

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 1766

5 By: Representatives D. Douglas, Tucker
6

For An Act To Be Entitled

8 AN ACT TO CREATE "THE NONPARTISAN BLANKET PRIMARY
9 ACT"; TO INSTITUTE THE NONPARTISAN BLANKET PRIMARY
10 ELECTION SYSTEM IN THIS STATE FOR CERTAIN OFFICES; TO
11 AMEND THE ARKANSAS ELECTION CODE; AND FOR OTHER
12 PURPOSES.
13
14

Subtitle

15 TO CREATE "THE NONPARTISAN BLANKET
16 PRIMARY ACT"; TO INSTITUTE THE
17 NONPARTISAN BLANKET PRIMARY ELECTION
18 SYSTEM; AND TO AMEND THE ARKANSAS
19 ELECTION CODE.
20
21
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. Arkansas Code Title 7, Chapter 7, is amended to add an
26 additional subchapter to read as follows:

27 Subchapter 6 – The Nonpartisan Blanket Primary Act
28

29 7-7-601. Title.

30 This subchapter shall be known and may be cited as the “The Nonpartisan
31 Blanket Primary Act”.
32

33 7-7-602. Purpose.

34 The purpose of this subchapter is to:

35 (1) Require that all eligible candidates for a federal
36 congressional office, state office, and judicial office are listed on a



1 single ballot in a primary election or general election without consideration
2 of the political party of the candidate, if the candidate is affiliated with
3 a political party; and

4 (2) Allow a registered voter to vote for the candidate of his or
5 her choice without the consideration of the political party of the candidate,
6 if the candidate is affiliated with a political party.

7
8 7-7-603. Application.

9 (a) This subchapter applies to an election for a state office, federal
10 congressional office, and judicial office.

11 (b) This subchapter does not apply to an election concerning a county
12 office, municipal office, or township office.

13 (c) The general law concerning elections in this state shall apply to
14 an election under this subchapter unless otherwise provided for under law.

15
16 7-7-604. Administration.

17 The State Board of Election Commissioners shall have authority to adopt
18 rules for the administration of open primary elections under this subchapter.

19
20 7-7-605. Definitions.

21 As used in this subchapter

22 (1) "Judicial office" means the office of justice of the Supreme
23 Court, judge of the Court of Appeals, circuit judge, district judge, and
24 prosecuting attorney; and

25 (2) "Open election" means an election held in the manner provided by
26 this subchapter for the purpose of selecting nominees for candidates for
27 elections at a general or special election in this state.

28
29 7-7-606. Open primary elections – Date.

30 An open primary election under this subchapter shall take place at the
31 same time as a primary election for county, township, and municipal offices
32 under § 7-7-203.

33
34 7-7-607. Filing as a candidate with a party affiliation.

35 (a)(1) Except as provided in subsection (g) of this section, a person
36 who files as a candidate for an office may indicate a party affiliation to be

1 noted on the ballot.

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

4 (A) File indicating more than one (1) party affiliation in
5 that election; or

6 (B) File as an independent or write-in candidate in that
7 election.

8 (b)(1) A person who chooses to indicate a party affiliation shall file
9 as a candidate during a one-week period ending at 12:00 noon on the first day
10 in March and beginning at 12:00 noon one (1) week prior to the first day in
11 March before the open election.

12 (2) The person shall submit the:

13 (A) Political practices pledge;

14 (B) Party certificate; and

15 (C) Affidavit of eligibility.

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

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

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

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

34 (2) At least seventy-five (75) days before the open primary
35 election and general election, the county clerk shall certify to the county
36 committees and to the county board of election commissioners a list of the

1 names of all candidates who have filed as required under this section with
2 the county clerk.

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

7 (2) If a time is not specified for the meeting of the county
8 board of election commissioners, the meeting shall be at 5:00 p.m.

9 (f)(1) The county board of election commissioners shall certify to the
10 Secretary of State and the secretary of each state committee of each
11 political party the results of the contests for all federal congressional and
12 state offices.

13 (2) Immediately after ascertaining the results for all federal
14 congressional and state offices, the Secretary of State shall certify to the
15 state committee of each political party a list of all candidates for the
16 offices.

17 (g) A person who files for the office of Justice of the Supreme Court,
18 Judge of the Court of Appeals, circuit judge, district judge, or prosecuting
19 attorney shall not indicate a party affiliation on the ballot.

20
21 7-7-608. Filing as an independent – Petitions – Disqualification.

