

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

# A Bill

SENATE BILL 180

5 By: Senator D. Johnson  
6 By: Representatives Vines, Williams  
7

## For An Act To Be Entitled

9 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 7 OF  
10 THE ARKANSAS CODE, CONCERNING ELECTIONS; AMENDING  
11 PORTIONS OF ARKANSAS LAW RESULTING FROM INITIATED ACT  
12 1 OF 1990 AND INITIATED ACT 1 OF 1996; AND FOR OTHER  
13 PURPOSES.  
14  
15

## Subtitle

16 AN ACT TO MAKE TECHNICAL CORRECTIONS TO  
17 TITLE 7 OF THE ARKANSAS CODE, CONCERNING  
18 ELECTIONS, AND AMENDING PORTIONS OF  
19 ARKANSAS LAW RESULTING FROM INITIATED ACT  
20 1 OF 1990 AND INITIATED ACT 1 OF 1996.  
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23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
25

26 SECTION 1. Arkansas Code § 7-1-101(31)(B), concerning definitions  
27 applicable to election law, is amended to make a grammatical correction to  
28 read as follows:

29 (B) ~~The phrase “vacancy~~ “Vacancy in office” shall does not  
30 apply to the election of a person at a general election to fill an unexpired  
31 portion of a term of office;  
32

33 SECTION 2. Arkansas Code § 7-3-108(a) and (b), concerning new  
34 political parties, are amended to clarify references to Arkansas Code § 5-54-  
35 205 to read as follows:

36 (a) ~~No~~ A political party shall not be recognized, qualified to



1 participate, or permitted to have the names of its candidates printed on the  
 2 ballot in any election in this state that:

3 (1) Either directly or indirectly advocates, teaches, justifies,  
 4 aids, or abets the overthrow by force or violence, or by any unlawful means,  
 5 of the government of the United States or this state, or an act of terrorism  
 6 as ~~defined~~ described by § 5-54-205; or

7 (2) Directly or indirectly carries on, advocates, teaches,  
 8 justifies, aids, or abets a program of sabotage, force and violence,  
 9 sedition, or treason against the government of the United States or this  
 10 state.

11 (b)(1) ~~No~~ A newly organized political party shall not be recognized,  
 12 qualified to participate, or permitted to have the names of its candidates  
 13 printed on the ballot in any election in this state until it has filed an  
 14 affidavit, by the officers of the party in this state under oath, that:

15 (A) It does not either directly or indirectly advocate,  
 16 teach, justify, aid, or abet the overthrow by force or violence or by any  
 17 unlawful means of the government of the United States or this state, or an  
 18 act of terrorism as ~~defined~~ described by § 5-54-205; or

19 (B) It does not directly or indirectly carry on, advocate,  
 20 teach, justify, aid, or abet a program of sabotage, force and violence,  
 21 sedition, or treason against the government of the United States or this  
 22 state.

23 (2) The affidavit shall be filed with the Secretary of State.  
 24

25 SECTION 3. Arkansas Code § 7-4-118(e)(2)(A), concerning election  
 26 complaints, is amended to remove a reference to a repealed section of  
 27 Arkansas law to read as follows:

28 (A) The board may file suit in the Pulaski County Circuit  
 29 Court or in the circuit court of the county in which the debtor resides or,  
 30 ~~according to the Small Claims Procedure Act, § 16-17-601 et seq. [repealed],~~  
 31 in the small claims division of any district court in the State of Arkansas  
 32 to obtain a judgment for the amount of any fine imposed according to its  
 33 authority.  
 34

35 SECTION 4. Arkansas Code § 7-5-101(c)(2)(C), concerning precinct  
 36 boundaries and polling sites, is amended to correct a reference to a division

1 of the Arkansas State Highway and Transportation Department to read as  
 2 follows:

3 (C) ~~Cartography Section~~ Mapping and Graphics Section of  
 4 the Planning and Research Division of the Arkansas State Highway and  
 5 Transportation Department.

