ARKANSAS SENATE

83rd General Assembly - Regular Session, 2001
Amendment Form

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Subtitle of Senate Bill No. 789

"AN ACT CONCERNING NONPARTISAN JUDICIAL ELECTIONS."

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Amendment No. 1 to Senate Bill No. 789.

Amend Senate Bill No. 789 as originally introduced:

Delete everything after the enacting clause and substitute the following:
"SECTION 1. Definitions.
For the purposes of this act:
(1) "Nonpartisan judicial office" means the offices of Supreme Court Justice, judge of the Court of Appeals, circuit judge and district judge; and
(2) "Political party" has the same meaning as provided in Arkansas Code 7-1-101.

SECTION 2. Nonpartisan election of judges and justices.
(a) The offices of Supreme Court Justice, judge of the Court of Appeals, circuit judge, and district judge are declared to be nonpartisan offices.
(b)(1) The general elections for nonpartisan judicial offices shall be held on the same dates and at the same times and places as provided by law for preferential primary elections.
(2) The names of candidates for nonpartisan judicial offices shall be placed on a separate ballot from the ballots of the political parties and shall be designated as "nonpartisan judicial candidates."
(3) No voter shall be required to vote in a political party's preferential primary in order to be able to vote in nonpartisan judicial elections.
(c)(1) No person shall be elected to a nonpartisan judicial office without receiving a majority of the votes cast at the election for the office.
(2) In any nonpartisan judicial election in which no person receives a majority of the votes cast, the two (2) candidates receiving the highest and next highest number of votes shall be certified to a runoff election which shall be held on the same date, and at the same times and places as the November general election.
(3) The names of the candidates in a nonpartisan judicial runoff election shall be placed on the same ballots as used for the November general elections.

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SECTION 3. Filing as a candidate.
(a) Generally. A candidate for a nonpartisan judicial office may pay a filing fee as provided for in this act, file a petition in the manner provided for in this act, or file as a write-in candidate in the manner as provided for in this act.
(b) Filing fees.
(1) The State Board of Election Commissioners shall establish reasonable filing fees for nonpartisan judicial offices.
(2) The filing fee for the offices of Supreme Court Justice, judge of the Court of Appeals, and circuit judge, shall be paid to the Secretary of State at the same time the candidate files his or her political practices pledge under Arkansas Code 7-6-102(a). A candidate for district judge shall pay the filing fee to the county clerk at the same time the candidate files his or her political practices pledge under Arkansas Code 7-6-102(a).
(3) The filing fees shall be remitted to the Treasurer of State for deposit as general revenues.
(c) Alternative ballot access.
(1)(A) Any person desiring to have his or her name placed on the ballot for a nonpartisan judicial office without paying a filing fee may do so by filing a petition in the manner provided for under this section. Petitions for Supreme Court, Court of Appeals and circuit court positions shall be filed with the Secretary of State by the deadline established for filing the candidate's political practices pledge under Arkansas Code 7-6-102(a). Petitions for district court positions shall be filed with the applicable county clerk by the deadline established for filing the candidate's political practices pledge under Arkansas Code 7-6-102(a).
(B) The petition shall be directed to the office with which it is to be filed and shall request that the name of the candidate be placed on the ballot for the election set forth in the petition. Candidates may begin circulating petitions not earlier than sixty (60) days prior to the filing deadline.
(C) The Secretary of State or the county clerk, as the case may be, shall determine whether the petition contains the names of a sufficient number of qualified electors. The sufficiency of any petition filed under the provisions of this section may be challenged in the same manner as provided by law for election contests, beginning at Arkansas Code 7-5-801.
(D) Qualified electors signing the petitions must be registered voters in the geographic area applicable to the position at the time they sign the petition. Each qualified elector shall provide his or her printed name, signature, and address on the petition.
(E) In determining the number of qualified electors in the state or in any court of appeals district or circuit court circuit, the total number of all votes cast therein for Governor in the immediately preceding general gubernatorial election shall be conclusive of the number of all qualified electors therein for purposes of this section.
(2)(A) Candidates by petition for the Arkansas Supreme Court shall file petitions signed by at least ten thousand (10,000) qualified electors or three per cent (3%) of the qualified electors residing within the state, whichever is the lesser.
(B) Candidates by petition for the Arkansas Court of

Appeals shall file petitions signed by three per cent (3%) of the qualified electors residing within the court of appeals district for which the candidate seeks office, but in no event shall more than two thousand (2,000) signatures be required.

