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2 88th General Assembly
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4

As Engrossed: H3/28/11

A Bill

HOUSE BILL 2054

5 By: Representative Slinkard
6

For An Act To Be Entitled

8 AN ACT TO AMEND ARKANSAS LAW CONCERNING DEADLINES
9 APPLICABLE TO CERTAIN ELECTIONS; AND FOR OTHER
10 PURPOSES.
11

Subtitle

12
13
14 TO AMEND ARKANSAS LAW CONCERNING
15 DEADLINES APPLICABLE TO CERTAIN
16 ELECTIONS.
17

18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 6-14-111 is amended to read as follows:
22 6-14-111. Ballots – Write-in candidates.

23 (a)(1) All candidate filings pursuant to this subchapter shall be with
24 the county clerk of the county in which the school district is domiciled for
25 administrative purposes.

26 (2) All actions required of county boards of election
27 commissioners shall be performed by the county board of election
28 commissioners of the county in which the school district is domiciled for
29 administrative purposes.

30 (b) The county board of election commissioners shall prepare and
31 furnish ballots and all other necessary supplies for the annual school
32 election.

33 (c) A candidate for a position on the board of directors of a school
34 district may qualify for the ballot by filing a political practices pledge,
35 an affidavit of eligibility, and either:

36 (1) A petition; or



1 (2) A notice of write-in candidacy.

2 (d)(1) The petition shall be directed to the county clerk and shall
3 contain the names of at least twenty (20) registered voters who are residents
4 of the school district and, if applicable, the electoral zone for the
5 position.

6 (2) The petition shall:

7 (A) State the name and title of the candidate that the
8 candidate proposes to appear on the ballot; and

9 (B) Identify the position sought, including without
10 limitation the position number or other identifying information if
11 applicable.

12 (e) The petition, affidavit of eligibility, and the candidate's
13 political practices pledge shall be filed with the clerk during a one-week
14 period ending at 12:00 noon ~~sixty (60)~~ seventy (70) days before the annual
15 school election.

16 (f)(1) Candidates may begin circulating petitions not earlier than
17 ~~ninety (90)~~ one hundred (100) days before the annual school election.

18 (2) A signature dated more than ~~ninety (90)~~ one hundred (100)
19 days before the school election shall not be counted by the clerk as a valid
20 signature.

21 (g) Votes for a write-in candidate for school district director shall
22 not be counted or tabulated unless the candidate files with the county clerk
23 during a one-week period ending at 12:00 noon ~~fifty-five (55)~~ seventy (70)
24 days before the annual school election:

25 (1) A written notice of his or her intention to be a write-in
26 candidate identifying the position sought, including without limitation the
27 position number or other identifying information if applicable;

28 (2) An affidavit of eligibility; and

29 (3) The political practices pledge.

30 (h) The county board of election commissioners shall place on the
31 ballot as candidates for school district director the names of any qualified
32 registered voters whose political practices pledges and affidavits of
33 eligibility have been filed and whose petitions have been filed with and
34 verified by the county clerk of the county in which the school district is
35 domiciled for administrative purposes.

36 (i)(1) On the day after the deadline for candidates to file for a

1 position on the board of directors by petition, the county clerk shall
2 certify to the board of election commissioners the names of those candidates
3 who are registered voters in the school district and the electoral zone, if
4 applicable, and who have qualified for the ballot by petition.

5 (2) Immediately after the close of the write-in filing period,
6 the county clerk shall certify to the county board of election commissioners
7 any write-in candidates who have filed the affidavit of eligibility, the
8 notice of write-in candidacy, and the political practices pledge with the
9 clerk.

10 (j) The order in which the names of the respective candidates are to
11 appear on the ballot shall be determined by lot at the public meeting of the
12 county board of election commissioners held not later than ~~fifty-five (55)~~
13 sixty-seven (67) days before the annual school election.

14 (k) When a candidate has identified the position sought on the
15 petition or notice of write-in candidacy, the candidate shall not be allowed
16 to change the position on that petition or notice of write-in candidacy but
17 may withdraw a petition or notice of write-in candidacy and file a new
18 petition or notice of write-in candidacy designating a different position
19 before the deadline for filing.

20
21 SECTION 2. Arkansas Code § 6-61-520(c)(2), concerning elections for
22 local boards of community colleges, is amended to read as follows:

23 (2) Any person desiring to be a candidate for a position on the
24 local board shall, not later than 12:00 noon of the seventieth day prior to
25 the ~~general or~~ annual school election at which the position on the board is
26 to be filled or the *eighty-first* day before the general election at which the
27 position on the board is to be filled, file a notarized statement of such
28 candidacy with the county clerk of each county of which any portion is in the
29 community college district, in substantially the following form:

30
31 "State of Arkansas

32 County of

33 I,, being first duly sworn, state that I
34 reside at; that I am a resident and qualified
35 elector of community college district; that I
36 am a candidate for the office of position No. on the local board

1 of such community college, and I hereby request that my name be placed on the
2 ballot as a candidate for such position at the coming general or annual
3 school election.

