

1 State of Arkansas
2 88th General Assembly
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4

A Bill

HOUSE BILL 2020

5 By: Representative Hubbard
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For An Act To Be Entitled

8 AN ACT REQUIRING A CANDIDATE FOR PUBLIC OFFICE TO
9 PROVIDE EVIDENCE OF HIS OR HER QUALIFICATIONS FOR THE
10 OFFICE; AND FOR OTHER PURPOSES.
11

Subtitle

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14 REQUIRING A CANDIDATE FOR PUBLIC OFFICE
15 TO PROVIDE EVIDENCE OF HIS OR HER
16 QUALIFICATIONS FOR THE OFFICE.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 7-5-207(b), concerning the inclusion of
22 candidate names upon ballots, is amended to read as follows:

23 (b)(1) No person's name shall be placed upon the ballot as a candidate
24 for any public office in this state at any election unless the person is
25 qualified and eligible at the time of filing, or as otherwise may be provided
26 by law, as a candidate for the office to hold the public office for which he
27 or she is a candidate, except if a person is not qualified to hold the office
28 at the time of filing because of age alone, the name of the person shall be
29 placed on the ballot as a candidate for the office if the person will qualify
30 to hold the office at the time prescribed by law for taking office.

31 (2)(A) A person shall provide evidence of his or her
32 qualifications and eligibility for the public office at issue at the time of
33 filing as a candidate.

34 (B) Evidence of a person's qualifications and eligibility
35 provided under subdivision (b)(2)(A) of this section shall be available to
36 the public for inspection and copying, but the custodian of the evidence



1 shall redact any information that would constitute a clearly unwarranted
2 invasion of personal privacy.

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4 SECTION 2. Arkansas Code § 7-7-301(a)(1), concerning candidates
5 seeking nomination at primary elections, is amended to read as follows:

6 7-7-301. Party pledges, affidavits of eligibility, and party
7 filing fees.

8 (a) A political party may impose a filing fee for candidates seeking
9 nomination by that party. The filing fee for county, municipal, and township
10 offices shall be fixed by the county committee, as authorized by the state
11 executive committee. For all other races, the filing fee shall be established
12 by the state executive committee. On or before noon of the last day of the
13 political party filing period, all candidates at primary elections of
14 political parties shall file an affidavit of eligibility and any pledge
15 required by such party and shall pay the party filing fees required by the
16 party, as follows:

17 (1)(A) Candidates for United States President, United States
18 Senator, ~~for~~ United States Representative, and for all state offices shall
19 file the pledge and the affidavit of eligibility and pay the party filing
20 fees with the secretary of the state committee of the political party or his
21 or her designated agent.

22 (B)(i) In addition to the information required under
23 subdivision (a)(1)(A) of this section, a candidate for United States
24 President shall file with the party and the Secretary of State evidence that
25 he or she meets the qualifications for serving as United States President
26 under Article 2, Section 1, of the United States Constitution, including
27 without limitation a copy of his or her long-form birth certificate
28 evidencing that the candidate is a natural born citizen of the United States.

29 (ii) Information provided to the Secretary of State
30 under subdivision (a)(1)(B)(i) of this section shall be available to the
31 public for inspection and copying, but the Secretary of State shall redact
32 any information that would constitute a clearly unwarranted invasion of
33 personal privacy.

34 (2) Candidates for district offices, including, but not limited
35 to, the offices of State Representative and State Senator, shall file the
36 pledge and affidavit of eligibility with the secretary of the state committee

1 of the political party or his or her designated agent and pay the party
2 filing fees with the secretary of the state committee of the political party
3 or his or her designated agent; and

4 (3) All candidates for county, municipal, and township offices,
5 candidates for county committee member, and delegates to the county
6 convention shall file the pledge and the affidavit of eligibility and pay the
7 party filing fees with the secretary of the county committee of the political
8 party.

9 (b) The county clerk shall not accept for filing the political
10 practices pledge of any candidate for nomination by a political party to any
11 county, township, or partisan municipal office, nor shall the Secretary of
12 State accept for filing the political practices pledge of any candidate for
13 nomination by a political party to any state or district office, unless the
14 candidate first files a party certificate.

15 (c)(1) Any candidate who shall fail to file the party pledge and
16 affidavit of eligibility and pay the party filing fee at the time and in the
17 manner as provided in this section shall not receive a party certificate and
18 shall not have his or her name printed on the ballot at any primary election.

19 (2) Any candidate for United States President who fails to
20 provide the information required by subdivision (c)(1) of this section as
21 well as evidence that he or she meets the qualifications for serving as
22 United States President under Article 2, Section 1, of the United States
23 Constitution shall not have his or her name printed on the ballot at any
24 primary election.