22 (a)(1) A person desiring to have his or her name placed upon the
23 ballot as an independent candidate without political party affiliation for
24 any federal congressional or state office in any open election in this state
25 shall file the following during the one-week period ending at 12:00 noon on
26 the first day in March and beginning at 12:00 noon one (1) week prior to the
27 first day in March the year in which the election is to be held:

28 (A) A political practices pledge;

29 (B) An affidavit of eligibility;

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

33 (D) A petition under this section.

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

36 (B) When a candidate has identified the position sought on

1 the notice of candidacy, the candidate shall not be allowed to change the
2 position but may withdraw a notice of candidacy and file a new notice of
3 candidacy designating a different position before the deadline for filing.

4 (b)(1) The petition for a candidate for a federal congressional office
5 or state office shall be signed by the lesser of:

6 (A) Three percent (3%) of the qualified electors of the
7 state; or

8 (B) Ten thousand (10,000) qualified electors.

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

11 (B) The petition shall:

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

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

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

21 (4) If the number of days in which the petition for independent
22 candidacy may be circulated is reduced by a proclamation, ordinance,
23 resolution, order, or other authorized document for a special election under
24 § 7-11-101 et seq., the number of signatures required on the petition shall
25 be reduced proportionately.

26 (5) Each elector signing the petition shall be a registered
27 voter.

28 (6) The petition shall:

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

31 (B) Request that the name of the person be placed on the
32 ballot for election to the office mentioned in the petition; and

33 (C) Be on a form prescribed by the Secretary of State that
34 includes without limitation designated space for:

35 (i) The signature of the qualified elector;

36 (ii) The printed name of the qualified elector;

1 (iii) The date of the signature of the qualified
 2 elector; and

3 (iv) The address of the qualified elector.

4 (7) The person filing for office as an independent candidate
 5 shall submit with the petition an affidavit that swears:

6 (A) The signatures were not collected for a period more
 7 than ninety (90) days;

8 (B) The beginning and ending dates for collection of
 9 signatures on the petition are those as indicated on the affidavit; and

10 (C) The signatures were collected and the petition was
 11 executed and submitted in compliance with the law.

12 (8) Signatures that are incorrectly obtained or submitted under
 13 this section shall not be counted.

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

17
 18 7-7-609. Notice of candidacy as a write-in candidate.

19 (a) During 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 before the first day in March,
 21 a person who seeks to be a write-in candidate for office shall:

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

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

24 (B) A political practices pledge; and

25 (C) The affidavit of eligibility; and

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

28 (b) The notice shall be filed with the Secretary of State.

29
 30 7-7-610. Party certificate and political party filing fees.

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

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

36 (B) The filing fee for all other offices shall be

1 established by the state committee of the political party.

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

3 (A) File an affidavit of eligibility;

4 (B) File a party pledge if any is required by the
5 political party; and

6 (C) Pay the party filing fees if filing fees are required
7 by the political party.

8 (b) Candidates shall:

9 (1) File the party pledge and the affidavit of eligibility with
10 the secretary of the state committee of the political party or his or her
11 designated agent; and

12 (2) Pay the party filing fees with the secretary of the state
13 committee of the political party or his or her designated agent.

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

18 (d) The names of candidates who file with the state committee as
19 provided for in this section shall be certified to the various county
20 committees and the various county boards of election commissioners in the
21 manner and at the time provided under § 7-5-607.

22
23 7-7-611. Open election held with preferential primary election –
24 Separate ballots.

25 (a) At each open primary election that is held with the preferential
26 primary election for the office of President of the United States, each
27 county board of election commissioners shall furnish separate ballots for
28 each political party containing:

29 (1) The names of persons seeking the office of President of the
30 United States to be voted on as a nominee or candidate of that political
31 party;

32 (2) The names of all qualified candidates for the open election;

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

35 (4) All measures and questions, if any, to be decided by the
36 voters.

1 (b) The county board of election commissioners also shall furnish a
2 separate nonpartisan ballot containing the names of all qualified candidates
3 for the open election, all qualified candidates for the nonpartisan election,
4 and all measures and questions, if any, to be decided by the voters.

5
6 7-7-612. Progress to general election – Tie vote and runoff.

7 (a)(1) The two (2) candidates for a federal congressional office,
8 state office, or judicial office who receive the most votes in the open
9 election shall appear on the ballot in the general election.

10 (2) If the two (2) candidates receiving the most number of votes
11 receives the same number of votes in an open election:

12 (A) Both candidates' names shall be placed on the ballot
13 in the general election; and

14 (B) An open runoff election shall not be held for that
15 office.

