

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

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

# A Bill

SENATE BILL 649

By: Senator T. Garner  
By: Representative G. Hodges

## For An Act To Be Entitled

AN ACT TO AMEND CERTAIN LAWS NECESSARY TO EFFECTUATE ALTERNATING MAY AND MARCH PREFERENTIAL PRIMARY ELECTIONS; TO PROVIDE FOR THE TERMS OF MEMBERS OF SCHOOL DISTRICT BOARDS OF DIRECTORS; TO REPEAL ACT 545 OF 2019; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

## Subtitle

TO AMEND CERTAIN LAWS NECESSARY TO EFFECTUATE ALTERNATING MAY AND MARCH PREFERENTIAL PRIMARY ELECTIONS; TO REPEAL ACT 545 OF 2019; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. DO NOT CODIFY. Legislative intent.

The intent of this act is to repeal Act 545 of 2019 before it becomes effective and enact the provisions of this act in place of the provisions of Act 545 of 2019.

SECTION 2. Arkansas Code § 6-13-608, concerning the length of terms of members of school district boards of directors, is amended to add an additional subsection to read as follows:

(d) The terms shall be arranged so that a member of a school district board of directors begins his or her term as follows:



(1) If the school district holds its annual school election on the dates of the preferential primary election in even-numbered years and on the third Tuesday in May in odd-numbered years, the term of the newly elected member of the school district board of directors shall begin on July 1 of the year in which the member was elected; and

(2) If the school district holds its annual school election on the date of the general election in even-numbered years and the first Tuesday following the first Monday in November in odd-numbered years, the term of the newly elected member of the school district board of directors shall begin on the January 1 of the year following the year of the annual school election.

SECTION 3. Arkansas Code § 6-13-617(b)(1), concerning the beginning of the commission for a school board director, is amended to read as follows:

(b)(1) The county clerk, upon receipt of the certification of the administration of the oath prescribed for a director, shall immediately commission ~~such persons~~ the director for the term to which he or she has been elected, and ~~they~~ the director shall enter ~~at once~~ upon ~~their~~ his or her duties as ~~directors~~ a newly elected director on the date upon which his or her term begins.

SECTION 4. Arkansas Code § 6-14-102(a)(1)(A), concerning the dates of an annual school election, is amended to read as follows:

(a)(1)(A) The annual school election shall be held in each school district of the state ~~on the~~

~~(i) Date of the preferential primary election in even-numbered years and the date that would be designated as the preferential primary election in odd-numbered years if a general election were held in the odd-numbered year; or;~~

~~(ii)~~ (i) In even-numbered years, on the date of the:

(a) Preferential primary election; or

(b) General election; and

(ii) In odd-numbered years, on the:

(a) First Tuesday following the first Monday in November of each year; or

(b) Third Tuesday in May.

SECTION 5. Arkansas Code § 7-7-203(a)-(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~~:

(1) For years in which the office of Governor will appear on the ballot at the general election, on the third Tuesday in June preceding the general election; and

(2) For years in which the office of President of the United States will appear on the ballot at the general election, on the Tuesday four (4) weeks following the preferential primary election.

(b) The preferential primary election shall be held ~~on~~:

(1) For years in which the office of Governor will appear on the ballot at the general election, on the Tuesday four (4) weeks before the general primary election; and

(2) For years in which the office of President of the United States will appear on the ballot at the general election, on the first Tuesday after the first Monday in March.

(c)(1) The party filing period shall be a one-week period beginning and ending on the following dates and times:

(A) For years in which the office of Governor will appear on the ballot at the general election, beginning at 12:00 noon one (1) week prior to the first day in March and 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; and

(B) For years in which the office of President of the United States will appear on the ballot at the general election, 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 6. 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) days before each preferential primary election, the~~ 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 not less than:

(A) Seventy-five (75) days before a preferential primary election that is held in May under § 7-7-203; and

(B) Ninety-two (92) days before a preferential primary election that is held in March under § 7-7-203.

(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) days before each preferential primary election, the~~ The county clerk shall certify to the county board 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 ballot at the preferential primary election not less than:

(A) Seventy-five (75) days before a preferential primary election that is held in May under § 7-7-203; and

(B) Ninety-two (92) days before a preferential primary

election that is held in March under § 7-7-203.

(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 7. Arkansas Code § 7-7-305(b), concerning printing of ballots, is amended to read as follows:

(b)(1) 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~~:

(A) Seventy-two (72) days before the a preferential primary election that is held in May under § 7-7-203; and

(B) Eighty-nine (89) days before a preferential primary election that is held in March under § 7-7-203.

