

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 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: H2/27/07

A Bill

SENATE BILL 224

5 By: Senator Faris
6 By: Representative Edwards
7

For An Act To Be Entitled

10 AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE
11 ELECTION LAWS OF THE STATE OF ARKANSAS; AND FOR
12 OTHER PURPOSES.
13

Subtitle

14 AN ACT TO MAKE TECHNICAL CORRECTIONS TO
15 THE ELECTION LAWS OF THE STATE OF
16 ARKANSAS.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 7-6-102(a), concerning the filing of
23 political practices pledges, is amended to read as follows:

24 7-6-102. Political practices pledge – Penalty for falsification.

25 (a)(1) Candidates for state or district offices shall file with the
26 Secretary of State and candidates for county, municipal, or township offices
27 shall file with the county clerk of the county not later than 12:00 noon
28 fourteen (14) days after the third Tuesday in March, before the preferential
29 primary election, a pledge in writing, stating that they are familiar with
30 the requirements of §§ 7-1-103, 7-1-104, 7-3-108, and 7-6-101 – 7-6-104 and
31 will, in good faith, comply with their terms.

32 (2) Persons nominated as independent candidates and candidates
33 for a school district board of directors shall file the political practices
34 pledge at the time of filing the petition for nomination.

35 (3) Independent candidates for municipal office shall file their
36 political practices pledges with the county clerk not more than one hundred



1 and ten (110) nor fewer than ninety (90) calendar days before the general
2 election by 12:00 noon.

3 (4) Persons who wish to be write-in candidates shall file the
4 political practices pledge at the time of filing the notice to be a write-in
5 candidate. A write-in candidate shall file the political practices pledge
6 with the Secretary of State if a candidate for a state or district office or
7 with the county clerk if a candidate for a county, township, school district,
8 or municipal office.

9 (5) Nonpartisan judicial candidates paying filing fees in
10 accordance with § 7-10-103(b) shall file the political practices pledge at
11 the time of filing for office.

12 (6) Nonpartisan judicial candidates filing by petition in
13 accordance with § 7-10-103(c) shall file the political practices pledge at
14 the time of filing the petition.

15

16 SECTION 2. Arkansas Code § 7-3-104 is amended to read as follows:

17 7-3-104. County committee members.

18 (a)(1) The members of the county committee of political parties from
19 each election precinct, township, or city ward shall be elected by a majority
20 vote of those votes cast for each membership position at the primary
21 elections held by the political party.

22 (2)(A) Except as provided in subdivision (a)(2)(B) of this
23 section, the county board of election commissioners shall place on the ballot
24 of the primary election the names of all persons seeking election as members
25 of the county committee who have filed a written pledge to abide by the
26 results of the primary, if any is required by the rules of the political
27 party, and who have paid the filing fee, if any, assessed therefor.

28 (B) When only one (1) candidate qualifies for a particular
29 position on the county committee, the candidate's name shall be omitted from
30 the ballot and the candidate shall be selected to serve in the particular
31 position in the same manner as if the position had been voted upon at the
32 primary election.

33 (3) If candidates for any county committee membership positions
34 have not qualified as provided in this section within the time required for
35 candidates to qualify, the county committee shall select candidates for
36 committeeman at any public meeting of the county committee held after the

1 ticket has closed and prior to the time the primary election ballots are
2 printed.

3 (4) Vacancies in the county committee shall be filled by the
4 county committee.

5 (b)(1) Each person elected or appointed the county chair of the county
6 committee of a political party shall notify the state chair of the respective
7 party in writing within ten (10) days after his or her election or
8 appointment.

9 (2)(A) It shall be the duty of the state party chair to keep on
10 file with the Secretary of State a complete list of the county chairs and to
11 notify promptly the Secretary of State of any death, resignation,
12 disqualification, or vacancy in the office of any county chair and of the
13 election of a new chair to fill vacancies thus created.

14 (B) The Secretary of State shall, upon receipt of that
15 information, record the information, which shall be a public record.

16 ~~(c) The members of the county committee of political parties and the~~
17 ~~chairman and secretary of each committee are declared to be election~~
18 ~~officials within the meaning of § 7-1-101.~~

19

20 SECTION 3. Arkansas Code § 7-4-107(b), concerning duties of the county
21 board of election commissioners, is amended to read as follows:

22 (b)(1)~~(A)~~ It shall be the duty of the county board to select and
23 appoint a sufficient number of election officials for each polling site as
24 provided by subsection (a) of this section and to perform the other duties
25 prescribed not fewer than twenty (20) days preceding an election.