4 (Signed)
5 Subscribed and sworn to before me this day of
6, 20
7 (Signed)
8 Notary Public”

10 SECTION 3. Arkansas Code § 7-5-203 is amended to read as follows:

11 7-5-203. Certification of candidate lists.

12 (a)(1) Not less than ~~seventy (70)~~ seventy-five (75) days before each
13 general election day, the Secretary of State shall certify to all county
14 boards of election commissioners full lists of all candidates to be voted for
15 in their respective counties as the nominations have been certified or
16 otherwise properly submitted to him or her.

17 (2) A name of a person shall not be certified and shall not be
18 placed on the ballot if prior to the certification deadline a candidate on
19 the list:

20 (A) Notifies the Secretary of State in writing, signed by
21 the candidate and acknowledged before an officer authorized to take
22 acknowledgements, of his or her desire to withdraw as a candidate for the
23 office or position; or

24 (B) Dies.

25 (b)(1) Not less than ~~seventy (70)~~ seventy-five (75) days before each
26 general election day, the clerk of each county shall certify to the county
27 board of his or her county a full list of all candidates to be voted for in
28 the county as the nominations have been certified or otherwise properly
29 submitted to him or her.

30 (2) A name of a person shall not be certified and shall not be
31 placed on the ballot if prior to the certification deadline a candidate on
32 the list:

33 (A) Notifies the county clerk in writing, signed by the
34 candidate and acknowledged before an officer authorized to take
35 acknowledgements, of his or her desire to withdraw as a candidate for the
36 office or position; or

1 (B) Dies.

2 (c) However, in special elections held to fill vacancies or to elect
3 officers in case of a tie vote, the certification shall issue at the time
4 specified in the writ of election issued by the appropriately constituted
5 authority.

6
7 SECTION 4. Arkansas Code § 7-5-204 is amended to read as follows:

8 7-5-204. Certification of measures and questions submitted to voters.

9 (a) Whenever a proposed amendment to the Arkansas Constitution or
10 other measure or question is to be submitted to a vote of the people, the
11 Secretary of State shall not certify the amendment, measure, or question to
12 the county board of election commissioners of each county in the state less
13 than ~~seventy (70)~~ seventy-five (75) days before each general election day.

14 (b) The county board shall include the amendment, measure, or question
15 in the posting that it is required to make under § 7-5-206.

16 (c)(1) If the Secretary of State has not determined the sufficiency of
17 a petition for an amendment or a measure by the ~~seventieth~~ seventy-fifth day
18 before the general election or if an amendment or a measure has been
19 challenged for any reason in a court of competent jurisdiction, the Secretary
20 of State shall nonetheless transmit the amendment or measure and the ballot
21 title of each amendment and measure to the county election commissions to
22 make any required posting and to place the amendment or measure on the
23 ballot.

24 (2) If the petition for the amendment or measure is subsequently
25 declared insufficient by the Secretary of State or a court of competent
26 jurisdiction or if held to be invalid for any other reason, no votes
27 *regarding the amendment or measure shall be counted or certified.*

28
29 SECTION 5. Arkansas Code § 7-5-205(3), concerning votes for write-in
30 candidates, is amended to read as follows:

31 (3) *The notice of write-in candidacy, the political*
32 *practices pledge, and the affidavit of eligibility are filed ~~no earlier than~~*
33 *~~noon on the last day of the party filing period and not later than ninety~~*
34 *~~(90) days before the election day~~ no later than the last day of the party*
35 *filing period; and*

36

1 SECTION 6. Arkansas Code § 7-5-207 is amended to read as follows:
2 7-5-207. Ballots – Names included – Draw for ballot position.

3 (a)(1) Except as provided in subdivisions (a)(2) and (3) of this
4 section, all election ballots provided by the county board of election
5 commissioners of any county in this state for any election shall contain in
6 the proper place the name of every candidate whose nomination for any office
7 to be filled at that election has been certified to the county board and
8 shall not contain the name of any candidate or person who has not been
9 certified.

10 (2)(A) Except as provided in subdivision (a)(2)(B) of this
11 section, unopposed candidates for municipal offices shall be declared and
12 certified elected without the necessity of including those names on the
13 general election ballot.

14 (B) The names of all unopposed candidates for the office
15 of mayor shall be separately placed on the general election ballot, and the
16 votes for mayor shall be tabulated as in all contested races.

