

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 2055

4  
5 By: Representative Wilkinson  
6 By: Senator Walters

## For An Act To Be Entitled

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

## Subtitle

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15  
16 "AN ACT CONCERNING NONPARTISAN JUDICIAL  
17 ELECTIONS."

18  
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

### SECTION 1. Definitions.

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

### SECTION 2. Nonpartisan election of judges and justices.

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

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

1 apply regardless of whether the person pays the filing fee, files a petition,  
 2 or files as a write-in candidate.

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

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

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

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

21

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

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

29

30 SECTION 4. Filing Fees.

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

33 (b) The filing fee for the offices of Supreme Court Justice, judge of  
 34 the Court of Appeals, circuit judge, chancery judge, and circuit-chancery  
 35 judge shall be paid to the Secretary of State at the same time the candidate  
 36 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.

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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 be  
 22 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."

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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 ~~for each political party~~ containing only the  
 35 names of persons seeking offices to be voted upon as a nominee or candidate of  
 36 that political party. This section shall not prohibit the names of candidates

1 for a nonpartisan judicial office from appearing on a primary election  
 2 ballot."

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

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

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

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

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

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

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