

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

HOUSE BILL 1740

5 By: Representative Cloud  
6 By: Senator B. Davis  
7

## For An Act To Be Entitled

9 AN ACT TO CLARIFY AND MODERNIZE PROCEDURES REQUIRED  
10 FOR POLITICAL PARTY PRIMARIES; TO AMEND THE LAW  
11 CONCERNING POLITICAL PARTY PRIMARIES; AND FOR OTHER  
12 PURPOSES.  
13  
14

## Subtitle

15 TO CLARIFY AND MODERNIZE PROCEDURES  
16 REQUIRED FOR POLITICAL PARTY PRIMARIES;  
17 AND TO AMEND THE LAW CONCERNING POLITICAL  
18 PARTY PRIMARIES.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code § 7-3-101 is amended to read as follows:  
25 7-3-101. Duties and powers.

26 (a) Subject to the provisions of this act and other applicable laws of  
27 this state, organized political parties shall:

28 (1) ~~Have the right to prescribe~~ Prescribe the qualifications of  
29 their own membership;

30 (2) Prescribe the qualifications for voting in their party  
31 primaries; and

32 (3) Establish rules and procedures for their own organization.

33 (b)(1) An organized political party shall provide current copies of  
34 its adopted rules and procedures to the Secretary of State and the State  
35 Board of Election Commissioners.

36 (2) The obligation under subdivision (b)(1) is a continuing



1 obligation, and as rules and procedures are amended the political party shall  
 2 continue to provide updated and current copies of the rules and procedures.

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 4 SECTION 2. Arkansas Code § 7-3-103 is amended to read as follows:

5 7-3-103. State committee members.

6 (a) The members of the state committee of political parties in this  
 7 state shall be elected ~~by the respective state conventions~~ in accordance with  
 8 respective political party rules.

9 (b) ~~Caucuses by delegates to the state conventions for the purpose of~~  
 10 ~~recommending members of the state committee shall be held at a definite time~~  
 11 ~~and place to be announced publicly by the temporary chair of the state~~  
 12 ~~convention convened at the first session of the convention. The temporary~~  
 13 ~~chair shall appoint some delegate to convene each caucus. If any delegation~~  
 14 ~~from a county shall notify the chair of the convention that a caucus has been~~  
 15 ~~held and a recommendation made without a county delegation having had timely~~  
 16 ~~notice of and an opportunity to be present at the caucus, the chair of the~~  
 17 ~~convention shall at once order a new caucus.~~

18 (c) The term of office of the members of a state committee shall begin  
 19 from their election, and they shall hold office until ~~the next convention and~~  
 20 ~~until their successors are elected and qualified~~ their successors are elected  
 21 and qualified as provided under respective political party rules.

22  
 23 SECTION 3. Arkansas Code § 7-3-104(a)(1), concerning election of  
 24 county political party committee members, is amended to read as follows:

25 (a)(1) The members of the county committee of political parties from  
 26 each election precinct, township, or city ward shall be elected ~~by a majority~~  
 27 ~~vote of those votes cast for each membership position at the primary~~  
 28 ~~elections held by the political party~~ in accordance with respective political  
 29 party rules.

30  
 31 SECTION 4. Arkansas Code § 7-3-105(a) and (b), concerning election of  
 32 county convention delegates, are amended to read as follows:

33 (a) ~~Delegates from each election precinct, township, or city ward to~~  
 34 ~~the county convention of political parties shall be selected at the primary~~  
 35 ~~election held by each party~~ to the county convention shall be elected in  
 36 accordance with respective political party rules.

1 (b) The county committee ~~shall~~ may place on the ballot of the primary  
 2 election the names of all persons seeking election as a county convention  
 3 delegate who shall have filed a written pledge to abide by the results of the  
 4 primary, if any is required by the rules of the political party, and shall  
 5 have paid the ballot fee, if any, assessed therefor.

6  
 7 SECTION 5. Arkansas Code § 7-7-104 is amended to read as follows:

8 7-7-104. Vacancy in nomination – Alternative methods for filling – Tie  
 9 ~~Vote~~ vote.

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

13 (1) Certificate of the chair and secretary of any convention of  
 14 delegates held ~~within twenty-five (25) days~~ following receipt of the  
 15 Governor’s letter certifying vacancy; or

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

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

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

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

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

31 (c)(1) When a vacancy in nomination occurs as a result of death or  
 32 when the person who received the majority of votes cast at the preferential  
 33 primary election or the general primary election notifies the state committee  
 34 of the political party of his or her intent to refuse nomination due to  
 35 serious illness, moving out of the area from which elected as the party’s  
 36 nominee, or filing for another office, the state committee of the political

1 party shall notify the Governor within ~~five (5)~~ ten (10) calendar days after  
 2 the date of death or the date the party was notified of intent to refuse  
 3 nomination as to whether the party chooses to fill the vacancy in nomination  
 4 at a special election or a convention.

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

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

21 (2) When the certificate of nomination is filed for a nominee  
 22 who is filling a vacancy in nomination, the filing authority shall  
 23 immediately certify the name of the nominee to the appropriate county board  
 24 of election commissioners.

25 (e) If the party notifies the Governor that it desires to fill the  
 26 vacancy in nomination by convention, the convention shall occur ~~no later than~~  
 27 ~~twenty-five (25) days~~ and be conducted in accordance with respective  
 28 political party rules after the notice is provided to the Governor.

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

31 (f)(1) If the party's nominee is not selected in time to file his or  
 32 her certificate of nomination with the appropriate party authority at least  
 33 seventy-six (76) days before the general election, the nominee's name shall  
 34 not appear on the general election ballot but the name of the person who  
 35 vacated the nomination shall appear on the ballot, and votes cast for the  
 36 name of the person appearing on the ballot shall be counted for the nominee

1 but only if the certificate of nomination is duly filed at least forty-seven  
2 (47) days before the general election.

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

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

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11 SECTION 6. Arkansas Code § 7-7-106 is amended to read as follows:

12 7-7-106. Filling vacancies in candidacy for nomination – Preferential  
13 primary.

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

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

17 (2) A person is running unopposed in a preferential primary and  
18 notifies the party that he or she will not accept the nomination due to a  
19 serious illness.

20 (b) The vacancy shall be filled ~~within ten (10) calendar days after~~  
21 ~~the death or notification to the political party~~ in accordance with  
22 respective political party rules.

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

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

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

34 ~~(f)~~(e) If the vacancy in candidacy is not filled before the date of  
35 the preferential primary election, a vacancy in nomination shall be deemed to  
36 exist on the date of the preferential primary election and the vacancy in

1 nomination shall be filled under § 7-7-104.

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