26 ~~(B)~~(2) Each polling site shall have a minimum of two (2)
27 election clerks, one (1) election judge, and one (1) election sheriff. For
28 all regularly scheduled elections, at least one (1) election official at each
29 polling site shall have attended election training coordinated by the State
30 Board of Election Commissioners within twelve (12) months prior to the
31 election. The minority party election commissioner shall have the option to
32 designate a number of election officials equal to one (1) less than the
33 majority of election officials at each polling site, with a minimum of two
34 (2) election officials at each polling site. In the event that the county
35 party representatives on the county board fail to agree upon any election
36 official to fill any election post allotted to the respective party twenty

1 (20) days before the election, the county board shall appoint the remaining
2 election officials.

3 ~~(2) Within fifteen (15) days prior to the election, the county~~
4 ~~board shall prepare and post in a public place in the county clerk's office~~
5 ~~of each county its list of appointees of election officials.~~

6 ~~(3)(A) On the day of a general, special, or runoff election, the~~
7 ~~election sheriff shall post a double sided sign that is at least two feet by~~
8 ~~two feet (2' x 2') in size near each main driveway entrance to the polling~~
9 ~~site on each public street bordering the polling site.~~

10 ~~(B) Each sign shall:~~

11 ~~(i) State "VOTE HERE" at each polling site;~~

12 ~~(ii) Contain an arrow pointing to the polling site;~~

13 ~~(iii) Be placed as close as possible to the public~~
14 ~~street without obstructing traffic; and~~

15 ~~(iv) Be visible to all traffic approaching the~~
16 ~~polling site.~~

17
18 SECTION 4. Arkansas Code § 7-5-202 is amended to read as follows:

19 7-5-202. Public notice of elections.

20 (a) It shall be the duty of the county board of election commissioners
21 at least twenty (20) days before each preferential primary and general
22 election and at least ten (10) days before the holding of each general
23 primary, general runoff, or special election to give public notice in a
24 newspaper of general circulation in the county of:

25 (1) The date of the election;

26 (2) The hours of voting on election day;

27 (3) Polling sites for holding the elections in the county;

28 (4) The candidates and offices to be elected at that time; and

29 (5) The time and location of the opening, processing,
30 canvassing, and counting of ~~absentee~~ ballots.

31 (b)(1) At least five (5) days prior to a preferential primary, general
32 primary, general election, general runoff, or special election, a copy of the
33 public notice may be posted at each polling site fixed for holding the
34 election and shall be published in a newspaper of general circulation in the
35 county.

36 (2) At least fifteen (15) days prior to the election, each

1 county board shall prepare and post in a public place in its county clerk's
2 office its list of appointed election officials.

3 (c) On the day of any election, the following ~~information~~ shall be
4 posted at each polling site and remain posted continuously therein until the
5 polls close:

6 (1) The public notice required in subsection (a) of this
7 section;

8 (2) ~~A At least two (2) sample version of the ballot or ballots,~~
9 ~~that will be used for that election~~ ballots, marked with the word "SAMPLE",
10 of each ballot style that will be used at the polling site;

11 (3) Two (2) copies of the full text of all measures on the
12 ballot;

13 ~~(3)(4) Instructions~~ At least two (2) copies of instructions on
14 how to vote, including how to cast a provisional ballot and instructions for
15 fail-safe voting;

16 ~~(4)(5)~~ General information on voting rights under applicable
17 federal and state laws, including information on the right of an individual
18 to cast a provisional ballot and instructions on how to contact the
19 appropriate officials if these rights are alleged to have been violated; and

20 ~~(5)(6)~~ General information on federal and state laws regarding
21 prohibitions on acts of fraud and misrepresentation;

22 (7)(A) Double-sided signs containing the words "VOTE
23 HERE".

24 (B) Each sign shall be at least two feet (2') by two
25 feet (2') in size and shall contain an arrow pointing to the polling site.

26 (C) A sign shall be posted near each main driveway
27 entrance to the polling site on each public street bordering the polling site
28 so as to be visible to all traffic approaching the polling site.

29 (D) The sign shall be as close as possible to the
30 public street without obstructing traffic; and

31 (8) One (1) printout from each voting machine showing
32 whether the candidate and question counters register zero (0).