16 (b)(1)(A) If an election for a federal congressional office, state
17 office, or judicial office results in one (1) candidate receiving the most
18 votes and two (2) candidates receiving the same number of votes and the
19 second highest number of votes in the open election, the two (2) candidates
20 who received the same number of votes and the second highest number of votes
21 shall appear on the ballot at the open runoff election.

22 (B) The candidate who receives the most votes in the open
23 election and the candidate who receives the most votes in the open runoff
24 election shall appear on the ballot in the general election.

25 (2)(A) If an election for a federal congressional office, state
26 office, or judicial office results in more than two (2) candidates receiving
27 the same number of votes and the highest number of votes in the open
28 election, the candidates who received the same number of votes and the
29 highest number of votes shall appear on the ballot at the open runoff
30 election.

31 (B) The two (2) candidates who receive the most votes in
32 the open runoff election shall appear on the ballot in the general election.

33 (3)(A) If two (2) candidates for a federal congressional office,
34 state office, or judicial office receive the same number of votes at the open
35 runoff election, the State Board of Election Commissioners shall determine
36 which candidate will proceed to the general election by lot at a public

1 meeting and in the presence of the two (2) candidates.

2 (B) The candidate who receives the most votes in the open
 3 election and the candidate who is chosen by lot shall appear on the ballot in
 4 the general election.

5 (c)(1)(A) If two (2) candidates for any office, except those offices
 6 named in Arkansas Constitution, Article 6, § 3, and the office of Lieutenant
 7 Governor, receive the same number of votes at the general election, a special
 8 runoff election shall be held three (3) weeks after the general election.

9 (B) If two (2) candidates for district, county, township,
 10 or municipal office receive the same number of votes at the special runoff
 11 election three (3) weeks after the general election, the county board of
 12 election commissioners shall determine which candidate is elected by lot at a
 13 public meeting and in the presence of the two (2) candidates.

14 (2) If two (2) candidates for the office of Lieutenant Governor
 15 receive the same number of votes at the general election, one (1) shall be
 16 chosen by:

17 (A) Joint vote of both houses of the General Assembly; and

18 (B) Majority vote of the membership of the General
 19 Assembly.

20
 21 SECTION 2. Arkansas Code § 7-1-101(26), concerning definitions
 22 relevant to elections, is amended to read as follows:

23 (26)(A) "Party filing period" means the period of time established by
 24 law for the candidate for a political party's nomination to file his or her
 25 party certificate with the Secretary of State or county clerk, as the case
 26 may be+ .

27 (B) This definition does not apply to an election under The
 28 Nonpartisan Blanket Primary Act, § 7-7-601 et seq.;

29
 30 SECTION 3. Arkansas Code § 7-1-101(37), concerning definitions
 31 relevant to elections, is amended to read as follows:

32 (37)(A) "Vacancy in nomination" means the circumstances in
 33 which:

34 ~~(A)(i)~~ The person who received the majority of votes at
 35 the preferential primary election or general primary election cannot accept
 36 the nomination due to death or notifies the party that he or she will not

1 accept the nomination due to serious illness, moving out of the area from
 2 which the person was elected as the party's nominee, or filing for another
 3 office preceding the final date for certification of nominations; or

4 ~~(B)(ii)~~ There is a tie vote for the same office at a
 5 general primary election+.

6 (B) This definition does not apply to an election under
 7 The Nonpartisan Blanket Primary Act, § 7-7-601 et seq.;

8
 9 SECTION 4. Arkansas Code § 7-1-103(a)(19)(B), concerning the
 10 misdemeanor offense for casting a ballot in the preferential primary of one
 11 (1) political party and the general primary of another political party, is
 12 amended to read as follows:

13 (B) ~~No~~ Except as provided under The Nonpartisan Blanket
 14 Primary Act, § 7-7-601 et seq., a person shall not cast a ballot or vote in
 15 the preferential primary election of one (1) political party and then cast a
 16 ballot or vote in the general primary of another political party in this
 17 state;

18
 19 SECTION 5. Arkansas Code § 7-1-103(a)(22), concerning a misdemeanor
 20 offense protecting anonymity of votes, is amended to read as follows:

