

1 State of Arkansas *As Engrossed: H3/26/13 S4/5/13*

2 89th General Assembly

# A Bill

3 Regular Session, 2013

HOUSE BILL 2065

4

5 By: Representative Lea

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## For An Act To Be Entitled

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AN ACT TO REVISE THE PROCEDURES FOR FILING FOR OFFICE

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BY A NONPARTISAN JUDICIAL CANDIDATE; AND FOR OTHER

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PURPOSES.

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## Subtitle

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TO REVISE THE PROCEDURES FOR FILING FOR

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OFFICE BY A NONPARTISAN JUDICIAL

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CANDIDATE.

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

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21 SECTION 1. Arkansas Code § 7-10-103 is amended to read as follows:

22 7-10-103. Filing as a candidate – Judicial Filing Fee Fund.

23 (a) A candidate for a nonpartisan judicial office may pay a filing fee

24 as provided for in this chapter, file a petition in the manner provided for

25 in this chapter, or file as a write-in candidate in the manner as provided

26 for in this chapter.

27 (b)(1) The State Board of Election Commissioners shall establish

28 reasonable filing fees for nonpartisan judicial offices.

29 (2)(A) The filing fee for the offices of Justice of the Supreme

30 Court, Judge of the Court of Appeals, ~~and~~ circuit judge, and district judge

31 shall be paid to the Secretary of State at the same time that the candidate

32 files his or her political practices pledge. ~~A candidate for district judge~~

33 ~~shall pay the filing fee to the county clerk at the same time that the~~

34 ~~candidate files his or her political practices pledge.~~

35 (B) The period for paying filing fees and filing political

36 practice pledges shall ~~be the same as the party filing period under § 7-7-203~~



1 begin at 3:00 p.m. on the first day of the party filing period under § 7-7-  
2 203 and shall end at 3:00 p.m. on the last day of the party filing period  
3 under § 7-7-203.

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

7 (B) The filing fees shall be remitted to the Treasurer of  
8 State for deposit into the fund for covering the cost of election expenses of  
9 the state board.

10 (c)(1)(A)(i) Any person desiring to have his or her name placed on the  
11 ballot for a nonpartisan judicial office without paying a filing fee may do  
12 so by filing a petition in the manner provided for under this section.  
13 Petitions for Supreme Court, Court of Appeals, ~~and~~ circuit court, and  
14 district court positions shall be filed with the Secretary of State, ~~and~~  
15 ~~petitions for district court positions shall be filed with the applicable~~  
16 ~~county clerk~~ beginning at 12:00 noon ~~forty-six (46)~~ fifty-three (53) days  
17 before the first day of the party filing period under § 7-7-203 and ending at  
18 12:00 noon ~~thirty-two (32)~~ forty-six (46) days before the first day of the  
19 party filing period under § 7-7-203.

20 (ii) Political practice pledges for nonpartisan  
21 judicial candidates filing by petition shall be filed at the same time as the  
22 petition.

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

28 (C) The Secretary of State ~~or the county clerk, as the~~  
29 ~~case may be,~~ shall determine within ~~thirty (30)~~ forty-five (45) days whether  
30 the petition contains the names of a sufficient number of qualified electors.  
31 The Secretary of State or county clerk shall verify the sufficiency of the  
32 petitions within ~~thirty (30)~~ forty-five (45) days of filing. The sufficiency  
33 of any petition filed under the provisions of this section may be challenged  
34 in the same manner as provided by law for election contests, § 7-5-801 et  
35 seq.

36 (D) Qualified electors signing the petitions must be

1 registered voters in the geographic area applicable to the position at the  
2 time they sign the petition. Each qualified elector shall provide his or her  
3 printed name, signature, address, date of birth, and date of signing on the  
4 *petition*.

5 (E) In determining the number of qualified electors in the  
6 state or in any court of appeals district, circuit court circuit, or district  
7 court district, the total number of all votes cast therein for Governor in  
8 the immediately preceding general gubernatorial election shall be conclusive  
9 of the number of all qualified electors therein for purposes of this section.

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

14 (B) Candidates by petition for the Court of Appeals shall  
15 file petitions signed by three percent (3%) of the qualified electors  
16 residing within the court of appeals district for which the candidate seeks  
17 office, but in no event shall more than two thousand (2,000) signatures be  
18 required.

19 (C) Candidates by petition for circuit judge shall file  
20 petitions signed by three percent (3%) of the qualified electors residing  
21 within the circuit for which the candidate seeks office, but in no event  
22 shall more than two thousand (2,000) signatures be required.

23 (D) Candidates by petition for district judge shall file  
24 petitions signed by at least one percent (1%) of the qualified electors  
25 residing within the district for which the candidate seeks office, but in no  
26 event shall more than two thousand (2,000) signatures be required.

27 (d) No votes for a write-in candidate in a nonpartisan judicial  
28 election shall be counted or tabulated unless the candidate or his or her  
29 agent gives notice in writing of his or her intention to be a write-in  
30 candidate to ~~the~~ all county board boards of election commissioners in the  
31 judicial district and ~~either~~

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

34 ~~(B) A county clerk, if a candidate for a district~~  
35 ~~judgeship~~ the Secretary of State.

36 ~~(2)(1)~~ The written notice must be given not later than eighty

1 (80) days before the nonpartisan judicial election.

2 ~~(3)~~(2) Write-in candidates shall file a political practices  
3 pledge at the same time as filing a notice of intention.

4 (e)~~(1)~~ A candidate for Justice of the Supreme Court, Judge of the  
5 Court of Appeals, ~~or~~ circuit judge, or district judge shall file with the  
6 Secretary of State.

7 ~~(2) A candidate for district judge shall file with the county~~  
8 ~~clerk.~~

9 (f)(1)(A) A candidate for nonpartisan judicial office may not use more  
10 than three (3) given names, one (1) of which may be a nickname or any other  
11 word used for the purpose of identifying the candidate to the voters.

12 (B)(i) A candidate for nonpartisan judicial office may add  
13 as a prefix to his or her name the title or an abbreviation of an elective  
14 public office the candidate currently holds.

15 (ii) A candidate may use as the prefix the title of  
16 a judicial office in an election for a judgeship only if the candidate is  
17 currently serving in a judicial position to which the candidate has been  
18 elected.

19 (C) A nickname shall not include a professional or  
20 honorary title.

21 (2) The names and titles as proposed to be used by each  
22 candidate on the political practice pledge shall be reviewed no later than  
23 one (1) business day after the filing deadline by the Secretary of State for  
24 Supreme Court, Court of Appeals, ~~and~~ circuit court ~~positions~~ and ~~by the~~  
25 ~~county board of election commissioners for~~ district court positions.

26 (3)(A) The name of every candidate shall be printed on the  
27 ballot in the form as certified by ~~either~~ the Secretary of State ~~or the~~  
28 ~~county board of election commissioners.~~

29 (B) However, the county board of election commissioners  
30 may substitute an abbreviated title if the ballot lacks space for the title  
31 requested by a candidate.

32 (C) The county board of election commissioners shall  
33 immediately notify a candidate whose requested title is abbreviated by the  
34 county board of election commissioners.

35 (4) A candidate shall not be permitted to change the form in  
36 which his or her name will be printed on the ballot after the deadline for

1 filing the political practices pledge.

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*/s/Lea*

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**APPROVED: 04/16/2013**

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