

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4
5 By: Representative Lea

A Bill

HOUSE BILL 2065

For An Act To Be Entitled

8 AN ACT TO REVISE THE PROCEDURES FOR FILING FOR OFFICE
9 BY A NONPARTISAN JUDICIAL CANDIDATE; AND FOR OTHER
10 PURPOSES.

Subtitle

14 TO REVISE THE PROCEDURES FOR FILING FOR
15 OFFICE BY A NONPARTISAN JUDICIAL
16 CANDIDATE.

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

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

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

23 (a) A candidate for a nonpartisan judicial office may pay a filing fee
24 as provided for in this chapter, file a petition in the manner provided for
25 in this chapter, or file as a write-in candidate in the manner as provided
26 for in this chapter.

27 (b)(1) The State Board of Election Commissioners shall establish
28 reasonable filing fees for nonpartisan judicial offices.

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

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



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

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

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

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

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

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

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

36 (D) Qualified electors signing the petitions must be

1 registered voters in the geographic area applicable to the position at the
 2 time they sign the petition. Each qualified elector shall provide his or her
 3 printed name, signature, address, date of birth, and date of signing on the
 4 petition. A candidate shall not circulate a petition before submitting it to
 5 the Secretary of State and receiving approval of its form.

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

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

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

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

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

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

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

36 ~~(B) A county clerk, if a candidate for a district~~

1 ~~judgeship~~ the Secretary of State.

2 ~~(2)(1)~~ The written notice must be given not later than eighty
3 (80) days before the nonpartisan judicial election.

4 ~~(3)(2)~~ Write-in candidates shall file a political practices
5 pledge at the same time as filing a notice of intention.

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

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

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

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

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

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

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

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

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

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

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

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