21 (22) ~~No~~ An election official, poll watcher, or any other person
 22 in or out of this state in ~~any~~ a primary, open, general, or special election
 23 in this state shall not divulge to any person the results of any votes cast
 24 for any candidate or on any issue in the election until after the closing of
 25 the polls on the day of the election. ~~The provisions of this~~ This subdivision
 26 (a)(22) shall not apply to any township or precinct in this state in which
 27 all of the registered voters therein have voted prior to the closing of the
 28 polls in those instances in which there are fifteen (15) or fewer registered
 29 voters in the precinct or township; and

30
 31 SECTION 6. Arkansas Code § 7-3-101(2), concerning powers and duties of
 32 political parties, is amended to read as follows:

33 (2) Prescribe the qualifications for voting in ~~their~~
 34 (A) party primaries Their primary election; and or
 35 (B) An election under The Nonpartisan Blanket Primary Act,
 36 § 7-7-601; and

1
2 SECTION 7. Arkansas Code § 7-3-107 is amended to read as follows:

3 7-3-107. State convention – Declaration of election results and
4 nominees – Certificates.

5 (a) After a primary election for the selection of nominees for ~~United~~
6 ~~States, state, or~~ district offices, each political party shall hold a state
7 convention following the biennial general primary election for the purpose
8 of:

9 (1) Receiving from the Secretary of State the certification of
10 the election results for all ~~United States, state, and~~ district offices. Each
11 political party shall furnish to each successful nominee a certificate of
12 nomination; and

13 (2) Performing other duties as may be required by political
14 party rules or by law.

15
16 SECTION 8. Arkansas Code § 7-7-101 is amended to read as follows:

17 7-7-101. Selection of nominees.

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

22
23 SECTION 9. Arkansas Code § 7-7-102 is amended to read as follows:

24 7-102. Party nominees certified at primary election.

25 (a) Except as provided in subsection (b) of this section, nominees of
26 any political party for ~~United States Senate, United States House of~~
27 ~~Representatives, or state,~~ a district, county, township, or applicable
28 municipal office to be voted upon at a general election shall be certified as
29 having received a majority of the votes cast for the office, or as an
30 unopposed candidate, at a primary election held by the political party in the
31 manner provided by law.

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

35 (c) This section does not apply to an election under The Nonpartisan
36 Blanket Primary Act, § 7-7-601 et seq.

1
2 SECTION 10. Arkansas Code § 7-7-103, concerning filing as an
3 independent candidate, is amended to add an additional subsection to read as
4 follows:

5 (d) This section does not apply to an election under The Nonpartisan
6 Blanket Primary Act, § 7-7-601 et seq.

7
8 SECTION 11. Arkansas Code § 7-7-104, concerning vacancies in
9 nominations, is amended to add an additional subsection to read as follows:

10 (g) This section does not apply to an election under The Nonpartisan
11 Blanket Primary Act, § 7-7-601 et seq.

12
13 SECTION 12. Arkansas Code § 7-7-106, concerning filling vacancies in
14 candidacy for nomination, is amended to add an additional subsection to read
15 as follows:

16 (g) This section does not apply to an election under The Nonpartisan
17 Blanket Primary Act, § 7-7-601 et seq.

18
19 SECTION 13. Arkansas Code § 7-7-201 is amended to read as follows:
20 7-7-201. Law governing primary elections.

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

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

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

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

34 (4) ~~Each~~ Except as provided under The Nonpartisan Blanket
35 Primary Act, § 7-7-601 et seq., each political party shall be responsible for
36 determining the qualifications of candidates seeking nomination by the

1 political party, provide necessary applications for candidacy, accept and
2 process the applications, and determine the order of its ballot.

3 (c) ~~All~~ Except as provided under The Nonpartisan Blanket Primary Act,
4 § 7-7-601 et seq., political party primary elections shall be conducted in
5 conformity with the provisions of this ~~act~~ chapter, and these elections are
6 declared to be legal elections.

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

12
13 SECTION 14. Arkansas Code § 7-7-202 is amended to read as follows:

14 7-7-202. Preferential and general primaries – When required – Common
15 polling places.

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

21 (b)(1) A Except as provided under The Nonpartisan Blanket Primary Act,
22 § 7-7-601 et seq., a general primary election for a political party shall not
23 be held if there are no races in which three (3) or more candidates qualify
24 for the same office or position as provided in subsection (c) of this section
25 unless a general primary election is necessary to break a tie vote for the
26 same office or position at the preferential primary.

27 ~~(e)(2)~~ If there are no races in which three (3) or more candidates
28 qualify for the same office or position, only the preferential primary
29 election shall be held for the political party. If all nominations have been
30 determined at the preferential primary election or by withdrawal of
31 candidates as provided in § 7-7-304(a) and (b), the general primary election
32 shall not be held.