17 (3)(A)(i) Except as provided in subdivision (a)(3)(B) of this
18 section, the names of all other unopposed candidates for all offices,
19 including without limitation the names of all unopposed write-in candidates,
20 shall be grouped together on the ballot indicating the office and the name of
21 the unopposed candidate.

22 (ii) The phrase “Unopposed Candidates” shall appear
23 at the top of the list of the names of all unopposed candidates.

24 (iii) Adjacent to the phrase “Unopposed Candidates”
25 shall be a place in which the voter may cast a vote for all the candidates by
26 placing an appropriate mark.

27 (B) The names of all unopposed candidates for the office
28 of circuit clerk shall be separately placed on the general election ballot,
29 and the votes for circuit clerk shall be tabulated as in all contested races.

30 (b) No person’s name shall be placed upon the ballot as a candidate
31 for any public office in this state at any election unless the person is
32 qualified and eligible at the time of filing, or as otherwise may be provided
33 by law, as a candidate for the office to hold the public office for which he
34 or she is a candidate, except if a person is not qualified to hold the office
35 at the time of filing because of age alone, the name of the person shall be
36 placed on the ballot as a candidate for the office if the person will qualify

1 to hold the office at the time prescribed by law for taking office.

2 (c)(1) The order in which the names of the candidates shall appear on
3 the ballot shall be determined by lot at a public meeting of the county board
4 not less than ~~sixty-five (65)~~ seventy-two (72) days before the general
5 election.

6 (2) Notice of the public meeting shall be given by publication
7 in a newspaper of general circulation in the county at least three (3) days
8 before the drawing.

9 (3) For runoff elections, the ballot order for eligible
10 candidates shall be the same as for the previous election leading to the
11 runoff.

12 (d)(1) Beside or adjacent to the name of each candidate in the general
13 election shall be:

14 (A) His or her party designation; or

15 (B) The term "INDEPENDENT" if he or she represents no
16 officially recognized party.

17 (2) Subdivision (d)(1) of this section shall not apply to a:

18 (A) Nonpartisan judicial election; or

19 (B) Nonpartisan municipal election.
20

21 SECTION 7. Arkansas Code § 7-5-407(a), concerning the preparation and
22 delivery of ballots, is amended to read as follows:

23 (a)(1) The county board of election commissioners shall prepare
24 official absentee ballots and deliver them to the county clerk for mailing to
25 all qualified applicants as soon as practicable but in any event not later
26 than ~~thirty-five (35)~~ forty-seven (47) days before a preferential primary,
27 general election, school election, nonpartisan judicial general election,
28 nonpartisan judicial runoff election, or any special election.

29 (2) Upon the receipt of the absentee ballots, the county clerk
30 shall begin delivering ballots to absentee voters as soon as *practicable and*
31 *shall, no later than forty-six (46) days before the applicable election,*
32 *deliver ballots to those absentee voters who made timely application under:*
33

34 (A) Section 7-5-406; or

35 (B) 42 U.S.C. § 1973ff, et seq., as existing on January 1,
36 2011.

1
2 SECTION 8. Arkansas Code § 7-7-104(g)(1), concerning the selection of
3 party nominees, is amended to read as follows:

4 (g)(1) If the party's nominee is not selected in time to file
5 his or her certificate of nomination with the appropriate party authority at
6 least ~~sixty-six (66)~~ seventy-six (76) days before the general election, the
7 nominee's name shall not appear on the general election ballot but the name
8 of the person who vacated the nomination shall appear on the ballot, and
9 votes cast for the name of the person appearing on the ballot shall be
10 counted for the nominee but only if the certificate of nomination is duly
11 filed at least ~~thirty-five (35)~~ forty-seven (47) days before the general
12 election.

13
14 SECTION 9. Arkansas Code § 7-7-203 is amended to read as follows:

15 7-7-203. Dates.

16 (a) The general primary election shall be held on the second Tuesday
17 in June preceding the general election.

18 (b) The preferential primary election shall be held on the Tuesday
19 three (3) weeks before the general primary election.

20 (c)(1) The party filing period shall be a one-week period ending at
21 12:00 noon on the first day in March and beginning at 12:00 noon one week
22 prior to the first day in March.

