

1 INTERIM STUDY PROPOSAL 2013-194

2 State of Arkansas

As Engrossed: H4/4/13

3 89th General Assembly

A Bill

4 Regular Session, 2013

HOUSE BILL 1743

5
6 By: Representatives Steel, Gillam

7 Filed with: Arkansas Legislative Council

8 pursuant to A.C.A. §10-3-217.

9 For An Act To Be Entitled

10 AN ACT TO ALLOW VOTERS TO SELECT CERTAIN CANDIDATES
11 FROM A SINGLE BALLOT; TO REFORM ELECTION LAWS AND
12 PROCEDURES; TO ESTABLISH AN OPEN BLANKET PRIMARY TO
13 ENSURE THE ELECTION OF THE MOST QUALIFIED CANDIDATE;
14 TO SAVE PUBLIC MONEY AND RESOURCES BY REDUCING THE
15 NUMBER OF ELECTIONS AND ELECTION ADMINISTRATION
16 *COSTS; AND FOR OTHER PURPOSES.*

17 18 19 Subtitle

20 TO ESTABLISH AN OPEN BLANKET PRIMARY TO
21 ENSURE THE ELECTION OF THE MOST QUALIFIED
22 CANDIDATE; AND TO REFORM ELECTION LAWS
23 AND PROCEDURES TO PRESERVE PUBLIC MONEY
24 AND RESOURCES.

25
26
27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

28
29 *SECTION 1. Arkansas Code § 7-1-101(20) through (34), concerning*
30 *certain definitions regarding elections, is amended to read as follows:*

31 ~~*(20) "Party filing period" means the period of time established*~~
32 ~~*by law for the candidate for a political party's nomination to file his or*~~
33 ~~*her party certificate with the Secretary of State or county clerk, as the*~~
34 ~~*case may be;*~~

35 ~~*(21)(A)(20)(A)*~~ *"Political party" means any group of voters that*
36 *at the last preceding general election polled for its candidate for Governor*

in the state or nominees for presidential electors at least three percent (3%) of the entire vote cast for the office.

(B) A group of electors shall not assume a name or designation that is so similar in the opinion of the Secretary of State to that of an existing political party as to confuse or mislead the voters at an election.

(C) When any political party fails to obtain three percent (3%) of the total votes cast at an election for the office of Governor or nominees for presidential electors, it shall cease to be a political party;

~~(22)~~(21) "Polling site" means a location selected by the county board of election commissioners where votes are cast;

~~(23)~~(22) "Precinct" means the geographical boundary lines dividing a county, municipality, township, or school district for voting purposes;

~~(24)~~(23) "Primary election" means any election ~~held by a political party in the manner provided by law~~ for the purpose of selecting nominees of the political party for certification as candidates for election at any general or special election in this state;

~~(25)~~(24) "Provisional ballot" means a ballot:

(A) Cast by special procedures to record a vote when there is some question concerning a voter's eligibility; and

(B) Counted contingent upon the verification of the voter's eligibility;

~~(26)~~(25) "Qualified elector" means a person who holds the qualifications of an elector and who is registered pursuant to Arkansas Constitution, Amendment 51;

~~(27)~~(26) "Sample ballot" means a ballot for distribution to the public or the press marked with the word "SAMPLE" so as to prevent the production of counterfeit ballots;

~~(28)~~(27) "Uniformed services" means the United States Army, United States Navy, United States Air Force, United States Marine Corps, and United States Coast Guard, the United States Public Health Service Commissioned Corps, and the National Oceanic and Atmospheric Administration Commissioned Officer Corps, or as defined in the federal Uniformed and Overseas Citizens Absentee Voting Act if different from the definition stated in this subdivision ~~(28)~~(27);

~~(29)~~ (28) "Vacancy in election" means the vacancy in an elective office created by death, resignation, or other good and legal cause arising prior to election to the office at a general or special election but arising subsequent to the certification of the ballot;

~~(30)~~ ~~"Vacancy in nomination" means the circumstances in which:~~
~~(A) The person who received the majority of votes at the preferential primary election or general primary election cannot accept the nomination due to death or notifies the party that he or she will not accept the nomination due to serious illness, moving out of the area from which the person was elected as the party's nominee, or filing for another office preceding the final date for certification of nominations; or~~

~~(B) There is a tie vote for the same office at a general primary election;~~

~~(31)~~ ~~(A)~~ (29) (A) "Vacancy in office" means the vacancy in an elective office created by death, resignation, or other good and legal cause arising subsequent to election to the office at a general or special election or arising subsequent to taking office and before the expiration of the term of office in those circumstances wherein the vacancy must be filled by a special election rather than by appointment.

~~(B)~~ ~~The phrase "vacancy"~~ "Vacancy in office" shall not apply to the election of a person at a general election to fill an unexpired portion of a term of office;

~~(32)~~ (30) "Voter-verified paper audit trail" means a contemporaneous paper record of a ballot printed for the voter to confirm his or her votes before the voter casts his or her ballot that:

~~(A)~~ Allows the voter to verify the voter-verified paper audit trail before the casting of the voter's ballot;

~~(B)~~ Is not retained by the voter;

~~(C)~~ Does not contain individual voter information;

~~(D)~~ Is produced on paper that is sturdy, clean, and resistant to degradation; and

~~(E)~~ Is readable in a manner that makes the voter's ballot choices obvious to the voter without the use of computer or electronic code;

~~(33)~~ (31) "Voting machine" means either:

~~(A)~~ A direct-recording electronic voting machine that:

(i) Records votes by means of a ballot display provided with mechanical or electro-optical components that may be actuated by the voter;

(ii) Processes the data by means of a computer program;

(iii) Records voting data and ballot images in internal and external memory components; and

(iv) Produces a tabulation of the voting data stored in a removable memory component and on a printed copy; or

(B) An electronic device for marking a paper ballot to be electronically scanned; and

~~(34)~~ (32) "Voting system" means:

(A) The total combination of mechanical, electromechanical, or electronic equipment, including the software, firmware, and documentation required to program, control, and support the equipment that is used to:

(i) Define ballots;

(ii) Cast and count votes;

(iii) Report or display election results; and

(iv) Maintain and produce any audit trail information; and

(B) The practices and documentation used to:

(i) Identify system components and versions of components;

(ii) Test the system during its development and maintenance;

(iii) Maintain records of system errors and defects;

(iv) Determine specific system changes to be made to a system after the initial qualification of the system; and

(v) Make available any materials to the voter, including without limitation notices, instructions, forms, or paper ballots.

SECTION 2. Arkansas Code Title 7, Chapter 3, Subchapter 1, is amended to add an additional section to read as follows:

7-3-109. Petition requirements for new political parties.

1 (a)(1) A group desiring to form a new political party shall do so by
2 filing a petition with the Secretary of State.

3 (2) The petition shall contain at the time of filing the
4 signatures of at least ten thousand (10,000) registered voters in the state.

5 (3) The Secretary of State shall not accept for filing any new
6 party petition that is not prima facie sufficient at the time of filing.

7 (4)(A) No signature shall be counted unless the date of the
8 signature appears on the petition.

9 (B) No signature that is dated more than ninety (90) days
10 before the date the petition is submitted shall be counted.

11 (5)(A) The petition shall declare the intent of organizing a
12 political party, the name of which shall be stated in the declaration.

13 (B) No political party or group shall assume a name or
14 designation that is so familiar, in the opinion of the Secretary of State, as
15 to confuse or mislead the voters at an election.

