

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

HOUSE BILL 1776

4
5 By: House Committee on State Agencies and Governmental Affairs
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7

For An Act To Be Entitled

8
9 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED § 7-8-201 AND § 7-
10 8-204 TO MAKE TECHNICAL CORRECTIONS; TO REPEAL ARKANSAS
11 CODE ANNOTATED § 7-8-202 AND § 7-8-203 PERTAINING TO
12 PREFERENTIAL PRESIDENTIAL PRIMARIES; TO AMEND ARKANSAS
13 CODE ANNOTATED § 7-8-302 TO ESTABLISH REQUIREMENTS FOR
14 PLACING THE PRESIDENTIAL AND VICE-PRESIDENTIAL CANDIDATES
15 OF A NEW POLITICAL PARTY ON THE BALLOT; AND FOR OTHER
16 PURPOSES."

Subtitle

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19 "TO AMEND ARKANSAS CODE ANNOTATED § 7-8-
20 201 AND § 7-8-204 TO MAKE TECHNICAL
21 CORRECTIONS; TO REPEAL ARKANSAS CODE
22 ANNOTATED § 7-8-202 AND § 7-8-203
23 PERTAINING TO PREFERENTIAL PRESIDENTIAL
24 PRIMARIES."

25
26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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28 SECTION 1. Arkansas Code Annotated § 7-8-201 is amended to read as
29 follows:

30 "7-8-201. Preferential ~~Presidential~~ elections required - Apportionment
31 of delegates.

32 Each political party in the state desiring to select delegates to attend
33 a quadrennial national nominating convention of the party to select a nominee
34 for the Office of President of the United States shall hold a preferential
35 ~~Presidential~~ primary election in the state, and the delegates to the national
36 party convention shall be apportioned to the Presidential candidates whose
37 names were on the ballot at the preferential ~~Presidential~~ primary or to

1 "uncommitted" in the proportion that the votes cast for each candidate or
 2 uncommitted bear to the total votes cast at the election, rounded to the
 3 closest whole number."

4

5 SECTION 2. Arkansas Code Annotated § 7-8-202 is repealed.

6 ~~7-8-202. Date of primary.~~

7 ~~Any political party conducting a preferential Presidential primary as~~
 8 ~~provided in this subchapter shall conduct that primary on the date established~~
 9 ~~by law for the preferential primary election for state and county offices.~~

10

11 SECTION 3. Arkansas Code Annotated § 7-8-203 is repealed.

12 ~~7-8-203. Election expenses.~~

13 ~~The expense of conducting a preferential Presidential primary election~~
 14 ~~shall be borne by the political party. However, public funds appropriated by~~
 15 ~~the county quorum courts, the General Assembly, or the federal government for~~
 16 ~~use in conducting those elections may be accepted and applied to payment of~~
 17 ~~the expense.~~

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19 SECTION 4. Arkansas Code Annotated § 7-8-204 is amended to read as
 20 follows:

21 "7-8-204. Rules for selection of delegates and alternates.

22 Each political party holding a preferential ~~Presidential~~ primary
 23 election in the state shall adopt appropriate rules for the selection of
 24 delegates and alternate delegates to the quadrennial national nominating
 25 convention of the party and to otherwise carry out the intent and purposes of
 26 this subchapter."

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28 SECTION 5. Arkansas Code Annotated § 7-8-302 is amended to read as
 29 follows:

30 "7-8-302. Election and certification of electors - Ballots - Contesting
 31 conventions - Vacancy.

32 Choosing and election of electors of President and Vice President of the
 33 United States shall be in the following manner:

34 (1)(A) In each year in which a President and Vice President of the
 35 United States are chosen, each political party or group in the state shall
 36 choose by its state convention electors of President and Vice President of the

1 United States. The state convention of the party or group shall also choose
2 electors at large if any are to be appointed for the state;

3 (B) The state convention of the party or group shall, by its
4 chairman and secretary, certify to the Secretary of State the total list of
5 electors together with electors at large so chosen. The certificate shall be
6 filed no later than September 15 in the year of the election. The filing of
7 the certificate with the Secretary of State shall be deemed and taken to be
8 the choosing and selection of the electors of this state, if the party or
9 group is successful at the polls, as provided in this subchapter, in choosing
10 their candidates for President and Vice President of the United States;

11 (C) The certification by the respective political parties or
12 groups in this state of electors of President and Vice President shall be made
13 to the Secretary of State within two (2) days after the state convention;

