

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.

Act 67 of the Regular Session

1 State of Arkansas
2 8th General Assembly
3 Regular Session, 2005
4

As Engrossed: S1/24/05

A Bill

SENATE BILL 93

5 By: Senator Faris
6
7

8 **For An Act To Be Entitled**

9 AN ACT TO AMEND VARIOUS PROVISIONS OF THE
10 ARKANSAS ELECTION LAWS; AND FOR OTHER PURPOSES.
11

12 **Subtitle**

13 AN ACT TO AMEND VARIOUS PROVISIONS OF
14 THE ARKANSAS ELECTION LAWS.
15
16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code § 7-3-104(a), concerning the election of
20 county committee members, is amended to read as follows:

21 (a)(1) The members of the county committee of political parties from
22 each election precinct, township, or city ward shall be elected by a majority
23 vote of those votes cast for each membership position at the primary
24 elections held by the political party.

25 (2)(A) Except as provided in subdivision (a)(2)(B) of this
26 section, the ~~The~~ county board of election commissioners shall place on the
27 ballot of the primary election the names of all persons seeking election as
28 members of the county committee who shall have filed a written pledge to
29 abide by the results of the primary, if any is required by the rules of the
30 political party, and who shall have paid the filing fee, if any, assessed
31 therefor.

32 (B) When only one (1) candidate qualifies for a particular
33 position on the county committee, the candidate's name shall be omitted from
34 the ballot and the candidate shall be selected to serve in the particular
35 position in the same manner as if the position had been voted upon at the



1 primary election.

2 (3) If candidates for any county committee membership positions
3 have not qualified as provided in this section within the time required for
4 candidates to qualify, the county committee shall select candidates for
5 committeeman at any public meeting of the committee held after the ticket has
6 closed and prior to the time the primary election ballots are printed.

7 (4) Vacancies in the county committee shall be filled by the
8 committee.

9

10 SECTION 2. Arkansas Code § 7-4-112 is amended to read as follows:

11 7-4-112. Compensation of election officials.

12 (a) The election officials shall receive a minimum of ~~seven dollars~~
13 ~~and fifty cents (\$7.50)~~ the prevailing federal minimum wage for holding an
14 election, or such greater amount as may be appropriated.

15 (b) In addition, each election official carrying ~~the returns~~ election
16 materials to and from the precincts to the county board of election
17 ~~commissioners' office~~ polling sites shall be allowed mileage at such rate as
18 may be appropriated but not to exceed the rate prescribed for state employees
19 in state travel regulations.

20

21 SECTION 3. Arkansas Code § 7-4-116(b), concerning the election poll
22 workers program for high school students, is amended to read as follows:

23 (b) The program shall:

24 (1) Be designed to stimulate the students' interest in elections
25 and registering to vote;

26 (2) Provide assistance to the officers of election; and

27 (3) Assist in the safe entry and exit of elderly voters and
28 ~~disabled voters~~ with disabilities from the polling place.

29

30 SECTION 4. Arkansas Code § 7-4-117(b), concerning the election poll
31 workers program for college students, is amended to read as follows:

32 (b) The program shall:

33 (1) Be designed to stimulate the students' interest in elections
34 and in registering to vote;

35 (2) Provide assistance to the officers of the election; and

36 (3) Assist in the safe entry and exit of elderly voters and

1 ~~disabled~~ voters with disabilities from the polling place.

2
3 SECTION 5. Arkansas Code § 7-5-102 is amended to read as follows:

4 7-5-102. Time of general election.

5 On the Tuesday next after the first Monday in November in every even-
6 numbered year, there shall be held an election in each precinct and ward in
7 this state for the election of all elective state, county, and township
8 officers whose term of office is fixed by the Arkansas Constitution or the
9 General Assembly at two (2) years; for State Senators in their respective
10 districts when the terms for which the Senators shall have been elected shall
11 expire before the next general election; ~~for Justices of the Supreme Court~~
12 ~~and Judges of the Court of Appeals, for judges of the chancery and circuit~~
13 ~~courts, and for elective officers whose office is created by the General~~
14 ~~Assembly, when the term of office of any judge or justice shall expire before~~
15 ~~the next general election;~~ for Representatives in the Congress of the United
16 States for each congressional district in this state; for United States
17 Senators, when the term of office of any Senator shall expire before the next
18 general election; and for prosecuting attorney in this state.