16 (6) If a new political party files a sufficient petition no
17 later than forty-five (45) days before the first day in March preceding the
18 general election, a candidate in the general election may file for candidacy
19 with the new political party affiliation.

20 (b)(1) The Secretary of State shall determine the sufficiency of the
21 signatures submitted within thirty (30) days of filing.

22 (2) If the petition is determined to be insufficient, the
23 Secretary of State immediately shall notify the sponsors in writing, through
24 their designated agent, and shall set forth his or her reasons for so
25 finding.

26 (c)(1) Upon certification of sufficiency of the petition by the
27 Secretary of State, a new political party shall be declared by the Secretary
28 of State.

29 (2) A new political party formed by the petition process shall
30 nominate candidates by convention for the first presidential general election
31 after certification.

32 (3) A candidate nominated by convention shall file a political
33 practices pledge with the Secretary of State or county clerk, as the case may
34 be, no later than noon of the date of the preferential primary election.

35 (4) If the new party maintains party status by obtaining three
36 percent (3%) of the total vote cast for the office of Governor or nominees

1 for presidential electors at the first general election after certification,
 2 a candidates in the general election may continue to file indicating the
 3 party affiliation.

4 (5) Any challenges to the certification of the sufficiency of
 5 the petition by the Secretary of State shall be filed with the Pulaski County
 6 Circuit Court.

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

9 7-5-102. Time of general election and general runoff election.

10 ~~On the Tuesday next after the first Monday in November in~~ In every
 11 even-numbered year, there shall be held ~~an election~~ in each precinct and ward
 12 in this state for the election of all elective state, county, and township
 13 officers whose term of office is fixed at two (2) years by the Arkansas
 14 Constitution or the General Assembly; for state senators in their respective
 15 districts when the terms for which the state senators have been elected
 16 expire before the next general election; for Representatives in the Congress
 17 of the United States for each congressional district in this state; for
 18 United States Senators when the term of office of any United States Senator
 19 expires before the next general election; and for prosecuting attorney in
 20 this state:

21 (1) A general election held three (3) weeks before the second
 22 Tuesday in June; and

23 (2) If necessary, a general runoff election held on the Tuesday
 24 next after the first Monday in November.

25
 26 SECTION 4. Arkansas Code § 7-5-106(a)(1), concerning the date of a
 27 runoff election for county and municipal office, is amended to read as
 28 follows:

29 (a)(1) If there are more than two (2) candidates for election to any
 30 county elected office, including the office of justice of the peace, at any
 31 general election held in this state and no candidate for the county elected
 32 office receives a majority of the votes cast for the county elected office,
 33 there shall be a runoff general election held in that county ~~three (3) weeks~~
 34 ~~following the date of the general election~~ on the Tuesday next after the
 35 first Monday in November after the general election at which the names of the
 36 two (2) candidates receiving the highest number of votes, but not a majority,

1 shall be placed on the ballot to be voted upon by the qualified electors of
2 the county.

3
4 SECTION 5. Arkansas Code Title 7, Chapter 5, Subchapter 1, is amended
5 to add an additional section to read as follows:

6 7-5-111. Cost and conduct of elections.

7 (a) The cost of the general election, the nonpartisan judicial general
8 election, the preferential primary election and general primary election for
9 the office of United States President, a special primary election, and a
10 special primary runoff election shall be borne by the State of Arkansas and
11 shall be paid from an appropriation made to the State Board of Election
12 Commissioners for that purpose.

13 (b)(1) Within each county, the elections shall be conducted by the
14 county board of election commissioners.

15 (2) The State Board of Election Commissioners may adopt rules
16 for the administration of elections consistent with the provisions of this
17 chapter.

18 (3) The State Board of Election Commissioners may withhold
19 reimbursement of funds to the counties for state-funded elections for failure
20 to comply with the rules adopted by the State Board of Election Commissioners
21 for the administration of elections or applicable state election laws until
22 all requirements are met to the satisfaction of the State Board of Election
23 Commissioners.

24
25 SECTION 6. Arkansas Code § 7-5-205 is amended to read as follows:

26 7-5-205. Write-in candidates' votes – When counted.

27 No votes for write-in candidates shall be counted or tabulated unless:

28 ~~(1) The candidate notifies in writing the county board of~~
29 ~~election commissioners of each county in which the candidate seeks election~~
30 ~~and files the notice with either:~~

31 ~~(A) The Secretary of State, if a candidate for United~~
32 ~~States Senate, United States House of Representatives, or any state or~~
33 ~~district office; or~~

34 ~~(B) The county clerk if a candidate for a county or~~
35 ~~township office;~~

~~(2) The candidate files with the county clerk or the Secretary of State, as required, a political practices pledge and an affidavit of eligibility for the office at the same time the candidate files his or her notice of write-in candidacy;~~

~~(3) The notice of write-in candidacy, the political practices pledge, and the affidavit of eligibility are filed no later than the last day of the party filing period; and~~

~~(4) The the name written on the ballot is the same name listed on the write-in candidate's political practices pledge, except that any abbreviation, misspelling, or other minor variation in the form of the name of the candidate shall be disregarded if the intention of the voter may be ascertained.~~

SECTION 7. Arkansas Code § 7-5-207(a)(1), concerning names included on ballots, is amended to read as follows:

(a)(1) Except as provided in subdivisions (a)(2) and (3) of this section, all election ballots provided by the county board of election commissioners of any county in this state for any election shall contain in the proper place the name of every candidate ~~whose nomination~~ for ~~any~~ office to be filled at that election that has been certified to the county board and shall not contain the name of any candidate or person who has not been certified.

SECTION 8. Arkansas Code § 7-5-704 is amended to read as follows:

7-5-704. Votes for legislative, judicial, and executive officers – Tie vote.

(a) It shall be the duty of the Secretary of State, in the presence of the Governor, within thirty (30) days after the time allowed in this subchapter to make returns of elections by the county board of election commissioners, or sooner, if all the returns have been received, to cast up and arrange the votes from the several counties for each person who received votes for any legislative, judicial, or executive office, except the offices named in Arkansas Constitution, Article 6, § 3. The persons who have received the greatest number of legal votes for Justice of the Supreme Court and Commissioner of State Lands, within the state; judges of the Court of Appeals and of the circuit courts, and prosecuting attorneys, in their respective

1 *districts or circuits; judges of the county and probate courts, circuit*
 2 *clerk, county clerk, sheriff, coroner, surveyor, and assessor, in their*
 3 *respective counties; and all other officers required by law, shall be*
 4 *commissioned by the Governor.*

5 *(b)(1) If two (2) or more persons at a general election have an equal*
 6 *number of votes for the same office and a higher number than any other*
 7 *person, the names of the two (2) candidates receiving the highest number of*
 8 *votes for any legislative or executive office, except those offices named in*
 9 *Arkansas Constitution, Article 6, § 3, and constables, shall be certified to*
 10 *a special general runoff election which shall be held ~~three (3) weeks from~~*
 11 *~~the day on which the general election is held~~ on the Tuesday next after the*
 12 *first Monday in November after the general election.*

13 *(2) The special runoff election shall be conducted in the same*
 14 *manner as is now provided by law, and the election results thereof shall be*
 15 *canvassed and certified in the manner provided by law.*

16 *(c) Subsection (b) of this section shall not apply to the offices of*
 17 *Justice of the Supreme Court, Judge of the Court of Appeals, circuit judge,*
 18 *or district judge.*

19
 20 *SECTION 9. Arkansas Code Title 7, Chapter 5, is amended to add an*
 21 *additional subchapter to read as follows:*

22
 23 *Subchapter 9 – Filing and General Election Proceedings*

24
 25 *7-5-901. Filing as candidate with a party affiliation.*

26 *(a)(1) A person who files as a candidate for office may indicate a*
 27 *party affiliation to be noted on the ballot.*

28 *(2) A person who files as a candidate for office indicating a*
 29 *party affiliation to be noted on the ballot shall not:*

30 *(A) File indicating more than one (1) party affiliation in*
 31 *that election; or*

32 *(B) File as an independent or write-in candidate in that*
 33 *election.*

34 *(b)(1) A person who chooses to indicate a party affiliation shall file*
 35 *as a candidate during a one-week period ending at 12:00 noon on the first day*

1 in March and beginning at 12:00 noon one (1) week prior to the first day in
2 March before the general election.

