

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 85th General Assembly
3 Regular Session, 2005

A Bill

SENATE BILL 1112

4
5 By: Senator Holt
6
7

For An Act To Be Entitled

8
9 AN ACT TO CREATE THE EQUAL BALLOT ACCESS ACT OF
10 2005; CONCERNING INDEPENDENT CANDIDATES AND NEW
11 POLITICAL PARTIES; AND FOR OTHER PURPOSES.
12

Subtitle

13
14 THE EQUAL BALLOT ACCESS ACT OF 2005.
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16

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

19 SECTION 1. Arkansas Code § 7-7-103, as amended by Act 67 of 2005, is
20 amended to read as follows:

21 7-7-103. Filing as an independent - Petitions - Disqualification.

22 (a) Any person desiring to have his or her name placed upon the ballot
23 as an independent candidate without political party affiliation for any
24 state, county, township, or district office in any general election in this
25 state shall file as an independent candidate a notice of candidacy stating
26 the name and title the candidate proposes to appear on the ballot and
27 identifying the elective office sought during the period Act 67 added for
28 filing political practices pledges and party pledges if any are required by
29 the rules of the party to qualify as a candidate of a political party in a
30 primary election.

31 (b)(1)(A) The person shall furnish by ~~May 1~~ the first Monday in May of
32 the year in which the election is to be held petitions signed by qualified
33 electors numbering not less than three percent (3%) of the qualified electors
34 one percent (1%) of the total number of votes cast for the office of Governor
35 or nominees for presidential electors, whichever is less, at the last
36 preceding general election in the county, township, or district in which the



1 person is seeking office, but in no event shall more than two thousand
2 (2,000) signatures be required for a district, county, or township office.

3 (B) If the person is a candidate for state office or for
4 United States Senator in which a statewide race is required, the person shall
5 file petitions signed by qualified electors numbering not less than three
6 percent (3%) one percent (1%) of the ~~qualified electors of the state total~~
7 number of votes cast for the office of Governor or nominees for presidential
8 electors, whichever is less, at the last preceding general election or which
9 contain ~~ten thousand (10,000)~~ seven thousand (7,000) signatures of qualified
10 electors, whichever is the lesser.

11 (2) ~~Each elector signing the petition shall be a registered~~
12 ~~voter, and the~~ The petition shall be directed to the official with whom the
13 person is required by law to file nomination certificates to qualify as a
14 candidate and shall request that the name of the person be placed on the
15 ballot for election to the office mentioned in the petition.

16 (3) Petitions shall be circulated not earlier than ~~sixty (60)~~
17 one hundred fifty (150) calendar days prior to the deadline for filing
18 petitions to qualify as an independent candidate.

19 (4) In determining the number of qualified electors in any
20 county, township, or district or in the state, the total number of votes cast
21 therein for all candidates in the preceding general election for the office
22 of Governor shall be conclusive of the number of qualified electors therein
23 for the purposes of this section.

24 (c)(1)(A) Independent candidates for municipal office may qualify by a
25 petition of not fewer than ten (10) electors for incorporated towns and for
26 cities of the second class and not fewer than thirty (30) electors for cities
27 of the first class, of the ward or city in which the election is to be held.

28 (B) The county clerk shall determine within ten (10) days
29 of filing whether the petition contains the names of a sufficient number of
30 qualified electors. The county clerk shall promptly notify the candidate of
31 the result.

32 (2)(A) Independent candidates for municipal office shall file
33 their petitions of nomination with the county clerk not more than eighty (80)
34 days nor fewer than sixty (60) days before the general election.

35 (B) The filing on the last day shall occur before 12:00
36 p.m.

1 (d) The sufficiency of any petition filed under the provisions of this
 2 section may be challenged in the same manner as is provided by law for
 3 election contests, § 7-5-801 et seq.

4 (e) A person who has been defeated in a party primary shall not be
 5 permitted to file as an independent candidate in the general election for the
 6 office for which he was defeated in the party primary.

7 (f) This section shall not apply to the offices of Justice of the
 8 Supreme Court, Judge of the Court of Appeals, circuit judge, or district
 9 judge.

