

State of Arkansas  
89th General Assembly  
Regular Session, 2013

# A Bill

DRAFT MBM/MBM  
SENATE BILL

By: Senator <NA>

## For An Act To Be Entitled

AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 7 OF  
THE ARKANSAS CODE, CONCERNING ELECTIONS; AMENDING  
PORTIONS OF ARKANSAS LAW RESULTING FROM INITIATED ACT  
1 OF 1990 AND INITIATED ACT 1 OF 1996; AND FOR OTHER  
PURPOSES.

## Subtitle

AN ACT TO MAKE TECHNICAL CORRECTIONS TO  
TITLE 7 OF THE ARKANSAS CODE, CONCERNING  
ELECTIONS, AND AMENDING PORTIONS OF  
ARKANSAS LAW RESULTING FROM INITIATED ACT  
1 OF 1990 AND INITIATED ACT 1 OF 1996.

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

SECTION 1. Arkansas Code § 7-1-101(31)(B), concerning definitions  
applicable to election law, is amended to make a grammatical correction to  
read as follows:

(B) ~~The phrase "vacancy"~~ "Vacancy in office" ~~shall~~ does not  
apply to the election of a person at a general election to fill an unexpired  
portion of a term of office;

SECTION 2. Arkansas Code § 7-1-104(b)(2), concerning miscellaneous  
felonies associated with elections, is amended for consistency with other  
provisions of Arkansas law referring to criminal convictions to read as  
follows:

(2)(A) ~~Any A person convicted of~~ who is found guilty of or

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1 pleads guilty or nolo contendere to a felony as defined in this section ~~shall~~  
 2 ~~be is~~ barred from holding public office or employment in any of the  
 3 departments of the state from the date of his or her conviction.

4 (B)(i) If the person is employed by any of the departments of  
 5 this state at the time ~~of his or her conviction~~ that he or she is found  
 6 guilty of or pleads guilty or nolo contendere to the offense, he or she shall  
 7 be removed from employment immediately.

8 (ii) If ~~any a~~ a person ~~is convicted~~ is found guilty of or  
 9 pleads guilty or nolo contendere under ~~the provisions of~~ this section while  
 10 holding public office, the conviction shall be deemed a misfeasance and  
 11 malfeasance in office and shall subject the person to impeachment.

12  
 13 SECTION 3. Arkansas Code § 7-3-108(a) and (b), concerning new  
 14 political parties, are amended to clarify references to Arkansas Code § 5-54-  
 15 205 to read as follows:

16 (a) ~~No A~~ A political party shall not be recognized, qualified to  
 17 participate, or permitted to have the names of its candidates printed on the  
 18 ballot in any election in this state that:

19 (1) Either directly or indirectly advocates, teaches, justifies,  
 20 aids, or abets the overthrow by force or violence, or by any unlawful means,  
 21 of the government of the United States or this state, or an act of terrorism  
 22 as ~~defined~~ described by § 5-54-205; or

23 (2) Directly or indirectly carries on, advocates, teaches,  
 24 justifies, aids, or abets a program of sabotage, force and violence,  
 25 sedition, or treason against the government of the United States or this  
 26 state.

27 (b)(1) ~~No A~~ A newly organized political party shall not be recognized,  
 28 qualified to participate, or permitted to have the names of its candidates  
 29 printed on the ballot in any election in this state until it has filed an  
 30 affidavit, by the officers of the party in this state under oath, that:

31 (A) It does not either directly or indirectly advocate,  
 32 teach, justify, aid, or abet the overthrow by force or violence or by any  
 33 unlawful means of the government of the United States or this state, or an  
 34 act of terrorism as ~~defined~~ described by § 5-54-205; or

35 (B) It does not directly or indirectly carry on, advocate,  
 36 teach, justify, aid, or abet a program of sabotage, force and violence,

1 sedition, or treason against the government of the United States or this  
2 state.