3 (2) The person shall submit the:

4 (i) Political practices pledge;

5 (ii) Party certificate; and

6 (iii) Affidavit of eligibility.

7 (3) The political practices pledge, party certificate, and
8 affidavit of eligibility shall be filed with the county clerk or the
9 Secretary of State during regular office hours during the filing period under
10 this section.

11 (4) The name of a candidate who does not file a political
12 practices pledge, party certificate, and affidavit of eligibility by the
13 filing deadline with the Secretary of State or county clerk shall not appear
14 on the ballot.

15 (5) For a special primary election to fill a vacancy in office,
16 a candidate shall file as required under § 7-11-101 et seq.

17 (c)(1) The county clerk shall not accept for filing the political
18 practices pledge and affidavit of eligibility of a candidate seeking to file
19 for candidacy to any county, township, or partisan municipal office
20 indicating an affiliation with a party unless the candidate first files a
21 party certificate.

22 (2) The Secretary of State shall not accept for filing the
23 political practices pledge or affidavit of eligibility of a candidate seeking
24 to file for candidacy to any state or district office indicating an
25 affiliation with a party unless the candidate first files a party
26 certificate.

27 (d)(1) At least seventy-five (75) days before the general election,
28 the Secretary of State shall certify to the various county committees and to
29 the various county boards of election commissioners a list of the names of
30 all candidates who have filed as required under this section with the
31 Secretary of State.

32 (2) At least seventy-five (75) days before the general election,
33 the county clerk shall certify to the county committees and to the county
34 board of election commissioners a list of the names of all candidates who
35 have filed as required under this section with the county clerk.

1 (e)(1) The county board of election commissioners shall convene, at
 2 the time specified in the notice to the members given by the chair of the
 3 board, no later than the tenth day after each general election for the
 4 purpose of canvassing the returns and certifying the election results.

5 (2) If no time is specified for the meeting of the county board
 6 of election commissioners, the meeting shall be at 5:00 p.m.

7 (f)(1) The county board of election commissioners shall certify to
 8 the county clerk and the county committee of each political party a list of
 9 all candidates for county, township, and municipal offices, and the political
 10 parties' county committee members and delegates.

11 (2) The county board of election commissioners shall certify to
 12 the Secretary of State and the secretary of the state committee the results
 13 of the contests for all United States, state, and district offices.
 14 Immediately after ascertaining the results for all United States, state, and
 15 district offices, the Secretary of State shall certify to the state committee
 16 of each political party a list of all candidates for the offices.

17
 18 7-5-902. Filing as an independent – Petitions – Disqualification.

19 (a)(1) A person desiring to have his or her name placed upon the
 20 ballot as an independent candidate without political party affiliation for
 21 any United States office other than President of the United States or Vice
 22 President of the United States or state, county, township, or district office
 23 in any general election in this state shall file the following during the
 24 one-week period ending at 12:00 noon on the first day in March and beginning
 25 at 12:00 noon one (1) week prior to the first day in March the year in which
 26 the election is to be held:

27 (A) A political practices pledge;

28 (B) An affidavit of eligibility;

29 (C) A notice of candidacy stating the name and title the
 30 candidate proposes to appear on the ballot and identifying the elective
 31 office sought, including the position number, if any; and

32 (D) A petition under this section.

33 (2)(A) An independent candidate shall state the same position,
 34 including the position number, if any, on his or her petition.

35 (B) When a candidate has identified the position sought on
 36 the notice of candidacy, the candidate shall not be allowed to change the

position but may withdraw a notice of candidacy and file a new notice of candidacy designating a different position before the deadline for filing.

(b)(1)(A) If the person is a candidate for county, township, or district office, the petitions shall be signed by the lesser of:

(i) Three percent (3%) of the qualified electors in the county, township, or district in which the person is seeking office; or

(ii) Two thousand (2,000) qualified electors.

(B) If the person is a candidate for state office or for United States Senator in which a statewide race is required, the petition shall be signed by the lesser of:

(i) Three percent (3%) of the qualified electors of the state; or

(ii) Ten thousand (10,000) qualified electors.

(2)(A) Each elector signing the petition shall be a registered voter.

(B) The petition shall:

(1) Be directed to the official with whom the person is required by law to file the petition to qualify as a candidate; and

(2) Request that the name of the person be placed on the ballot for election to the office mentioned in the petition.

(3) Petitions shall be circulated not earlier than ninety (90) calendar days before the deadline for filing petitions to qualify as an independent candidate unless the number of days is reduced by a proclamation, ordinance, resolution, order, or other authorized document for a special election under § 7-11-101 et seq.

(4) In determining the number of qualified electors in any county, township, or district or in the state, the total number of votes cast therein for all candidates in the preceding general election for the office of Governor shall be conclusive of the number of qualified electors therein for the purposes of this section.

(5) If the number of days in which the petition for independent candidacy may be circulated is reduced by a proclamation, ordinance, resolution, order, or other authorized document for a special election under § 7-11-101 et seq., the number of signatures required on the petition shall be reduced proportionately.

1 (c) A person who files as an independent candidate shall not file as a
 2 write-in candidate or a candidate indicating a party affiliation in that
 3 election.

4
 5 7-5-903. Notice of candidacy as a write-in candidate.

6 (a) During a one-week period ending at 12:00 noon on the first day in
 7 March and beginning at 12:00 noon one (1) week before the first day in March,
 8 a person who seeks to be a write-in candidate for office shall:

9 (1) File with the county clerk or Secretary of State:

10 (A) A notice of write-in candidacy;

11 (B) A political practices pledge; and

12 (C) The affidavit of eligibility; and

13 (2) Notify the county board of election commissioners of each
 14 county in which the candidate seeks election of his or her intent and filing.

15 (b)(1) If the person seeks election as a write-in candidate for the
 16 office of United States Senate, the office of United States House of
 17 Representatives, or any state or district office, the notice shall be filed
 18 with the Secretary of State.

19 (2) If the person seeks election as a write-in candidate for a
 20 county or township office, the person shall file notice of write-in candidacy
 21 with the county clerk.

22 (c) A candidate shall not run for office as a write-in candidate in a
 23 special election to fill a vacancy under Arkansas Constitution, Amendment 29.

24
 25 7-5-904. Party certificate and political party filing fees.

26 (a)(1) A political party may impose a filing fee for candidates
 27 seeking to indicate on the ballot an affiliation with that party.

28 (2)(A) The filing fee for county, municipal, and township
 29 offices shall be fixed by the county committee of the political party, as
 30 authorized by the state committee of the political party.

31 (B) The filing fee for all other offices shall be
 32 established by the state committee of the political party.

