

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

A Bill

SENATE BILL 870

5 By: Senator J. Key
6

For An Act To Be Entitled

8 AN ACT TO HOLD NONPARTISAN JUDICIAL GENERAL ELECTIONS
9 WITH NOVEMBER GENERAL ELECTIONS; TO AMEND THE
10 REQUIREMENTS FOR A NONPARTISAN JUDICIAL RUNOFF
11 ELECTION; AND FOR OTHER PURPOSES.
12
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Subtitle

14 TO HOLD NONPARTISAN JUDICIAL GENERAL
15 ELECTIONS WITH NOVEMBER GENERAL
16 ELECTIONS; TO AMEND THE REQUIREMENTS FOR
17 A NONPARTISAN JUDICIAL RUNOFF ELECTION.
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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 § 7-5-407(a)(1), concerning preparation and
24 delivery of ballots, is amended to read as follows:

25 (a)(1) The county board of election commissioners shall prepare
26 official absentee ballots and deliver them to the county clerk for mailing to
27 all qualified applicants as soon as practicable but ~~in any event~~ not later
28 than forty-seven (47) days before a preferential primary, general election,
29 school election, nonpartisan judicial general election, ~~nonpartisan judicial~~
30 ~~runoff election~~, or any special election.
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32 SECTION 2. Arkansas Code § 7-10-101 is amended to read as follows:

33 7-10-101. ~~Definitions~~ Definition.

34 ~~For the purposes of~~ As used in this chapter,

35 (1) ~~“Nonpartisan nonpartisan judicial office”~~ means the ~~offices~~
36 office of Justice of the Supreme Court, Judge of the Court of Appeals,



1 ~~ircuit judge of the circuit court, and district or judge of the district~~
2 ~~court; and.~~

3 ~~(2) "Political party" has the same meaning as provided in § 7-1-~~
4 ~~101.~~

5
6 SECTION 3. Arkansas Code § 7-10-102 is amended to read as follows:

7 7-10-102. Nonpartisan election of judges and justices.

8 (a) The offices of Justice of the Supreme Court, Judge of the Court of
9 Appeals, ~~ircuit judge of the circuit court,~~ and ~~district judge of the~~
10 ~~district court~~ are ~~declared to be~~ nonpartisan offices.

11 (b)(1) The general ~~elections~~ election for nonpartisan judicial offices
12 shall be held on the same ~~dates~~ date and at the same times and places as
13 ~~provided by law for preferential primary elections~~ the November general
14 election.

15 (2) The names of candidates ~~for nonpartisan judicial offices~~
16 shall be included on the ~~ballots of the political parties~~ ballot and shall be
17 designated as nonpartisan judicial candidates. ~~However, separate ballots~~
18 ~~containing the names of nonpartisan judicial candidates shall be prepared and~~
19 ~~shall be made available to voters requesting the same.~~

20 ~~(3) No voter shall be required to vote in a political party's~~
21 ~~preferential primary in order to be able to vote in nonpartisan judicial~~
22 ~~elections.~~

23 (c)(1) A person shall not be elected to a nonpartisan judicial office
24 without receiving a majority of the votes cast at the election for the
25 office.

26 (2)(A) In ~~any a~~ nonpartisan judicial election in which no person
27 receives a majority of the votes cast, the two (2) candidates receiving the
28 highest and next highest number of votes shall be certified to a runoff
29 election ~~which~~ that shall be held ~~on the same date and at the same times and~~
30 ~~places as the November general election~~ three (3) weeks following the date of
31 the November general election.

32 (B) The names of the two (2) candidates receiving the
33 highest and next highest number of votes, but not a majority, shall be placed
34 on the ballot to be voted on by the qualified electors of the judicial
35 district.

36 ~~(3) The names of the candidates in a nonpartisan judicial runoff~~

1 election shall be placed on the same ballots as used for the November general
 2 elections.

