

1 State of Arkansas  
2 89th General Assembly  
3 Fiscal Session, 2014

SR 6

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5 By: Senators E. Williams, K. Ingram

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8 **SENATE RESOLUTION**

9 TO AUTHORIZE THE INTRODUCTION OF A NONAPPROPRIATION  
10 BILL CONCERNING FILLING VACANCIES IN CERTAIN OFFICES.

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13 **Subtitle**

14 TO AUTHORIZE THE INTRODUCTION OF A  
15 NONAPPROPRIATION BILL CONCERNING FILLING  
16 VACANCIES IN CERTAIN OFFICES.

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19 BE IT RESOLVED BY THE SENATE OF THE EIGHTY-NINTH GENERAL ASSEMBLY OF THE  
20 STATE OF ARKANSAS:

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22 That Senator Williams is authorized to introduce a bill which as  
23 introduced will read substantially as follows:

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25 "For An Act To Be Entitled  
26 AN ACT TO AMEND ARKANSAS LAW CONCERNING FILLING VACANCIES IN CERTAIN OFFICES;  
27 TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

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29 Subtitle  
30 TO AMEND ARKANSAS LAW CONCERNING FILLING VACANCIES IN CERTAIN OFFICES; AND TO  
31 DECLARE AN EMERGENCY.

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

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35 SECTION 1. Arkansas Code § 7-7-105 is amended to read as follows:  
36 7-7-105. Filling vacancies in certain offices – Special primary



1 elections.

2 (a) Nominees for special elections called for the purpose of filling a  
3 vacancy in office for a member of the United States House of Representatives,  
4 Lieutenant Governor, or for a member of the Senate or House of  
5 Representatives of the General Assembly shall be chosen as follows:

6 (1) The Governor shall certify in writing to the state  
7 committees of the respective political parties the fact of vacancy and shall  
8 request the respective state committees to make a determination and notify  
9 him or her in writing within ten (10) days with respect to whether the  
10 political parties desire to hold a special primary election or a convention  
11 of delegates held under party rules to choose nominees;

12 (2)(A) If the state committee of any political party timely  
13 notifies the Governor that it chooses to hold a special primary election, any  
14 political party desiring to choose a nominee shall choose the nominee at a  
15 special primary election.

16 (B) The Governor's proclamation shall set dates for the  
17 special primary election and the runoff primary election to be held if no  
18 candidate receives a majority of the vote at the special primary election;  
19 and

20 (3)(A)(i) A Except as provided in subsection (c) of this  
21 section, a special election to fill the vacancy in office shall be held on a  
22 date as soon as possible after the vacancy occurs, but not more than one  
23 hundred fifty (150) days after the occurrence of the vacancy.

24 (ii) Except as provided in subdivision  
25 (a)(3)(A)(iii) of this section, the special election shall be held not more  
26 than one hundred fifty (150) days after the occurrence of the vacancy.

27 (iii) If the Governor determines it is impracticable  
28 or unduly burdensome to hold the special election within one hundred fifty  
29 (150) days after the occurrence of the vacancy, the special election shall be  
30 held as soon as practicable after the one hundred fiftieth day following the  
31 occurrence of the vacancy.

32 (B) The special election shall be held in accordance with  
33 laws governing special elections.

34 (C)(i) If a nominee is to be chosen at a special primary  
35 election and if, after the close of the filing period, only one (1) or two  
36 (2) candidates have filed for the nomination of a party holding a primary,

1 the state committee of a party holding a primary shall notify the Governor.

2 (ii) The Governor shall issue a new proclamation  
3 setting the special election for an earlier date so long as the earlier date  
4 is in accordance with state laws governing special elections.

5 (b) If no state committee of any political party timely notifies the  
6 Governor of the desire to hold a special primary election or convention, the  
7 Governor, in issuing his or her proclamation calling for the special  
8 election, shall declare that the nominee of a political party shall be chosen  
9 at a convention.

10 (c) A special election for a vacancy in the office of Lieutenant  
11 Governor shall not be held if:

12 (1) The vacancy occurs less than ten (10) months before the next  
13 scheduled general election;

14 (2) The office of Lieutenant Governor would in regular course be  
15 filled at the next scheduled general election; and

16 (3) The Governor determines that the cost of holding a special  
17 election for a vacancy in the office of Lieutenant Governor less than ten  
18 (10) months before the office will be filled at the next scheduled general  
19 election is impractical because of the timing of the vacancy.

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21 SECTION 2. DO NOT CODIFY. Section 1 of this act applies to a vacancy  
22 occurring on or after January 1, 2014.

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24 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the  
25 General Assembly of the State of Arkansas that the current time allotted for  
26 special elections to fill vacancies in certain offices is often rendered  
27 impracticable by legal and practical considerations associated with holding a  
28 statewide special election. The General Assembly further finds that because  
29 statewide special elections cost in excess of one million dollars  
30 (\$1,000,000), the Governor should have the discretion to determine whether  
31 special elections to fill certain vacancies are impractical because of the  
32 timing of the vacancy and that this act should become effective at the  
33 earliest opportunity to allow the state to avoid election expenses that the  
34 Governor determines are impractical. Therefore, an emergency is declared to  
35 exist, and this act being immediately necessary for the preservation of the  
36 public peace, health, and safety shall become effective on:

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(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."