

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.

State of Arkansas

As Engrossed: S2/8/05

85th General Assembly

# A Bill

Regular Session, 2005

SENATE BILL 235

By: Senators Steele, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Glover, Higginbotham, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Malone, T. Smith, Trusty, Wilkinson, Wooldridge

## For An Act To Be Entitled

AN ACT CONCERNING PRESIDENTIAL PREFERENTIAL  
PRIMARY ELECTIONS; AND FOR OTHER PURPOSES.

## Subtitle

AN ACT CONCERNING PRESIDENTIAL  
PREFERENTIAL PRIMARY ELECTIONS.

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

SECTION 1. Arkansas Code § 7-8-201 is amended to read as follows:

7-8-201. Preferential elections required - Apportionment of delegates.

(a)(1) Each political party in the state desiring to select delegates to attend a quadrennial national nominating convention of the party to select a nominee for the office of President of the United States shall hold a presidential preferential primary election in the state, and the delegates to the national party convention shall be apportioned to the presidential candidates whose names were on the ballot at the presidential preferential primary or to "uncommitted" in the proportion that the votes cast for each candidate or for "uncommitted" bear to the total votes cast at the election, rounded to the closest whole number.

(2) Presidential preferential primary elections shall be held on the first Tuesday in February of the year in which the convention is held.

(3)(A) Any person desiring to have his or her name printed on the presidential preferential primary ballot as a candidate for his or her party's nomination shall file a party certificate with the Secretary of State during regular office hours in the period beginning at 12:00 noon on the



1 first Monday in November and ending at 12:00 noon on the fourteenth day  
2 thereafter before the presidential preferential primary election.

3 (B) Each political party shall:

4 (i) Be responsible for determining the  
5 qualifications of candidates seeking to appear on the presidential  
6 preferential primary ballot of each political party;

7 (ii) Provide necessary applications for candidacy;

8 (iii) Accept and process the applications; and

9 (iv) Determine the order that candidates shall  
10 appear on the ballot.

11 (4) The cost of the presidential preferential primary election  
12 shall be borne by the State of Arkansas and shall be paid from an  
13 appropriation made to the State Board of Election Commissioners for that  
14 purpose.

15 (5)(A) The State Board of Election Commissioners shall have the  
16 primary responsibility for conducting presidential preferential primary  
17 elections.

18 (B) Within each county, the presidential preferential  
19 primary election shall be conducted by the county board of election  
20 commissioners under the direction of the State Board of Election  
21 Commissioners.

22 (C) The State Board of Election Commissioners shall have  
23 authority to adopt rules for the administration of presidential preferential  
24 primary elections consistent with the election laws of this state.

25 (D) The State Board of Election Commissioners may withhold  
26 reimbursement of funds to counties for state-funded presidential preferential  
27 primary elections for failure to comply with the rules developed by the State  
28 Board of Election Commissioners for the administration of primary elections  
29 or applicable state election laws until all requirements are met to the  
30 satisfaction of the State Board of Election Commissioners.

31 (b)(1) Presidential preferential primary election procedures not  
32 addressed in this section shall be governed by the general election laws of  
33 this state, including, but not limited to, laws governing primary elections.

34 (2) Party rules shall govern presidential preferential primary  
35 election procedures not addressed by the general election laws of this state.  
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1 SECTION 2. Arkansas Code § 7-8-204 is amended to read as follows:

2 7-8-204. Rules for selection of delegates and alternates.

3 Each political party holding a presidential preferential primary  
4 election in the state shall adopt appropriate rules for the selection of  
5 delegates and alternate delegates to the quadrennial national nominating  
6 convention of the party and to otherwise carry out the intent and purposes of  
7 this subchapter.

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9 SECTION 3. Arkansas Code § 7-8-302(5)(A), concerning political party  
10 candidates for president and vice president, is amended to read as follows:

11 (5)(A) In order to have the name of a political party's candidates for  
12 President and Vice President printed on the ballot, a political party shall  
13 ~~nominate by~~ hold a presidential preferential primary election. A new  
14 political party formed pursuant to the petition process may nominate by  
15 convention if the presidential election is the first general election after  
16 certification as a party by the Secretary of State.

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18 /s/ Steele  
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