

2 State of Arkansas  
3 88th General Assembly  
4 Regular Session, 2011

*As Engrossed: S3/30/11*  
**A Bill**

SENATE BILL 985

5  
6 By: Senator Irvin

7 Filed with: Interim Senate Committee on Judiciary  
8 pursuant to A.C.A. §10-3-217.

9 **For An Act To Be Entitled**

10 AN ACT TO AMEND ARKANSAS LAW CONCERNING THE  
11 NONPARTISAN ELECTION OF PROSECUTING ATTORNEYS; AND  
12 FOR OTHER PURPOSES.

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14  
15 **Subtitle**

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

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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 Title 16, Chapter 21 is amended to add an*  
24 *additional section to read as follows:*

25 *16-21-160. Nonpartisan election of prosecuting attorneys.*

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

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

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

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

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

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

8           (e)(1)(A) Any person desiring to have his or her name place on the  
9 ballot for prosecuting attorney without paying a filing fee may do so by  
10 filing a petition with the Secretary of State signed by at least one percent  
11 (1%) of the qualified electors residing within the judicial district for  
12 which the candidate seeks office, but in no event shall more than two  
13 thousand (2,000) signatures be required.

14           (B) In determining the number of qualified electors in the  
15 judicial district under subdivision (e)(1)(A) of this section, the total  
16 number of all votes cast in the judicial district for Governor in the  
17 immediately preceding general gubernatorial election shall be conclusive of  
18 the number of qualified electors residing within the judicial district.

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

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

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

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

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

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

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

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

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

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

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

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

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

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22                    /s/ Irvin  
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33 Referred by the Arkansas Senate

34 Prepared by: MBM/VJF  
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