(2) The county board of election commissioners 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 county board of election commissioners, 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 8. Arkansas Code § 10-2-101(b)(1), concerning the timing of the fiscal session of the General Assembly, is amended to read as follows:

(b)(1) The General Assembly shall meet in a fiscal session ~~at 12:00 noon on the second Monday in February of each even-numbered year~~ to consider appropriation bills in each even-numbered year at 12:00 noon on the:

(A) Second Monday in February in years in which the preferential primary election is held in May under § 7-7-203; and

(B) Second Wednesday in April in years in which the preferential primary election is held in March under § 7-7-203.

SECTION 9. Arkansas Code § 10-2-112(a), concerning the prefiling of bills and resolutions, is amended to read as follows:

(a)(1) The Chief Clerk of the House of Representatives and the Secretary of the Senate, under the direction and supervision of the Speaker of the House of Representatives and the President Pro Tempore of the Senate, shall establish a system for the prefiling of bills and resolutions beginning on:

(A) November 15 of each year preceding a regular session of the General Assembly; ~~and~~

(B)~~(i)~~ The second Monday of January of each year of a fiscal session of the General Assembly which is held in a year in which the preferential primary election is held in May under § 7-7-203; and

(C) The second Monday of March of each year of a fiscal session of the General Assembly which is held in a year in which the preferential primary election is held in March under § 7-7-203.

~~(ii)~~(2) A nonappropriation bill may not be prefiled prior to a fiscal session due to the requirement in Arkansas Constitution, Amendment 86, that a concurrent resolution be approved by a vote of two-thirds (2/3) of the members elected to each house before either body may consider a nonappropriation bill.

~~(2)~~(3) Under that pre-session filing system, each member-elect of the General Assembly and holdover member of the Senate who will be serving at the next-following regular session of the General Assembly shall be permitted to prefile bills and resolutions for the next regular session as soon as the members-elect of the next General Assembly are certified to the Secretary of State.

SECTION 10. Arkansas Code § 10-3-2104(d)(3), concerning findings and recommendations of the House Committee on Education and the Senate Committee on Education, is amended to read as follows:

(3) ~~By November 1 of the calendar year before the beginning of a fiscal session, if~~ If the House Committee on Education and the Senate Committee on Education find that the recommendations in the most recent adequacy evaluation report filed under this section should be amended, the House Committee on Education and the Senate Committee on Education, jointly or separately, or both, shall advise in writing the President Pro Tempore of

the Senate and the Speaker of the House of Representatives of their findings and amendments to the adequacy evaluation report:

(A) By November 1 of the calendar year before the beginning of a fiscal session that is held in a year in which the preferential primary election is held in May under § 7-7-203; and

(B) By March 1 of the calendar year before the beginning of a fiscal session that is held in a year in which the preferential primary election is held in March under § 7-7-203.

SECTION 11. 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,~~ 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 by resolution passed:

(A) Before January 1 of the year of the election, if the election will occur in a year in which the preferential primary election is held in May under § 7-7-203; and

(B) No less than sixty (60) days before the party filing period begins under § 7-7-203, if the election will occur in a year in which the preferential primary election is held in March under § 7-7-203.

SECTION 12. Arkansas Code § 19-4-304(b), concerning the submission of the annual revenue forecast to the Legislative Council by the Director of the Department of Finance and Administration, is amended to read as follows:

(b) The director shall submit the annual revenue forecast to the Legislative Council:

(1) By December 1 of the year preceding a fiscal session that is held in a year in which the preferential primary election will be held in May under § 7-7-203; and

(2) By February 1 of a year preceding a fiscal session that is held in a year in which the preferential primary election is held in March under § 7-7-203; and

(3) No later than sixty (60) days before the start of a regular

session.

SECTION 13. Pursuant to the enactment of sections 1 through 12 of this Act, Act 545 of 2019 is repealed, Act 545 of 2019 shall not become effective, and this act is enacted in place of the provisions of Act 545 of 2019.