14 (2)(A) Should more than one (1) certificate of choice and selection of
15 electors of the same political party or group be filed by contesting
16 conventions or contesting groups, it shall be the duty of the constitutional
17 officers of this state within ten (10) days after the adjournment of the last
18 of the conventions to meet in the Office of the Governor and determine which
19 set of nominees for electors of the party or group was chosen and selected by
20 the authorized convention of the party or group;

21 (B) The Secretary of State shall notify the state officers of the the
22 date, time, and place of the meeting;

23 (C) At the meeting a majority of the officers present, after
24 notice, to the chairman and secretaries or managers of the conventions or
25 groups and after a hearing, shall determine which set of electors was chosen
26 by the authorized convention and shall so announce and publish the fact, and
27 the decision shall be final and the set of electors determined by said state
28 officers to be chosen shall be the list or set of electors to be deemed
29 elected if that party shall be successful at the polls, as herein provided;

30 (3) Should a vacancy occur in the choice of an elector, the vacancy may
31 be filled by the state executive committee of the party or group, to be
32 certified by the committee to the Secretary of State of Arkansas;

33 (4)(A) The names of the candidates of the several political parties or
34 groups for electors of President and Vice President shall not be printed on
35 the official ballot to be voted in the election to be held on the day provided
36 in § 7-8-301. In lieu of the names of the candidates for electors, the name

1 of the candidate for President and the name of the candidate for Vice
 2 President with the particular political party designation of each shall be
 3 printed ~~within a bracket with a square to the right of the bracket~~ on the
 4 ballot. Each voter in this state may choose and elect one (1) list or set of
 5 electors from the several lists or sets of electors chosen and selected by the
 6 respective political parties or groups, by placing ~~a cross in the square to~~
 7 ~~the right of the bracket aforesaid of one (1) of the parties or groups~~ an
 8 appropriate mark on the ballot;

9 (B) Placing a cross within the square before the bracket
 10 enclosing the names of President and Vice President shall not be deemed and
 11 taken as a direct vote for the candidates for President and Vice President, or
 12 either of them, but shall only be deemed and taken to be a vote for the entire
 13 list or set of electors chosen by the political party or group so certified to
 14 the Secretary of State as herein provided. Voting by means of placing a cross
 15 in the appropriate place following the names of the candidates for President
 16 and Vice President shall not be deemed or taken as a direct vote for the
 17 candidates for President and Vice President, or either of them, but instead,
 18 as to the Presidential vote, as a vote for the entire list or set of electors
 19 chosen by that political party or group so certified to the Secretary of State
 20 as herein provided.

21 (5)(A) In order to have the name of a political party's candidates for
 22 President and Vice President printed on the ballot, a political party shall
 23 nominate by primary election. A new political party formed pursuant to the
 24 petition process may nominate by convention if the presidential election is
 25 the first general election after certification as a party by the Secretary of
 26 State.

27 (B) A political group desiring to have the names of its
 28 candidates for President and Vice President printed on the ballot shall file a
 29 petition with the Secretary of State by noon on the first Monday of August.
 30 The petition shall contain at the time of filing one thousand (1,000)
 31 qualified electors of the state declaring their desire to have printed on the
 32 ballot the names of their candidate for President and Vice President. The
 33 Secretary of State shall verify the sufficiency of the petition within ten
 34 (10) days from the filing of the petition. If the petition is determined to
 35 be insufficient the Secretary of State shall notify in writing the political
 36 group through their designated agent, and shall set forth his reasons for so

1 finding. When notice is delivered, the sponsors shall have an additional ten
 2 (10) days in which to do any or all of the following:

3 (i) Solicit and obtain additional signatures;

4 (ii) Submit proof to show that the rejected signatures or
 5 some of them are good and should be counted;

6 (iii) Make the petition more definite and certain.

7 (C) Any amendments and corrections shall not materially change
 8 the purpose and effect of the petition. No changes shall be made in the
 9 petition, except to correct apparent typographical errors or omissions.

10 (D) Any challenges to the certification of the Secretary of State
 11 shall be filed in the Circuit Court of Pulaski County."

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13 SECTION 6. All provisions of this act of a general and permanent nature
 14 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
 15 Revision Commission shall incorporate the same in the Code.

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17 SECTION 7. If any provision of this act or the application thereof to
 18 any person or circumstance is held invalid, such invalidity shall not affect
 19 other provisions or applications of the act which can be given effect without
 20 the invalid provision or application, and to this end the provisions of this
 21 act are declared to be severable.

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23 SECTION 8. All laws and parts of laws in conflict with this act are
 24 hereby repealed.

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