33 (3) A candidate seeking a party certificate shall:

34 (A) File an affidavit of eligibility;

35 (B) File a party pledge if any is required by the party;

36 and

1 (C) Pay the party filing fees if filing fees are required
 2 by the party.

3 (b)(1) Candidates for United States Senator, United States
 4 Representative, State Representative, State Senator, and all state and
 5 district offices shall:

6 (A) File the party pledge and the affidavit of eligibility
 7 with the secretary of the state committee of the political party or his or
 8 her designated agent; and

9 (B) Pay the party filing fees with the secretary of the
 10 state committee of the political party or his or her designated agent; and

11 (2) Candidates for county, municipal, and township offices,
 12 candidates for county committee member, and delegates to the county
 13 convention shall:

14 (A) File the party pledge and the affidavit of eligibility
 15 with the secretary of the county committee of the political party; and

16 (B) Pay the party filing fees with the secretary of the
 17 county committee of the political party.

18 (c) A candidate who does not file the party pledge and affidavit of
 19 eligibility and pay the party filing fee at the time and in the manner
 20 provided in this section shall not receive a party certificate and shall not
 21 have his or her name printed on the ballot at any general election.

22 (d) The names of candidates who file with the state committee as
 23 provided in this section shall be certified to the various county committees
 24 and the various county boards of election commissioners in the manner and at
 25 the time provided under § 7-5-901.

26
 27 7-5-905. General election held with the preferential primary election
 28 – Separate ballots.

29 (a) At each general election that is held with the preferential
 30 primary election for the office of United States President, each county board
 31 of election commissioners shall furnish separate ballots for each political
 32 party containing:

33 (1) The names of persons seeking the office of President to be
 34 voted on as a nominee or candidate of that political party;

35 (2) The names of candidates for the county committee of that
 36 political party, if opposed;

1 (3) The names of all qualified candidates for the general
 2 election;

3 (4) The names of all qualified candidates for the nonpartisan
 4 judicial general election; and

5 (5) All measures and questions, if any, to be decided by the
 6 voters.

7 (b) The county board of election commissioners also shall furnish a
 8 separate nonpartisan ballot containing the names of all qualified candidates
 9 for the general election, all qualified candidates for the nonpartisan
 10 judicial general election, and all measures and questions, if any, to be
 11 decided by the voters.

12
 13 SECTION 10. Arkansas Code § 7-6-102(a)(1), concerning the filing
 14 period for the political practices pledge, is amended to read as follows:

15 (a)(1) Candidates for ~~political party nominations for~~ state or
 16 district offices shall file with the Secretary of State and candidates for
 17 county, municipal, or township offices shall file with the county clerk of
 18 the county during ~~the filing period set out in § 7-7-203 for the preferential~~
 19 ~~primary election a one-week period ending at 12:00 noon on the first day in~~
 20 March and beginning at 12:00 noon one (1) week prior to the first day in
 21 March a pledge in writing stating that they are familiar with the
 22 requirements of §§ 7-1-103, 7-1-104, 7-3-108, 7-6-101, 7-6-103, 7-6-104, and
 23 this section and will comply in good faith with their terms.

24
 25 SECTION 11. Arkansas Code Title 7, Chapter 7, is repealed.

26 ~~7-7-101. Selection of nominees~~

27 ~~The name of no person shall be printed on the ballot in any general or~~
 28 ~~special election in this state as a candidate for election to any office~~
 29 ~~unless the person shall have been certified as a nominee selected pursuant to~~
 30 ~~this subchapter.~~

31
 32 ~~7-7-102. Party nominees certified at primary election.~~

33 ~~(a) Except as provided in subsection (b) of this section, nominees of~~
 34 ~~any political party for United States Senate, United States House of~~
 35 ~~Representatives, or state, district, county, township, or applicable~~
 36 ~~municipal office to be voted upon at a general election shall be certified as~~

~~having received a majority of the votes cast for the office, or as an unopposed candidate, at a primary election held by the political party in the manner provided by law.~~

~~(b) A new political party established by petition shall nominate any candidate by convention for the first general election after certification of a sufficient petition.~~

~~7-7-103. Filing as an independent — Petitions — Disqualification.~~

~~(a)(1) A person desiring to have his or her name placed upon the ballot as an independent candidate without political party affiliation for any United States office other than President of the United States or Vice President of the United States or state, county, township, or district office in any general election in this state shall file, during the party filing period for the year in which the election is to be held a political practices pledge, an affidavit of eligibility, and a notice of candidacy stating the name and title the candidate proposes to appear on the ballot and identifying the elective office sought, including the position number, if any.~~

~~(2)(A) An independent candidate shall state the same position, including the position number, if any, on his or her petition.~~

~~(B) When a candidate has identified the position sought on the notice of candidacy, the candidate shall not be allowed to change the position but may withdraw a notice of candidacy and file a new notice of candidacy designating a different position before the deadline for filing.~~

~~(b)(1)(A) The person shall furnish by 12:00 noon on May 1 of the year in which the election is to be held petitions signed by not less than three percent (3%) of the qualified electors in the county, township, or district in which the person is seeking office, but in no event shall more than two thousand (2,000) signatures be required for a district, county, or township office.~~

~~(B) If the person is a candidate for state office or for United States Senator in which a statewide race is required, the person shall file petitions signed by not less than three percent (3%) of the qualified electors of the state or which contain ten thousand (10,000) signatures of qualified electors, whichever is the lesser.~~

~~(2) Each elector signing the petition shall be a registered voter, and the petition shall be directed to the official with whom the~~

~~person is required by law to file the petition to qualify as a candidate and shall request that the name of the person be placed on the ballot for election to the office mentioned in the petition.~~

~~(3) Petitions shall be circulated not earlier than ninety (90) calendar days before the deadline for filing petitions to qualify as an independent candidate unless the number of days is reduced by a proclamation, ordinance, resolution, order, or other authorized document for a special election under § 7-11-101 et seq.~~

~~(4) In determining the number of qualified electors in any county, township, or district or in the state, the total number of votes cast therein for all candidates in the preceding general election for the office of Governor shall be conclusive of the number of qualified electors therein for the purposes of this section.~~

~~(5) If the number of days in which the petition for independent candidacy may be circulated is reduced by a proclamation, ordinance, resolution, order, or other authorized document for a special election under 7-11-101 et seq., the number of signatures required on the petition shall be reduced proportionately.~~

~~7-7-104. Vacancy in nomination — Alternative methods for filling — Tie vote.~~

~~(a) Except as provided in subdivision (b) of this section, nominees of a political party to fill a vacancy in nomination, as defined in § 7-1-101, shall be declared by:~~

~~(1) Certificate of the chair and secretary of any convention of delegates held within twenty five (25) days of the Governor's letter certifying vacancy; or~~

~~(2)(A) A special primary election called, held, and conducted in accordance with the rules of the party.~~

~~(B) A special primary election may be called only if the special primary election can be called, held, conducted, and certified and certificates of nomination filed at least seventy (70) days before the general election.~~

~~(b)(1) In case of a tie vote for the same office at a general primary election, a vacancy in nomination for that office shall exist.~~

~~(2)(A) Nominees of a political party to fill a vacancy in nomination resulting from a tie vote for the same office at a general primary election shall be declared by certificate of the chair and secretary of an appropriate convention of delegates held within twenty five (25) days of the Governor's letter certifying a vacancy.~~

~~(B) A convention of delegates shall be conducted in accordance with the rules of the party.~~