19
20 SECTION 6. Arkansas Code § 7-5-203 is amended to read as follows:

21 7-5-203. Certification of candidate lists.

22 (a) Not fewer than fifty (50) days before each general election day,
23 the Secretary of State shall certify to all county boards of election
24 commissioners full lists of all candidates to be voted for in their
25 respective counties as the nominations have been certified to him or her.

26 (b) Not fewer than fifty (50) days before each general election day,
27 the clerk of each county shall certify to the county board of election
28 commissioners of his or her county a full list of all candidates to be voted
29 for in the county as the nominations have been certified to him or her.

30 ~~(b)(c)~~ However, in special elections held to fill vacancies or to
31 elect officers in case of a tie vote, the certification shall issue at the
32 time specified in the writ of election issued by the appropriately
33 constituted authority.

34
35 SECTION 7. Arkansas Code § 7-5-206 is amended to read as follows:

36 7-5-206. Publication requirements.

1 (a) The county board of election commissioners shall make publication
 2 of all nominations filed with it, of all nominations certified to it by the
 3 Secretary of State, of all proposed amendments to the Arkansas Constitution,
 4 and other questions certified to it by the Secretary of State, or required by
 5 law to be submitted to the electors at any election, by posting a list
 6 thereof at the door of the courthouse at least ten (10) days before the day
 7 of the election.

8 (b)~~(1)~~ The county board shall alter any sample ballots distributed to
 9 the public or members of the press so as to prevent persons from producing
 10 counterfeit ballots, by

11 ~~(2) Such methods of alteration shall include, but are not~~
 12 ~~limited to:~~

13 ~~(A) Stamping stamping sample ballots with such words as~~
 14 ~~"UNOFFICIAL" or the word "SAMPLE", or~~

15 ~~(B) Making changes in size and color.~~

16
 17 SECTION 8. Arkansas Code § 7-5-312(b)(1), concerning the challenge of
 18 a voter's ballot by poll watchers, candidates, or designees, is amended to
 19 read as follows:

20 (b)(1) When the ballot of any voter is thus challenged, it shall be
 21 treated as a provisional ballot. It shall be the duty of the election
 22 officials in the election precinct to make and retain a list of the names of
 23 all persons ~~so challenged~~ voting a provisional ballot. The following
 24 procedure shall be followed:

25 (A) The voter shall separate his or her marked ballot and
 26 ballot stub;

27 (B) The voter shall place the ballot in a single
 28 provisional ballot envelope and seal the envelope; and

29 (C) The voter shall place the ballot stub and the sealed
 30 provisional ballot envelope and challenge form in a provisional
 31 voter envelope.

32
 33 SECTION 9. Arkansas Code § 7-5-317 is amended to read as follows:

34 7-5-317. Processing and delivery of election materials.

35 (a) After the count of the ballots is completed, all of the election
 36 returns shall be processed and delivered in the following manner:

1 (1) The list-of-voters form, precinct voter registration list,
2 voter registration application forms, and other recordkeeping supplies shall
3 be delivered to the county clerk;

4 (2) Certificates of election results and tally sheets:

5 ~~(A) One (1) copy of the certificate of election results~~
6 ~~shall be posted in a conspicuous place outside the polling site immediately~~
7 ~~after the ballots are counted;~~

8 ~~(B)(A)~~ One (1) copy of the certificate of election results
9 with one (1) copy of the tally sheets shall be delivered to the county clerk;
10 and

11 ~~(C)(B)~~ One (1) copy of the certificate of election results
12 shall be returned with one (1) copy of the tally sheets and reports of
13 challenges of voters, if any, to the county board of election commissioners;

14 (3) Ballots:

15 (A) The election officials shall securely envelope the
16 voted ballots separately from the unused ballots and place the ballots in a
17 container with a numbered seal and then deliver the ballots with the tally
18 sheets and other election materials to the county board; and

19 (B) All cancelled ballots shall be preserved separately
20 from the other ballots and returned to the county board;

21 (4) Stub boxes: Sealed stub boxes shall be delivered to the
22 county treasurer for storage.