25 (d) The names of candidates who file with the state committee as
26 provided in this section shall be certified to the various county committees
27 and the various county boards of election commissioners in the manner and at
28 the time provided in § 7-7-203.

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30 SECTION 3. Arkansas Code § 7-8-302 is amended to read as follows:

31 7-8-302. Election and certification of electors – Ballots – Contesting
32 conventions – Vacancy.

33 Choosing and election of electors of President and Vice President of
34 the United States shall be in the following manner:

35 (1)(A) In each year in which a President and Vice President of
36 the United States are chosen, each political party or group in the state

1 shall choose by its state convention electors of President and Vice President
2 of the United States. The state convention of the party or group shall also
3 choose electors at large if any are to be appointed for the state.

4 (B)(i) The state convention of the party or group, by its
5 chair and secretary, shall certify to the Secretary of State the total list
6 of electors together with electors at large so chosen. The certificate shall
7 be filed no later than September 15 in the year of the election. The filing
8 of the certificate with the Secretary of State shall be deemed and taken to
9 be the choosing and selection of the electors of this state, if the party or
10 group is successful at the polls, as provided in this subchapter, in choosing
11 their candidates for President and Vice President of the United States.

12 (ii)(a) The state convention of the party or group
13 shall file with the certificate affidavits of each of the party or group's
14 candidates for President and Vice President, stating the candidate's
15 citizenship and age and that the candidate meets the qualifications for
16 serving as United States President. The affidavit shall include that the
17 candidate meets the requisite age requirements for serving as President of
18 the United States, is a natural born citizen of the United States, and meets
19 the residency requirements for President of the United States under Article
20 2, Section 1, of the United States Constitution. The following documents
21 shall be attached to the affidavit:

22 (1) A copy of the candidate's
23 long-form birth certificate that includes the candidate's date of birth, the
24 candidate's place of birth, the name of the hospital at which the candidate
25 was born, the attending physician at the birth, and signatures of the
26 witnesses in attendance;

27 (2) A sworn statement, executed by
28 the candidate, stating that the candidate has not held dual or multiple
29 citizenship and that the candidate's allegiance is solely to the United
30 States of America; and

31 (3) A sworn statement or form,
32 executed by the candidate, that identifies the candidate's places of
33 residence in the United States for the preceding fourteen (14) years.

34 (b) If the state convention of the party
35 or group fails to provide the information required by subdivision
36 (1)(B)(ii)(a) of this section, the names of the candidates for President and

1 Vice President shall not be printed on the official ballot to be voted on in
2 the election to be held on the day provided in § 7-8-301.

3 (c) Information provided to the
4 Secretary of State under subdivision (1)(B)(ii)(a) of this section shall be
5 available to the public for inspection and copying, but the Secretary of
6 State shall redact any information that would constitute a clearly
7 unwarranted invasion of personal privacy.

8 (C) The certification by the respective political parties
9 or groups in this state of electors of President and Vice President shall be
10 made to the Secretary of State within two (2) days after the state
11 convention;

12 (2)(A) Should more than one (1) certificate of choice and
13 selection of electors of the same political party or group be filed by
14 contesting conventions or contesting groups, it shall be the duty of the
15 constitutional officers of this state within ten (10) days after the
16 adjournment of the last of the conventions to meet in the office of the
17 Governor and determine which set of nominees for electors of the party or
18 group was chosen and selected by the authorized convention of the party or
19 group.

20 (B) The Secretary of State shall notify the state officers
21 of the date, time, and place of the meeting.

22 (C)(i) At the meeting, a majority of the officers present,
23 after notice to the chair and secretaries or managers of the conventions or
24 groups and after a hearing, shall determine which set of electors was chosen
25 by the authorized convention and shall so announce and publish that fact.

26 (ii) The decision shall be final, and the set of
27 electors determined by the state officers to be chosen shall be the list or
28 set of electors to be deemed elected if that party is successful at the
29 polls, as herein provided;

30 (3) Should a vacancy occur in the choice of an elector, the
31 vacancy may be filled by the state executive committee of the party or group,
32 to be certified by the committee to the Secretary of State;

33 (4)(A) The names of the candidates of the several political
34 parties or groups for electors of President and Vice President shall not be
35 printed on the official ballot to be voted on in the election to be held on
36 the day provided in § 7-8-301. In lieu of the names of the candidates for

1 electors, the name of the candidate for President and the name of the
2 candidate for Vice President with the particular political party designation
3 of each shall be printed on the ballot. Each voter in this state may choose
4 and elect one (1) list or set of electors from the several lists or sets of
5 electors chosen and selected by the respective political parties or groups,
6 by placing an appropriate mark on the ballot.

