

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

SENATE BILL 180

5 By: Senator D. Johnson
6 By: Representatives Vines, Williams
7

For An Act To Be Entitled

9 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 7 OF
10 THE ARKANSAS CODE, CONCERNING ELECTIONS; AMENDING
11 PORTIONS OF ARKANSAS LAW RESULTING FROM INITIATED ACT
12 1 OF 1990 AND INITIATED ACT 1 OF 1996; AND FOR OTHER
13 PURPOSES.
14
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Subtitle

16 AN ACT TO MAKE TECHNICAL CORRECTIONS TO
17 TITLE 7 OF THE ARKANSAS CODE, CONCERNING
18 ELECTIONS, AND AMENDING PORTIONS OF
19 ARKANSAS LAW RESULTING FROM INITIATED ACT
20 1 OF 1990 AND INITIATED ACT 1 OF 1996.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. Arkansas Code § 7-1-101(31)(B), concerning definitions
27 applicable to election law, is amended to make a grammatical correction to
28 read as follows:

29 (B) ~~The phrase "vacancy~~ "Vacancy in office" ~~shall~~ does not
30 apply to the election of a person at a general election to fill an unexpired
31 portion of a term of office;
32

33 SECTION 2. Arkansas Code § 7-3-108(a) and (b), concerning new
34 political parties, are amended to clarify references to Arkansas Code § 5-54-
35 205 to read as follows:

36 (a) ~~No~~ A political party shall not be recognized, qualified to



1 participate, or permitted to have the names of its candidates printed on the
2 ballot in any election in this state that:

3 (1) Either directly or indirectly advocates, teaches, justifies,
4 aids, or abets the overthrow by force or violence, or by any unlawful means,
5 of the government of the United States or this state, or an act of terrorism
6 as ~~defined~~ described by § 5-54-205; or

7 (2) Directly or indirectly carries on, advocates, teaches,
8 justifies, aids, or abets a program of sabotage, force and violence,
9 sedition, or treason against the government of the United States or this
10 state.

11 (b)(1) ~~No~~ A newly organized political party shall not be recognized,
12 qualified to participate, or permitted to have the names of its candidates
13 printed on the ballot in any election in this state until it has filed an
14 affidavit, by the officers of the party in this state under oath, that:

15 (A) It does not either directly or indirectly advocate,
16 teach, justify, aid, or abet the overthrow by force or violence or by any
17 unlawful means of the government of the United States or this state, or an
18 act of terrorism as ~~defined~~ described by § 5-54-205; or

19 (B) It does not directly or indirectly carry on, advocate,
20 teach, justify, aid, or abet a program of sabotage, force and violence,
21 sedition, or treason against the government of the United States or this
22 state.

23 (2) The affidavit shall be filed with the Secretary of State.
24

25 SECTION 3. Arkansas Code § 7-4-118(e)(2)(A), concerning election
26 complaints, is amended to remove a reference to a repealed section of
27 Arkansas law to read as follows:

28 (A) The board may file suit in the Pulaski County Circuit
29 Court or in the circuit court of the county in which the debtor resides or,
30 ~~according to the Small Claims Procedure Act, § 16-17-601 et seq. [repealed],~~
31 in the small claims division of any district court in the State of Arkansas
32 to obtain a judgment for the amount of any fine imposed according to its
33 authority.
34

35 SECTION 4. Arkansas Code § 7-5-101(c)(2)(C), concerning precinct
36 boundaries and polling sites, is amended to correct a reference to a division

1 of the Arkansas State Highway and Transportation Department to read as
 2 follows:

3 (C) ~~Cartography Section~~ Mapping and Graphics Section of
 4 the Planning and Research Division of the Arkansas State Highway and
 5 Transportation Department.

6
 7 SECTION 5. Arkansas Code § 7-5-109(c)(1) and (2), concerning voter
 8 registration lists, are amended to correct references to computer technology
 9 to read as follows:

10 (1)(A) Upon request every county clerk who maintains on computer
 11 the list of registered voters within the county shall provide the list on
 12 ~~computer disk or tape~~ compact disc or other electronic medium.

13 (B) The list shall include at least the names, addresses,
 14 and precinct numbers of the voters.

15 (2)(A) The fee for a list, on ~~computer disk or tape~~ compact disc
 16 or other electronic medium, of one (1) to five thousand (5,000) registered
 17 voters may be up to ten dollars (\$10.00).

18 (B) The fee for a list, on ~~computer disk or tape~~ compact
 19 disc or other electronic medium, of five thousand one (5,001) to twenty-five
 20 thousand (25,000) registered voters may be up to twenty-five dollars
 21 (\$25.00).

