

ARKANSAS SENATE
88th General Assembly - Regular Session, 2011
Amendment Form

Subtitle of Senate Bill No. 985

TO AMEND ARKANSAS LAW CONCERNING THE NONPARTISAN ELECTION OF
PROSECUTING ATTORNEYS.

Amendment No. 1 to Senate Bill No. 985

Amend Senate Bill No. 985 as originally introduced:

Delete everything following the enacting clause and substitute the following:

"SECTION 1. Arkansas Code Title 16, Chapter 21 is amended to add an additional section to read as follows:

16-21-160. Nonpartisan election of prosecuting attorneys.

(a) The office of prosecuting attorney is declared to be a nonpartisan office.

(b) A candidate for prosecuting attorney may pay a filing fee as provided for in this section, file a petition in the manner provided for in this section, or file as a write-in candidate in the manner as provided for in this section.

(c) The general election for prosecuting attorneys shall be held on the same dates and at the same times and places as provided by law for the general election.

(d)(1) The filing fee for a candidate for prosecuting attorney is five hundred dollars (\$500).

(2) The filing fee for prosecuting attorney shall be paid to the Secretary of State at the same time that the candidate files his or her political practices pledge, affidavit of eligibility, and notice of candidacy.

(3) The period for paying filing fees, political practices pledges, affidavits of eligibility, and notices of candidacy shall be the same as the party filing period.

(e)(1)(A) Any person desiring to have his or her name place on the ballot for prosecuting attorney without paying a filing fee may do so by filing a petition with the Secretary of State signed by at least one percent (1%) of the qualified electors residing within the judicial district for which the candidate seeks office, but in no event shall more than two thousand (2,000) signatures be required.

(B) In determining the number of qualified electors in the judicial district under subdivision (e)(1)(A) of this section, the total number of all votes cast in the judicial district for Governor in the



immediately preceding general gubernatorial election shall be conclusive of the number of qualified electors residing within the judicial district.

(2) The petition shall be filed during the party filing period.

(3) The Secretary of State shall verify the sufficiency of the petition within thirty (30) days of filing.

(4) A candidate for prosecuting attorney shall file a political practices pledge, an affidavit of eligibility, and a notice of candidacy at the time of filing the petition.

(5) The sufficiency of a petition filed under this section may be challenged in the same manner as election contests under § 7-5-801 et seq.

(f)(1)(A) A candidate for prosecuting attorney may not use more than three (3) given names, one (1) of which may be a nickname or any other word used for the purpose of identifying the candidate to the voters.

(B)(i) A candidate for prosecuting attorney may add as a prefix to his or her name the title or an abbreviation of an elective public office the candidate currently holds.

(ii) A candidate may only use as the prefix the title of prosecuting attorney in an election for prosecuting attorney if the candidate is currently serving as prosecuting attorney.

(C) A nickname shall not include a professional or honorary title.

(g)(1) No votes for a write-in candidate in an election for prosecuting attorney shall be counted or tabulated unless the candidate or his or her agent gives notice in writing of his or her intention to be a write-in candidate for prosecuting attorney to the Secretary of State.

(2) The written notice shall be given not later than ninety (90) days before the general election.

(3) Write-in candidates shall file a political practices pledge, affidavit of eligibility, and notice of candidacy at the same time as filing a notice of intention.

(h)(1) If no candidate for prosecuting attorney receives a majority of the votes cast in the general election, the two (2) candidates receiving the highest number of votes cast for the office to be filled shall be the nominees for the respective offices, to be voted upon in a runoff election under § 7-5-106.

(2) If the office of prosecuting attorney is unopposed, then the single candidate for prosecuting attorney shall be printed on the general election ballot and the votes for prosecuting attorney shall be tabulated as in all contested races."

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

By: Senator Irvin
MBM/BGS - 03/29/11 05:48
MBM429

Secretary