23 ~~(1)(2) Party pledges, if any, and affidavits of eligibility~~
24 ~~shall be filed, and any filing fees of a political party, if any, shall be~~
25 ~~paid, and party certificates shall be issued by the party during regular~~
26 ~~office hours during the party filing period in the period beginning at 12:00~~
27 ~~noon on the first weekday in March and ending at 12:00 noon on the seventh~~
28 ~~day thereafter before the preferential primary election.~~

29 ~~(2)(3) A party certificate and the political practice practices~~
30 ~~pledge for primary elections shall be filed with the county clerk or the~~
31 ~~Secretary of State, as the case may be, during regular office hours during~~
32 ~~the party filing period in the period beginning at 12:00 noon on the first~~
33 ~~weekday in March and ending at 12:00 noon on the seventh day thereafter~~
34 ~~before the preferential primary election.~~

35 ~~(3)(4) The name of a candidate who fails to file a party~~
36 ~~certificate and political practices pledge by the filing deadline with the~~

1 Secretary of State or county clerk, as the case may be, shall not appear on
2 the ballot.

3 ~~(4)~~(5) Party pledges, if any, shall be filed, filing fees, if
4 any, shall be paid, and party certificates and political practice pledges
5 shall be filed for special primary elections on or before the deadline
6 established by proclamation of the Governor or other entity authorized to
7 call a special primary election.

8 (d)(1) At least ~~seventy (70)~~ seventy-five (75) days before the
9 preferential primary election, the Secretary of State shall certify to the
10 various county committees and to the various county boards of election
11 commissioners a list of the names of all candidates who have filed party
12 certificates with the Secretary of State within the time required by law.

13 (2) At least ~~seventy (70)~~ seventy-five (75) days before the
14 preferential primary election, the county clerk shall certify to the county
15 committees and to the county board of election commissioners a list of the
16 names of all candidates who have filed party certificates with the county
17 clerk within the time required by law.

18 (e)(1) The county board of election commissioners shall convene, at
19 the time specified in the notice to the members given by the chair of the
20 board, no later than the tenth day after each primary election for the
21 purpose of canvassing the returns and certifying the election results.

22 (2) If no time is specified for the meeting of the county board
23 of election commissioners, the meeting shall be at 5:00 p.m.

24 (f) The county convention of a political party holding a primary
25 election shall be held on the first Monday following the date of the general
26 primary election.

27 (g)(1) The county board of election commissioners shall certify to the
28 county clerk and the county committee a list of all nominated candidates for
29 county, township, and municipal offices, and the political parties' county
30 committee members and delegates.

31 (2) At the same time, the county board of election commissioners
32 shall certify to the Secretary of State and the secretary of the state
33 committee the results of the contests for all United States, state, and
34 district offices. Immediately after ascertaining the results for all United
35 States, state, and district offices, the Secretary of State shall certify to
36 the state committee a list of all nominated candidates for the offices.

1 (h)(1)(A) The Secretary of State shall at least one hundred (100) days
2 before the date of the general election notify by registered mail the chair
3 and secretary of the state committee of the respective political parties that
4 a certificate of nomination is due for all nominated candidates for United
5 States, state, and district offices in order that the candidates' names be
6 placed on the ballot of the general election.

7 (B)(i) The state committee shall issue certificates of
8 nomination to all nominated candidates for United States, state, and district
9 offices, who shall file the certificates with the Secretary of State at least
10 ninety (90) days before the general election.

11 (ii) However, if the chair and secretary of the
12 state committee of the respective political parties are not properly notified
13 as directed by subdivision (h)(1)(A) of this section, the failure of a
14 candidate to file a certificate of nomination by the deadline shall not
15 prevent that candidate's name from being placed on the ballot of the general
16 election.

17 (2)(A) Each county clerk shall at least ~~ninety (90)~~ one hundred
18 (100) days before the date of the general election notify by registered mail
19 the chairs and secretaries of the county committees of the respective
20 political parties that a certified list of all nominated candidates for
21 county, township, and municipal offices is due and shall be filed with the
22 county clerk in order that the candidates' names be placed on the ballot for
23 the general election.

24 (B)(i) Each county committee shall issue the certified
25 list on behalf of those nominated candidates and submit the certified list to
26 the county clerk at least ~~eighty (80)~~ ninety (90) days before the general
27 election.

28 (ii) However, if the chairs and secretaries of the
29 county committees of the respective political parties are not properly
30 notified as directed by subdivision (h)(2)(A) of this section, the failure of
31 a certified list to be filed by the deadline shall not prevent any
32 candidate's name from being placed on the ballot of the general election.
33

34 SECTION 10. Arkansas Code § 7-7-304 is amended to read as follows:

35 7-7-304. Names to be included on ballots – Withdrawal – Unopposed
36 candidates – ~~Position~~ Designation of position – Necessity of general primary.

1 (a)(1) Not less than ~~seventy (70)~~ seventy-five (75) days before each
2 preferential primary election, the Secretary of State shall certify to all
3 county boards of election commissioners full lists of the names of all
4 candidates who have filed party certificates with him or her to be placed on
5 the ballots in their respective counties at the preferential primary
6 election.

7 (2) A name of a person shall not be certified and shall not be
8 placed on the ballot if prior to the certification deadline a candidate:

9 (A) Notifies the Secretary of State in writing, signed by
10 the candidate and acknowledged before an officer authorized to take
11 acknowledgements, of his or her desire to withdraw as a candidate for the
12 office or position; or

13 (B) Dies.

