

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

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

*As Engrossed: S4/10/03*  
**A Bill**

SENATE BILL 730

5 By: Senator Womack  
6  
7

**For An Act To Be Entitled**

8  
9 AN ACT TO REVISE CERTAIN PROVISIONS CONCERNING  
10 NONPARTISAN ELECTIONS; AND FOR OTHER PURPOSES.  
11

**Subtitle**

12  
13 AN ACT TO REVISE CERTAIN PROVISIONS  
14 CONCERNING NONPARTISAN ELECTIONS.  
15  
16

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

19 SECTION 1. Arkansas Code 7-5-405(a), regarding applications for  
20 absentee ballots, is amended to read as follows:

21 (a) Applications for absentee ballots may be made on a form furnished  
22 by the county clerk, and the county clerk shall supply a form substantially  
23 similar to the following form or an electronic facsimile of a substantially  
24 similar form via telephonic transmission on request at least sixty (60) days  
25 before the election:

26 "IF YOU PROVIDE FALSE INFORMATION ON THIS FORM, YOU MAY BE GUILTY OF  
27 PERJURY AND SUBJECT TO A FINE OF UP TO \$10,000 OR IMPRISONMENT FOR UP TO 10  
28 YEARS.

29 ..... Date  
30 To: County Clerk  
31 ..... County  
32 ....., Arkansas .....

33 (1) I am a qualified elector of precinct ..... in  
34 ..... (City, Town), ..... County, Arkansas. Because I:

35 [check one]

36 [ ] Will be unavoidably absent from my polling site on election day, or



[ ] Will be unable to attend the polls on election day because of illness or physical disability,

I am requesting that you provide me with the appropriate absentee ballot(s) for the following elections: (check only one (1) political party):

~~[ ] Nonpartisan Judicial General Election~~  
[ ] Preferential Primary [ ] Democratic [ ] Republican

~~[ ] Democratic/ Nonpartisan Judicial General Election~~  
~~[ ] Republican/ Nonpartisan Judicial General Election~~

[ ] General Primary (Runoff) [ ] Democratic [ ] Republican  
[ ] Annual School Election

[ ] General Election  
[ ] General Runoff

[ ] Special [ ] School Runoff

[ ] All elections for calendar year ..... [designate party] (I understand that if I select all elections for the calendar year that the absentee ballots will be delivered to me only by mail.)

The application shall remain in effect for the current calendar year unless revoked by voter.

(2) I will receive my ballot(s): [check one]

[ ] By coming to the office of the county clerk by the time the county clerk's office regularly closes on the day before the election.

[ ] By mail. I request that you mail my ballot(s) to the following address:

.....  
.....

[ ] By bearer ..... (insert name of relative, agent, or designated bearer)

The information I have provided is true to the best of my knowledge under penalty of perjury. If I have provided false information, I may be subject to a fine of up to ten thousand dollars (\$10,000) or imprisonment for up to ten (10) years, or both, under federal or state laws.

.....

Printed or typed name of voter Signature of voter

.....

Residence address of voter Date of birth

.....

1 City or Town, Zipcode Signature of Designated Bearer, Relative, or  
 2 Authorized Agent."  
 3

4 SECTION 2. Arkansas Code § 7-10-102 is amended to read as follows:

5 7-10-102. Nonpartisan election of judges and justices.

6 (a) The offices of Justice of the Supreme Court, Judge of the Court of  
 7 Appeals, circuit judge, and district judge are declared to be nonpartisan  
 8 offices.

9 (b)(1)(A)(i) ~~The general elections for~~ When there are more than two  
 10 (2) candidates for a judicial office, the candidates shall be placed on a  
 11 ballot for election at a primary election for nonpartisan judicial offices  
 12 shall to be held on the same dates and at the same times and places as  
 13 provided by law for preferential primary elections.

14 (ii)(a) If no candidate receives a majority of the  
 15 votes cast, the two (2) candidates receiving the highest and next highest  
 16 number of votes shall be certified to a runoff election which shall be held  
 17 on the same date and at the same times and places as the November general  
 18 election.

19 (b) In the event that the two (2) candidates  
 20 receive the same number of votes in the general election, a tie shall be  
 21 deemed to exist and the names of the two (2) candidates shall be placed on a  
 22 ballot to be voted upon at an election to be held three (3) weeks following  
 23 the date of the general election.

24 (B)(i) When there are only two (2) candidates for a  
 25 judicial office, the candidates shall be placed on a ballot for election  
 26 which shall be held on the same date and at the same times and places as the  
 27 November general election.

28 (ii) In the event that the two (2) candidates  
 29 receive the same number of votes in the general election, a tie shall be  
 30 deemed to exist and the names of the two (2) candidates shall be placed on a  
 31 ballot to be voted upon at an election to be held three (3) weeks following  
 32 the date of the general election.

33 (C) No person shall be elected to a nonpartisan judicial  
 34 office without receiving a majority of the votes cast at the election for the  
 35 office.

36 (2) The names of candidates for nonpartisan judicial offices

1 shall be included on the ballots of the political parties and shall be  
2 designated as nonpartisan judicial candidates. However, separate ballots  
3 containing only the names of nonpartisan judicial candidates shall be  
4 prepared and shall be made available to voters requesting the same.

5 (3) No voter shall be required to vote in a political party's  
6 preferential primary in order to be able to vote in nonpartisan judicial  
7 elections.

8 ~~(c)(1) No person shall be elected to a nonpartisan judicial office  
9 without receiving a majority of the votes cast at the election for the  
10 office.~~

11 ~~(2) In any nonpartisan judicial election in which no person  
12 receives a majority of the votes cast, the two (2) candidates receiving the  
13 highest and next highest number of votes shall be certified to a runoff  
14 election which shall be held on the same date and at the same times and  
15 places as the November general election.~~

16 ~~(3) The names of the candidates in a nonpartisan judicial runoff  
17 election shall be placed on the same ballots as used for the November general  
18 elections.~~

19  
20 SECTION 3. Arkansas Code § 7-5-407(a), concerning the preparation and  
21 delivery of ballots, is amended to read as follows:

22 (a) The county board of election commissioners shall prepare official  
23 absentee ballots and deliver them to the county clerk for mailing to all  
24 qualified applicants as soon as practicable but in any event not later than  
25 twenty-five (25) days before a preferential primary, general election, school  
26 election, ~~nonpartisan judicial general election, nonpartisan judicial runoff  
27 election,~~ or any special election.

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29 /s/ Womack  
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