

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representatives Flanagin, Mahony and Dietz, Representative Pryor**

A Bill

HOUSE BILL 1059

For An Act To Be Entitled

"AN ACT TO AMEND VARIOUS ELECTION LAWS; AND FOR OTHER
PURPOSES."

Subtitle

"AMENDING VARIOUS ELECTION LAWS."

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

SECTION 1. Arkansas Code Section 7-5-102 is amended to read as follows:

"§7-5-102 Time of general election

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

SECTION 2. Arkansas Code Section 7-5-314(a) is amended to read as follows:

"(a) The election clerks in each precinct or at each box, shall:

1 (1) In counties where paper ballots are used, make and keep an accurate
2 list in quadruplicate of all persons voting in each precinct or at each box.
3 After the polls close, the voter lists shall be processed as provided in
4 §7-5-317;

5 (2) In counties where voting machines are used, mark the voter's name,
6 as having voted, on the registration list furnished by the clerk;

7 (3) If a voter's name does not appear on the precinct registration
8 list, but the voter is eligible to vote, the clerk shall add the voter's name
9 to the list by writing his full name and address."

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11 SECTION 3. Arkansas Code Section 7-5-701(c)(2) is amended to read as
12 follows:

13 "(2) They shall at the same time enclose in a separate envelope and
14 direct to the Speaker of the House of Representatives, in care of the
15 Secretary of State, at the seat of government, a certified copy of the
16 abstract of votes given for Governor, Lieutenant Governor, Secretary of State,
17 Treasurer of State, Auditor of State, and Attorney General."

18

19 SECTION 4. Arkansas Code Section 7-5-704(a) is amended to read as
20 follows:

21 "(a) It shall be the duty of the Secretary of State, in the presence of
22 the Governor, within thirty (30) days after the time allowed in this
23 subchapter to make returns of elections by the county board of election
24 commissioners, or sooner, if all the returns shall have been received, to cast
25 up and arrange the votes from the several counties for each person voted for
26 for any legislative, judicial, or executive office, except the offices named
27 in Arkansas Constitution, Article 6, §3. Such persons as shall have received
28 the greatest number of legal votes for Justice of the Supreme Court and
29 Commissioner of State Lands, within the state; judges of the Court of Appeals
30 and of the circuit and chancery courts, and prosecuting attorneys, in their
31 respective districts or circuits; judges of the county and probate court,
32 circuit clerk, county clerk, sheriff, coroner, surveyor, and assessor, in
33 their respective counties; and all other officers required by law, shall be
34 immediately commissioned by the Governor."

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1 SECTION 5. Arkansas Code Section 7-5-705(a) is amended to read as
2 follows:

3 "(a) During the first week of the session after each election for
4 Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Auditor
5 of State, and Attorney General, and in the presence of both houses of the
6 General Assembly, the Speaker of the House of Representatives shall open and
7 publish the votes cast and given for each of the respective officers
8 hereinbefore mentioned."
9

10 SECTION 6. Arkansas Code Section 7-5-806(a) is amended to read as
11 follows:

12 "(a) All contested general elections of Governor, Lieutenant Governor,
13 Secretary of State, Treasurer of State, Auditor of State, and Attorney
14 General, except as provided in this section, shall be decided by the joint
15 vote of both houses of the General Assembly, and in that joint meeting the
16 President of the Senate shall preside."
17

18 SECTION 7. Arkansas Code Section 7-7-103(e) is amended to read as
19 follows:

20 "(e) The sufficiency of any petition filed under the provisions of this
21 section may be challenged in the same manner as provided by law for election
22 contests, § 7-5-801 et seq."
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24 SECTION 8. Arkansas Code Section 7-7-105(2) is amended to read as
25 follows:

26 "(2) Any person desiring to be a candidate for office as an independent
27 candidate without political party affiliation may file nomination petitions
28 signed by not less than three percent (3%) of the qualified electors of the
29 district or of the state, as the case may be, as determined by the total
30 number of votes cast in the last-preceding general election for all candidates
31 for the Office of Governor, but in no event shall more than two thousand
32 (2,000) signatures be required for a district office or more than ten thousand
33 (10,000) signatures be required for a state office or an office in which a
34 statewide race is required. The petitions shall be filed on or before the
35 deadline fixed in the proclamation of the Governor to file and qualify as a

1 candidate for nomination at the special primary elections. If no special
2 primary election is to be held, the Governor shall, in his proclamation,
3 establish the filing period for independent candidates."
4

5 SECTION 9. Arkansas Code Section 7-9-110(a) is amended to read as
6 follows:

7 "(a) The Secretary of State shall fix and declare the number by which
8 each amendment to the Constitution of Arkansas and each initiated and referred
9 measure shall be designated. The Attorney General shall fix and declare the
10 popular name by which each amendment to the Constitution of Arkansas and each
11 initiated and referred measure shall be designated."
12

13 SECTION 10. Arkansas Code Section 7-9-122 is amended to read as
14 follows:

15 "7-9-122. Adoption of conflicting measures.
16 If two (2) or more conflicting measures shall be approved by a majority
17 of the votes severally cast for and against the measures at the same election,
18 the measure receiving the greatest number of affirmative votes shall become
19 law."
20

21 SECTION 11. Arkansas Code Section 7-9-305(b) is amended to read as
22 follows:

23 "(b) (1) The candidate receiving a majority of the votes for a
24 particular position in the general election shall be declared elected as a
25 delegate to the convention.

26 (2) In the event more than two (2) candidates are seeking a particular
27 delegate position and no candidate receives a majority of the votes cast for
28 all candidates for the position, the names of the two (2) candidates receiving
29 the highest number of votes for the position shall be certified to a special
30 runoff election which shall be held by the respective county board of election
31 commissioners of the district two (2) weeks from the day on which the general
32 election is held. The special runoff election shall be conducted in the same
33 manner as is now provided by law, and the election results shall be canvassed
34 and certified in the manner provided by law.

35 (3) A tie vote for a delegate position in the special runoff election

1 shall be determined by drawing lots in the presence of the circuit court of
2 the county within ten (10) days from the date of the election."

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4 SECTION 12. All provisions of this act of a general and permanent
5 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
6 Code Revision Commission shall incorporate the same in the Code.

7

8 SECTION 13. If any provision of this act or the application thereof to
9 any person or circumstance is held invalid, such invalidity shall not affect
10 other provisions or applications of the act which can be given effect without
11 the invalid provision or application, and to this end the provisions of this
12 act are declared to be severable.

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14 SECTION 14. All laws and parts of laws in conflict with this act are
15 hereby repealed.

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/s/P. Flanagan, et al

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