~~(c)(1) When a vacancy in nomination occurs as a result of death or when the person who received the majority of votes cast at the preferential primary election or the general primary election notifies the state committee of the political party of his or her intent to refuse nomination due to serious illness, moving out of the area from which elected as the party's nominee, or filing for another office, the state committee of the political party shall notify the Governor within five (5) days after the date of death or the date the party was notified of intent to refuse nomination as to whether the party chooses to fill the vacancy in nomination at a special election or a convention.~~

~~(2) If the party fails to notify the Governor within the five-day period, the vacancy in nomination shall not be filled nor shall the vacancy in nomination be filled if it occurred for any reason other than death, serious illness, the candidate's moving out of the area from which elected as the party's nominee, or filing for another office.~~

~~(d)(1) If the party notifies the Governor within the time prescribed in subsection (c) of this section of the desire to have a special primary election, the Governor shall issue a proclamation within five (5) days calling the special election and establishing the deadline for filing as a candidate for nomination, drawing for ballot position, and issuing and filing certificates of nomination. The special primary election shall occur no earlier than thirty (30) days nor later than sixty (60) days after the filing deadline. The candidate who receives the most votes in the special primary election shall be declared the nominee. There shall be no runoff election. In the event of a tie for the most votes, the nominee shall be determined by lot in a public meeting of the appropriate party committee.~~

~~(2) When the certificate of nomination is filed for a nominee who is filling a vacancy in nomination, the filing authority shall~~

~~immediately certify the name of the nominee to the appropriate county board of election commissioners.~~

~~(e)(1) If the party notifies the Governor that it desires to fill the vacancy in nomination by convention, the convention shall occur no later than twenty five (25) days after the notice is provided to the Governor.~~

~~(2) A convention shall be conducted in accordance with the rules of the party.~~

~~(f)(1) If the party's nominee is not selected in time to file his or her certificate of nomination with the appropriate party authority at least seventy six (76) days before the general election, the nominee's name shall not appear on the general election ballot but the name of the person who vacated the nomination shall appear on the ballot, and votes cast for the name of the person appearing on the ballot shall be counted for the nominee but only if the certificate of nomination is duly filed at least forty-seven (47) days before the general election.~~

~~(2)(A) If votes for a nominee whose name does not appear on the ballot are to be counted under subdivision (f)(1) of this section, the county board of election commissioners shall post a notice at each affected polling place stating each election in which a vote for the person appearing on the ballot shall be counted for the nominee.~~

~~(B) A copy of the notice shall be included with the instructions sent to absentee voters.~~

~~7-7-105. Filling vacancies in certain offices—Special primary elections.~~

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

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

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

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

~~(3)(A) A special election to fill the vacancy in office shall be held on a date as soon as possible after the vacancy occurs, but not more than one hundred fifty (150) days after the occurrence of the vacancy.~~

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

~~(C)(i) If a nominee is to be chosen at a special primary election and if, after the close of the filing period, only one (1) or two (2) candidates have filed for the nomination of a party holding a primary, the state committee of a party holding a primary shall notify the Governor.~~

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

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

~~7-7-106. Filling vacancies in candidacy for nomination—Preferential primary.~~

~~(a) A political party may fill a vacancy if:~~

~~(1) A person is running unopposed in a preferential primary and cannot accept the nomination due to death; or~~

~~(2) Upon notification to the party that he or she will not accept the nomination due to a serious illness.~~

~~(b) The vacancy shall be filled within ten (10) calendar days after the death or notification to the political party.~~

~~(c) The vacancy shall be filled at a convention of the political party.~~

~~(d) If the vacancy is filled more than sixty-six (66) days before the preferential primary election, the name of the person filling the vacancy shall be printed on the ballot instead of the name of the person who vacated the candidacy.~~

~~(e) If the vacancy is filled less than sixty-six (66) days before the date of the preferential primary, the name of the person subsequently elected to fill the vacancy in candidacy shall be declared the nominee even if the name of the person who vacated the candidacy appears on the preferential primary ballot.~~

~~(f) If the vacancy in candidacy is not filled before the date of the preferential primary election, a vacancy in nomination shall be deemed to exist on the date of the preferential primary election and the vacancy in nomination shall be filled under § 7-7-104.~~

~~7-7-201. Law governing primary elections.~~

~~(a) The cost of political party primaries shall be borne by the State of Arkansas and shall be paid from an appropriation made to the State Board of Election Commissioners for that purpose.~~

~~(b)(1) Within each county, the political party primary elections shall be conducted by the county board of election commissioners.~~

~~(2) The state board shall have authority to adopt rules for the administration of primary elections consistent with the provisions of this chapter.~~

~~(3) The state board may withhold reimbursement of funds to the counties for state funded elections for failure to comply with the rules developed by the state board for the administration of primary elections or applicable state election laws until all requirements are met to the satisfaction of the state board.~~

~~(4) Each political party shall be responsible for determining the qualifications of candidates seeking nomination by the political party, provide necessary applications for candidacy, accept and process the applications, and determine the order of its ballot.~~

~~(c) All political party primary elections shall be conducted in conformity with the provisions of this act, and these elections are declared to be legal elections.~~

~~(d) In cases of circumstances or procedures which may arise in connection with any primary election for which there is no provision of this act governing the circumstances or procedures, they shall be governed by the general election laws of this state or by party rules if there is no applicable general election law.~~

~~7-7-202. Preferential and general primaries—When required—Common polling places.~~

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

~~(b) A general primary election for a political party shall not be held if there are no races in which three (3) or more candidates qualify for the same office or position as provided in subsection (c) of this section unless a general primary election is necessary to break a tie vote for the same office or position at the preferential primary.~~

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

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

~~7-7-203. Dates.~~

~~(a) The general primary election shall be held on the second Tuesday in June preceding the general election.~~

~~(b) The preferential primary election shall be held on the Tuesday three (3) weeks before the general primary election.~~

~~(c)(1) The party filing period shall be a one week period 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.~~

~~(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.~~

~~(d)(1) At least seventy five (75) days before the preferential primary election, the Secretary of State shall certify to the various county committees and to the various county boards of election commissioners a list of the names of all candidates who have filed party certificates with the Secretary of State within the time required by law.~~

~~(2) At least seventy five (75) days before the preferential primary election, the county clerk shall certify to the county committees and to the county board of election commissioners a list of the names of all candidates who have filed party certificates with the county clerk within the time required by law.~~

~~(e)(1) The county board of election commissioners shall convene, at the time specified in the notice to the members given by the chair of the board, no later than the tenth day after each primary election for the purpose of canvassing the returns and certifying the election results.~~

~~(2) If no time is specified for the meeting of the county board of election commissioners, the meeting shall be at 5:00 p.m.~~

~~(f) The county convention of a political party holding a primary election shall be held on the first Monday following the date of the general primary election.~~

~~(g)(1) The county board of election commissioners shall certify to the county clerk and the county committee a list of all nominated candidates for county, township, and municipal offices, and the political parties' county committee members and delegates.~~

~~(2) At the same time, the county board of election commissioners shall certify to the Secretary of State and the secretary of the state committee the results of the contests for all United States, state, and district offices. Immediately after ascertaining the results for all United States, state, and district offices, the Secretary of State shall certify to the state committee a list of all nominated candidates for the offices.~~

~~(h)(1)(A) The Secretary of State shall at least one hundred (100) days before the date of the general election notify by registered mail the chair and secretary of the state committee of the respective political parties that a certificate of nomination is due for all nominated candidates for United States, state, and district offices in order that the candidates' names be placed on the ballot of the general election.~~