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 4 SECTION 4. Arkansas Code § 7-10-103 is amended to read as follows:

5 7-10-103. Filing as a candidate — ~~Judicial Filing Fee Fund.~~

6 (a) A candidate for a nonpartisan judicial office ~~may~~ under this
 7 chapter shall:

8 (1) ~~pay~~ Pay a filing fee ~~as provided for in this chapter;~~

9 (2) ~~file~~ File a petition ~~in the manner provided for in this~~
 10 ~~chapter;~~ or

11 (3) ~~file~~ File as a write-in candidate ~~in the manner as provided~~
 12 ~~for in this chapter.~~

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

15 (2)(A)(i) ~~The filing fee~~ A candidate for the ~~offices~~ office of
 16 Justice of the Supreme Court, Judge of the Court of Appeals, ~~and or circuit~~
 17 judge of the circuit court who chooses to file by paying a filing fee shall
 18 ~~be paid~~ pay the filing fee to the Secretary of State ~~at the same time that~~
 19 when the candidate files his or her political practices pledge.

20 (ii) A candidate for district judge who chooses to
 21 file by paying a filing fee shall pay the filing fee to the county clerk ~~at~~
 22 ~~the same time that~~ when the candidate files his or her political practices
 23 pledge.

24 (B) The period for paying filing fees and filing political
 25 practice pledges shall be the same as the party filing period under § 7-7-
 26 203.

27 (3)(A) ~~There is created on the books of the Treasurer of State,~~
 28 ~~the Auditor of State, and the Chief Fiscal Officer of the State a fund to be~~
 29 ~~known as the “Judicial Filing Fee Fund”.~~

30 (B) The filing fees shall be remitted to the Treasurer of
 31 State for deposit into the ~~fund~~ Judicial Filing Fee Fund under § 19-5-1225
 32 for covering the cost of election expenses of the state board.

33 (c)(1)(A)(i) ~~Any~~ A person ~~desiring to~~ may have his or her name placed
 34 on the ballot for a nonpartisan judicial office without paying a filing fee
 35 ~~may do so~~ by filing a petition ~~in the manner provided for~~ under this section.
 36 ~~Petitions for Supreme Court, Court of Appeals, and circuit court positions~~

1 ~~shall be filed with the Secretary of State, and petitions for district court~~
2 ~~positions shall be filed with the applicable county clerk beginning at 12:00~~
3 ~~noon forty-six (46) days before the first day of the party filing period~~
4 ~~under § 7-7-203 and ending at 12:00 noon thirty-two (32) days before the~~
5 ~~first day of the party filing period under § 7-7-203.~~

6 (ii) ~~Political practice pledges for A nonpartisan~~
7 ~~judicial candidates candidate~~ filing by petition shall ~~be filed at the same~~
8 ~~time as~~ file a political practice pledge with the petition.

9 (iii)(a) Petitions for Supreme Court, Court of
10 Appeals, and circuit court positions shall be filed with the Secretary of
11 State.

12 (b) Petitions for district court positions
13 shall be filed with the county clerk.

14 (B)(i) The petition shall:

15 (a) ~~be~~ Be directed to the office with which it
16 is to be filed; and ~~shall request~~

17 (b) Request that the name of the candidate be
18 placed on the ballot for the election set forth in the petition.

19 (ii) Candidates ~~may~~ shall not begin circulating petitions ~~not~~ earlier
20 than sixty (60) days ~~prior to~~ before the filing deadline.

21 (C)(i) The Secretary of State or the county clerk, ~~as the~~
22 ~~ease may be,~~ shall within thirty (30) days of the filing of the petition
23 shall:

24 (a) ~~determine~~ Determine ~~within thirty (30) days~~
25 whether the petition contains the names of a sufficient number of qualified
26 electors. ~~The Secretary of State or county clerk shall;~~ and

27 (b) ~~verify~~ Verify the sufficiency of the
28 ~~petitions within thirty (30) days of filing petition.~~

29 (ii) The sufficiency of ~~any~~ a petition filed under
30 ~~the provisions of~~ this section may be challenged in the same manner as
31 provided by law for election contests, § 7-5-801 et seq.

