

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 84th General Assembly  
3 Regular Session, 2003  
4

*As Engrossed: H4/10/03*  
**A Bill**

HOUSE BILL 2341

5 By: Representative C. Taylor  
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**For An Act To Be Entitled**

9 AN ACT TO REVISE NONPARTISAN JUDICIAL ELECTIONS;  
10 AND FOR OTHER PURPOSES.  
11

**Subtitle**

12 AN ACT TO REVISE NONPARTISAN JUDICIAL  
13 ELECTIONS.  
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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19 SECTION 1. Arkansas Code § 7-5-405(a) is amended to read as follows:

20 (a) Applications for absentee ballots may be made on a form furnished  
21 by the county clerk, and the county clerk shall supply a form substantially  
22 similar to the following form or an electronic facsimile of a substantially  
23 similar form via telephonic transmission on request at least sixty (60) days  
24 before the election:

25 "IF YOU PROVIDE FALSE INFORMATION ON THIS FORM, YOU MAY BE GUILTY OF  
26 PERJURY AND SUBJECT TO A FINE OF UP TO \$10,000 OR IMPRISONMENT FOR UP TO 10  
27 YEARS.

28 ..... Date  
29 To: County Clerk  
30 ..... County  
31 ....., Arkansas .....

32 (1) I am a qualified elector of precinct ..... in  
33 ..... (City, Town), ..... County, Arkansas. Because I:  
34 [check one]

- 35 [ ] Will be unavoidably absent from my polling site on election day, or  
36 [ ] Will be unable to attend the polls on election day because of illness





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2 SECTION 2. Arkansas Code § 7-10-102 is amended to read as follows:

3 7-10-102. Nonpartisan election of judges and justices.

4 (a) The offices of Justice of the Supreme Court, Judge of the Court of  
5 Appeals, circuit judge, and district judge are declared to be nonpartisan  
6 offices.

7 (b)(1)(A)(i) ~~The general elections for~~ When there are more than two  
8 (2) candidates for a judicial office, the candidates shall be placed on a  
9 ballot for election at a primary election for nonpartisan judicial offices  
10 shall to be held on the same dates and at the same times and places as  
11 provided by law for preferential primary elections.

12 (ii)(a) If no candidate receives a majority of the  
13 votes cast, the two (2) candidates receiving the highest and next highest  
14 number of votes shall be certified to a runoff election which shall be held  
15 on the same date and at the same times and places as the November general  
16 election.

17 (b) In the event that the two (2) candidates  
18 receive the same number of votes in the general election, a tie shall be  
19 deemed to exist and the names of the two (2) candidates shall be placed on a  
20 ballot to be voted upon at an election to be held three (3) weeks following  
21 the date of the general election.

22 (B)(i) When there are only two (2) candidates for a  
23 judicial office, the candidates shall be placed on a ballot for election  
24 which shall be held on the same date and at the same times and places as the  
25 November general election.

26 (ii) In the event that the two (2) candidates receive  
27 the same number of votes in the general election, a tie shall be deemed to  
28 exist and the names of the two (2) candidates shall be placed on a ballot to  
29 be voted upon at an election to be held three (3) weeks following the date of  
30 the general election.

31 (C) No person shall be elected to a nonpartisan judicial  
32 office without receiving a majority of the votes cast at the election for the  
33 office.

34 (2) The names of candidates for nonpartisan judicial offices  
35 shall be included on the ballots of the political parties and shall be  
36 designated as nonpartisan judicial candidates. However, separate ballots

1 containing only the names of nonpartisan judicial candidates shall be  
2 prepared and shall be made available to voters requesting the same.

3 (3) No voter shall be required to vote in a political party's  
4 preferential primary in order to be able to vote in nonpartisan judicial  
5 elections.

6 ~~(c)(1) No person shall be elected to a nonpartisan judicial office~~  
7 ~~without receiving a majority of the votes cast at the election for the~~  
8 ~~office.~~

9 ~~(2) In any nonpartisan judicial election in which no person~~  
10 ~~receives a majority of the votes cast, the two (2) candidates receiving the~~  
11 ~~highest and next highest number of votes shall be certified to a runoff~~  
12 ~~election which shall be held on the same date and at the same times and~~  
13 ~~places as the November general election.~~

14 ~~(3) The names of the candidates in a nonpartisan judicial runoff~~  
15 ~~election shall be placed on the same ballots as used for the November general~~  
16 ~~elections.~~

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18 /s/ C. Taylor  
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