

State of Arkansas

As Engrossed: H3/2/99

82nd General Assembly

# A Bill

Regular Session, 1999

HOUSE BILL 1682

By: Representatives Taylor, Wilkinson, Bledsoe, Buchanan, Bush, Elliott, Green, Hausam, Hendren, Hunt, Magnus, Minton, Rackley, Sheppard, M. Smith, R. Smith, T. Thomas, Womack

## For An Act To Be Entitled

"AN ACT TO PROVIDE FOR THE NONPARTISAN ELECTION OF JUSTICES OF THE SUPREME COURT AND JUDGES OF THE COURT OF APPEALS; AND FOR OTHER PURPOSES."

## Subtitle

"AN ACT TO PROVIDE FOR THE NONPARTISAN ELECTION OF JUSTICES OF THE SUPREME COURT AND JUDGES OF THE COURT OF APPEALS."

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

### SECTION 1. Nonpartisan judicial offices.

The offices of Supreme Court Justice and Judge of the Court of Appeals are declared to be nonpartisan judicial offices.

### SECTION 2. Filing as a candidate.

(a) A candidate for Supreme Court Justice or Judge of the Court of Appeals shall be an independent candidate. The candidate may file a petition in the manner provided by Arkansas Code 7-7-103 or may either pay a filing fee provided by this section or file as a write-in candidate as provide by this section.

(b)(1) A candidate for Supreme Court Justice or Judge of the Court of Appeals shall file for office by May 1. 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

1 of Appeals shall file with the Secretary of State.

2 (3) Arkansas Code 7-7-203, concerning independent candidates,  
3 shall not apply to a candidate for Supreme Court Justice or Judge of the Court  
4 of Appeals except to the extent authorized by this act.

5 (c)(1) The filing fee for a candidate for Supreme Court Justice or a  
6 candidate for a Judge of the Court of Appeals shall be five thousand dollars  
7 (\$5,000).

8 (2) The filing fee shall be paid to the Secretary of State at the  
9 same time the candidate files his or her political practices pledge.

10 (3) The filing fee shall be remitted to the State Treasurer for  
11 deposit as general revenues.

12 (d) No votes for a write-in candidate for Supreme Court Justice or  
13 Judge of the Court of Appeals shall be counted or tabulated unless the  
14 candidate or the candidate's agent notifies the Secretary of State in writing  
15 by the deadline for filing as a candidate.

16  
17 SECTION 3. Conduct of elections.

18 (a) The election held for the offices of Supreme Court Justice and  
19 Judge of the Court of Appeals shall be held at the November general election.

20 (b)(1) The names of the candidates shall be placed on the ballot of  
21 each political party. Each candidate shall be designated as "nonpartisan  
22 judicial candidate."

23 (2) The county board of election commissioners shall provide for  
24 a separate ballot containing only candidates for nonpartisan judicial offices.  
25 The ballot shall be used only by voters who do not wish to participate in a  
26 party primary.

27 (c) No person shall be elected as a Supreme Court Justice or Judge of  
28 the Court of Appeals without receiving a majority of the votes cast at the  
29 election for the office. In any election where no person receives a majority  
30 of the votes cast, the two (2) candidates receiving the highest and next  
31 highest number of votes shall be certified to participate in a runoff election  
32 which shall be held three (3) weeks after the date of the November general  
33 election.

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35 SECTION 4. Political Party Endorsement Prohibited.

36 (a) No candidate for Supreme Court Justice or Judge of the Court of

1 Appeals shall seek the endorsement of a political party. Nor shall the  
2 candidate hold himself or herself out as having been endorsed by a political  
3 party.

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

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7 SECTION 5. All provisions of this Act of a general and permanent nature  
8 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
9 Revision Commission shall incorporate the same in the Code.

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11 SECTION 6. If any provision of this Act or the application thereof to  
12 any person or circumstance is held invalid, such invalidity shall not affect  
13 other provisions or applications of the Act which can be given effect without  
14 the invalid provision or application, and to this end the provisions of this  
15 Act are declared to be severable.

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17 SECTION 7. All laws and parts of laws in conflict with this Act are  
18 hereby repealed.

19 */s/ Taylor, et al*