

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: S4/10/03 S4/11/03

# A Bill

SENATE BILL 730

5 By: Senator Womack  
6  
7

## For An Act To Be Entitled

8 AN ACT TO REVISE CERTAIN PROVISIONS CONCERNING  
9 NONPARTISAN ELECTIONS; AND FOR OTHER PURPOSES.  
10

### Subtitle

11 AN ACT TO REVISE CERTAIN PROVISIONS  
12 CONCERNING NONPARTISAN ELECTIONS.  
13  
14

15  
16  
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
18

19 SECTION 1. Arkansas Code 7-5-405(a), regarding applications for  
20 absentee ballots, is amended to read as follows:

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

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

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

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

35 [check one]

36 [ ] Will be unavoidably absent from my polling site on election day, or



1 [ ] Will be unable to attend the polls on election day because of illness  
2 or physical disability,

3 I am requesting that you provide me with the appropriate absentee  
4 ballot(s) for the following elections: (check only one (1) political party):

5 ~~[ ] Nonpartisan Judicial ~~General~~ Primary Election~~

6 [ ] Preferential Primary [ ] Democratic [ ] Republican

7 ~~[ ] Democratic/ Nonpartisan Judicial ~~General~~ Primary Election~~

8 ~~[ ] Republican/ Nonpartisan Judicial ~~General~~ Primary Election~~

9 [ ] General Primary (Runoff) [ ] Democratic [ ] Republican

10 [ ] Annual School Election

11 [ ] General Election

12 [ ] General Runoff

13 [ ] Special [ ] School Runoff

14 [ ] All elections for calendar year ..... [designate party] (I understand  
15 that if I select all elections for the calendar year that the absentee  
16 ballots will be delivered to me only by mail.)

17 The application shall remain in effect for the current calendar year  
18 unless revoked by voter.

19 (2) I will receive my ballot(s): [check one]

20 [ ] By coming to the office of the county clerk by the time the county  
21 clerk's office regularly closes on the day before the election.

22 [ ] By mail. I request that you mail my ballot(s) to the following address:

23 .....  
24 .....  
25 .....

26 [ ] By bearer ..... (insert name of relative, agent, or  
27 designated bearer)

28 The information I have provided is true to the best of my knowledge under  
29 penalty of perjury. If I have provided false information, I may be subject  
30 to a fine of up to ten thousand dollars (\$10,000) or imprisonment for up to  
31 ten (10) years, or both, under federal or state laws.

32 .....

33 Printed or typed name of voter Signature of voter

34 .....

35 Residence address of voter Date of birth

36 .....

1 City or Town, Zipcode Signature of Designated Bearer, Relative, or  
 2 Authorized Agent."  
 3

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

5 7-10-102. Nonpartisan election of judges and justices.

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

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

14 (ii)(a) If no candidate receives a majority of the  
 15 votes cast, the two (2) candidates receiving the highest and next highest  
 16 number of votes shall be certified to the general 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  
 27 receive the same number of votes in the general election, a tie shall be  
 28 deemed to exist and the names of the two (2) candidates shall be placed on a  
 29 ballot to be voted upon at an election to be held three (3) weeks following  
 30 the date of 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 who qualify for the primary election  
 35 for nonpartisan judicial offices shall be included on the ballots of the  
 36 political parties and shall be designated as nonpartisan judicial candidates.

1 However, separate ballots containing only the names of nonpartisan judicial  
 2 candidates shall be prepared and shall be made available to voters requesting  
 3 the same at the primary election for nonpartisan judicial offices.

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

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

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

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

18  
 19 SECTION 3. Arkansas Code § 7-5-407(a), concerning the preparation and  
 20 delivery of ballots, is amended to read as follows:

21 (a) The county board of election commissioners shall prepare official  
 22 absentee ballots and deliver them to the county clerk for mailing to all  
 23 qualified applicants as soon as practicable but in any event not later than  
 24 twenty-five (25) days before a preferential primary, general election, school  
 25 election, ~~nonpartisan judicial general election, nonpartisan judicial runoff~~  
 26 ~~election,~~ or any special election.

27  
 28 SECTION 4. Arkansas Code § 7-10-103(d)(2), concerning write-in  
 29 candidates, is amended to read as follows:

30 (2) The written notice must be given not later than sixty (60)  
 31 days before the ~~nonpartisan judicial election~~ preferential primary preceding  
 32 the general election.

33  
 34 SECTION 5. Arkansas Code § 7-1-101(19), concerning the definition of  
 35 primary election, is amended to read as follows:

36 (19) "Primary election" means any election held by a political party

1 in the manner provided by law for the purpose of selecting nominees of said  
2 political party for certification as candidates for election at any general  
3 or special election in this state or any election held for the purpose of  
4 narrowing the field of candidates for nonpartisan judicial office to two  
5 candidates;

6  
7 SECTION 6. Arkansas Code § 7-5-407(a), concerning the preparation and  
8 delivery of ballots, is amended to read as follows:

9 (a) The county board of election commissioners shall prepare official  
10 absentee ballots and deliver them to the county clerk for mailing to all  
11 qualified applicants as soon as practicable but in any event not later than  
12 twenty-five (25) days before a preferential primary, general election, school  
13 election, ~~nonpartisan judicial general election, nonpartisan judicial runoff~~  
14 ~~election,~~ or any special election.

15  
16 /s/ Womack  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

1  
2  
3  
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