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

36

1 SECTION 15. Arkansas Code § 7-7-203(a)-(d), concerning dates for
2 primary elections, are amended to read as follows:

3 (a)(1) The general primary election shall be held on the second
4 Tuesday in June preceding the general election.

5 (2) An open primary runoff under The Nonpartisan Blanket Primary
6 Act, § 7-7-601 et seq. shall be held at the same time as the general primary
7 under subdivision (a)(1) of this section.

8 (b)(1) The preferential primary election shall be held on the Tuesday
9 three (3) weeks before the general primary election.

10 (2) An open preferential primary election under The Nonpartisan
11 Blanket Primary Act, § 7-7-601 et seq. shall take place at the same time as
12 the preferential primary election under subdivision (b)(1) of this section.

13 (c)(1) The party filing period shall be a one-week period ending at
14 12:00 noon on the first day in March and beginning at 12:00 noon one (1) week
15 prior to the first day in March.

16 (2) Party pledges, if any, and affidavits of eligibility shall
17 be filed, any filing fees of a political party, if any, shall be paid, and
18 party certificates shall be issued by the party during regular office hours
19 during the party filing period.

20 (3) A party certificate and the political practices pledge shall
21 be filed with the county clerk or the Secretary of State, as the case may be,
22 during regular office hours during the party filing period.

23 (4) The name of a candidate who fails to file a party
24 certificate and political practices pledge by the filing deadline with the
25 Secretary of State or county clerk, as the case may be, shall not appear on
26 the ballot.

27 (5) Party pledges, if any, shall be filed, filing fees, if any,
28 shall be paid, and party certificates and political practice pledges shall be
29 filed for special primary and special open primary elections on or before the
30 deadline established by proclamation of the Governor or other entity
31 authorized to call a special primary or special open primary election.

32 (d)(1) At least seventy-five (75) days before the preferential primary
33 election or the open preferential primary, the Secretary of State shall
34 certify to the various county committees and to the various county boards of
35 election commissioners a list of the names of all candidates who have filed
36 party certificates with the Secretary of State within the time required by

1 law.

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

7
8 SECTION 16. Arkansas Code § 7-7-204, concerning the prohibition on
9 candidacy for multiple nominations, is amended to add an additional
10 subsection to read as follows:

11 (c) This section does not apply to an election under The Nonpartisan
12 Blanket Primary Act, § 7-7-601 et seq.

13
14 SECTION 17. Arkansas Code § 7-7-205(c)(4), concerning petition
15 requirements for new political parties, is amended to read as follows:

16 (4) ~~If~~ Except as provided under The Nonpartisan Blanket Primary
17 Act, § 7-7-601 et seq., if the new party maintains party status by obtaining
18 three percent (3%) of the total votes cast for the office of Governor or
19 nominees for presidential electors at the first general election after
20 certification, the new political party shall nominate candidates in the party
21 primary as set forth in § 7-7-101 et seq.

22
23 SECTION 18. Arkansas Code § 7-7-301 is amended to read as follows:

24 7-7-301. Party pledges, affidavits of eligibility, and party filing
25 fees - County, municipal, and township offices.

26 (a)(1) A political party may impose a filing fee for candidates
27 seeking nomination by that party. The filing fee for county, municipal, and
28 township offices shall be fixed by the county committee, as authorized by the
29 state executive committee. For all other races, the filing fee shall be
30 established by the state executive committee. On or before 12:00 noon of the
31 last day of the political party filing period, all candidates at primary
32 elections of political parties shall file an affidavit of eligibility and any
33 pledge required by such party and shall pay the party filing fees required by
34 the party, ~~as follows:~~

35 ~~(1) Candidates for United States Senator, for United States~~
36 ~~Representative, and for all state offices shall file the pledge and the~~

1 ~~affidavit of eligibility and pay the party filing fees with the secretary of~~
2 ~~the state committee of the political party or his or her designated agent;~~

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

9 ~~(3)(2)~~ All candidates for county, municipal, and township
10 offices, candidates for county committee member, and delegates to the county
11 convention shall file the pledge and the affidavit of eligibility and pay the
12 party filing fees with the secretary of the county committee of the political
13 party.

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

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

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

29
30 SECTION 19. Arkansas Code § 7-7-304, concerning names to be included
31 on ballots, is amended to add an additional subsection to read as follows:

32 (g) This section does not apply to an election under The Nonpartisan
33 Blanket Primary Act, § 7-7-601 et seq.

