1   State of Arkansas

2   93rd General Assembly

3   Regular Session, 2021   SJR 6

4

5   By: Senator C. Tucker

6   By: Representative Gazaway

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8   # SENATE JOINT RESOLUTION

9   AN AMENDMENT TO THE ARKANSAS CONSTITUTION REQUIRING

10   THE GENERAL ASSEMBLY TO ESTABLISH BY LAW AN ELECTION

11   PROCESS IN WHICH CANDIDATES AT A PRIMARY ELECTION,

12   SPECIAL PRIMARY ELECTION, OR ELECTION FOR NONPARTISAN

13   OFFICE APPEAR ON A SINGLE BALLOT REGARDLESS OF

14   POLITICAL PARTY AFFILIATION AND THE TOP TWO (2)

15   CANDIDATES FOR EACH OFFICE ADVANCE TO THE GENERAL

16   ELECTION OR SPECIAL ELECTION; AND REQUIRING THE

17   GENERAL ASSEMBLY TO ESTABLISH BY LAW A PROCESS BASED

18   ON PARTY AFFILIATION FOR SELECTING DELEGATES TO

19   ATTEND A QUADRENNIAL NATIONAL NOMINATING CONVENTION

20   OF A POLITICAL PARTY TO SELECT A NOMINEE FOR THE

21   OFFICE OF PRESIDENT OF THE UNITED STATES AND A

22   PROCESS FOR CHOOSING AND ELECTING ELECTORS FOR

23   PRESIDENT OF THE UNITED STATES AND VICE PRESIDENT OF

24   THE UNITED STATES.

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26

27   ## Subtitle

28   AN AMENDMENT TO THE ARKANSAS CONSTITUTION

29   REQUIRING THE GENERAL ASSEMBLY TO

30   ESTABLISH BY LAW A REVISED ELECTION

31   PROCESS.

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34   BE IT RESOLVED BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE

35   STATE OF ARKANSAS, AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL

36   MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

1

2   That the following is proposed as an amendment to the Constitution of

3 the State of Arkansas, and upon being submitted to the electors of the state

4 for approval or rejection at the next general election for Representatives

5 and Senators, if a majority of the electors voting thereon at the election

6 adopt the amendment, the amendment shall become a part of the Constitution of

7 the State of Arkansas, to wit:

8

9   SECTION 1. The Arkansas Constitution is amended to add an additional

10 amendment to read as follows:

11   (a) The General Assembly shall enact laws establishing an election

12 process for general elections, special elections, and elections for

13 nonpartisan office in which:

14   (1)(A) The names of all persons who have filed as candidates for

15 a primary election, special primary election, or election for nonpartisan

16 office shall be listed on a single ballot, regardless of political party.

17   (B) The political party affiliation, if any, of each

18 candidate shall appear on the ballot beside the name of each candidate.

19   (C)(i) A candidate who is unaffiliated with a political

20 party shall appear on the primary election ballot or special primary election

21 ballot.

22   (ii) The word "Independent" shall appear on the

23 ballot beside the name of an unaffiliated candidate;

24   (2)(A) The two (2) candidates receiving the greatest number of

25 votes cast for each office at the primary election, special primary election,

26 or election for nonpartisan office shall advance to the general election or

27 special election, regardless of each candidate's political party affiliation,

28 if any.

29   (B) If only one (1) or two (2) persons file as candidates

30 for an office at a primary election, special primary election, or election

31 for nonpartisan office, the candidate or candidates shall automatically

32 advance to the general election or special election.

33   (C) The General Assembly may provide by law that if one

34 (1) candidate receives a specified percentage of the vote for an office at a

35 special primary election, only that one (1) candidate shall advance to the

36 special election; and

1   (3)(A) The candidate receiving the greatest number of votes for

2   the office at the general election or special election shall be declared the

3   winner of the election.

4   (B)(i) If only one (1) candidate for an office will be

5   listed on the general election ballot or special election ballot, the

6   candidate shall be declared elected, his or her name shall not appear on the

7   general election or special election ballot, and the name of the candidate

8   declared elected shall be certified as elected in the same manner as if the

9   candidate had been voted upon at the general election or special election.

10   (ii) The general election or special election shall

11 not be held if no other office or issue is on the general election ballot or

12 special election ballot.

13   (b)(1) The election process under subsection (a) of this section shall

14 apply to all elections for:

15   (A) Federal congressional office;

16   (B) State office;

17   (C) County office;

18   (D) Nonpartisan office, including without limitation

19 judicial office.

20   (2) The election process under subsection (a) of this section

21 does not apply to elections for:

22   (A) Municipal office; and

23   (B) Local office.