14 (b)(1) Not less than ~~seventy (70)~~ seventy-five (75) days before each
15 preferential primary election, the county clerk shall certify to the county
16 board full lists of the names of all candidates who have filed party
17 certificates with him or her to be placed on the ballot at the preferential
18 primary election.

19 (2) A name of a person shall not be certified and shall not be
20 placed on the ballot if prior to the certification deadline a candidate:

21 (A) Notifies the county clerk in writing, signed by the
22 candidate and acknowledged before an officer authorized to take
23 acknowledgements, of his or her desire to withdraw as a candidate for the
24 office or position; or

25 (B) Dies.

26 (c)(1) The votes received by a person whose name appeared on the
27 preferential primary ballot and who withdrew or died after the certification
28 of the ballot shall be counted.

29 (2) If the person receives enough votes to win the nomination, a
30 vacancy in nomination shall exist.

31 (3) If the person receives enough votes to advance to the
32 general primary election, the person's name shall be printed on the general
33 primary election ballot.

34 (4) If the person receives enough votes to win the general
35 primary election, a vacancy in nomination shall exist.

36 (d) When only one (1) candidate qualifies for a particular office or

1 position, the office or position and the name of the unopposed candidate
2 shall be printed on the political party's ballot in all primary elections.

3 (e)(1) When there are two (2) or more nominees to be selected for the
4 same office, such as state senator, state representative, justice of the
5 peace, alderman, or for any other office, the proper committee shall require
6 the candidates to designate in writing a particular position, i.e., Position
7 Number 1, Position Number 2, Position Number 3, etc., at the time that a
8 party pledge is required to be filed with the secretary of the committee.

9 (2) When a candidate has once filed and designated for a certain
10 position, that candidate shall not be permitted to thereafter change the
11 position.

12 (f)(1) If at the preferential primary election for a political party a
13 candidate receives a majority of the votes cast for that office or position,
14 the person shall be declared the party nominee and it shall not be necessary
15 for the candidate's name to appear on the ballot at the general primary
16 election.

17 (2) If no candidate receives a majority of the votes cast for an
18 office or position at the preferential primary for a political party, the
19 names of the two (2) candidates of the political party who received the
20 highest number of votes for an office or a position shall be placed upon the
21 ballots at the general primary election.

22

23 SECTION 11. Arkansas Code § 7-7-305 is amended to read as follows:

24 7-7-305. Printing of ballots – Form – Draw for ballot position.

25 (a) The ballots of the primary election shall be provided by the
26 county board of election commissioners. The form of the ballots shall be the
27 same as is provided by law for ballots in general ~~or special~~ elections in
28 this state. A different color ballot may be used to distinguish between
29 political parties.

30 (b) The order in which the names of the respective candidates are to
31 appear on the ballots at all preferential and general primary elections shall
32 be determined by lot at the public meeting of the county board of election
33 commissioners held not later than ~~sixty-five (65)~~ seventy-two (72) days
34 before the preferential primary election. The county board shall give at
35 least ten (10) days' written notice of the time and place of the meeting to
36 the chairs of the county committees, if the chairs are not members of the

1 board, and shall, at least three (3) days before the meeting, publish notice
2 of the time and place of holding the meeting in some newspaper of general
3 circulation in the county.

4 (c)(1)(A) Any person who shall file for any elective office in this
5 state may use not more than three (3) given names, one (1) of which may be a
6 nickname or any other word used for the purpose of identifying the person to
7 the voters, and may add as a prefix to his or her name the title or an
8 abbreviation of an elective public office the person currently holds.

9 (B) A person may only use as the prefix the title of a
10 judicial office in an election for a judgeship if the person is currently
11 serving in a judicial position to which the person has been elected.

12 (C) A nickname shall not include a professional or
13 honorary title.

14 (2) The names and titles as proposed to be used by each
15 candidate on the political practice pledge or, if the political practice
16 pledge is not filed by the filing deadline, then the names and titles that
17 appear on the party certificate shall be reviewed no later than one (1)
18 business day after the filing deadline by the Secretary of State for state
19 and district offices and by the county board of election commissioners for
20 county, township, school, and municipal offices.

21 (3)(A) The name of every candidate shall be printed on the
22 ballot in the form as certified by either the Secretary of State or the
23 county board.

24 (B) However, the county board of election commissioners
25 may substitute an abbreviated title if the ballot lacks space for the title
26 requested by a candidate.

27 (C) The county board of election commissioners shall
28 immediately notify a candidate whose requested title is abbreviated by the
29 county board of election commissioners.