23 (b) All of the election materials and returns shall be delivered to
24 the county board by the election officials immediately after the polls
25 close.

26
27 SECTION 10. Arkansas Code § 7-5-401 is amended to read as follows:

28 7-5-401. Duties of county clerk.

29 The county clerk shall be the custodian of the absentee ballots and
30 early voting ballots for any early voting conducted by the clerk at the
31 courthouse. The county clerk shall be furnished a suitable room at the county
32 courthouse and shall exercise all the powers and duties concerning the
33 application for, the issuance of, and the voting of absentee and early voting
34 ballots required by law of the county clerk.

35
36 SECTION 11. Arkansas Code § 7-5-403(b), concerning absentee ballot

1 applications, is amended to read as follows:

2 (b)(1) Any person eligible to vote by absentee ballot may request the
3 county clerk to mail to an address within the continental United States an
4 application for an absentee ballot.

5 (2)(A) For those persons voting by absentee ballot who reside
6 outside the county in which they are registered to vote, the application
7 shall remain in effect for one (1) year unless revoked by the voter, and the
8 county clerk shall thereafter automatically mail, no later than twenty-five
9 (25) days prior to each election, an absentee ballot for each election.

10 (B) Except for persons of long-term care or residential
11 facilities licensed by the state or other persons who are ~~disabled~~ voters
12 with disabilities as defined in § 7-5-311(d), for those persons voting by
13 absentee ballot who reside within the county in which they are registered to
14 vote, the application shall only be valid for one (1) election cycle. The
15 election cycle shall include any one (1) election and the corresponding
16 runoff election.

17

18 SECTION 12. Arkansas Code § 7-5-405(b), concerning absentee ballot
19 application forms, is amended to read as follows:

20 (b) The Secretary of State may prescribe separate absentee ballot
21 application forms for:

22 (1)(A) Persons who reside within the county in which they are
23 registered to vote and will be unavoidably absent from the polls on the date
24 of the election.

25 (B) The application shall be valid for one (1) election
26 cycle which includes any one (1) election and the corresponding ~~run-off~~
27 runoff election;

28 (2)(A) Persons whose application would be valid for one (1)
29 calendar year.

30 (B) This includes the following:

31 (i) Persons who reside outside the county in which
32 they are registered to vote;

33 (ii) Persons in long-term care or residential
34 facilities licensed by the state; and

35 (iii) ~~Disabled voters~~ Voters with disabilities; and

36 (3)(A) Persons whose application would be valid through the next

1 two (2) regularly scheduled general elections for federal office, including
2 any resulting runoff elections, if requested by the voter.

3 (B) This shall include citizens of the United States
4 temporarily residing outside the territorial limits of the United States and
5 District of Columbia and their spouses and dependents when residing with or
6 accompanying them.

7
8 SECTION 13. Arkansas Code § 7-5-417, concerning the challenge of
9 absentee votes, is amended to read as follows:

10 7-5-417. Challenge of absentee votes.

11 (a) When the name and voting precinct of a voter is read by the
12 election official, any candidate or qualified poll watcher pursuant to § 7-5-
13 312 may challenge the vote in the manner provided by law for personal voting
14 challenges, and the election officials shall ~~receive the evidence or~~
15 ~~testimony to establish the challenge~~ consider the ballot as a provisional
16 ballot.

17 (b) If the statement is not in proper form, or if for any other legal
18 reason the vote should not be counted, the ballot shall be ~~challenged, but it~~
19 ~~shall be~~ preserved together with the stub, statement, and envelope for the
20 same period of time that the statements are preserved.