6  
 7 SECTION 5. Arkansas Code § 7-5-109(c)(1) and (2), concerning voter  
 8 registration lists, are amended to correct references to computer technology  
 9 to read as follows:

10 (1)(A) Upon request every county clerk who maintains on computer  
 11 the list of registered voters within the county shall provide the list on  
 12 ~~computer disk or tape~~ compact disc or other electronic medium.

13 (B) The list shall include at least the names, addresses,  
 14 and precinct numbers of the voters.

15 (2)(A) The fee for a list, on ~~computer disk or tape~~ compact disc  
 16 or other electronic medium, of one (1) to five thousand (5,000) registered  
 17 voters may be up to ten dollars (\$10.00).

18 (B) The fee for a list, on ~~computer disk or tape~~ compact  
 19 disc or other electronic medium, of five thousand one (5,001) to twenty-five  
 20 thousand (25,000) registered voters may be up to twenty-five dollars  
 21 (\$25.00).

22 (C) The fee for a list, on ~~computer disk or tape~~ compact  
 23 disc or other electronic medium, of more than twenty-five thousand (25,000)  
 24 registered voters may be up to fifty dollars (\$50.00).

25  
 26 SECTION 6. Arkansas Code § 7-5-532(a)(1), concerning direct-recording  
 27 electronic voting machines, is amended to use language consistent with other  
 28 sections of Arkansas law when referring to direct-recording electronic voting  
 29 machines to read as follows:

30 (1) "~~Direct~~ Direct-recording electronic voting machine" means a  
 31 voting machine that:

32 (A) Records votes by means of a ballot display provided  
 33 with mechanical or electro-optical components that may be actuated by the  
 34 voter;

35 (B) Processes the data by means of a computer program;

36 (C) Records voting data and ballot images in internal or

1 external memory components; and

2 (D) Produces a tabulation of the voting data stored in a  
3 removable memory component and in a printed copy; and

4  
5 SECTION 7. Arkansas Code § 7-5-707(a), concerning the certification of  
6 election results, is amended to correct a reference to the internet to read  
7 as follows:

8 (a) For all state and federal elections, the county board of election  
9 commissioners shall transmit the certified results for each polling place to  
10 the county clerk, who shall immediately transmit the results to the Secretary  
11 of State through the ~~Internet~~ website interface provided by the Secretary of  
12 State.

13  
14 SECTION 8. Arkansas Code § 7-5-801(d), concerning election contests,  
15 is amended to make a grammatical correction when referring to the subject of  
16 a complaint to read as follows:

17 (d) The complaint shall be verified by the affidavit of the contestant  
18 to the effect that he or she believes the statements to be true and shall be  
19 filed within twenty (20) days of the certification ~~complained of~~ that is the  
20 subject of the complaint.

21  
22 SECTION 9. Arkansas Code § 7-6-201(1)(B), concerning definitions  
23 applicable to campaign finance law and resulting from Initiated Act 1 of 1990  
24 and Initiated Act 1 of 1996, is amended to clarify references to ballot  
25 question committees to read as follows:

26 (B) "Approved political action committee" ~~shall~~ does not  
27 include an organized political party as defined in § 7-1-101, a county  
28 political party committee, the candidate's own campaign committee, an  
29 exploratory committee, or a ballot question committee or legislative question  
30 committee as defined in § 7-9-402;

31  
32 SECTION 10. Arkansas Code § 7-6-201(11), concerning definitions  
33 applicable to campaign finance law and resulting from Initiated Act 1 of 1990  
34 and Initiated Act 1 of 1996, is amended to make a grammatical correction to  
35 read as follows:

36 (11) ~~An "independent~~ "Independent expenditure" is ~~any an~~

1 expenditure which is not a contribution and:

2 (A) Expressly advocates the election or defeat of a  
3 clearly identified candidate for office;

4 (B) Is made without arrangement, cooperation, or  
5 consultation between ~~any~~ a candidate or ~~any~~ an authorized committee or agent  
6 of the candidate and the person making the expenditure or ~~any~~ an authorized  
7 agent of that person; and

8 (C) Is not made in concert with or at the request or  
9 suggestion of ~~any~~ a candidate or ~~any~~ an authorized committee or agent of the  
10 candidate;

11  
12 SECTION 11. Arkansas Code § 7-6-202 is amended to clarify a reference  
13 to committing a Class A misdemeanor to read as follows:

14 7-6-202. Penalties.

