

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 84th General Assembly  
3 Regular Session, 2003  
4

As Engrossed: H1/30/03 H3/20/03 H4/2/03

# A Bill

Act 1731 of 2003  
HOUSE BILL 1015

5 By: Representative King  
6  
7

## For An Act To Be Entitled

9 AN ACT TO CLARIFY THE FILING REQUIREMENTS AND  
10 DEADLINES FOR THOSE INDIVIDUALS WISHING TO FILE  
11 FOR PUBLIC OFFICE; AND FOR OTHER PURPOSES.  
12

## Subtitle

13 AN ACT TO CLARIFY THE FILING  
14 REQUIREMENTS AND DEADLINES FOR THOSE  
15 INDIVIDUALS WISHING TO FILE FOR PUBLIC  
16 OFFICE.  
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19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

22 *SECTION 1. Arkansas Code § 7-1-101, concerning definitions used in*  
23 *Title 7 of the Arkansas Code, is amended to add an additional subdivision to*  
24 *read as follows:*

25 *(25) "Party certificate" means a written statement or receipt signed*  
26 *by the secretary or chairman of the county committee or of the state*  
27 *committee, as the case may be, of the political party evidencing the name and*  
28 *title proposed to be used by the candidate on the ballot, the position the*  
29 *candidate seeks, payment of the fees, and filing of the party pledge, if any,*  
30 *required by the political party.*  
31

32 *SECTION 2. Arkansas Code § 7-6-102(e), regarding political practices*  
33 *pledge and filing requirements for individuals running for public office, is*  
34 *amended to read as follows:*

35 ~~*(e) [As amended by Acts 1989, No. 755, § 1.] The Secretary of State or*~~  
36 ~~*the county clerks of each county, depending on the office, shall notify*~~



1 ~~candidates who have failed to file timely political practices pledges. Only~~  
 2 ~~candidates who refuse to file signed pledges within five (5) days of~~  
 3 ~~notification of failure to file may be kept off the ballot or made ineligible~~  
 4 ~~to be write-in candidates.~~

5 (e) [As amended by Acts 1989, No. 912, § 3.] (1) ~~The failure of any~~  
 6 ~~candidate~~ The name of a candidate who fails to sign and file the pledge shall  
 7 ~~be justifiable grounds to keep the candidate's name from appearing~~ not appear  
 8 on the ballot.

9 (2)(A) However, within five (5) days following the first  
 10 Tuesday in April before the preferential primary election or within five (5)  
 11 days from which the pledge is required to be filed, the Secretary of State or  
 12 the county clerk shall notify, by certified mail which requires a return  
 13 receipt signed by the candidate, those candidates who have failed to file a  
 14 signed political practice pledge. Such notice shall include a copy of the  
 15 written pledge required by this section.

16 (B) Failure of the state or district candidate to file  
 17 with the Secretary of State or of the county, municipal, or township  
 18 candidate to file with the county clerk within twenty (20) days of receipt or  
 19 refusal of this notice shall prevent the candidate's name from appearing on  
 20 the ballot.

21  
 22 SECTION 3. Arkansas Code § 7-7-103(a), concerning filing as an  
 23 independent candidate, is amended to read as follows:

24 (a) Any person desiring to have his name placed upon the ballot as an  
 25 independent candidate without political party affiliation for any state,  
 26 county, township, or district office in any general election in this state  
 27 shall file as an independent candidate a notice of candidacy stating the name  
 28 and title the candidate proposes to appear on the ballot and identifying the  
 29 elective office sought and a nominating petition in the manner provided in  
 30 this section no later than the date fixed by law as the deadline for filing  
 31 political practices pledges and party pledges if any are required by the  
 32 rules of the party to qualify as a candidate of a political party in a  
 33 primary election.

34  
 35 SECTION 4. Arkansas Code § 7-7-203(c), concerning election dates, is  
 36 amended to read as follows:

1 (c)(1) Party pledges, if any, ~~and political practice pledges for~~  
 2 ~~primary elections~~ shall be filed and any filing fees of a political party, if  
 3 any, shall be paid during regular office hours in the period beginning at  
 4 12:00 noon on the third Tuesday in March and ending at 12:00 noon on the  
 5 fourteenth day thereafter before the preferential primary election.

6 (2) A party certificate and the political practice pledge for  
 7 primary elections shall be filed with the county clerk or the Secretary of  
 8 State, as the case may be, during regular office hours in the period  
 9 beginning at 12:00 noon on the third Tuesday in March and ending at 12:00  
 10 noon on the fourteenth day thereafter before the preferential primary  
 11 election.

12 (3) The name of a candidate who fails to file a party  
 13 certificate by the filing deadline with the Secretary of State or county  
 14 clerk, as the case may be, shall not appear on the ballot.

15 ~~(2)(4)~~ Party pledges, if any, shall be filed, filing fees, if  
 16 any, shall be paid and party certificates and political practice pledges  
 17 shall be filed ~~and filing fees of a political party~~ for special primary  
 18 elections ~~shall be paid~~ on or before the deadline established by proclamation  
 19 of the Governor.

20 ~~(3)(5)~~ Pledges and filing fees of the political party for a new  
 21 political party shall be filed and paid as provided in subsection (f) of this  
 22 section.

23  
 24 SECTION 5. Arkansas Code § 7-7-301(c), concerning party pledges and  
 25 party filing fees, is amended to read as follows:

26 (c) The county clerk shall not accept for filing the political  
 27 practices pledge of any candidate for nomination by a political party to any  
 28 county, township, or partisan municipal office, nor shall the Secretary of  
 29 State accept for filing the political practices pledge of any candidate for  
 30 nomination by a political party to any state or district office, unless the  
 31 candidate first ~~furnishes written evidence of payment of all party filing~~  
 32 ~~fees required by the political party for candidates for the office of which~~  
 33 ~~the person is seeking nomination and written evidence of the filing of all~~  
 34 ~~party pledges required by the political party, if any. "Written evidence"~~  
 35 ~~shall mean a written statement or receipt signed by the secretary or chairman~~  
 36 ~~of the county committee or of the state committee, as the case may be, of the~~

1 ~~political party evidencing payment of the fees and filing of the party~~  
2 ~~pledge, if any, required by the political party, files a party certificate.~~

3  
4 SECTION 6. Arkansas Code § 7-7-305(c)(2), concerning ballots for  
5 primary elections, is amended to read as follows:

6 (c)(2) The names and titles as proposed to be used by each candidate  
7 on the political practice pledge or, if the political practice pledge is not  
8 filed by the filing deadline, then the names and titles that appear on the  
9 party certificate, shall be reviewed no later than one (1) business day after  
10 the filing deadline by the State Board of Election Commissioners for state  
11 and district offices and by the county board of election commissioners for  
12 county, township, school, and municipal offices.

13 /s/ King

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16 APPROVED: 4/22/2003  
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