21 (c) If the county board of election commissioners determines that the
22 ~~challenged~~ provisional voter is qualified and that the vote should be
23 counted, it shall be handled in the same manner as ~~challenged~~ provisional
24 ballots in a regular voting precinct.

25
26 SECTION 14. Arkansas Code § 7-5-707 is amended to read as follows:

27 7-5-707. Vote certification - Report.

28 (a)~~(1)~~ At the time that the county board of election commissioners
29 certifies the vote to the Secretary of State, the county board shall report
30 to the State Board of Election Commissioners:

31 ~~(A)~~(1) The total number of ballots cast;

32 ~~(B)~~(2) The total number of ballots printed and delivered to the
33 polls;

34 ~~(C)~~(3) The total number of provisional ballots that were
35 disqualified;

36 ~~(D)~~(4) The total number of spoiled ballots;

1 ~~(E)(5)~~ The total number of unused ballots; and
 2 ~~(F)(6)~~ The name of the provisional voter for each provisional
 3 ballot cast, whether the vote was counted, and if the vote was not counted,
 4 the reason it was not counted The number of over votes and under votes cast
 5 in each race and issue in the election.

6 ~~(2)~~ Information in subdivision (a)(1)(F) of this section shall
 7 not be disclosed to the public but shall be available to the voter who cast
 8 the provisional ballot, according to ~~§ 7-5-306(b)(4).~~

9 ~~(b)~~ Within thirty (30) calendar days after any election, the county
 10 board shall report to the state board the number of overvotes and undervotes
 11 east in the election.

12 ~~(e)(b)(1)~~ The county board of election commissioners shall transmit
 13 the certified results for each polling place to the county clerk, who shall
 14 immediately transmit the results to the Secretary of State through the
 15 Internet website interface provided by the Secretary of State for all state
 16 and federal elections.

17 (2) The county board of election commissioners shall transmit
 18 the information required according to subsection (a) of this section to the
 19 county clerk, who shall enter and transmit it to the State Board of Election
 20 Commissioners through the Secretary of State's Internet website interface.

21
 22 SECTION 15. Arkansas Code 7-6-102(a), concerning political practice
 23 pledges, is amended to read as follows:

24 (a)(1) Candidates for state or district offices shall file with the
 25 Secretary of State and candidates for county, municipal, or township offices
 26 shall file with the county clerk of the county not later than 12:00 noon
 27 fourteen (14) days after the third Tuesday in March, before the preferential
 28 primary election, a pledge in writing, stating that they are familiar with
 29 the requirements of §§ 7-1-103, 7-1-104, 7-3-108, and 7-6-101 - 7-6-104 and
 30 will, in good faith, comply with their terms.

31 (2) Persons nominated as independent candidates shall file the
 32 political practices pledge at the time of filing the petition for nomination.

33 (3) Independent candidates for municipal office shall file their
 34 political practices pledges with the county clerk not fewer than ninety (90)
 35 calendar days before the general election by 12:00 noon.

36 (4) Persons who wish to be write-in candidates shall file the

1 political practices pledge at the time of filing the notice to be a write-in
2 candidate. A write-in candidate shall file the political practices pledge
3 with the Secretary of State if a candidate for a state or district office or
4 with the county clerk if a candidate for a county, township, or municipal
5 office.

6 (5) Nonpartisan judicial candidates paying filing fees in
7 accordance with § 7-10-103(b) shall file the political practice pledge at the
8 time of filing for office.

9 (6) Nonpartisan judicial candidates filing by petition in
10 accordance with § 7-10-103(c) shall file the political practice pledge at the
11 time of filing the petition.

12
13 SECTION 16. Arkansas Code § 7-7-103(a), concerning filing as an
14 independent candidate without party affiliation for state, county, township,
15 or district offices in general elections, is amended to read as follows:

16 (a) Any person desiring to have his or her name placed upon the ballot
17 as an independent candidate without political party affiliation for any
18 state, county, township, or district office in any general election in this
19 state shall file as an independent candidate a notice of candidacy stating
20 the name and title the candidate proposes to appear on the ballot and
21 identifying the elective office sought ~~no later than the date fixed by law as~~
22 ~~the deadline~~ during the period for filing political practices pledges and
23 party pledges if any are required by the rules of the party to qualify as a
24 candidate of a political party in a primary election.