7 (B) Placing a cross within the square before the bracket
8 enclosing the names of President and Vice President shall not be deemed and
9 taken as a direct vote for the candidates for President and Vice President,
10 or either of them, but shall only be deemed and taken to be a vote for the
11 entire list or set of electors chosen by the political party or group so
12 certified to the Secretary of State as herein provided. Voting by means of
13 placing a cross in the appropriate place following the names of the
14 candidates for President and Vice President shall not be deemed or taken as a
15 direct vote for the candidates for President and Vice President, or either of
16 them, but instead, as to the presidential vote, as a vote for the entire list
17 or set of electors chosen by that political party or group so certified to
18 the Secretary of State as herein provided;

19 (5)(A)(i) In order to have the name of a political party's
20 candidates for President and Vice President printed on the ballot, a
21 political party shall hold a presidential preferential primary election.

22 (ii) A new political party formed under the petition
23 process may nominate by convention if the presidential election is the first
24 general election after certification as a party by the Secretary of State.

25 (B) A political group desiring to have the names of its
26 candidates for President and Vice President printed on the ballot shall file
27 a petition with the Secretary of State by noon on the first Monday of August
28 of the year of the election. The petition shall contain at the time of
29 filing the names of one thousand (1,000) qualified electors of the state
30 declaring their desire to have printed on the ballot the names of their
31 candidate for President and Vice President. The Secretary of State shall
32 verify the sufficiency of the petition within ten (10) days from the filing
33 of the petition. If the petition is determined to be insufficient, the
34 Secretary of State shall notify in writing the political group through its
35 designated agent and shall set forth his or her reasons for so finding; and

36 (C) Any challenges to the certification of the Secretary

1 of State shall be filed in the Pulaski County Circuit Court.

2 (D) No later than seventy (70) days before the election, a
3 political group that qualifies by petition to place its candidate on the
4 ballot shall submit a certificate of choice stating the names of its
5 candidates for President and Vice President, signed under oath by either the
6 chair, vice chair, or secretary of the political group's convention; ~~and~~

7 (6)(A) Persons desiring to have their names printed on the
8 ballot as independent candidates for President and Vice President shall file
9 a petition with the Secretary of State by noon on the first Monday of August
10 of the year of the election. The petition shall contain at the time of filing
11 the names of one thousand (1,000) qualified electors of the state declaring
12 their desire to have printed on the ballot the names of the persons desiring
13 their names to be printed on the ballot as independent candidates for
14 President and Vice President. The Secretary of State shall verify the
15 sufficiency of the petition within ten (10) days from the filing of the
16 petition. If the petition is determined to be insufficient, the Secretary of
17 State shall notify in writing the persons desiring to have their names
18 printed on the ballot as independent candidates for President and Vice
19 President at the address or telephone number submitted with the petition and
20 shall set forth his or her reasons for so finding.

21 (B) Any challenges to the certification of the Secretary
22 of State shall be filed in the Pulaski County Circuit Court.

23 (C)(i) By September 15 in the year of the election,
24 independent candidates who qualify by petition to be on the ballot shall
25 certify to the Secretary of State the total list of electors together with
26 electors at large. The filing of the certificate with the Secretary of State
27 shall be deemed and taken to be the choice and selection of the electors of
28 this state, if the independent candidate is successful at the polls, as
29 provided in this subchapter.

30 (ii)(a) Independent candidates shall file with the
31 certificate affidavits of each of the independent candidates for President
32 and Vice President, stating the candidate's citizenship and age and that the
33 candidate meets the qualifications for serving as United States President.
34 The affidavit shall include that the candidate meets the requisite age
35 requirements for serving as President of the United States, is a natural born
36 citizen of the United States, and meets the residency requirements for

1 President of the United States under Article 2, Section 1, of the United
2 States Constitution. The following documents shall be attached to the
3 affidavit:

4 (1) A copy of the candidate's
5 long-form birth certificate that includes the candidate's date of birth, the
6 candidate's place of birth, the name of the hospital at which the candidate
7 was born, the attending physician at the birth, and signatures of the
8 witnesses in attendance;

9 (2) A sworn statement, executed by
10 the candidate, stating that the candidate has not held dual or multiple
11 citizenship and that the candidate's allegiance is solely to the United
12 States of America; and

13 (3) A sworn statement or form,
14 executed by the candidate, that identifies the candidate's places of
15 residence in the United States for the preceding fourteen (14) years.

16 (b) If the independent candidates fail
17 to provide the information required by subdivision (6)(C)(ii)(a) of this
18 section, the names of the candidates for President and Vice President shall
19 not be printed on the official ballot to be voted on in the election to be
20 held on the day provided in § 7-8-301.

21 (c) Information provided to the
22 Secretary of State under subdivision (6)(C)(ii)(a) of this section shall be
23 available to the public for inspection and copying, but the Secretary of
24 State shall redact any information that would constitute a clearly
25 unwarranted invasion of personal privacy.

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