3 (2) The affidavit shall be filed with the Secretary of State.  
4

5 SECTION 4. Arkansas Code § 7-4-118(e)(2)(A), concerning election  
6 complaints, is amended to remove a reference to a repealed section of  
7 Arkansas law to read as follows:

8 (A) The board may file suit in the Pulaski County Circuit  
9 Court or in the circuit court of the county in which the debtor resides or,  
10 ~~according to the Small Claims Procedure Act, § 16-17-601 et seq. [repealed],~~  
11 in the small claims division of any district court in the State of Arkansas  
12 to obtain a judgment for the amount of any fine imposed according to its  
13 authority.  
14

15 SECTION 5. Arkansas Code § 7-5-101(c)(2)(C), concerning precinct  
16 boundaries and polling sites, is amended to correct a reference to a division  
17 of the Arkansas State Highway and Transportation Department to read as  
18 follows:

19 (C) ~~Cartography Section~~ Mapping and Graphics Section of  
20 the Planning and Research Division of the Arkansas State Highway and  
21 Transportation Department.  
22

23 SECTION 6. Arkansas Code § 7-5-109(c)(1) and (2), concerning voter  
24 registration lists, are amended to correct references to computer technology  
25 to read as follows:

26 (1)(A) Upon request every county clerk who maintains on computer  
27 the list of registered voters within the county shall provide the list on  
28 ~~computer disk or tape~~ compact disc or other electronic medium.

29 (B) The list shall include at least the names, addresses,  
30 and precinct numbers of the voters.

31 (2)(A) The fee for a list, on ~~computer disk or tape~~ compact disc  
32 or other electronic medium, of one (1) to five thousand (5,000) registered  
33 voters may be up to ten dollars (\$10.00).

34 (B) The fee for a list, on ~~computer disk or tape~~ compact  
35 disc or other electronic medium, of five thousand one (5,001) to twenty-five  
36 thousand (25,000) registered voters may be up to twenty-five dollars

1 (\$25.00).

2 (C) The fee for a list, on ~~computer disk or tape~~ compact  
3 disc or other electronic medium, of more than twenty-five thousand (25,000)  
4 registered voters may be up to fifty dollars (\$50.00).

5  
6 SECTION 7. Arkansas Code § 7-5-532(a)(1), concerning direct-recording  
7 electronic voting machines, is amended to use language consistent with other  
8 sections of Arkansas law when referring to direct-recording electronic voting  
9 machines to read as follows:

10 (1) "~~Direct~~ Direct-recording electronic voting machine" means a  
11 voting machine that:

12 (A) Records votes by means of a ballot display provided  
13 with mechanical or electro-optical components that may be actuated by the  
14 voter;

15 (B) Processes the data by means of a computer program;

16 (C) Records voting data and ballot images in internal or  
17 external memory components; and

18 (D) Produces a tabulation of the voting data stored in a  
19 removable memory component and in a printed copy; and

20  
21 SECTION 8. Arkansas Code § 7-5-707(a), concerning the certification of  
22 election results, is amended to correct a reference to the internet to read  
23 as follows:

24 (a) For all state and federal elections, the county board of election  
25 commissioners shall transmit the certified results for each polling place to  
26 the county clerk, who shall immediately transmit the results to the Secretary  
27 of State through the ~~Internet~~ website interface provided by the Secretary of  
28 State.

29  
30 SECTION 9. Arkansas Code § 7-5-801(d), concerning election contests,  
31 is amended to make a grammatical correction when referring to the subject of  
32 a complaint to read as follows:

33 (d) The complaint shall be verified by the affidavit of the contestant  
34 to the effect that he or she believes the statements to be true and shall be  
35 filed within twenty (20) days of the certification ~~complained of~~ that is the  
36 subject of the complaint.

