected.

(B) This petition ~~The petition under subdivision (a)(2)(A) of this section shall be~~ circulated no longer than ninety (90) days and filed with the county clerk ~~not later than 12:00 noon on July 1 before the general election~~ during a one-week period ending at 12:00 noon ninety (90) days before the general election.

SECTION 10. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that there is a need for uniform candidate filing and petition circulation periods; that if there is a delay in implementation, some candidate filing and petition circulation periods may be disrupted by the change in the middle of a candidate's campaign; and that this act should become effective before candidates begin circulating petitions and filing for candidacy in the 2019 November annual school elections. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.

/s/Boyd