30 (4) A candidate shall not be permitted to change the form in
31 which his or her name will be printed on the ballot after the deadline for
32 filing the political practices pledge.

33
34 SECTION 12. Arkansas Code § 7-8-302(5)(D), concerning the submission
35 of presidential candidates by qualified political groups, is amended to read
36 as follows:

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

7
8 SECTION 13. Arkansas Code § 7-9-304(c), concerning nominating
9 petitions for delegates to a constitutional convention, is amended to read as
10 follows:

11 (c) The petitions shall be filed with the Secretary of State not less
12 than ~~seventy (70)~~ eighty-one (81) days before the next general election, and
13 the Secretary of State shall certify the names of all candidates and the
14 position that each is seeking to the county board of election commissioners
15 of the counties in the respective House districts not later than ~~seventy (70)~~
16 seventy-five (75) days prior to the date of the election. A candidate must
17 designate the position he or she is seeking at the time he or she files his
18 or her nominating petition with the Secretary of State, and after having
19 designated a position, the candidate is prohibited from changing to a
20 different position.

21
22 SECTION 14. Arkansas Code § 7-10-103 is amended to read as follows:

23 7-10-103. Filing as a candidate.

24 (a) A candidate for a nonpartisan judicial office may pay a filing fee
25 as provided for in this chapter, file a petition in the manner provided for
26 in this chapter, or file as a write-in candidate in the manner as provided
27 for in this chapter.

28 (b)(1) The State Board of Election Commissioners shall establish
29 reasonable filing fees for nonpartisan judicial offices.

30 (2)(A) The filing fee for the offices of Justice of the Supreme
31 Court, Judge of the Court of Appeals, and circuit judge shall be paid to the
32 Secretary of State at the same time that the candidate files his or her
33 political practices pledge. A candidate for district judge shall pay the
34 filing fee to the county clerk at the same time that the candidate files his
35 or her political practices pledge.

36 (B) The period for paying filing fees and filing political

1 practice pledges shall ~~begin at 12:00 noon on the first weekday in March and~~
2 ~~end at 12:00 noon on the seventh day thereafter~~ be the same as the party
3 filing period under § 7-7-203.

4 (3)(A) There is created on the books of the Treasurer of State,
5 the Auditor of State, and the Chief Fiscal Officer of the State a fund to be
6 known as the "Judicial Filing Fee Fund".

7 (B) The filing fees shall be remitted to the Treasurer of
8 State for deposit into the fund for covering the cost of election expenses of
9 the state board.

10 (c)(1)(A)(i) Any person desiring to have his or her name placed on the
11 ballot for a nonpartisan judicial office without paying a filing fee may do
12 so by filing a petition in the manner provided for under this section.
13 Petitions for Supreme Court, Court of Appeals, and circuit court positions
14 shall be filed with the Secretary of State, and petitions for district court
15 positions shall be filed with the applicable county clerk beginning at 12:00
16 noon forty-six (46) days before the first ~~weekday in March~~ day of the party
17 filing period under § 7-7-203 and ending at 12:00 noon thirty-two (32) days
18 before the first ~~weekday in March~~ day of the party filing period under § 7-7-
19 203.

20 (ii) Political practice pledges for nonpartisan
21 judicial candidates filing by petition shall be filed at the same time as the
22 petition.

23 (B) The petition shall be directed to the office with
24 which it is to be filed and shall request that the name of the candidate be
25 placed on the ballot for the election set forth in the petition. Candidates
26 may begin circulating petitions not earlier than sixty (60) days prior to the
27 filing deadline.

28 (C) The Secretary of State or the county clerk, as the
29 case may be, shall determine within thirty (30) days whether the petition
30 contains the names of a sufficient number of qualified electors. The
31 Secretary of State or county clerk shall verify the sufficiency of the
32 petitions within thirty (30) days of filing. The sufficiency of any petition
33 filed under the provisions of this section may be challenged in the same
34 manner as provided by law for election contests, § 7-5-801 et seq.

35 (D) Qualified electors signing the petitions must be
36 registered voters in the geographic area applicable to the position at the

1 time they sign the petition. Each qualified elector shall provide his or her
2 printed name, signature, address, date of birth, and date of signing on the
3 petition.

4 (E) In determining the number of qualified electors in the
5 state or in any court of appeals district, circuit court circuit, or district
6 court district, the total number of all votes cast therein for Governor in
7 the immediately preceding general gubernatorial election shall be conclusive
8 of the number of all qualified electors therein for purposes of this section.

9 (2)(A) Candidates by petition for the Supreme Court shall file
10 petitions signed by at least ten thousand (10,000) qualified electors or
11 three percent (3%) of the qualified electors residing within the state,
12 whichever is the lesser.