25
26 SECTION 17. Arkansas Code § 7-7-202 is amended to read as follows:

27 7-7-202. Preferential and general primaries - When required - Common
28 polling places.

29 (a) Whenever any political party shall, by primary election, select
30 party nominees as candidates at any general election for any United States,
31 state, district, county, township, or municipal office, there shall be held a
32 preferential primary election and a general primary election on the
33 respective dates provided in § 7-7-203(a) and (b).

34 (b) A general primary election for a political party shall not be held
35 if there are no races where three (3) or more candidates qualify for the same
36 office or position as provided in subsection (c) of this section, unless a

1 general primary election is necessary to break a tie vote for the same office
2 or position at the preferential primary.

3 (c) If there are no races where three (3) or more candidates qualify
4 for the same office or position, only the preferential primary election shall
5 be held for the political party. If all nominations have been determined at
6 the preferential primary election, or by withdrawal of candidates as provided
7 in § 7-7-304(a) and (b), the general primary election shall not be held.

8 (d) The county board of election commissioners shall establish common
9 polling places for the joint conduct of the primary elections of all
10 political parties.

11
12 SECTION 18. Arkansas Code § 7-7-306 is amended to read as follows:

13 7-7-306. Partisan and nonpartisan judicial general ballots only.

14 At each party primary and nonpartisan judicial general election each
15 county board of election commissioners shall furnish separate ballots for
16 each political party containing:

17 (1) ~~only the~~ The names of persons seeking offices to be voted
18 upon as a nominee or candidate of that political party; and

19 (2) The names of all qualified candidates for the general
20 election to nonpartisan judicial offices pursuant to § 7-10-101.

21
22 SECTION 19. Arkansas Code § 7-7-308(d) and (e), concerning precinct
23 registration lists, are amended to read as follows:

24 (d) If the voter is not listed on the precinct voter registration list
25 and the county clerk is unable to verify the voter's registration but the
26 voter contends that he or she is eligible to vote, then the voter may vote a
27 ~~challenged~~ provisional ballot which shall only be counted upon verification
28 of the voter's registration status.

29 (e) The election officials shall ~~indicate on the list of voters those~~
30 ~~persons who vote under these circumstances~~ make and retain a list of all
31 voters who cast a provisional ballot.

32
33 SECTION 20. Arkansas Code § 7-7-310 is amended to read as follows:

34 7-7-310. Filing and preservation of returns, ballots, and other
35 documents.

36 (a) The county board of election commissioners, immediately upon

1 having canvassed the returns and, where demanded, examined the ballots and
 2 upon having certified the results of the primary as required in this
 3 subchapter, shall ~~file in the office of the county clerk of the county all~~
 4 ~~list of voters forms, all precinct voter registration lists, and~~ store in a
 5 secure location in the county courthouse or otherwise designated county
 6 storage facility all ballots, ~~affidavits, and other documents~~ election
 7 materials received from the election officials.

8 (b) ~~These materials shall be preserved by the county clerk~~ All
 9 voter lists, precinct voter registration lists, affidavits, and other voter
 10 registration documents shall be returned to the county clerk, who shall
 11 preserve them for a period of two (2) years, subject to the orders of any
 12 court of competent jurisdiction or if a contest is pending, until the contest
 13 is determined.

14
 15 SECTION 21. Arkansas Code § 7-7-312 is repealed.

16 ~~7-7-312. Common polling places.~~

17 ~~The county board of election commissioners shall establish common~~
 18 ~~polling places for the joint conduct of the primary elections of all~~
 19 ~~political parties.~~

20
 21 SECTION 22. Arkansas Code § 7-8-103 is amended to read as follows:

22 7-8-103. Credentials of Senate appointee.