1  
2 SECTION 10. Arkansas Code § 7-5-805(b)(1)(B) and (C), concerning the  
3 contest of state legislative offices, are amended to use language consistent  
4 with other sections of Arkansas law referring to criminal convictions to read  
5 as follows:

6 (B) This procedure shall apply to House of Representatives  
7 election contests pursuant to Arkansas Constitution, Article 5, § 11, to  
8 contests of eligibility pursuant to Arkansas Constitution, Article 5, § 9,  
9 and to actions for expulsion pursuant to Arkansas Constitution, Article 5, §  
10 12, except that a member of the House of Representatives shall be  
11 automatically suspended from the legislative process if a representative  
12 under felony criminal indictment is subsequently found guilty or pleads  
13 guilty or nolo contendere.

14 (C)(i) If a representative under a felony criminal indictment in  
15 any federal or state court is subsequently found guilty or pleads guilty or  
16 nolo contendere to the charges, then the Speaker of the House of  
17 Representatives shall immediately declare the representative suspended from  
18 the legislative process, and notification shall be given to the convicted  
19 representative, all members of the House of Representatives, the Chief Clerk  
20 of the House of Representatives, the Governor, the Secretary of State, and  
21 the Auditor of State.

22 (ii)(a) However, if a representative who was found guilty  
23 or pleads guilty or nolo contendere appeals that conviction, then the  
24 representative may petition the House Management Committee for a stay of the  
25 suspension from the legislative process, and the committee may grant a stay  
26 upon the filing of the petition and a notice of appeal to the relevant  
27 appellate court.

28 (b) The stay of the suspension shall continue until  
29 the appeal is complete or until the House of Representatives takes final  
30 action on the conviction.

31  
32 SECTION 11. Arkansas Code § 7-6-102(c) and (d), concerning political  
33 practices pledges, are amended to use language consistent with other sections  
34 of Arkansas law referring to criminal convictions to read as follows:

35 (c) Any person who has been convicted of a felony and signs the pledge  
36 stating that he or she has not been ~~convicted of~~ found guilty of or plead

1 guilty or nolo contendere to a felony shall be guilty of a Class D felony.

2 (d) For purposes of this section, a person shall be qualified to be a  
3 candidate for a state, district, county, municipal, and township office and  
4 may certify that he or she has never been ~~convicted of~~ found guilty of or  
5 plead guilty or nolo contendere to a felony if his or her record was expunged  
6 in accordance with §§ 16-93-301 – 16-93-303, or a similar expunction statute  
7 in another state, provided, the candidate presents a certificate of  
8 expunction from the court ~~that convicted the prospective candidate~~ of record.

9  
10 SECTION 12. Arkansas Code § 7-6-201(1)(B), concerning definitions  
11 applicable to campaign finance law and resulting from Initiated Act 1 of 1990  
12 and Initiated Act 1 of 1996, is amended to clarify references to ballot  
13 question committees to read as follows:

14 (B) “Approved political action committee” ~~shall~~ does not  
15 include an organized political party as defined in § 7-1-101, a county  
16 political party committee, the candidate’s own campaign committee, an  
17 exploratory committee, or a ballot question committee or legislative question  
18 committee as defined in § 7-9-402;

19  
20 SECTION 13. Arkansas Code § 7-6-201(11), concerning definitions  
21 applicable to campaign finance law and resulting from Initiated Act 1 of 1990  
22 and Initiated Act 1 of 1996, is amended to make a grammatical correction to  
23 read as follows:

24 (11) ~~An “independent~~ “Independent expenditure” is ~~any an~~ an  
25 expenditure which is not a contribution and:

26 (A) Expressly advocates the election or defeat of a  
27 clearly identified candidate for office;

28 (B) Is made without arrangement, cooperation, or  
29 consultation between ~~any a~~ a candidate or ~~any an~~ an authorized committee or agent  
30 of the candidate and the person making the expenditure or ~~any an~~ an authorized  
31 agent of that person; and

32 (C) Is not made in concert with or at the request or  
33 suggestion of ~~any a~~ a candidate or ~~any an~~ an authorized committee or agent of the  
34 candidate;

35  
36 SECTION 14. Arkansas Code § 7-6-202 is amended to clarify a reference

1 to committing a Class A misdemeanor to read as follows:

2 7-6-202. Penalties.