33 (d) The Secretary of State shall provide to each county board of
34 election commissioners and each county clerk the information to be posted at
35 each polling site according to subdivisions ~~(e)(4) and (5)~~ (c)(5) and (6) of
36 this section.

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SECTION 5. Arkansas Code § 7-5-204 is amended to read as follows:

7-5-204. Certification of measures and questions submitted to voters.

Whenever a proposed amendment to the Arkansas Constitution or other measure or question is to be submitted to a vote of the people, the Secretary of State shall not fewer than ~~fifty (50)~~ sixty (60) days before each general election day certify the amendment ~~in, measure, or~~ question to the county board of election commissioners of each county in the state. The county board shall include the amendment, measure, or question ~~in question~~ in the posting which it is required to make under § 7-5-206. ~~However, in special elections held in case of a tie vote, the certification shall issue at the time specified in the writ of election issued by the Secretary of State.~~

SECTION 6. Arkansas Code § 7-5-205(a)(1), concerning the counting of votes for write-in candidates, is amended to read as follows:

(1) The candidate or his or her agent shall notify in writing the county board of election commissioners of each county in which the candidate seeks election and either the Secretary of State, if a state or district candidate, or a county clerk, if a candidate for a county or township office, of his or her intention to be a write-in candidate no earlier than noon on the third Tuesday in March and not later than ninety (90) days before the election day; and

SECTION 7. Arkansas Code § 7-5-206 is amended to read as follows:

7-5-206. Publication requirements.

(a) The county board of election commissioners shall make publication of all nominations filed with it, of all nominations certified to it by the Secretary of State, of all proposed amendments to the Arkansas Constitution, and of all other measures and questions certified to it by the Secretary of State or required by law to be submitted to the electors at any election, by posting a list thereof at the door of the courthouse at least ten (10) days before the day of the election.

(b) The county board shall alter any sample ballots distributed to the public or members of the press so as to prevent persons from producing counterfeit ballots by stamping sample ballots with the word "SAMPLE".

1 SECTION 8. Arkansas Code § 7-5-302 is repealed.

2 ~~7-5-302. Inspection of supplies and posting of documents. [Effective~~
3 ~~January 1, 2006.]~~

4 ~~(a) The election officials shall inspect the election supplies before~~
5 ~~the opening of the polls.~~

6 ~~(b) Before the polls open, the election officials shall post the~~
7 ~~following in a conspicuous place in the polling area:~~

8 ~~(1) At least two (2) copies of instructions to voters, including~~
9 ~~instructions for fail safe voting procedures;~~

10 ~~(2) In general elections, at least two (2) copies of all~~
11 ~~constitutional amendments and acts to be voted upon; and~~

12 ~~(3) Clear, written instructions suitable for the instruction of~~
13 ~~voters illustrating the manner of voting on the voting machine.~~

14
15 SECTION 9. Arkansas Code § 7-5-512 is amended to read as follows:

16 7-5-512. Certification of ballot styles - Equipment furnished to
17 polling sites. ~~[Effective January 1, 2006.]~~

18 (a) It shall be the duty of the county board of election commissioners
19 to prepare and certify the ballot styles for the voting machine.

20 (b) In addition, the board shall furnish ~~the following paraphernalia~~
21 ~~for each polling site:~~

22 ~~(1) Two (2) or more sample ballots of legible size for each~~
23 ~~ballot style that will be in use in the election and accompanied by~~
24 ~~illustrated directions for voting on the machine. The sample ballots and~~
25 ~~directions shall be posted prominently within the polling site; and~~

26 ~~(2) Any any election materials and supplies as may be necessary~~
27 ~~or as may be required by law.~~

28 (c) The voting machine shall be delivered by the county board to the
29 election officials at each polling site.

30 (d) The county board shall supply each precinct with clear, written
31 instructions suitable for the instruction of voters illustrating the manner
32 of voting on the machine.

33
34 SECTION 10. Arkansas Code § 7-5-608 is repealed.

35 ~~7-5-608. Sample ballots. [Effective January 1, 2006.]~~

36 ~~Sample ballots, marked with the word "Sample", shall be posted by the~~

1 ~~election officials in a conspicuous place in the voting room and shall be~~
2 ~~there open to public inspection during the whole of election day.~~

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/s/ Faris