

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

HOUSE BILL 1436

5 By: Representative A. Collins
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING ELECTORS OF THE
9 PRESIDENT OF THE UNITED STATES AND VICE PRESIDENT OF
10 THE UNITED STATES; TO REQUIRE FAITHFUL PRESIDENTIAL
11 ELECTORS; AND FOR OTHER PURPOSES.
12
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Subtitle

14 TO AMEND THE LAW CONCERNING ELECTORS OF
15 THE PRESIDENT OF THE UNITED STATES AND
16 VICE PRESIDENT OF THE UNITED STATES; AND
17 TO REQUIRE FAITHFUL ELECTORS.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 7-8-302(1), concerning the election and
24 certification of electors, ballots, contesting conventions, and elector
25 vacancy, is amended to add additional subdivisions to read as follows:

26 (D) Each elector or elector at large of a political party
27 or group shall execute the following pledge:

28 "If selected for the position of elector, I agree to serve and to mark
29 my ballots for President of the United States and Vice President of the
30 United States for the nominees for those offices of the party that nominated
31 me."; and

32 (E) The executed pledge of each elector or elector at
33 large of a political party or group shall be filed with the certification
34 required in subdivision (1)(C) of this section.
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36 SECTION 2. Arkansas Code § 7-8-302(3), concerning the election and



1 certification of electors, ballots, contesting conventions, and elector
2 vacancy, is amended to add additional subdivisions to read as follows:

3 (3)(A) Should a vacancy occur in the choice of an elector, the
4 vacancy may be filled by the state executive committee of the party or group,
5 to be certified by the committee to the Secretary of State;

6 (B) An elector chosen due to a vacancy shall execute the
7 following pledge:

8 "If selected for the position of elector, I agree to serve and to mark
9 my ballots for President of the United States and Vice President of the
10 United States for the nominees for those offices of the party that nominated
11 me."; and

12 (C) The executed pledge of each elector chosen due to a
13 vacancy shall be filed with the certification required in subdivision (3)(A)
14 of this section.

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16 SECTION 3. Arkansas Code § 7-8-302(6), concerning the election and
17 certification of electors, ballots, contesting conventions, and elector
18 vacancy, is amended to read as follows:

19 (D) Each elector or elector at large of an independent
20 candidate who qualified by petition to be on the ballot shall execute the
21 following pledge:

22 "If selected for the position of elector, I agree to serve and to mark
23 my ballots for President of the United States and Vice President of the
24 United States for the nominees for those offices of the independent candidate
25 that nominated me."; and

26 (E) The executed pledge of each elector or elector at
27 large of an independent candidate who qualified by petition to be on the
28 ballot shall be filed with the certification required in subdivision (6)(C)
29 of this section.

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31 SECTION 4. Arkansas Code § 7-8-306(a), concerning voting by electors
32 and expenses, is amended to read as follows:

33 (a) The electors, elected as provided in this subchapter, shall meet
34 at the office of the Secretary of State, in a room to be designated by him or
35 her in the State Capitol Building, at the time appointed by the laws of the
36 United States at the hour of 10:00 a.m. of that day, and give their votes for

1 President of the United States and for Vice President of the United States,
 2 in the manner provided in this subchapter, in accordance with his or her
 3 elector's pledge, and perform such duties as are or may be required by law.
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5 SECTION 5. Arkansas Code § 7-8-306, concerning voting by electors and
 6 expenses, is amended to add additional subsections to read as follows:

7 (c) The Secretary of State shall not accept or count an elector's or
 8 elector at large's presidential or vice-presidential ballot if the elector or
 9 elector at large has not marked both ballots or has marked a ballot in
 10 violation of the pledge of the elector or elector at large.

11 (d) An elector or elector at large who refuses to present a ballot,
 12 presents an unmarked ballot, or presents a ballot marked in violation of the
 13 elector's or elector at large's pledge executed under § 7-8-302 vacates the
 14 office of elector, creating a vacant position to be filled under § 7-8-
 15 302(3).