

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1929

By: Representative Mahony

For An Act To Be Entitled

"AN ACT TO AMEND VARIOUS SECTIONS OF CHAPTERS 5, 6, 7,
AND 9 OF TITLE 7 TO REVISE VARIOUS ELECTION LAWS; AND
FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code 7-5-205 is hereby amended to read as follows:

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

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 township or municipal office, of his intention to be a write-in candidate not later than sixty (60) days before the opening of the polls."

SECTION 2. Arkansas Code 7-5-311 is hereby amended to read as follows:

"7-5-311. Disabled voters - Special procedures.

(a) The county boards of election commissioners and the county committees of the respective political parties with respect to general, special, and primary elections under their several jurisdictions shall make every reasonable effort to provide voting locations reasonably accessible to disabled voters and to accomplish reasonable and adequate methods whereby disabled voters may personally and secretly execute their ballots at the polling places. Similar provisions shall be made whereby disabled voters may cast an absentee ballot without third-party assistance if the voter so chooses.

(b) The State Board of Election Commissioners, after conferring with and obtaining the assistance of disabled persons or organizations of disabled

citizens, may promulgate rules and regulations for special procedures to be followed by election officials at voting precincts that will assist in accommodating voting by disabled voters. The regulations may include the promulgation of the form of a special ballot, which reasonably complies with the form of the paper ballot now provided by law, to be used by visually impaired or disabled voters in executing their ballot. Such special ballots may be used at voting places in lawful elections in this state in lieu of voting by voting machine, electronic voting device, or the regular paper ballot, when requested by the disabled person, if suitable accommodations are not provided whereby voters may cast their votes in secret except by the use of the special ballot.

(c) All rules, regulations, and procedures authorized by the State Board of Election Commissioners to enable disabled persons to vote shall be designed to permit the voter to personally and secretly execute his ballot without the assistance of a third party unless third-party assistance is requested by the disabled voter.

(d) As used in this section, the term "disabled voter" shall mean the visually impaired and persons with physical or mental disabilities, but who are legally competent to vote in lawful elections in this state.

(e) The county board of election commissioners shall be responsible for compliance with Public Law 98-435; except that county political parties shall be responsible for compliance with Public Law 98-435 for primary elections. The Secretary of State shall provide the chairman of each county board of election commissioners and the chairman of each county political party a copy of Public Law 98-435. The Secretary of State shall send the copy by certified mail."

SECTION 3. Arkansas Code 7-6-102 is hereby amended to read as follows:

"7-6-102. Political practices pledge - Penalty for falsification.

(a) (1) Candidates for state or district offices shall file with the Secretary of State and candidates for county, municipal, or township offices shall file with the county clerk of the county not later than 12:00 noon on the first Tuesday of April, before the preferential primary election, a pledge in writing, stating that they are familiar with the requirements of §§ 7-1-103, 7-1-104, 7-3-108, and 7-6-101 - 7-6-104 and will, in good faith, comply with their terms.

(2) Persons nominated as independent candidates shall file the political practices pledge at the time of filing the petition for nomination.

(3) Independent candidates for municipal office shall file their political practices pledges with the county clerk of the county not less than sixty (60) calendar days before the general election.

(4) Persons who wish to be write-in candidates shall file the political practices pledge at the time of filing the notice to be a write-in candidate. A write-in candidate shall file the political practices pledge with the Secretary of State if a candidate for a state or district office, or with the county clerk if a candidate for a county township or municipal office.

(b) All political practices pledge forms for state or district offices and county, municipal, or township offices shall be required to contain the following additional pledge:

'I hereby certify that I have never been convicted of a felony in Arkansas or in any other jurisdiction outside of Arkansas.'

(c) Any person who has been convicted of a felony and signs the pledge stating that he has not been convicted of a felony shall be guilty of a Class D felony.

(d) For purposes of this section, a person shall be qualified to be a candidate for a state, district, county, municipal, and township office and may certify that he has never been convicted of a felony if his record was expunged in accordance with §§ 16-93-301 - 16-93-303, or a similar expunction statute in another state, provided, the candidate presents a certificate of expunction from the court that convicted the prospective candidate.

(e) The failure of any candidate to sign and file the pledge shall be justifiable grounds to keep the candidate's name from appearing on the ballot."

SECTION 4. Arkansas Code 7-7-303 (a) is hereby amended to read as follows:

"(a) The election precincts in all political party primary elections shall be the same as established by the county board of election commissioners for general elections. The county committee of a political party may change the boundaries of existing precincts or create new precincts, or additional voting boxes within precincts, for the holding of primary elections, but the

boundaries of election precincts may not be changed at a date later than the date prescribed in § 7-7-203 (f)."

SECTION 5. Arkansas Code 7-7-304 (d) is hereby amended to read as follows:

"(d) Where there are two (2) or more nominees to be selected for the same office, such as Associate Justice of the Supreme Court, State Senator, State Representative, justice of the peace, alderman, or for any other office or place, the proper committee shall require the candidates to designate in writing a particular position, i.e., Position Number 1, Position Number 2, Position Number 3, etc., at the time a party pledge is required to be filed with the secretary of the committee. An independent candidate shall designate his position prior to circulation of his petition. When a candidate has once filed and designated for a certain position, he shall not be permitted to thereafter change the position."

SECTION 6. Arkansas Code 7-9-113 is hereby amended to read as follows:

"7-9-113. Publication of notice. (a) The Secretary of State shall be charged with the duty of letting contracts for publishing display advertisements and notices as authorized in this section. All contracts shall be let within a reasonable time before the election.

(b) (1) Before the election at which any proposed or referred measure is to be voted upon by the people, two (2) display advertisements and two (2) notices shall be published in some newspaper in each county as is provided in this section.

(2) The publication of the notice for amendments proposed by the General Assembly shall commence six (6) months, and on all other measures eight (8) weeks, before the election.

(c) (1) In the first and third publication a display advertisement shall be placed in the newspaper. The display advertisement shall contain the number and popular name of each measure to be submitted, the date of the election, and the dates on which the full text of the measure will appear in the newspaper.

(2) In the second and fourth publication a notice shall be published containing the number, the popular name, the ballot title, and a complete text of the measure to be submitted and shall be set in a type no

smaller than the size of type in which the body of the newspaper or its regular news columns are set.

(d) The fees to be charged and paid by the state for publishing the notices and display advertisements shall be no more than is regularly charged for classified advertisements.

(e) It shall be the duty of the Secretary of State, in connection with a copy of the proposed amendment, to give notice in the same newspapers that each elector on depositing his ballot at the election shall vote for or against the amendment."

SECTION 7. The cost of publishing in a newspaper the text of a statewide initiative and related information as required in Arkansas Code 7-9-107 (e), as added by S. B. 140 of the Regular Session of the Seventy-Seventh General Assembly, shall be paid by the sponsor of the statewide initiative."

SECTION 8. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 9. All laws and parts of laws in conflict with this Act are hereby repealed.