15 ~~Any~~ A person who knowingly ~~or willfully~~ fails to comply with ~~any~~  
16 ~~provisions of~~ this subchapter shall upon conviction be guilty of a Class A  
17 misdemeanor.

18  
19 SECTION 12. Arkansas Code § 7-6-216(c)(3), concerning reports by  
20 exploratory committees and resulting from Initiated Act 1 of 1990, is amended  
21 to make a grammatical correction to read as follows:

22 (3) The total amount of expenditures made and, for each single  
23 expenditure which that exceeds one hundred dollars (\$100), an itemization,  
24 including the amount of the expenditure, the name and address of the person  
25 to whom the expenditure was made, and the date the expenditure was made.

26  
27 SECTION 13. Arkansas Code § 7-7-106(a)(2), concerning vacancies in  
28 candidacy for nomination, is amended for consistency with other subdivisions  
29 in this subsection to read as follows:

30 (2) ~~Upon notification to~~ A person is running unopposed in a  
31 preferential primary and notifies the party that he or she will not accept  
32 the nomination due to a serious illness.

33  
34 SECTION 14. Arkansas Code § 7-7-306(a)(1), concerning ballots for the  
35 judicial general election, is amended to correct a reference concerning  
36 persons seeking nomination as candidates to read as follows:

1           (1) The names of persons seeking ~~offices to be voted on as a~~  
 2 ~~nominee or candidate~~ nomination as candidates of that political party;

3  
 4           SECTION 15. Arkansas Code § 7-8-305(2), concerning election results,  
 5 is amended to clarify a reference to the Seal of the State of Arkansas to  
 6 read as follows:

7           (2) Proclaim the persons composing the list so elected to be the  
 8 electors of President and Vice President by mailing the electors a triplicate  
 9 certificate of their appointment under the ~~seal of the state~~ Seal of the  
 10 State of Arkansas; and

11  
 12           SECTION 16. Arkansas Code § 7-9-114(b), concerning proposed ballot  
 13 measures, is amended to make a grammatical correction to read as follows:

14           (b) Not ~~fewer~~ less than eighteen (18) days before the election, the  
 15 Secretary of State shall transmit a certified copy of the abstract to the  
 16 county boards of election commissioners, who shall cause copies to be printed  
 17 and posted conspicuously at all polling places in the county for the  
 18 information of the voters.

19  
 20           SECTION 17. Arkansas Code § 7-9-306(b), concerning an organizational  
 21 meeting for a constitutional convention, is amended to clarify a reference to  
 22 the chamber of the House of Representatives to read as follows:

23           (b) This meeting shall be for the purpose of electing permanent  
 24 convention officers, adopting rules of procedure, and providing for such  
 25 interim committees and staff members as may be necessary to prepare for the  
 26 plenary meeting of the convention which shall convene at the State Capitol  
 27 Building in the ~~chamber of the House of Representatives Chamber~~ Chamber on the first  
 28 Monday of the following April.

29  
 30           SECTION 18. DO NOT CODIFY. The enactment and adoption of this act  
 31 shall not repeal, expressly or impliedly, the acts passed at the regular  
 32 session of the Eighty-Ninth General Assembly. All such acts shall have the  
 33 full force and effect and, so far as those acts intentionally vary from or  
 34 conflict with any provision contained in this act, those acts shall have the  
 35 effect of subsequent acts and as amending or repealing the appropriate parts  
 36 of the Arkansas Code of 1987. APPROVED: 04/11/2013