~~(B)(i) The state committee shall issue certificates of nomination to all nominated candidates for United States, state, and district offices, who shall file the certificates with the Secretary of State at least ninety (90) days before the general election.~~

~~(ii) However, if the chair and secretary of the state committee of the respective political parties are not properly notified as directed by subdivision (h)(1)(A) of this section, the failure of a candidate to file a certificate of nomination by the deadline shall not prevent that candidate's name from being placed on the ballot of the general election.~~

~~(2)(A) Each county clerk shall at least one hundred (100) days before the date of the general election notify by registered mail the chairs and secretaries of the county committees of the respective political parties that a certified list of all nominated candidates for county, township, and municipal offices is due and shall be filed with the county clerk in order that the candidates' names be placed on the ballot for the general election.~~

~~(B)(i) Each county committee shall issue the certified list on behalf of those nominated candidates and submit the certified list to the county clerk at least ninety (90) days before the general election.~~

~~(ii) However, if the chairs and secretaries of the county committees of the respective political parties are not properly notified as directed by subdivision (h)(2)(A) of this section, the failure of a certified list to be filed by the deadline shall not prevent any candidate's name from being placed on the ballot of the general election.~~

~~7-7-204. Candidacy for multiple nominations prohibited.~~

~~(a) A person who files as a candidate for nomination by a political party shall not be eligible to:~~

~~(1) Be the nominee of any other political party for the same office during the primary election or the following general or special election; or~~

~~(2) Be an independent or write-in candidate for the same office at the general or special election.~~

~~(b) A person who is certified as an independent candidate shall not be eligible to be a write-in candidate or the nominee of any political party for the same office at the same general or special election.~~

~~7-7-205. Petition requirements for new political parties.~~

~~(a)(1) A group desiring to form a new political party shall do so by filing a petition with the Secretary of State.~~

~~(2) The petition shall contain at the time of filing the signatures of at least ten thousand (10,000) registered voters in the state.~~

~~(3) The Secretary of State shall not accept for filing any new party petition that is not prima facie sufficient at the time of filing.~~

~~(4)(A) No signature shall be counted unless the date of the signature appears on the petition.~~

~~(B) No signature that is dated more than ninety (90) days before the date the petition is submitted shall be counted.~~

~~(5)(A) The petition shall declare the intent of organizing a political party, the name of which shall be stated in the declaration.~~

~~(B) No political party or group shall assume a name or designation that is so familiar, in the opinion of the Secretary of State, as to confuse or mislead the voters at an election.~~

~~(6) A new political party that wishes to select nominees for the next general election shall file a sufficient petition no later than forty-five (45) days before the preferential primary election~~

~~(b)(1) The Secretary of State shall determine the sufficiency of the signatures submitted within thirty (30) days of filing.~~

~~(2) If the petition is determined to be insufficient, the Secretary of State shall forthwith notify the sponsors in writing, through their designated agent, and shall set forth his or her reasons for so finding.~~

~~(c)(1) Upon certification of sufficiency of the petition by the Secretary of State, a new political party shall be declared by the Secretary of State.~~

~~(2) A new political party formed by the petition process shall nominate candidates by convention for the first general election after certification.~~

~~(3) A candidate nominated by convention shall file a political practices pledge with the Secretary of State or county clerk, as the case may be, no later than noon of the date of the preferential primary election.~~

~~(4) If the new party maintains party status by obtaining three percent (3%) of the total vote cast for the office of Governor or nominees for presidential electors at the first general election after certification, the new political party shall nominate candidates in the party primary as set forth in § 7-7-101 et seq.~~

~~(5) Any challenges to the certification of the sufficiency of the petition by the Secretary of State shall be filed with the Pulaski County Circuit Court.~~

~~7-7-301. Party pledges, affidavits of eligibility, and party filing fees.~~

~~(a) A political party may impose a filing fee for candidates seeking nomination by that party. The filing fee for county, municipal, and township offices shall be fixed by the county committee, as authorized by the state executive committee. For all other races, the filing fee shall be established~~

~~by the state executive committee. On or before noon of the last day of the political party filing period, all candidates at primary elections of political parties shall file an affidavit of eligibility and any pledge required by such party and shall pay the party filing fees required by the party, as follows:~~

~~(1) Candidates for United States Senator, for United States Representative, and for all state offices shall file the pledge and the affidavit of eligibility and pay the party filing fees with the secretary of the state committee of the political party or his or her designated agent;~~

~~(2) Candidates for district offices, including, but not limited to, the offices of State Representative and State Senator, shall file the pledge and affidavit of eligibility with the secretary of the state committee of the political party or his or her designated agent and pay the party filing fees with the secretary of the state committee of the political party or his or her designated agent; and~~

~~(3) All candidates for county, municipal, and township offices, candidates for county committee member, and delegates to the county convention shall file the pledge and the affidavit of eligibility and pay the party filing fees with the secretary of the county committee of the political party.~~

~~(b) The county clerk shall not accept for filing the political practices pledge of any candidate for nomination by a political party to any county, township, or partisan municipal office, nor shall the Secretary of State accept for filing the political practices pledge of any candidate for nomination by a political party to any state or district office, unless the candidate first files a party certificate.~~

~~(c) Any candidate who shall fail to file the party pledge and affidavit of eligibility and pay the party filing fee at the time and in the manner as provided in this section shall not receive a party certificate and shall not have his or her name printed on the ballot at any primary election.~~

~~(d) The names of candidates who file with the state committee as provided in this section shall be certified to the various county committees and the various county boards of election commissioners in the manner and at the time provided in § 7-7-203.~~

~~7-7-302. Selection of primary election officials.~~

~~The election officials of primary elections shall be selected in the same manner as for general elections and shall be subject to the same requirements as provided for general elections.~~

~~7-7-303. Precincts — Boundaries.~~

~~The election precincts in all political party primary elections shall be the same as established by the county board of election commissioners for general elections.~~

~~7-7-304. Names to be included on ballots — Withdrawal — Unopposed candidates — Designation of position — Necessity of general primary.~~

~~(a)(1) Not less than seventy-five (75) days before each preferential primary election, 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.~~

~~(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 county clerk shall certify to the county board 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.~~

~~(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.~~

~~(c)(1) The votes received by a person whose name appeared on the preferential primary ballot and who withdrew or died after the certification of the ballot shall be counted.~~

~~(2) If the person receives enough votes to win the nomination, a vacancy in nomination shall exist.~~

~~(3) If the person receives enough votes to advance to the general primary election, the person's name shall be printed on the general primary election ballot.~~

~~(4) If the person receives enough votes to win the general primary election, a vacancy in nomination shall exist.~~

~~(d) When only one (1) candidate qualifies for a particular office or position, the office or position and the name of the unopposed candidate shall be printed on the political party's ballot in all primary elections.~~

~~(e)(1) When there are two (2) or more nominees to be selected for the same office, such as state senator, state representative, justice of the peace, alderman, or for any other office, the proper committee shall require the candidates to designate in writing a particular position, i.e., Position Number 1, Position Number 2, Position Number 3, etc., at the time that a party pledge is required to be filed with the secretary of the committee.~~

~~(2) When a candidate has once filed and designated for a certain position, that candidate shall not be permitted to thereafter change the position.~~

~~(f)(1) If at the preferential primary election for a political party a candidate receives a majority of the votes cast for that office or position, the person shall be declared the party nominee and it shall not be necessary for the candidate's name to appear on the ballot at the general primary election.~~

~~(2) If no candidate receives a majority of the votes cast for an office or position at the preferential primary for a political party, the names of the two (2) candidates of the political party who received the highest number of votes for an office or a position shall be placed upon the ballots at the general primary election.~~