22 (C) The fee for a list, on ~~computer disk or tape~~ compact
 23 disc or other electronic medium, of more than twenty-five thousand (25,000)
 24 registered voters may be up to fifty dollars (\$50.00).

25
 26 SECTION 6. Arkansas Code § 7-5-532(a)(1), concerning direct-recording
 27 electronic voting machines, is amended to use language consistent with other
 28 sections of Arkansas law when referring to direct-recording electronic voting
 29 machines to read as follows:

30 (1) "~~Direct~~ Direct-recording electronic voting machine" means a
 31 voting machine that:

32 (A) Records votes by means of a ballot display provided
 33 with mechanical or electro-optical components that may be actuated by the
 34 voter;

35 (B) Processes the data by means of a computer program;

36 (C) Records voting data and ballot images in internal or

1 external memory components; and

2 (D) Produces a tabulation of the voting data stored in a
 3 removable memory component and in a printed copy; and

4
 5 SECTION 7. Arkansas Code § 7-5-707(a), concerning the certification of
 6 election results, is amended to correct a reference to the internet to read
 7 as follows:

8 (a) For all state and federal elections, the county board of election
 9 commissioners shall transmit the certified results for each polling place to
 10 the county clerk, who shall immediately transmit the results to the Secretary
 11 of State through the ~~Internet~~ website interface provided by the Secretary of
 12 State.

13
 14 SECTION 8. Arkansas Code § 7-5-801(d), concerning election contests,
 15 is amended to make a grammatical correction when referring to the subject of
 16 a complaint to read as follows:

17 (d) The complaint shall be verified by the affidavit of the contestant
 18 to the effect that he or she believes the statements to be true and shall be
 19 filed within twenty (20) days of the certification ~~complained of~~ that is the
 20 subject of the complaint.

21
 22 SECTION 9. Arkansas Code § 7-6-201(1)(B), concerning definitions
 23 applicable to campaign finance law and resulting from Initiated Act 1 of 1990
 24 and Initiated Act 1 of 1996, is amended to clarify references to ballot
 25 question committees to read as follows:

26 (B) "Approved political action committee" ~~shall~~ does not
 27 include an organized political party as defined in § 7-1-101, a county
 28 political party committee, the candidate's own campaign committee, an
 29 exploratory committee, or a ballot question committee or legislative question
 30 committee as defined in § 7-9-402;

31
 32 SECTION 10. Arkansas Code § 7-6-201(11), concerning definitions
 33 applicable to campaign finance law and resulting from Initiated Act 1 of 1990
 34 and Initiated Act 1 of 1996, is amended to make a grammatical correction to
 35 read as follows:

36 (11) ~~An "independent~~ "Independent expenditure" is ~~any an~~

1 expenditure which is not a contribution and:

2 (A) Expressly advocates the election or defeat of a
3 clearly identified candidate for office;

4 (B) Is made without arrangement, cooperation, or
5 consultation between ~~any~~ a candidate or ~~any~~ an authorized committee or agent
6 of the candidate and the person making the expenditure or ~~any~~ an authorized
7 agent of that person; and

8 (C) Is not made in concert with or at the request or
9 suggestion of ~~any~~ a candidate or ~~any~~ an authorized committee or agent of the
10 candidate;

11
12 SECTION 11. Arkansas Code § 7-6-202 is amended to clarify a reference
13 to committing a Class A misdemeanor to read as follows:

14 7-6-202. Penalties.

15 ~~Any~~ A person who knowingly ~~or willfully~~ fails to comply with ~~any~~
16 ~~provisions of~~ this subchapter shall upon conviction be guilty of a Class A
17 misdemeanor.

18
19 SECTION 12. Arkansas Code § 7-6-216(c)(3), concerning reports by
20 exploratory committees and resulting from Initiated Act 1 of 1990, is amended
21 to make a grammatical correction to read as follows:

22 (3) The total amount of expenditures made and, for each single
23 expenditure ~~which~~ that exceeds one hundred dollars (\$100), an itemization,
24 including the amount of the expenditure, the name and address of the person
25 to whom the expenditure was made, and the date the expenditure was made.

26
27 SECTION 13. Arkansas Code § 7-7-106(a)(2), concerning vacancies in
28 candidacy for nomination, is amended for consistency with other subdivisions
29 in this subsection to read as follows:

30 (2) ~~Upon notification to~~ A person is running unopposed in a
31 preferential primary and notifies the party that he or she will not accept
32 the nomination due to a serious illness.

33
34 SECTION 14. Arkansas Code § 7-7-306(a)(1), concerning ballots for the
35 judicial general election, is amended to correct a reference concerning
36 persons seeking nomination as candidates to read as follows:

