

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Judiciary Committee

A Bill

SENATE BILL 5

For An Act To Be Entitled

8 "AN ACT TO PROVIDE FOR THE NONPARTISAN ELECTION OF CERTAIN
9 JUDICIAL OFFICES; TO AMEND VARIOUS SECTIONS OF ARKANSAS
10 CODE TITLE 7 AND ARKANSAS CODE 14-42-206 TO CONFORM WITH
11 THIS ACT; AND FOR OTHER PURPOSES."

Subtitle

14 "AN ACT CONCERNING NONPARTISAN JUDICIAL
15 ELECTIONS."

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

19 SECTION 1. Definitions.

20 For the purposes of this act, "nonpartisan judicial office" means the
21 offices of Supreme Court Justice, judge of the Court of Appeals, circuit
22 judge, chancery judge, circuit-chancery judge and municipal judge.

24 SECTION 2. Nonpartisan election of judges and justices.

25 (a) The offices of Supreme Court Justice, judge of the Court of
26 Appeals, circuit judge, chancery judge, circuit-chancery judge and municipal
27 judge are declared to be nonpartisan offices and candidates for those offices
28 are declared to be independent candidates.

29 (b)(1) The period for filing as a candidate for a nonpartisan judicial
30 office shall be the same as for filing political practice pledges in a
31 preferential primary election under Arkansas Code 7-7-203. The candidate may
32 pay a filing fee as provided for in this act, file a petition in the manner
33 provided by Arkansas Code 7-7-103, or file as a write-in candidate pursuant
34 to Arkansas Code 7-5-205. The filing period prescribed by this subsection
35 shall apply regardless of whether the person pays the filing fee, files a

1 petition, or files as a write-in candidate.

2 (2) A candidate for Supreme Court Justice or judge of the Court
3 of Appeals shall file with the Secretary of State. A candidate for circuit
4 judge, chancery judge, or circuit-chancery judge shall file with the county
5 clerk of each county in which he or she is a candidate and shall file his or
6 her political practice pledge with the Secretary of State. A candidate for
7 municipal judge shall file with the county clerk.

8 (3) Arkansas Code 7-7-203, concerning independent candidates,
9 shall not apply to nonpartisan judicial offices except to the extent
10 authorized by this section.

11 (c) The election for nonpartisan judicial offices shall be held at the
12 same time as provided by law for preferential primary elections. However,
13 the election is not a primary election.

14 (d) No person shall be elected to a nonpartisan judicial office
15 without receiving a majority of the votes cast at the election for the
16 office. In any election where no person receives a majority of the votes
17 cast, the two (2) candidates receiving the highest and next highest number of
18 votes shall be certified to a runoff election which shall be held at the same
19 time as the November general election.

20

21 SECTION 3. Conduct of Election by County Board of Election
22 Commissioners.

23 *The names of candidates for nonpartisan judicial offices shall be*
24 *placed on the ballots of the political parties but shall be designated as*
25 *"nonpartisan judicial candidates." The county board of election*
26 *commissioners shall provide a separate ballot for nonpartisan judicial*
27 *offices for individuals who do not wish to participate in a party primary.*

28

29 SECTION 4. Filing Fees.

30 (a) *The State Board of Election Commissioners shall establish*
31 *reasonable filing fees for nonpartisan judicial offices.*

32 (b) *The filing fee for the offices of Supreme Court Justice, judge of*
33 *the Court of Appeals, circuit judge, chancery judge, and circuit-chancery*
34 *judge shall be paid to the Secretary of State at the same time the candidate*
35 *files his or her political practices pledge. A candidate for municipal judge*

1 *shall pay the filing fee to the county clerk at the same time the candidate*
2 *files his or her political practices pledge.*

3 (c) *The filing fees shall be remitted to the State Treasurer for*
4 *deposit as general revenues.*

5

6 SECTION 5. Political Party Endorsement Prohibited.

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

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

12

13 SECTION 6. Arkansas Code 7-5-205 is amended to read as follows:

14 "7-5-205. Write-in candidates_ votes - When counted.

15 No votes for write-in candidates in general elections shall be counted
16 or tabulated unless the candidate or his agent shall notify in writing the
17 county board of election commissioners and either the Secretary of State if a
18 state or district candidate, or a county clerk if a candidate for a county
19 township or municipal office, of his intention to be a write-in candidate not
20 later than sixty (60) days before the opening of the polls; except that, a
21 candidate for a nonpartisan judicial office shall file his or her intent to
22 be a write-in candidate not later than the deadline for filing a political
23 practice pledge under § 7-7-203."

24

25 SECTION 7. Arkansas Code 7-5-704 is amended to add an additional
26 subsection to read as follows:

27 "(c) Subsection (b) of this section shall not apply to the offices of
28 Justice of the Supreme Court, judge of the Court of Appeals, circuit judge,
29 chancery judge, circuit-chancery judge, and municipal judge."

30

31 SECTION 8. Arkansas Code 7-7-306 is amended to read as follows:

32 "7-7-306. Partisan ballots only.

33 *At each primary election each county board of election commissioners*
34 *shall furnish separate ballots containing only the names of persons seeking*
35 *offices to be voted upon as a nominee or candidate of that political party.*

1 *This section shall not prohibit the names of candidates for a nonpartisan*
2 *judicial office from appearing on a primary election ballot."*

3

4 SECTION 9. Arkansas Code 7-7-401 (e) is amended to read as follows:

5 "(e) Nomination as an independent candidate for Supreme Court Justice,
6 judge of the Court of Appeals, circuit judge, chancery judge,
7 circuit-chancery judge, or municipal judge shall be deemed certified upon the
8 candidate filing for office. For any other office, nomination as an
9 independent candidate without political party affiliation for election to any
10 office shall be certified by petition of electors in the manner provided in
11 § 7-7-103."

12

13 SECTION 10. Arkansas Code 14-42-206 is amended to add a new subsection
14 to read as follows:

15 "(f) This section shall not be construed to allow a party primary for
16 the office of municipal judge. Nor shall this section be construed to
17 require a candidate for municipal judge to file a petition of nomination."

18

19 SECTION 11. All provisions of this act of a general and permanent
20 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
21 Code Revision Commission shall incorporate the same in the Code.

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23 SECTION 12. If any provision of this act or the application thereof to
24 any person or circumstance is held invalid, such invalidity shall not affect
25 other provisions or applications of the act which can be given effect without
26 the invalid provision or application, and to this end the provisions of this
27 act are declared to be severable.

28

29 SECTION 13. All laws and parts of laws in conflict with this act are
30 hereby repealed.

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/s/Dowd

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As Engrossed: 3/24/95

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