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2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: H3/16/11
A Bill

HOUSE BILL 2020

5 By: Representative Hubbard
6

7 **For An Act To Be Entitled**

8 *AN ACT REQUIRING CANDIDATES FOR PRESIDENT AND VICE*
9 *PRESIDENT OF THE UNITED STATES TO PROVIDE EVIDENCE OF*
10 *THEIR QUALIFICATIONS FOR THE OFFICE; AND FOR OTHER*
11 *PURPOSES.*
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14 **Subtitle**

15 *AN ACT REQUIRING CANDIDATES FOR PRESIDENT*
16 *AND VICE PRESIDENT OF THE UNITED STATES*
17 *TO PROVIDE EVIDENCE OF THEIR*
18 *QUALIFICATIONS FOR THE OFFICE.*
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 *SECTION 1.* Arkansas Code § 7-7-301(a)(1), concerning candidates
24 seeking nomination at primary elections, is amended to read as follows:

25 7-7-301. Party pledges, affidavits of eligibility, and party
26 filing fees.

27 (a) A political party may impose a filing fee for candidates seeking
28 nomination by that party. The filing fee for county, municipal, and township
29 offices shall be fixed by the county committee, as authorized by the state
30 executive committee. For all other races, the filing fee shall be established
31 by the state executive committee. On or before noon of the last day of the
32 political party filing period, all candidates at primary elections of
33 political parties shall file an affidavit of eligibility and any pledge
34 required by such party and shall pay the party filing fees required by the
35 party, as follows:

36 (1)(A) Candidates for United States President, United States



1 Senator, ~~for~~ United States Representative, and for all state offices shall
2 file the pledge and the affidavit of eligibility and pay the party filing
3 fees with the secretary of the state committee of the political party or his
4 or her designated agent.

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

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

17 (2) Candidates for district offices, including, but not limited
18 to, the offices of State Representative and State Senator, shall file the
19 pledge and affidavit of eligibility with the secretary of the state committee
20 of the political party or his or her designated agent and pay the party
21 filing fees with the secretary of the state committee of the political party
22 or his or her designated agent; and

23 (3) All candidates for county, municipal, and township offices,
24 candidates for county committee member, and delegates to the county
25 convention shall file the pledge and the affidavit of eligibility and pay the
26 party filing fees with the secretary of the county committee of the political
27 party.

28 (b) The county clerk shall not accept for filing the political
29 practices pledge of any candidate for nomination by a political party to any
30 county, township, or partisan municipal office, nor shall the Secretary of
31 State accept for filing the political practices pledge of any candidate for
32 nomination by a political party to any state or district office, unless the
33 candidate first files a party certificate.

34 (c)(1) Any candidate who shall fail to file the party pledge and
35 affidavit of eligibility and pay the party filing fee at the time and in the
36 manner as provided in this section shall not receive a party certificate and

1 shall not have his or her name printed on the ballot at any primary election.

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

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

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13 *SECTION 2. Arkansas Code § 7-8-302(1)(B), concerning certification of*
14 *electors for President and Vice President with the Secretary of State, is*
15 *amended to read as follows:*

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

24 (ii)(a) The state convention of the party or group
25 shall file with the certificate affidavits of each of the party or group's
26 candidates for President and Vice President, stating the candidate's
27 citizenship and age and that the candidate meets the qualifications for
28 serving as United States President. The affidavit shall include that the
29 candidate meets the requisite age requirements for serving as President of
30 the United States, is a natural born citizen of the United States, and meets
31 the residency requirements for President of the United States under Article
32 2, Section 1, of the United States Constitution. The following documents
33 shall be attached to the affidavit:

34 (1) A copy of the candidate's
35 long-form birth certificate that includes the candidate's date of birth, the
36 candidate's place of birth, the name of the hospital at which the candidate

1 was born, the attending physician at the birth, and signatures of the
2 witnesses in attendance;

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

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

10 (b) If the state convention of the party
11 or group fails to provide the information required by subdivision
12 (1)(B)(ii)(a) of this section, the names of the candidates for President and
13 Vice President shall not be printed on the official ballot to be voted on in
14 the election to be held on the day provided in § 7-8-301.

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

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21 *SECTION 3. Arkansas Code § 7-8-302(6)(C), concerning certification of*
22 *electors for independent candidates for President and Vice President with the*
23 *Secretary of State, is amended to read as follows:*

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

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

1 citizen of the United States, and meets the residency requirements for
2 President of the United States under Article 2, Section 1, of the United
3 States Constitution. The following documents shall be attached to the
4 affidavit:

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

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

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

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

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

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28 */s/Hubbard*
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