32 (D) ~~Qualified electors~~ A qualified elector signing the
33 ~~petitions~~ petition must be a registered ~~voters~~ voter in the geographic area
34 applicable to the position at the time ~~they sign~~ he or she signs the
35 petition. Each qualified elector shall provide on the petition his or her:

36 (i) ~~printed~~ Printed name;

- 1 ~~(ii) signature,~~ Signature;
- 2 ~~(iii) address,~~ Address;
- 3 ~~(iv) date~~ Date of birth; and
- 4 ~~(v) date~~ Date of signing ~~on the petition.~~

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

11 (2)(A) Candidates by petition for the Supreme Court shall file
 12 petitions signed by ~~at least ten~~ the lesser of:

13 (i) Three percent (3%) of the qualified electors
 14 residing within the state; and

15 (ii) Ten thousand (10,000) qualified electors ~~or~~
 16 ~~three percent (3%) of the qualified electors residing within the state,~~
 17 ~~whichever is the lesser.~~

18 (B) Candidates by petition for the Court of Appeals shall
 19 file petitions signed by the lesser of:

20 (i) three Three percent (3%) of the qualified
 21 electors residing within the court of appeals district for which the
 22 candidate seeks office, but in no event shall more than two; and

23 (ii) Two thousand (2,000) signatures be required
 24 qualified electors.

25 (C) Candidates by petition for circuit judge shall file
 26 petitions signed by the lesser of:

27 (i) three Three percent (3%) of the qualified
 28 electors residing within the circuit for which the candidate seeks office,
 29 but in no event shall more than two; and

30 (ii) Two thousand (2,000) signatures be required
 31 qualified electors.

32 (D) Candidates by petition for district judge shall file
 33 petitions signed by ~~at least one~~ the lesser of:

34 (i) One percent (1%) of the qualified electors
 35 residing within the district for which the candidate seeks office, but in no
 36 event shall more than two; and

1 (ii) Two thousand (2,000) signatures be required
2 qualified electors.

3 (d)(1) ~~No votes~~ Votes for a write-in candidate in a nonpartisan
4 judicial election shall not be counted or tabulated unless the candidate or
5 his or her agent gives notice in writing of his or her intention to be a
6 write-in candidate to:

7 (A) ~~the~~ The county board of election commissioners of each
8 county in which the candidate seeks election; and ~~either:~~

9 ~~(1)(A)(B)(i)~~ The Secretary of State, if a candidate for a
10 Supreme Court, Court of Appeals, or a circuit judgeship; or

11 ~~(B)(ii)~~ A county clerk, if a candidate for a
12 district judgeship.

13 (2) The written notice must be given ~~not~~ no later than eighty
14 (80) days before the nonpartisan judicial election or nonpartisan judicial
15 general election.

16 (3) Write-in candidates shall file a political practices pledge
17 at the same time as filing a notice of intention.

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

20 ~~(2) A candidate for district judge shall file with the county~~
21 ~~clerk.~~

22 ~~(f)(e)(1)(A)~~ A candidate for nonpartisan judicial office ~~may~~ shall not
23 use more than three (3) given names, one (1) of which may be a nickname or
24 ~~any other~~ another word used for the purpose of identifying the candidate to
25 the voters.

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

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

33 (C) A nickname shall not include a professional or
34 honorary title.

35 (2) The names and titles ~~as proposed~~ to be used by ~~each~~ a
36 candidate on the political practice pledge shall be reviewed no later than

1 one (1) business day after the filing deadline by:

2 (A) the The Secretary of State for Supreme Court, Court of
3 Appeals, and circuit court positions; and ~~by~~

4 (B) the The county board of election commissioners for
5 district court positions.

6 (3)(A) The name of ~~every~~ each candidate shall be printed on the
7 ballot in the form as certified by either the Secretary of State or the
8 county board of election commissioners.

9 (B) ~~However, the~~ The county board of election
10 commissioners may substitute an abbreviated title if the ballot lacks space
11 for the title requested by a candidate.

12 (C) The county board of election commissioners shall
13 immediately notify a candidate whose requested title is abbreviated by the
14 county board of election commissioners.

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

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