

1 State of Arkansas *As Engrossed: H3/25/13 H4/5/13*

2 89th General Assembly

# A Bill

3 Regular Session, 2013

HOUSE BILL 2036

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5 By: Representatives Slinkard, *Bell*

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## For An Act To Be Entitled

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AN ACT TO AMEND THE LAW CONCERNING CERTAIN PROCEDURAL

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DATES IN ELECTIONS; TO AMEND THE LAW CONCERNING

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CERTAIN PETITIONS; AND FOR OTHER PURPOSES.

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## Subtitle

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TO AMEND THE LAW CONCERNING CERTAIN

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PROCEDURAL DATES IN ELECTIONS; AND TO

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AMEND THE LAW CONCERNING CERTAIN

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PETITIONS.

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

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

23 7-7-103. Filing as an independent – Petitions – Disqualification.

24 (a)(1) A person desiring to have his or her name placed upon the  
25 ballot as an independent candidate without political party affiliation for  
26 any United States office other than President of the United States or Vice  
27 President of the United States or state, county, township, or district office  
28 in any general election in this state shall file, during the party filing  
29 period for the year in which the election is to be held, a political  
30 practices pledge, an affidavit of eligibility, the petition under this  
31 section, and a notice of candidacy stating the name and title the candidate  
32 proposes to appear on the ballot and identifying the elective office sought,  
33 including the position number, if any.

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)(A) The person shall ~~furnish by 12:00 noon on May 1 of the year~~  
5 ~~in which the election is to be held~~ file petitions signed by not less than  
6 three percent (3%) of the qualified electors in the county, township, or  
7 district in which the person is seeking office, but in no event shall more  
8 than two thousand (2,000) signatures be required for a district, county, or  
9 township office.

10 (B) If the person is a candidate for state office or for  
11 United States Senator in which a statewide race is required, the person shall  
12 file petitions signed by not less than three percent (3%) of the qualified  
13 electors of the state or which contain ten thousand (10,000) signatures of  
14 qualified electors, whichever is the lesser.

15 (2) Each elector signing the petition shall be a registered  
16 voter, and the petition shall be directed to the official with whom the  
17 person is required by law to file the petition to qualify as a candidate and  
18 shall request that the name of the person be placed on the ballot for  
19 election to the office mentioned in the petition.

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

25 (4) In determining the number of qualified electors in any  
26 county, township, or district or in the state, the total number of votes cast  
27 therein for all candidates in the preceding general election for the office  
28 of Governor shall be conclusive of the number of qualified electors therein  
29 for the purposes of this section.

30 (5) If the number of days in which the petition for independent  
31 candidacy may be circulated is reduced by a proclamation, ordinance,  
32 resolution, order, or other authorized document for a special election under  
33 7-11-101 et seq., the number of signatures required on the petition shall be  
34 reduced proportionately.

35  
36 *SECTION 2. Arkansas Code § 7-7-205 is amended to read as follows:*

1 7-7-205. *Petition requirements for new political parties.*

2 (a)(1) *A group desiring to form a new political party shall do so by*  
3 *filing a petition with the Secretary of State.*

4 (2) *The petition shall contain at the time of filing the*  
5 *signatures of at least ten thousand (10,000) registered voters in the state.*

6 (3) *The Secretary of State shall not accept for filing any new*  
7 *party petition that is not prima facie sufficient at the time of filing.*

8 (4)(A) *No signature shall be counted unless the date of the*  
9 *signature appears on the petition.*

10 (B) *No signature that is dated more than ninety (90) days*  
11 *before the date the petition is submitted shall be counted.*

12 (5)(A) *The petition shall declare the intent of organizing a*  
13 *political party, the name of which shall be stated in the declaration.*

14 (B) *No political party or group shall assume a name or*  
15 *designation that is so familiar, in the opinion of the Secretary of State, as*  
16 *to confuse or mislead the voters at an election.*

17 (6) *A new political party that wishes to select nominees for the*  
18 *next general election shall file a sufficient petition no later than ~~forty-~~*  
19 *~~five (45) sixty (60) days before the ~~preferential primary election~~ party~~*  
20 *filing period.*

21 (b)(1) *The Secretary of State shall determine the sufficiency of the*  
22 *signatures submitted within thirty (30) days of filing.*

23 (2) *If the petition is determined to be insufficient, the*  
24 *Secretary of State shall forthwith notify the sponsors in writing, through*  
25 *their designated agent, and shall set forth his or her reasons for so*  
26 *finding.*

27 (c)(1) *Upon certification of sufficiency of the petition by the*  
28 *Secretary of State, a new political party shall be declared by the Secretary*  
29 *of State.*

30 (2) *A new political party formed by the petition process shall*  
31 *nominate candidates by convention for the first general election after*  
32 *certification.*

33 (3) *A candidate nominated by convention shall file a political*  
34 *practices pledge with the Secretary of State or county clerk, as the case may*  
35 *be, ~~no later than noon of the date of the preferential primary election~~*  
36 *during the party filing period.*

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*(4) If the new party maintains party status by obtaining three percent (3%) of the total vote cast for the office of Governor or nominees for presidential electors at the first general election after certification, the new political party shall nominate candidates in the party primary as set forth in § 7-7-101 et seq.*

*(5) Any challenges to the certification of the sufficiency of the petition by the Secretary of State shall be filed with the Pulaski County Circuit Court.*

*/s/Slinkard*

**APPROVED: 04/18/2013**