~~7-7-305. Printing of ballots—Form—Draw for ballot position.~~

~~(a) The ballots of the primary election shall be provided by the county board of election commissioners. The form of the ballots shall be the~~

~~same as is provided by law for ballots in general elections in this state. A different color ballot may be used to distinguish between political parties.~~

~~(b) 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 (72) days before the preferential primary election. The county board 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 board, 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.~~

~~(c)(1)(A) Any person who shall file for any elective office in this state may use not more than three (3) given names, one (1) of which may be a nickname or any other word used for the purpose of identifying the person to the voters, and may add as a prefix to his or her name the title or an abbreviation of an elective public office the person currently holds.~~

~~(B) A person may use as the prefix the title of a judicial office in an election for a judgeship only if the person is currently serving in a judicial position to which the person has been elected.~~

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

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

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

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

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

~~(4) A candidate shall not be permitted to change the form in which his or her name will be printed on the ballot after the deadline for filing the political practices pledge.~~

~~7-7-306. Partisan and nonpartisan judicial general ballots.~~

~~(a) At each party primary and nonpartisan judicial general election each county board of election commissioners shall furnish separate ballots for each political party containing:~~

~~(1) The names of persons seeking offices to be voted on as a nominee or candidate of that political party;~~

~~(2) The names of all qualified candidates for the general election to nonpartisan judicial offices under § 7-10-101; and~~

~~(3) All measures and questions, if any, to be decided by the voters.~~

~~(b) The county board of election commissioners shall also furnish a separate nonpartisan ballot containing the names of all qualified candidates for the general election to nonpartisan judicial offices and all measures, if any, to be decided by the voters.~~

~~7-7-307. Additional voter qualifications.~~

~~(a) Each political party may establish by party rules additional qualifications to those established by § 7-5-201 for eligibility to vote in primary elections of the party.~~

~~(b) However, any additional qualifications established by a political party shall comply with the National Voter Registration Act of 1993.~~

~~7-7-308. Voting procedure and requirements.~~

~~(a) The procedure for voting in primary elections is the same as for general elections.~~

~~(b) At the same time that the voter identifies himself or herself and the party primary or other election in which he or she intends to vote, the election official shall mark next to the voter's name on the precinct voter~~

~~registration list the party primary or other election in which the voter chooses to vote.~~

~~7-7-309. Canvass and certification of returns.~~

~~The county board of election commissioners shall canvass the returns and examine the ballots when demanded. It may hear testimony, if offered, of fraudulent practices and illegal votes, may cast out illegal votes and fraudulent returns, may find the true and legal vote cast for each candidate, and shall certify the result not sooner than forty-eight (48) hours and not later than ten (10) days after the primary.~~

~~7-7-313. Unopposed races.~~

~~If there is a primary election in which only one (1) candidate has filed for the position by a filing deadline and there are no other ballot issues to be submitted for consideration, the county board of election commissioners may reduce the number of polling places or open no polling places on election day so that the election is conducted by absentee ballot and early voting only.~~

~~7-7-401. Certification of nominations.~~

~~(a) The county board of election commissioners shall certify the nomination of all county, township, and municipal offices to the county committee of the political party, state committee of the political party, and county clerk. It shall further certify the vote of all candidates for United States, state, and district office to the state committee and the Secretary of State.~~

~~(b) The Secretary of State shall receive the returns from the county board of election commissioners and canvass and certify the result thereof as provided by law. When ordered by a circuit court as provided by law, the county board or its officers shall annul the certifications made and make certifications in accordance with the judgment of the circuit court.~~

~~(c) The nominations of any and all political parties for candidates chosen at a regular or special primary election held by the political party shall be certified by the county board of election commissioners.~~

~~(d)(1) Nominees of political parties chosen by a convention of delegates, in those circumstances in which nominations by political party conventions are authorized by law, shall be certified by the chair and secretary of the convention of delegates held by the political party.~~

~~(2) All certificates of nomination made by the chair and secretary of conventions or of county boards of election commissioners of primary elections shall be acknowledged before an officer authorized by law to take acknowledgments.~~

~~(e)(1) Nomination as a nonpartisan candidate for Justice of the Supreme Court, Judge of the Court of Appeals, circuit judge, or district judge shall be deemed certified upon the candidate's filing for office when a filing fee is paid or upon determination by the appropriate officer that sufficient signatures were obtained when the candidate seeks alternative ballot access.~~

~~(2) For any other office, nomination as an independent candidate without political party affiliation for election to any office shall be certified by petition of electors in the manner provided in § 7-7-103.~~

~~7-7-402. Filing certificates of nomination.~~

~~(a)(1) All certified lists of nominees as candidates for presidential electors and members of Congress and for state, judicial, and district officers, either by convention, primary election, or electors, shall be filed with the Secretary of State.~~

~~(2) All certified lists of nominees for county, township, and municipal offices shall be filed with the county board of election commissioners and the county clerk of the county in which they are to be voted for.~~

~~(b) Certified lists of nomination shall be filed within the time provided in § 7-7-203.~~

SECTION 11. Arkansas Code § 7-8-101 is amended to read as follows:

7-8-101. Primaries – General law governs Dates.

~~(a) All primaries, preferential and general, The general primary election for the selection of nominees for federal offices, including those the office of the United States Senators and Representatives, President shall be held on the same date and in the same manner as the preferential and~~

~~general primaries for state, district, county, and township offices and shall be governed by the same procedure prescribed by this act~~ second Tuesday in June preceding the general election.

(b) The preferential primary election for the selection of nominees for the office of United States President shall be held on the Tuesday three (3) weeks before the general primary election.

SECTION 12. Arkansas Code § 7-8-301 is amended to read as follows:

7-8-301. Date of election – Presidential general election.

(a)(1) There shall be elected by general ticket in the manner and with the effect provided in this subchapter, ~~on the Tuesday next after the first Monday in November preceding the expiration of the term of office of each President of the United States,~~ as many electors of President and Vice President of the United States as this state may be entitled to elect.

(2) The presidential general election shall be held on the Tuesday next after the first Monday in November preceding the expiration of the term of office of each President of the United States.

(b) If Congress should hereafter ~~fix~~ set a different day for the election, then the election for electors shall be held on the day as shall be named by the act of Congress.

(c) The election shall be conducted and returns thereof made as provided in § 7-8-302.

SECTION 13. Arkansas Code § 7-10-103(b)(2)(B), concerning the filing period for nonpartisan judicial candidates, is amended to read as follows:

(B) The period for paying filing fees and filing political practice pledges shall be the same as the ~~party~~ filing period under § ~~7-7-203~~ 7-5-901.

SECTION 14. Arkansas Code § 7-10-103(c)(1)(A)(i), concerning the filing period for nonpartisan judicial candidates, is amended to read as follows:

(c)(1)(A)(i) Any person desiring to have his or her name placed on the ballot for a nonpartisan judicial office without paying a filing fee may do so by filing a petition in the manner provided for under this section. Petitions for Supreme Court, Court of Appeals, and circuit court positions

1 shall be filed with the Secretary of State, and petitions for district court
 2 positions shall be filed with the applicable county clerk beginning at 12:00
 3 noon forty-six (46) days before the first day of the ~~party~~ filing period
 4 under § ~~7-7-203~~ 7-5-901 and ending at 12:00 noon thirty-two (32) days before
 5 the first day of the ~~party~~ filing period under § ~~7-7-203~~ 7-5-901.