(C) Candidates by petition for circuit judge shall file petitions signed by three per cent (3%) of the qualified electors residing within the circuit for which the candidate seeks office, but in no event shall more than two thousand (2,000) signatures be required.

(D) Candidates by petition for district judge shall file petitions signed by at least ten (10) qualified electors residing within cities or towns of the second class, and by at least thirty (30) qualified electors residing in cities or towns of the first class. The electors shall reside within the city or town for which the candidate seeks office.

(d) Write-in candidates.

(1) No votes for a write-in candidate in a nonpartisan judicial election shall be counted or tabulated unless the candidate or his or her agent, in writing, gives notice of his or her intention to be a write-in candidate to the county board of election commissioners and either:

(A) The Secretary of State, if a candidate for a Supreme Court, Court of Appeals, or a Circuit judgeship; or

(B) A county clerk, if a candidate for a district judgeship.

(2) The written notice must be given not later than sixty (60) days before the nonpartisan judicial election.

(e) Filing period.

(1) The period for filing as a candidate for a nonpartisan judicial office shall be the same as for filing political practices pledges under Arkansas Code 7-6-102(a). The filing period prescribed by this subdivision (b)(1) shall apply regardless of whether the person pays the filing fee or files a petition.

(2) A write-in candidate shall be governed by the notification deadlines as provided in subsection (d), above.

(f) Place of filing.

(1) A candidate for Supreme Court Justice or judge of the Court of Appeals shall file with the Secretary of State.

(2) A candidate for circuit judge shall file with the county clerk of each county in which he or she is a candidate, and shall file his or her political practices pledge with the Secretary of State.

(3) A candidate for district judge shall file with the county clerk.

SECTION 4. Political Party Endorsement Prohibited.

(a) No candidate for a nonpartisan judicial office shall seek the endorsement of a political party, nor shall the candidate hold himself or herself out as having been endorsed by a political party.

(b) The Judicial Discipline and Disability Commission shall have authority to investigate violations of this section.

SECTION 5. Arkansas Code 7-5-205 is amended to read as follows:

7-5-205. Write-in candidates' votes - When counted.

(a) No votes for write-in candidates in general elections shall be counted or tabulated unless the candidate or his agent shall notify in

writing the county board of election commissioners and either the Secretary of State, if a state or district candidate, or a county clerk, if a candidate for a county or township office, of his intention to be a write-in candidate not later than sixty (60) days before the election day.
    (b) This section shall not apply to the offices of Justice of the Supreme Court, judge of the Court of Appeals, circuit judge, or district judge.

    SECTION 6. Arkansas Code 7-5-704, concerning returns and canvass, is amended to add an additional subsection to read as follows:
    (c) Subsection (b) of this section shall not apply to the offices of Justice of the Supreme Court, judge of the Court of Appeals, circuit judge, or district judge.

    SECTION 7. Arkansas Code 7-7-103, concerning independent candidates, is amended to add an additional subsection to read as follows:
    (f) This section shall not apply to the offices of Justice of the Supreme Court, judge of the Court of Appeals, circuit judge, or district judge.

    SECTION 8. Arkansas Code 7-7-401(e), concerning certification of nominations, is amended to read as follows:
    (e)(1) Nomination as a nonpartisan candidate for Supreme Court Justice, judge of the Court of Appeals, circuit judge, or district judge shall be deemed certified upon the candidate filing for office where a filing fee is paid, and upon determination by the appropriate officer that sufficient signatures were obtained where the candidate seeks alternative ballot access.
        (2) For any other office, nomination Nomination as an independent candidate without political party affiliation for election to any office shall be certified by petition of electors in the manner provided in § 7-7-103.

    SECTION 9. Arkansas Code 14-42-206, concerning municipal primary elections, is amended to add a new subsection to read as follows:
    (g) This section does not apply in any respect to the election of district judges.

    SECTION 10. EMERGENCY CLAUSE. It is found and determined by the General Assembly that Amendment 80 to the Arkansas Constitution becomes effective on July 1, 2001; that this implements the nonpartisan election of justices and judges as mandated by Amendment 80; and that to effectively implement Amendment 80, this act should become effective on July 1, 2001. Therefore, an emergency is declared to exist and this act being necessary for the immediate preservation of the public peace, health and safety shall become effective on July 1, 2001."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Everett

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