34
35 SECTION 20. Arkansas Code § 7-7-305(a)-(b), concerning printing of
36 ballots, are amended to read as follows:

1 (a)(1) The ballots of ~~the~~ all primary election elections shall be
 2 provided by the county board of election commissioners. The form of the
 3 ballots shall be the same as is provided by law for ballots in general
 4 elections in this state.

5 (2) Except as provided under The Nonpartisan Blanket Primary
 6 Act, § 7-7-601 et seq., a A different color ballot may be used to distinguish
 7 between political parties.

8 (b)(1) The order in which the names of the respective candidates are
 9 to appear on the ballots at all ~~preferential and general~~ primary elections
 10 shall be determined by lot at the public meeting of the county board of
 11 election commissioners held not later than seventy-two (72) days before the
 12 preferential primary election or open preferential primary election.

13 (2) The county board shall give at least ten (10) days' written
 14 notice of the time and place of the meeting to the chairs of the county
 15 committees if the chairs are not members of the board, and at least three (3)
 16 days before the meeting, shall publish notice of the time and place of
 17 holding the meeting in some newspaper of general circulation in the county.
 18

19 SECTION 21. Arkansas Code § 7-7-306 is amended to read as follows:

20 7-7-306. Partisan ~~and nonpartisan~~ general election ballots - County,
 21 municipal, and township offices.

22 (a) At each party primary and ~~nonpartisan~~ general election for a
 23 county, municipal, and township offices, each county board of election
 24 commissioners shall furnish a separate ballot for each political party
 25 containing:

26 (1) The name of each person seeking nomination as a candidate of
 27 that political party;

28 ~~(2) The name of each candidate for the general election to a~~
 29 ~~nonpartisan office under § 7-10-101 [repealed]; and~~

30 ~~(3)~~(2) All measures and questions, if any, to be decided by the
 31 voters.

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

36 (c) This section does not apply to an election under The Nonpartisan

1 Blanket Primary Act, § 7-7-601 et seq.

2
3 SECTION 22. Arkansas Code § 7-8-101 is amended to read as follows:

4 7-8-101. Primaries —~~General law governs.~~

5 All primaries, preferential and general, for the selection of nominees
6 for federal offices, including those of the United States Senators and
7 Representatives, shall be held ~~on the same date and in the same manner as the~~
8 ~~preferential and general primaries for state, district, county, and township~~
9 ~~offices and shall be governed by the same procedure prescribed by this act in~~
10 accordance with The Nonpartisan Blanket Primary Act, § 7-6-601 et seq.

11
12 SECTION 23. Arkansas Code § 7-10-102 is amended to read as follows:

13 7-10-102. Nonpartisan election of judges, justices, and prosecuting
14 attorneys.

15 (a) The offices of ~~Justice~~ justice of the Supreme Court, ~~Judge~~ judge
16 of the Court of Appeals, circuit judge, district judge, and prosecuting
17 attorney are nonpartisan offices.

18 (b)(1) The general elections for nonpartisan offices shall be held on
19 the ~~same~~ date and at the ~~same~~ times and places as provided by law ~~for~~
20 ~~preferential primary elections~~ under The Nonpartisan Blanket Primary Act, §
21 7-6-601 et seq.

22 (2)(A) The names of nonpartisan candidates shall be:

23 (i) Included on the ballots of the political
24 parties; and

25 (ii) Designated as nonpartisan candidates.

26 (B) Separate ballots containing the names of nonpartisan
27 candidates shall be:

28 (i) Prepared; and

29 (ii) Made available to voters requesting a separate
30 ballot.

31 ~~(3) A voter shall not be required to vote in a political party's~~
32 ~~preferential primary to be able to vote in a nonpartisan election.~~

33 ~~(c)(1) A person shall not be elected to the office of Justice of the~~
34 ~~Supreme Court, Judge of the Court of Appeals, circuit judge, district judge,~~
35 ~~or prosecuting attorney unless the person receives a majority of the votes~~
36 ~~east at the election for the office.~~

1 ~~(2) In a nonpartisan election in which no person receives a~~
2 ~~majority of the votes cast, the two (2) candidates receiving the highest and~~
3 ~~next highest number of votes shall be certified to a runoff election, which~~
4 ~~shall be held on the same date and at the same times and places as the~~
5 ~~November general election.~~

6 ~~(3) The names of the candidates in a nonpartisan runoff election~~
7 ~~shall be placed on the same ballots as used for the November general~~
8 ~~elections.~~

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