13 (B) Candidates by petition for the Court of Appeals shall
14 file petitions signed by three percent (3%) of the qualified electors
15 residing within the court of appeals district for which the candidate seeks
16 office, but in no event shall more than two thousand (2,000) signatures be
17 required.

18 (C) Candidates by petition for circuit judge shall file
19 petitions signed by three percent (3%) of the qualified electors residing
20 within the circuit for which the candidate seeks office, but in no event
21 shall more than two thousand (2,000) signatures be required.

22 (D) Candidates by petition for district judge shall file
23 petitions signed by at least one percent (1%) of the qualified electors
24 residing within the district for which the candidate seeks office, but in no
25 event shall more than two thousand (2,000) signatures be required.

26 (d) No votes for a write-in candidate in a nonpartisan judicial
27 election shall be counted or tabulated unless the candidate or his or her
28 agent gives notice in writing of his or her intention to be a write-in
29 candidate to the county board of election commissioners and either:

30 (1)(A) The Secretary of State, if a candidate for a Supreme
31 Court, Court of Appeals, or a circuit judgeship; or

32 (B) A county clerk, if a candidate for a district
33 judgeship.

34 (2) The written notice must be given not later than ~~sixty (60)~~
35 eighty (80) days before the nonpartisan judicial election.

36 (3) Write-in candidates shall file a political practices pledge

1 at the same time as filing a notice of intention.

2 (e)(1) A candidate for Justice of the Supreme Court, Judge of the
3 Court of Appeals, or circuit judge shall file with the Secretary of State.

4 (2) A candidate for district judge shall file with the county
5 clerk.

6 (f)(1)(A) A candidate for nonpartisan judicial office may not use more
7 than three (3) given names, one (1) of which may be a nickname or any other
8 word used for the purpose of identifying the candidate to the voters.

9 (B)(i) A candidate for nonpartisan judicial office may add
10 as a prefix to his or her name the title or an abbreviation of an elective
11 public office the candidate currently holds.

12 (ii) A candidate may only use as the prefix the
13 title of a judicial office in an election for a judgeship if the candidate is
14 currently serving in a judicial position to which the candidate has been
15 elected.

16 (C) A nickname shall not include a professional or
17 honorary title.

18 (2) The names and titles as proposed to be used by each
19 candidate on the political practice pledge shall be reviewed no later than
20 one (1) business day after the filing deadline by the Secretary of State for
21 Supreme Court, Court of Appeals, and circuit court positions and by the
22 county board of election commissioners for district court positions.

23 (3)(A) The name of every candidate shall be printed on the
24 ballot in the form as certified by either the Secretary of State or the
25 county board of election commissioners.

26 (B) However, the county board of election commissioners
27 may substitute an abbreviated title if the ballot lacks space for the title
28 requested by a candidate.

29 (C) The county board of election commissioners shall
30 immediately notify a candidate whose requested title is abbreviated by the
31 county board of election commissioners.

32 (4) A candidate shall not be permitted to change the form in
33 which his or her name will be printed on the ballot after the deadline for
34 filing the political practices pledge.

35

36 SECTION 15. Arkansas Code § 7-11-105(e), concerning special elections

1 to fill vacancies in office, is amended to read as follows:

2 (e)(1) A special election to fill a vacancy in office shall be held
3 not less than ~~sixty five (65)~~ seventy (70) days following the date
4 established in the proclamation, ordinance, resolution, order, or other
5 authorized document for drawing for ballot position when the special election
6 is to be held on the date of the preferential primary election or general
7 election.

8 (2) If a special election to fill a vacancy in office is not
9 held at the same time as a preferential primary election or general election,
10 the special election shall be held not less than ~~fifty (50)~~ sixty (60) days
11 following the date established in the proclamation, ordinance, resolution,
12 order, or other authorized document for drawing for ballot position.

13
14 SECTION 16. Arkansas Code § 7-11-205(b), concerning the dates of
15 special elections on measures and questions, is amended to read as follows:

16 (b)(1) A special election shall be held not less than ~~sixty five (65)~~
17 seventy (70) days following the date that the proclamation, ordinance,
18 resolution, order, or other authorized document is filed with the county
19 clerk when the special election is to be held on the date of the preferential
20 primary election or general election.

21 (2) If the special election is not held at the same time as a
22 preferential primary election or general election, the special election shall
23 be held not less than ~~fifty (50)~~ sixty (60) days following the date that the
24 proclamation, ordinance, resolution, order, or other authorized document is
25 filed with the county clerk.