23 When the Governor shall make a temporary appointment of a Senator by
 24 authority of this subchapter, he shall deliver to the Senator a credential in
 25 the following form:

26
 27 " who was chosen United States Senator of the State
 28 of Arkansas, in pursuance of the Constitution of the United States of
 29 America, having died (resigned, or otherwise, as the case may be):

30
 31 Therefore, I, , Governor of the State of Arkansas,
 32 have appointed United States Senator to fill the said
 33 vacancy temporarily until the election of a United States Senator by the
 34 qualified electors of the state.

35
 36 Given under my hand and the seal of the said state this day of

1, 1920. . .

2

3

4

Governor of the State
of Arkansas

5

6

7

Attest:

8

., Secretary of State."

9

10

SECTION 23. Arkansas Code § 7-9-104(a), concerning the form of
initiative petitions, is amended to read as follows:

11

12

7-9-104. Form of initiative petition - Sufficiency of signatures.

13

14

(a) The petition for any ordinance, law, or amendment to the
Constitution of the State of Arkansas proposed by initiative shall be ~~on~~
~~forms provided by the Secretary of State and shall read as follows~~ on
substantially the following form:

15

16

17

18

"INITIATIVE PETITION.

19

20

To the Honorable

21

Secretary of State of the State of Arkansas, or County Clerk, or City

22

Clerk

23

We, the undersigned legal voters of the State of Arkansas, or

24

_____ County, Arkansas, or City of _____ or Incorporated

25

Town of _____, Arkansas (as the case may be) respectfully propose

26

the following amendment to the Constitution of the State, or law, or

27

ordinance (as the case may be), to wit:

28

(Here insert title and full text of measure proposed.)

29

30

31

32

33

34

35

36

1 and by this, our petition, order that the same be submitted to the people of
 2 said state, or county, or municipality (as the case may be), to the end that
 3 the same may be adopted, enacted, or rejected by the vote of legal voters of
 4 said (state, county, or municipality) at the regular general election to be
 5 held in said _____ on the _____ day of _____, 1920_____, and
 6 each of us for himself says:

7 I have personally signed this petition; I am a legal voter of the State of
 8 Arkansas, and my printed name, date of birth, residence, city or town of
 9 residence, and date of signing this petition are correctly written after my
 10 signature."

11

12 SECTION 24. Arkansas Code § 7-9-105(a), concerning the form of
 13 referendum petitions, is amended to read as follows:

14 (a) The petition and order of referendum shall be on ~~forms provided by~~
 15 ~~the Secretary of State and shall read as follows~~ substantially the following
 16 form:

17 "PETITION FOR REFERENDUM.

18

19 To the Honorable
 20 Secretary of State of the State of Arkansas, or County Clerk, or City
 21 Clerk

22 We, the undersigned legal voters of the State of Arkansas, or
 23 _____ County, Arkansas, or City (or Incorporated Town) of
 24 _____, Arkansas (as the case may be) respectfully order by this, our
 25 petition, that Act No. _____ of the General Assembly of the State of
 26 Arkansas, approved on the _____ day of _____, 20____, entitled 'An
 27 Act _____' or Ordinance No. _____, passed by the county quorum
 28 court, the city (or town) council of the City (or Incorporated Town), or
 29 County of _____, Arkansas, on the _____ day of _____,
 30 20____, entitled, 'An Ordinance _____,' be referred to the people of
 31 said state, county, or municipality (as the case may be), to the end that the
 32 same may be approved or rejected by the vote of the legal voters of the
 33 state, or of said county or municipality (as the case may be) at the biennial
 34 (or annual, as the case may be, if a city ordinance) regular general election
 35 (or at a special election, as the case may be) to be held on the _____ day
 36 of _____, 20____; and each of us for himself says:

1 I have personally signed this petition; I am a legal voter of the State of
2 Arkansas, and my printed name, date of birth, residence, city or town of
3 residence, and date of signing this petition are correctly written after my
4 signature."
5

