1 State of Arkansas

2 81st General Assembly

3 Regular Session, 1997

As Engrossed: H4/3/97

A Bill

SENATE BILL   661

5 By: Senator Walters

For An Act To Be Entitled

"AN ACT TO PROVIDE FOR THE NONPARTISAN ELECTION OF CERTAIN

JUDICIAL OFFICES; AND FOR OTHER PURPOSES."

Subtitle

"AN ACT CONCERNING NONPARTISAN JUDICIAL

ELECTIONS."

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

SECTION 1. Definitions.

For the purposes of this act, "nonpartisan judicial office" means the offices of Supreme Court Justice and judge of the Court of Appeals.

SECTION 2. Nonpartisan election of judges and justices.

(a) The offices of Supreme Court Justice and judge of the Court of Appeals are declared to be nonpartisan offices and candidates for those offices are declared to be independent candidates.

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

(2) A candidate for Supreme Court Justice or judge of the Court of Appeals shall file with the Secretary of State.

(3) Arkansas Code 7-7-203, concerning independent candidates,

1 shall not apply to nonpartisan judicial offices except to the extent

2 authorized by this section.

3   (c) The election for nonpartisan judicial offices shall be held at the

4 same time as provided by law for preferential primary elections. However, the

5 election is not a primary election.

6   (d) No person shall be elected to a nonpartisan judicial office without

7 receiving a majority of the votes cast at the election for the office. In any

8 election where no person receives a majority of the votes cast, the two (2)

9 candidates receiving the highest and next highest number of votes shall be

10 certified to a runoff election which shall be held at the same time as the

11 November general election.

12

13   SECTION 3. Conduct of Election by County Board of Election

14 Commissioners.

15   The names of candidates for nonpartisan judicial offices shall be placed

16 on the ballots of the political parties but shall be designated as

17 "nonpartisan judicial candidates." The county board of election commissioners

18 shall provide a separate ballot for nonpartisan judicial offices for

19 individuals who do not wish to participate in a party primary.

20

21   SECTION 4. Filing Fees.

22   *(a) The filing fee for the offices of Supreme Court Justice shall be*

23 *two hundred fifty dollars ($250). The filing fee for the offices of judges of*

24 *the Court of Appeals shall be one hundred fifty dollars ($150).*

25   (b) The filing fee for the offices of Supreme Court Justice and judge

26 of the Court of Appeals shall be paid to the Secretary of State at the same

27 time the candidate files his or her political practices pledge.

28   (c) The filing fees shall be remitted to the State Treasurer for

29 deposit as general revenues.

30

31   SECTION 5. Political Party Endorsement Prohibited.

32   (a) No candidate for a nonpartisan judicial office shall seek the

33 endorsement of a political party. Nor shall the candidate hold himself or

34 herself out as having been endorsed by a political party.

35   (b) The Judicial Discipline and Disability Commission shall have

36 authority to investigate violations of this section.

1

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

3   "7-5-205. Write-in candidates votes - When counted.

4   No votes for write-in candidates in general elections shall be counted

5 or tabulated unless the candidate or his agent shall notify in writing the

6 county board of election commissioners and either the Secretary of State if a

7 state or district candidate, or a county clerk if a candidate for a county

8 township or municipal office, of his intention to be a write-in candidate not

9 later than sixty (60) days before the opening of the polls; except that, a

10 candidate for a nonpartisan judicial office shall file his or her intent to be

11 a write-in candidate not later than the deadline for filing a political

12 practice pledge under § 7-7-203."

13

14   SECTION 7. Arkansas Code 7-5-704 is amended to add an additional

15 subsection to read as follows:

16   "(c) Subsection (b) of this section shall not apply to the offices of

17 Justice of the Supreme Court and judge of the Court of Appeals."

18

19   SECTION 8. Arkansas Code 7-7-401 (e) is amended to read as follows:

20   "(e) Nomination as an independent candidate for Supreme Court Justice,

21 or judge of the Court of Appeals shall be deemed certified upon the candidate

22 filing for office. For any other office, ~~Nomination~~ nomination as an

23 independent candidate without political party affiliation for election to any

24 office shall be certified by petition of electors in the manner provided in

25 § 7-7-103."

26

27   SECTION 9. All provisions of this act of a general and permanent nature

28 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code

29 Revision Commission shall incorporate the same in the Code.

30

31   SECTION 10. If any provision of this act or the application thereof to

32 any person or circumstance is held invalid, such invalidity shall not affect

33 other provisions or applications of the act which can be given effect without

34 the invalid provision or application, and to this end the provisions of this

35 act are declared to be severable.

36

0307971107.rrs791

1   SECTION 11. All laws and parts of laws in conflict with this act are

2 hereby repealed.

3   */s/Senator Walters*

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36