6
 7 SECTION 15. Arkansas Code Title 7, Chapter 11, Subchapter 1, is
 8 amended to add an additional section to read as follows:

9 7-11-108. Filling vacancies in certain offices – Special primary
 10 elections.

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

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

21 (2)(A) If the state committee of any political party timely
 22 notifies the Governor that it chooses to hold a special primary election, any
 23 political party desiring to choose a nominee shall choose the nominee at a
 24 special primary election.

25 (B) The Governor's proclamation shall set dates for the
 26 special primary election and the runoff primary election to be held if no
 27 candidate receives a majority of the vote at the special primary election;
 28 and

29 (3)(A) A special election to fill the vacancy in office shall be
 30 held on a date as soon as possible after the vacancy occurs, but not more
 31 than one hundred fifty (150) days after the 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

(2) candidates have filed for the nomination of a party holding a primary, the state committee of a party holding a primary shall notify the Governor.

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

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

SECTION 16. Arkansas Code § 14-42-201(a), concerning the date of the general election for municipal officers, is amended to read as follows:

(a) The general election for the election of municipal officials in all cities and incorporated towns shall be held ~~on the Tuesday following the first Monday in November~~ three (3) weeks before the second Tuesday in June.

SECTION 17. Arkansas Code § 14-42-206 is amended to read as follows:

14-42-206. Municipal elections - ~~Nominating petitions~~ Candidacy indicating party affiliation.

(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~~ to allow a candidate for office to indicate his or her party affiliation on the ballot in the election.

(2) The resolution shall remain in effect for the subsequent elections unless revoked by the city or town council.

(3) When the resolution has been adopted, the clerk or recorder shall mail a certified copy of the resolution to the chairs of the county party committees and to the chairs of the state party committees.

(4) ~~Candidates nominated~~ A candidate for municipal office ~~by political primaries who seeks to indicate his or her party affiliation on the ballot~~ under this section shall be certified by the county party committees to the county board of election commissioners and shall be placed on the ballot at the general election.

(b)(1) Any person desiring to become an independent candidate for municipal office in cities and towns with the mayor-council form of government shall file not more than one hundred two (102) days nor less than eighty-one (81) days before the general election by 12:00 noon with the county clerk the petition of nomination in substantially the following forms:

(A) For all candidates except aldermen in cities of the first class and cities of the second class:

"PETITION OF NOMINATION

We, the undersigned qualified electors of the city (town) of..., Arkansas, being in number not less than ten (10) for incorporated towns and cities of the second (2nd) class, and not less than thirty (30) for cities of the first (1st) class, do hereby petition that the name of ... be placed on the ballot for the office of (A candidate for alderman in an incorporated town shall identify the position for which he or she is running) at the next election of municipal officials in 20....

NAME STREET ADDRESS VOTING PRECINCT

....."

(B) For candidates for alderman elected by ward in cities of the first class and cities of the second class, the nominating petitions shall be signed only by qualified electors of the ward in the following manner:

"PETITION OF NOMINATION

We, the undersigned qualified electors of Ward of the city of..., Arkansas, being in number not less than ten (10) for cities of the second (2nd) class, and not less than thirty (30) for cities of the first (1st) class, do hereby petition that the name of ... be placed on the ballot for the office of Alderman, Ward..., position..., of the next election of municipal officials in 20....

NAME STREET ADDRESS VOTING PRECINCT

....."

(C) For at-large candidates for alderman of a ward in cities of the first class and cities of the second class, the nominating petitions shall be signed by a qualified elector of the city in the following manner:

"PETITION OF NOMINATION

1 We, the undersigned qualified electors of the city of ... , Arkansas,
 2 being in number not less than ten (10) for cities of the second (2nd) class,
 3 and not less than thirty (30) for cities of the first (1st) class, do hereby
 4 petition that the name of be placed on the ballot for the office of
 5 Alderman, Ward ... , position ... , of the next election of municipal
 6 officials in 20....

7 NAME STREET ADDRESS VOTING PRECINCT

8 ”

9 (2)(A) An independent candidate for municipal office may qualify
 10 by a petition of not fewer than ten (10) electors for incorporated towns and
 11 cities of the second class and not fewer than thirty (30) electors for cities
 12 of the first class of the ward or city in which the election is to be held.

13 (B)(i) The county clerk shall determine no later than ten
 14 (10) days from filing whether the petition contains the names of a sufficient
 15 number of qualified electors.

16 (ii) The county clerk's determination shall be made
 17 no less than seventy-five (75) days before the general election.

18 (C) The county clerk promptly shall notify the candidate
 19 of the result.

20 (3) Independent candidates for municipal office shall file a
 21 political practices pledge and an affidavit of eligibility at the time of
 22 filing their petitions.

23 (4)(A) An independent candidate shall state the position,
 24 including the position number, if any, on his or her petition.

25 (B) When a candidate has identified the position sought on
 26 the notice of candidacy, the candidate shall not be allowed to change the
 27 position but may withdraw a notice of candidacy and file a new notice of
 28 candidacy designating a different position before the deadline for filing.

29 (5) The sufficiency of a petition filed under this section may
 30 be challenged in the same manner as election contests under § 7-5-801 et seq.

31 ~~(6) A person who has been defeated in a party primary shall not~~
 32 ~~file as an independent candidate in the general election for the office for~~
 33 ~~which he or she was defeated in the party primary.~~

34 (c)(1)(A) If no candidate receives a majority of the votes cast in the
 35 general election, the two (2) candidates receiving the highest number of
 36 votes cast for the office to be filled shall be the nominees for the

1 *respective offices, to be voted upon in a runoff election pursuant to § 7-5-*
2 *106.*

3 *(B) In any case, except for the office of mayor, in which*
4 *only one (1) candidate has filed and qualified for the office, the candidate*
5 *shall be declared elected and the name of the person shall be certified as*
6 *elected without the necessity of putting the person's name on the general*
7 *election ballot for the office.*

8 *(2) If the office of mayor is unopposed, then the candidate for*
9 *mayor shall be printed on the general election ballot and the votes for mayor*
10 *shall be tabulated as in all contested races.*

11 *(d)(1)(A) The governing body of any city of the first class, city of*
12 *the second class, or incorporated town may enact an ordinance requiring*
13 *independent candidates for municipal office to file petitions for nomination*
14 *as independent candidates with the county clerk.*

15 ~~*(i) No earlier than twenty (20) days prior to the*~~
16 ~~*preferential primary election; and*~~

17 ~~*(ii) No later than 12:00 noon on the day before the*~~
18 ~~*preferential primary election*~~ *during a one-week period ending at 12:00 noon*
19 *on the first day in March and beginning at 12:00 noon one (1) week prior to*
20 *the first day in March.*

21 *(B) The governing body may establish this filing deadline*
22 *for municipal offices even if the municipal offices are all independent or*
23 *otherwise nonpartisan.*

24 *(2)(A) The ordinance shall be enacted no later than ninety (90)*
25 *days prior to the filing deadline.*

26 *(B) The ordinance shall be published at least one (1) time*
27 *a week for two (2) consecutive weeks immediately following adoption of the*
28 *ordinance in a newspaper having a general circulation in the city.*

29 *(e) Nothing in this section shall repeal any law pertaining to the*
30 *city administrator form of government or the city manager form of government.*

31 *(f) This section does not apply in any respect to the election of*
32 *district judges.*

33
34 */s/Steel*
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36

1 Referral requested by: Representative Nate Steel

2 Prepared by: JAW/VJF

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