6 SECTION 25. Arkansas Code § 7-9-121(b), concerning election contests,
7 is amended to read as follows:

8 (b) Any contest may be brought in ~~either the Chancery Court of Pulaski~~
9 ~~County or~~ in the Circuit Court of Pulaski County and shall be conducted under
10 any rules and regulations as may be made and promulgated by the Supreme
11 Court. However, the complaint shall be filed within sixty (60) days after the
12 certification of the vote thereon, and the contestants shall not be required
13 to make bond for the costs.
14

15 SECTION 26. Arkansas Code § 7-10-103 is amended to read as follows:
16 7-10-103. Filing as a candidate.

17 (a) ~~Generally,~~ A candidate for a nonpartisan judicial office may pay a
18 filing fee as provided for in this chapter, file a petition in the manner
19 provided for in this chapter, or file as a write-in candidate in the manner
20 as provided for in this chapter.

21 (b) ~~Filing fee deadlines.~~ (1) The State Board of Election
22 Commissioners shall establish reasonable filing fees for nonpartisan judicial
23 offices.

24 (2)(A) The filing fee for the offices of Justice of the Supreme
25 Court, Judge of the Court of Appeals, and circuit judge shall be paid to the
26 Secretary of State at the same time that the candidate files his or her
27 political practices pledge. A candidate for district judge shall pay the
28 filing fee to the county clerk at the same time that the candidate files his
29 or her political practices pledge.

30 (B) The ~~filing~~ filing period for paying filing fees and filing
31 political practice pledges shall begin at 12:00 noon on the third Tuesday in
32 March and end at 12:00 noon on the fourteenth day thereafter.

33 (3)(A) There is created on the books of the Treasurer of State,
34 the Auditor of State, and the Chief Fiscal Officer of the State a fund to be
35 known as the Judicial Filing Fee Fund.

36 (B) The filing fees shall be remitted to the Treasurer of

1 State for deposit into the fund for covering the cost of election expenses of
2 the state board.

3 (c) ~~Alternative ballot access.~~ (1)(A)(i) Any person desiring to have
4 his or her name placed on the ballot for a nonpartisan judicial office
5 without paying a filing fee may do so by filing a petition in the manner
6 provided for under this section. Petitions for Supreme Court, Court of
7 Appeals, and circuit court positions shall be filed with the Secretary of
8 State, and petitions for ~~Court~~ district court positions shall be filed with
9 the applicable county clerk beginning at 12:00 noon forty-six (46) days
10 before the third Tuesday in March and ending at 12:00 noon thirty-two (32)
11 days before the third Tuesday in March.

12 (ii) Political practice pledges for nonpartisan
13 judicial candidates filing by petition shall be filed at the same time as the
14 petition.

15 (B) The petition shall be directed to the office with
16 which it is to be filed and shall request that the name of the candidate be
17 placed on the ballot for the election set forth in the petition. Candidates
18 may begin circulating petitions not earlier than sixty (60) days prior to the
19 filing deadline.

20 (C) The Secretary of State or the county clerk, as the
21 case may be, shall determine within thirty (30) days whether the petition
22 contains the names of a sufficient number of qualified electors. The
23 Secretary of State or county clerk shall verify the sufficiency of the
24 petitions within thirty (30) days of filing. The sufficiency of any petition
25 filed under the provisions of this section may be challenged in the same
26 manner as provided by law for election contests, § 7-5-801 et seq.

27 (D) Qualified electors signing the petitions must be
28 registered voters in the geographic area applicable to the position at the
29 time they sign the petition. Each qualified elector shall provide his or her
30 printed name, signature, address, date of birth, and date of signing on the
31 petition.

32 (E) In determining the number of qualified electors in the
33 state or in any court of appeals district or circuit court circuit, the total
34 number of all votes cast therein for Governor in the immediately preceding
35 general gubernatorial election shall be conclusive of the number of all
36 qualified electors therein for purposes of this section.

1 (2)(A) Candidates by petition for the Supreme Court shall file
2 petitions signed by at least ten thousand (10,000) qualified electors or
3 three per cent (3%) of the qualified electors residing within the state,
4 whichever is the lesser.