3 ~~Any~~ A person who knowingly ~~or willfully~~ fails to comply with ~~any~~  
4 ~~provisions of~~ this subchapter shall upon conviction be guilty of a Class A  
5 misdemeanor.

6  
7 SECTION 15. Arkansas Code § 7-6-216(c)(3), concerning reports by  
8 exploratory committees and resulting from Initiated Act 1 of 1990, is amended  
9 to make a grammatical correction to read as follows:

10 (3) The total amount of expenditures made and, for each single  
11 expenditure ~~which~~ that exceeds one hundred dollars (\$100), an itemization,  
12 including the amount of the expenditure, the name and address of the person  
13 to whom the expenditure was made, and the date the expenditure was made.

14  
15 SECTION 16. Arkansas Code § 7-7-106(a)(2), concerning vacancies in  
16 candidacy for nomination, is amended for consistency with other subdivisions  
17 in this subsection to read as follows:

18 (2) ~~Upon notification to~~ A person is running unopposed in a  
19 preferential primary and notifies the party that he or she will not accept  
20 the nomination due to a serious illness.

21  
22 SECTION 17. Arkansas Code § 7-7-306(a)(1), concerning ballots for the  
23 judicial general election, is amended to correct a reference concerning  
24 persons seeking nomination as candidates to read as follows:

25 (1) The names of persons seeking ~~offices to be voted on as a~~  
26 ~~nominee or candidate~~ nomination as candidates of that political party;

27  
28 SECTION 18. Arkansas Code § 7-8-305(2), concerning election results,  
29 is amended to clarify a reference to the Seal of the State of Arkansas to  
30 read as follows:

31 (2) Proclaim the persons composing the list so elected to be the  
32 electors of President and Vice President by mailing the electors a triplicate  
33 certificate of their appointment under the ~~seal of the state~~ Seal of the  
34 State of Arkansas; and

35  
36 SECTION 19. Arkansas Code § 7-9-114(b), concerning proposed ballot

measures, is amended to make a grammatical correction to read as follows:

(b) Not ~~fewer~~ less than eighteen (18) days before the election, the Secretary of State shall transmit a certified copy of the abstract to the county boards of election commissioners, who shall cause copies to be printed and posted conspicuously at all polling places in the county for the information of the voters.

SECTION 20. Arkansas Code § 7-9-306(b), concerning an organizational meeting for a constitutional convention, is amended to clarify a reference to the chamber of the House of Representatives to read as follows:

(b) This meeting shall be for the purpose of electing permanent convention officers, adopting rules of procedure, and providing for such interim committees and staff members as may be necessary to prepare for the plenary meeting of the convention which shall convene at the State Capitol Building in the chamber of the House of Representatives ~~Chamber~~ on the first Monday of the following April.

SECTION 21. Arkansas Code § 7-9-403 is amended for consistency with other provisions of Arkansas law referring to criminal convictions to read as follows:

7-9-403. Penalty.

Upon ~~conviction~~ being found guilty or pleading guilty or nolo contendere, ~~any~~ a person who knowingly fails to comply with ~~any of the provisions of~~ this subchapter shall be fined an amount not to exceed one thousand dollars (\$1,000) or be imprisoned for not more than one (1) year, or both.

SECTION 22. DO NOT CODIFY. The enactment and adoption of this act shall not repeal, expressly or impliedly, the acts passed at the regular session of the Eighty-Ninth General Assembly. All such acts shall have the full force and effect and, so far as those acts intentionally vary from or conflict with any provision contained in this act, those acts shall have the effect of subsequent acts and as amending or repealing the appropriate parts of the Arkansas Code of 1987.