26
27 SECTION 17. Arkansas Code § 14-42-119(b)(1)(B), concerning the removal
28 of certain elected municipal officials, is amended to read as follows:

29 (B) A petition shall be filed by 12:00 noon not more than
30 ~~ninety (90)~~ one hundred five (105) days nor less than ~~seventy (70)~~ ninety-one
31 (91) days before the next general election following the election at which
32 the officer was elected;

33
34 SECTION 18. Arkansas Code § 14-42-206(b)(1), concerning nominating
35 petitions for municipal elections, is amended to read as follows:

36 (b)(1) Any person desiring to become an independent candidate for

1 municipal office in cities and towns with the mayor-council form of
2 government shall file not more than ~~ninety (90)~~ one hundred two (102) nor
3 less than ~~seventy (70)~~ eighty-one (81) days prior to the general election by
4 12:00 noon with the county clerk the petition of nomination in substantially
5 the *following forms*:

6
7 *SECTION 19. Arkansas Code § 14-42-206(b)(2)(B), concerning nominating*
8 *petitions for independent candidates for municipal office, is amended to read*
9 *as follows:*

10 *(B)(i) The county clerk shall determine ~~within~~ no later*
11 *than ten (10) days ~~of~~ from filing whether the petition contains the names of*
12 *a sufficient number of qualified electors.*

13 *(ii) The county clerk's determination shall be made*
14 *no less than seventy-five (75) days before the general election.*

15
16 *SECTION 20. Arkansas Code § 14-47-110(a), concerning elections for*
17 *directors in the city manager form of government, is amended to read as*
18 *follows:*

19 *(a) Candidates for the office of director shall be nominated and*
20 *elected as follows:*

21 *(1)(A)(i) A special election to elect the initial membership of*
22 *the board shall be called by the mayor as provided in § 14-47-106.*

23 *(ii) The mayor's proclamation shall be in accordance*
24 *with § 7-11-101 et seq.*

25 *(B)(i) A special election to fill any vacancy under § 14-*
26 *47-113 shall be called through a resolution of the board of directors.*

27 *(ii) A proclamation announcing the holding of the*
28 *election shall be signed by the mayor and published in accordance with § 7-*
29 *11-101 et seq.;*

30 *(2) The petition mentioned in subdivision (a)(3) of this section*
31 *supporting the candidacy of each candidate to be voted upon at any general or*
32 *special election shall be filed with the city clerk or recorder not more than*
33 *~~ninety (90)~~ one hundred two (102) days nor fewer than ~~seventy (70)~~ eighty-one*
34 *(81) days before the election by 12:00 noon;*

35 *(3)(A)(i) In respect to both special and general elections, the*
36 *name of each candidate shall be supported by a petition, signed by at least*

1 fifty (50) qualified electors of the municipality, requesting the candidacy
2 of the candidate.

3 (ii) The petition shall show the residence address
4 of each signer and shall carry an affidavit signed by one (1) or more
5 persons, in which the affiant or affiants shall vouch for the eligibility of
6 each signer of the petition.

7 (B) Each petition shall be substantially in the following
8 form:

9 "The undersigned, duly qualified electors of the City of ..., Arkansas, each
10 signer hereof residing at the address set opposite his or her signature,
11 hereby request that the name... be placed on the ballot as a candidate for
12 election to Position No. ... on the Board of Directors of said City of ... at the
13 election to be held in such City on the ... day of ..., 20... We further state
14 that we know said person to be a qualified elector of said City and a person
15 of good moral character and qualified in our judgment for the duties of such
16 office."

17 (C) A petition for nomination shall not show the name of
18 more than one (1) candidate.

19 (D)(i) The name of the candidate mentioned in each
20 petition, together with a copy of the election proclamation if the election
21 is a special election, shall be certified by the city clerk or recorder to
22 the county board of election commissioners not less than ~~thirty-five (35)~~
23 seventy-five (75) days before the election unless the clerk or recorder finds
24 that the petition fails to meet the requirements of this chapter.

25 (ii)(a) Whether the names of the candidates so
26 certified to the county board of election commissioners are to be submitted
27 at a biennial general election or at a special election held on a different
28 date, the election board shall have general supervision over the holding of
29 each municipal election.

30 (b) In this connection, the board shall post
31 the nominations, print the ballots, establish the voting precincts, appoint
32 the election judges and clerks, determine and certify the result of the
33 election, and determine the election expense chargeable to the city, all in
34 the manner prescribed by law in respect to general elections. It is the
35 intention of this chapter that the general election machinery of this state
36 shall be utilized in the holding of all general and special elections

1 authorized under this chapter.

2 (c) The result of the election shall be
3 certified by the election board to the city clerk or recorder; and

4 (4) The candidate for any designated position on the board of
5 directors who, in any general or special election, shall receive votes
6 greater in number than those cast in favor of any other candidate for the
7 position shall be deemed to be elected.

8

9 SECTION 21. NOT TO BE CODIFIED. This act becomes effective on October
10 2, 2011.

11

12 /s/Slinkard

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