5 (B) Candidates by petition for the Court of Appeals shall
6 file petitions signed by three per cent (3%) of the qualified electors
7 residing within the court of appeals district for which the candidate seeks
8 office, but in no event shall more than two thousand (2,000) signatures be
9 required.

10 (C) Candidates by petition for circuit judge shall file
11 petitions signed by three per cent (3%) of the qualified electors residing
12 within the circuit for which the candidate seeks office, but in no event
13 shall more than two thousand (2,000) signatures be required.

14 (D) Candidates by petition for district judge shall file
15 petitions signed by at least thirty (30) qualified electors who reside within
16 the district for which the candidate seeks office.

17 (d) ~~Write-in candidates.~~ No votes for a write-in candidate in a
18 nonpartisan judicial election shall be counted or tabulated unless the
19 candidate or his or her agent gives notice in writing of his or her intention
20 to be a write-in candidate to the county board of election commissioners and
21 either:

22 (1)(A) The Secretary of State, if a candidate for a Supreme
23 Court, Court of Appeals, or a circuit judgeship; or

24 (B) A county clerk, if a candidate for a district
25 judgeship.

26 (2) The written notice must be given not later than sixty (60)
27 days before the nonpartisan judicial election.

28 (3) Write-in candidates shall file a political practices pledge
29 at the same time as filing a notice of intention.

30 (e) ~~Place of filing.~~ (1) A candidate for Justice of the Supreme Court,
31 Judge of the Court of Appeals, or circuit judge shall file with the Secretary
32 of State.

33 (2) A candidate for district judge shall file with the county
34 clerk.

35
36 SECTION 27. Arkansas Code § 14-48-109(a)(3), concerning the statement

1 of candidacy for nomination and election of mayors and directors, is amended
2 to read as follows:

3 (3) Any person desiring to become a candidate for mayor or
4 director shall file with the city clerk not less than sixty (60) days prior
5 to the primary election by twelve o'clock noon a statement of his candidacy
6 in substantially the following form:

7

8 "STATE OF ARKANSAS

9 COUNTY OF

10 I,, being first duly sworn,
11 state that I reside at. Street, City of
12, County and State
13 aforesaid; that I am a qualified elector of said city and the ward in which I
14 reside; that I am a candidate for nomination to the office of
15, to be voted upon at

16 (Mayor) (Director)

17 the primary election to be held on the day of
18 ~~1920~~. . . ., and I hereby request that my name be placed upon the official
19 primary election ballot for nomination by such primary election for such
20 office and I herewith deposit the sum of ten dollars (\$10.00), the fee
21 prescribed by law;"

22 (4) The statement of candidacy and the petition for nomination
23 supporting the candidacy of each candidate to be voted upon at any general or
24 special election shall be filed with the city clerk or recorder not less than
25 sixty (60) days before the election by twelve o'clock noon;

26

27 SECTION 28. Arkansas Code § 14-48-109(a)(5), concerning the petition
28 for nomination of candidates for mayor or director, is amended to read as
29 follows:

30 (5) *The name of each candidate shall be supported by a petition*
31 *for nomination, signed by at least fifty (50) qualified electors of the*
32 *municipality, requesting the candidacy of the candidate. The petition shall*
33 *show the residence address of each signer and carry an affidavit, signed by*
34 *one (1) or more persons, in which the affiant or affiants shall vouch for the*
35 *eligibility of each signer of the petition. Each petition shall be*
36 *substantially in the following form:*

1 *"The undersigned, duly qualified electors of the City of*
2 *., Arkansas, each signer hereof residing at the address*
3 *set opposite his signature, hereby requests that the name of*
4 *. be placed on the ballot as a candidate for election*
5 *to Position No. on the Board of Directors (or Mayor) of said City*
6 *of at the election to be held in such city on the .*
7 *. day of,*
8 *~~1920~~ We further state that we know said person to be a qualified*
9 *elector of said city and a person of good moral character and qualified in*
10 *our judgment for the duties of such office;*

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/s/ Faris

APPROVED: 2/07/2005

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