24   (c)(1) The election process under subsection (a) of this section shall

25 not apply to primary elections and general elections for President of the

26 United States.

27   (2)(A) The General Assembly shall provide by law for a

28 presidential primary election to select delegates to attend a quadrennial

29 national nominating convention of a political party to select nominees for

30 President of the United States and Vice President of the United States.

31   (B) Voting at the presidential primary election shall be

32 based on party affiliation.

33   (3)(A) The General Assembly shall provide by law for a process

34 to choose and elect electors for President of the United States and Vice

35 President of the United States.

36   (B) The choice and election of electors for President of

1 the United States and Vice President of the United States may appear on the

2 general election ballot.

3   (d) The General Assembly shall enact all laws necessary to implement

4 this amendment, including without limitation laws concerning:

5   (1) The process for filing as a candidate for a primary

6 election, special primary election, and election for nonpartisan office,

7 including without limitation the process for filing as an unaffiliated

8 candidate;

9   (2) Procedures for conducting primary elections, general

10 elections, elections for nonpartisan office, and special elections, including

11 without limitation a process for:

12   (A) Resolving tie votes; and

13   (B) Determining when and if candidate vacancies may be

14 filled at primary elections, general elections, elections for nonpartisan

15 office, and special elections;

16   (3) When primary elections, general elections, elections for

17 nonpartisan office, and special elections shall occur;

18   (4) The process for filing as a candidate at a presidential

19 primary election;

20   (5) The date a presidential primary election shall occur;

21   (6) Procedures for conducting a presidential primary election;

22   (7) The process for electors for President of the United States

23 and Vice President of the United States to file for inclusion on the ballot;

24   (8) When the choice and election of electors for President of

25 the United States and Vice President of the United States shall occur;

26   (9) Procedures for conducting an election to choose and elect

27 electors for President of the United States and Vice President of the United

28 States;

29   (10) The process for filing as a write-in candidate; and

30   (11) Other matters deemed necessary by the General Assembly for

31 the implementation of this amendment.

32

33   SECTION 2. Arkansas Constitution, Article 3, § 13, is repealed.

34 ~~§ 13. Procedures for elections with one candidate.~~

35 ~~(a) As used in this section, "election" means:~~

36 ~~(1) A primary election;~~

1   ~~(2) A special primary election;~~

2   ~~(3) A general election; and~~

3   ~~(4) A special election.~~

4   ~~(b) The General Assembly may enact laws providing that if there is~~

5 ~~only one (1) person qualified as a candidate for an office after all~~

6 ~~deadlines for filing as a candidate have passed so that there will be only~~

7 ~~one (1) name listed on the election ballot for the office and no write-in~~

8 ~~candidates qualify to appear as candidates for the office on the election~~

9 ~~ballot:~~

10   ~~(1) The one (1) candidate for the office shall be declared~~

11 ~~elected and his or her name shall not appear on the election ballot;~~

12   ~~(2) The name of the candidate declared elected shall be~~

13 ~~certified as elected in the same manner as if the candidate had been voted~~

14 ~~upon at the election; and~~

15   ~~(3) The election shall not be held if no other office or issue~~

16 ~~is on the election ballot.~~

17

18   SECTION 3. Arkansas Constitution, Amendment 29, Section 5, is amended

19 to read as follows:

20   § 5. Election to fill — Placing names on ballots.

21   Only the names of candidates for office nominated ~~by an organized~~

22 ~~political party at a convention of delegates, or by a majority of all the~~

23 ~~votes cast for candidates for the office in a primary election, or by~~

24 ~~petition of electors~~ as provided by law~~,~~ shall be placed on the ballots in

25 any election.

26

27   SECTION 4. <u>EFFECTIVE DATE. This amendment is effective on and after</u>

28 <u>January 1, 2023, and shall be applicable to elections occurring on and after</u>

29 <u>January 1, 2024.</u>

30

31   SECTION 5. <u>BALLOT TITLE AND POPULAR NAME. When this proposed</u>

32 <u>amendment is submitted to the electors of this state on the general election</u>

33 <u>ballot:</u>

34   <u>(1) The title of this joint resolution shall be the ballot</u>

35 <u>title; and</u>

36   <u>(2) The popular name shall be "A Constitutional Amendment</u>

1 Requiring the General Assembly to Establish by Law an Election Process in

2 which Candidates at a Primary Election, Special Primary Election, or Election

3 for Nonpartisan Office Appear on a Single Ballot Regardless of Political

4 Party Affiliation and the Top Two (2) Candidates Advance to the General

5 Election or Special Election; and Requiring the General Assembly to Establish

6 by Law a Process Based on Party Affiliation for Selecting Delegates to Attend

7 a Quadrennial National Nominating Convention of a Political Party to Select a

8 Nominee for the Office of President of the United States and a Process for

9 Choosing and Electing Electors for President of the United States and Vice

10 President of the United States".

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