~~SECTION 1. Arkansas Code § 6-14-102(a)(1)(A), concerning the dates of an annual school election, is amended to read as follows:~~

~~(a)(1)(A) The annual school election shall be held in each school district of the state on the:~~

~~(i) Date of the preferential primary election in even-numbered years and the date that would be designated as the preferential primary election in odd-numbered years if a general election were held in the odd-numbered year; or~~

~~(ii)(i) In even-numbered years, on the date of the:~~

~~(a) Preferential primary election; or~~

~~(b) General election; and~~

~~(ii) In odd-numbered years, on the:~~

~~(a) First Tuesday following the first Monday in November of each year; or~~

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~~SECTION 2. Arkansas Code § 7-7-203(a)-(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:~~

~~(1) For years in which the office of Governor will appear on the ballot at the general election, on the third Tuesday in June preceding the general election; and~~

~~(2) For years in which the office of President of the United States will appear on the ballot at the general election, on the Tuesday four (4) weeks following the preferential primary election.~~

~~(b) The preferential primary election shall be held on:~~

~~(1) For years in which the office of Governor will appear on the ballot at the general election, on the Tuesday four (4) weeks before the general primary election; and~~

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~~States will appear on the ballot at the general election, on the first Tuesday after the first Monday in March.~~

~~(c)(1) The party filing period shall be a one week period beginning and ending on the following dates and times:~~

~~(A) For years in which the office of Governor will appear on the ballot at the general election, beginning at 12:00 noon one (1) week prior to the first day in March and 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; and~~

~~(B) For years in which the office of President of the United State will appear on the ballot at the general election, 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.~~

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~~(A) Seventy five (75) days before a preferential primary election that is held in May under § 7-7-203; and~~

~~(B) Ninety two (92) days before a preferential primary election that is held in March under § 7-7-203.~~

~~(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.~~

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~~SECTION 4. Arkansas Code § 7-7-305(b), concerning printing of ballots, is amended to read as follows:~~

~~(b)(1) 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:~~

~~(A) Seventy two (72) days before the a preferential primary election that is held in May under § 7-7-203; and~~

~~(B) Eighty nine (89) days before a preferential primary election that is held in March under § 7-7-203.~~

~~(2) The county board of election commissioners 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 county board of election commissioners, 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 5. Arkansas Code § 10-2-101(b)(1), concerning the timing of the fiscal session of the General Assembly, is amended to read as follows:~~

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~~(A) November 15 of each year preceding a regular session of the General Assembly; and~~

~~(B)(i) The second Monday of January of each year of a fiscal session of the General Assembly which is held in a year in which the preferential primary election is held in May under § 7-7-203; and~~

~~(C) The second Monday of March of each year of a fiscal session of the General Assembly which is held in a year in which the preferential primary election is held in March under § 7-7-203.~~

~~(ii)(2) A nonappropriation bill may not be prefiled prior to a fiscal session due to the requirement in Arkansas Constitution, Amendment 86, that a concurrent resolution be approved by a vote of two-thirds (2/3) of the members elected to each house before either body may consider a nonappropriation bill.~~

~~(2)(3) Under that pre-session filing system, each member elect of the General Assembly and holdover member of the Senate who will be serving at the next following regular session of the General Assembly shall be permitted to prefile bills and resolutions for the next regular session as soon as the members elect of the next General Assembly are certified to the Secretary of State.~~

~~SECTION 7. Arkansas Code § 10-3-2104(d)(3), concerning findings and recommendations of the House Committee on Education and the Senate Committee on Education, is amended to read as follows:~~

~~(3) By November 1 of the calendar year before the beginning of a fiscal session, if If the House Committee on Education and the Senate Committee on Education find that the recommendations in the most recent adequacy evaluation report filed under this section should be amended, the House Committee on Education and the Senate Committee on Education, jointly or separately, or both, shall advise in writing the President Pro Tempore of the Senate and the Speaker of the House of Representatives of their findings and amendments to the adequacy evaluation report:~~

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~~political parties under the laws of the state to conduct party primaries for municipal offices for the forthcoming year by resolution passed:~~

~~(A) Before January 1 of the year of the election, if the election will occur in a year in which the preferential primary election is held in May under § 7-7-203; and~~

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~~(b) The director shall submit the annual revenue forecast to the Legislative Council:~~

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~~(2) By February 1 of a year preceding a fiscal session that is held in a year in which the preferential primary election is held in March under § 7-7-203; and~~

~~(3) No later than sixty (60) days before the start of a regular session.~~

SECTION 14. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that certain pre-election deadlines must be met well in advance of the preferential primary election or general election in the case of judicial elections; that judicial candidates cannot announce their candidacy sooner than one (1) year before the judicial election; and that this act is immediately necessary in order to protect the integrity of our election process by ensuring that election deadlines for the upcoming March preferential primary election and judicial election are clearly stated. 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.