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 11 SECTION 2. Arkansas Code § 7-7-204 is amended to read as follows:

12 7-7-204. Candidacy for multiple nominations ~~prohibited~~ restricted.

13 (a) ~~A person who files as a candidate for nomination by a political~~
 14 ~~party shall not be eligible to:~~

15 ~~(1) Be the nominee of any other political party for the same~~
 16 ~~office during the primary election or the following general or special~~
 17 ~~election; or~~

18 ~~(2) Be an independent or write in candidate for the same office~~
 19 ~~at the general or special election~~ No candidate shall be the nominee for more
 20 than three (3) political parties for any office.

21 (b) ~~A person who is certified as an independent candidate shall not be~~
 22 ~~eligible to be a write in candidate or the nominee of any political party for~~
 23 ~~the same office at the same general or special election~~ A candidate running
 24 as an independent in an election shall not be the nominee of a political
 25 party in the same election.

26 (c) A candidate may refuse the nomination of any group or political
 27 party as provided by law.

28
 29 SECTION 3. Arkansas Code § 7-7-205 is amended to read as follows:

30 7-7-205. Petition requirements for new political parties.

31 (a)(1) A group desiring to form a new political party shall do so by
 32 filing a petition with the Secretary of State.

33 (2) The petition shall contain at the time of filing the
 34 signatures of qualified electors of this state equal in number to at least
 35 seven thousand (7,000) signatures or three percent (3%) one percent (1%) of
 36 the total number of votes cast for the office of Governor or nominees for

1 presidential electors, whichever is less, at the last preceding election.

2 (3) The petition shall be filed with the Secretary of State no
 3 later than the first Monday in May before the general election.

4 ~~(3)(4)~~ The Secretary of State shall not accept for filing any
 5 new party petition that is not prima facie sufficient at the time of filing.

6 ~~(4)(5)~~ The petitions shall be circulated during the period
 7 beginning one hundred fifty (150) days prior to the deadline for filing the
 8 petitions with the Secretary of State.

9 (b) The petition shall declare the intent of organizing a political
 10 party, the name of which shall be stated in the declaration, and of
 11 participating in the next general election. No political party or group shall
 12 assume a name or designation which is so familiar, in the opinion of the
 13 Secretary of State, as to confuse or mislead the voters at an election.

14 (c) The petition shall contain the form of verification as set forth
 15 in § 7-9-109.

16 (d) The Secretary of State shall determine the sufficiency of the
 17 signatures submitted within thirty (30) days of filing.

18 (e) If the petition is determined to be insufficient, the Secretary of
 19 State shall forthwith notify the sponsors in writing, through their
 20 designated agent, and shall set forth his or her reasons for so finding.
 21 When the notice is delivered, the sponsors shall have an additional fifteen
 22 (15) days in which to do any or all of the following:

23 (1) Solicit and obtain additional signatures;

24 (2) Submit proof to show that the rejected signatures, or some
 25 of them, are good and should be counted; or

26 (3) Make the petition more definite and certain.

27 (f) Any amendments and corrections shall not materially change the
 28 purpose and effect of the petition. No changes shall be made in the
 29 petition, except to correct apparent typographical errors or omissions.

30 (g)(1) Upon certification of sufficiency by the Secretary of State, a
 31 new political party shall be declared by the Secretary of State.

32 (2) A new political party formed by the petition process may
 33 nominate candidates by convention for the first election after certification.

34 (3) Nominated candidates shall file a political practice pledge
 35 with the Secretary of State or county clerk, as the case may be, no later
 36 than sixty (60) days prior to the general election.

1 (4) If the new party maintains party status by obtaining three
2 percent (3%) of the total vote cast for the office of Governor or nominees
3 for presidential electors at the first election after certification, the new
4 political party shall nominate candidates in the party primary as set forth
5 in § 7-7-101 et seq.

6 (h) Any challenges to the certification of the Secretary of State
7 shall be filed with the Pulaski County Circuit Court.

8 (i)(1) Failure of the Secretary of State to comply with subsections
9 (d) and (e) of this section shall be considered proof that a petition is
10 sufficient, and a certification of sufficiency shall be issued by the
11 Secretary of State.

12 (2) Knowing noncompliance by the Secretary of State with the
13 provisions of this section shall be a Class A misdemeanor.

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