

Stricken language would be deleted from and underlined language would be added to the Arkansas Constitution.

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4
5 By: Senator C. Tucker

SJR 4

SENATE JOINT RESOLUTION

8 AN AMENDMENT TO THE ARKANSAS CONSTITUTION REQUIRING
9 THE GENERAL ASSEMBLY TO ESTABLISH BY LAW A REVISED
10 ELECTION PROCESS; REQUIRING THE GENERAL ASSEMBLY TO
11 ESTABLISH BY LAW AN ELECTION PROCESS IN WHICH
12 CANDIDATES AT A PRIMARY ELECTION, SPECIAL PRIMARY
13 ELECTION, OR ELECTION FOR NONPARTISAN OFFICE APPEAR
14 ON A SINGLE BALLOT REGARDLESS OF POLITICAL PARTY
15 AFFILIATION AND THE TOP TWO (2) CANDIDATES FOR EACH
16 OFFICE ADVANCE TO THE GENERAL ELECTION OR SPECIAL
17 ELECTION; AND REQUIRING THE GENERAL ASSEMBLY TO
18 ESTABLISH BY LAW A PROCESS BASED ON PARTY AFFILIATION
19 FOR SELECTING DELEGATES TO ATTEND A QUADRENNIAL
20 NATIONAL NOMINATING CONVENTION OF A POLITICAL PARTY
21 TO SELECT A NOMINEE FOR THE OFFICE OF PRESIDENT OF
22 THE UNITED STATES AND A PROCESS FOR CHOOSING AND
23 ELECTING ELECTORS FOR PRESIDENT OF THE UNITED STATES
24 AND VICE PRESIDENT OF THE UNITED STATES.

Subtitle

28 AN AMENDMENT TO THE ARKANSAS CONSTITUTION
29 REQUIRING THE GENERAL ASSEMBLY TO
30 ESTABLISH BY LAW A REVISED ELECTION
31 PROCESS.

32
33
34 BE IT RESOLVED BY THE SENATE OF THE NINETY-FOURTH 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 § 1. Election process for general elections, special elections, and
 12 elections for nonpartisan office.

13 (a) The General Assembly shall enact laws establishing an election
 14 process for general elections, special elections, and elections for
 15 nonpartisan office in which:

16 (1)(A) The names of all persons who have filed as candidates for
 17 a primary election, special primary election, or election for nonpartisan
 18 office shall be listed on a single ballot, regardless of political party.

19 (B) The political party affiliation, if any, of each
 20 candidate shall appear on the ballot beside the name of each candidate.

21 (C)(i) A candidate who is unaffiliated with a political
 22 party shall appear on the primary election ballot or special primary election
 23 ballot.

24 (ii) The word "Independent" shall appear on the
 25 ballot beside the name of an unaffiliated candidate;

26 (2)(A) The two (2) candidates receiving the greatest number of
 27 votes cast for each office at the primary election, special primary election,
 28 or election for nonpartisan office shall advance to the general election or
 29 special election, regardless of each candidate's political party affiliation,
 30 if any.

31 (B) If only one (1) or two (2) persons file as candidates
 32 for an office at a primary election, special primary election, or election
 33 for nonpartisan office, the candidate or candidates shall automatically
 34 advance to the general election or special election.

35 (C) The General Assembly may provide by law that if one
 36 (1) candidate receives a specified percentage of the vote for an office at a

1 special primary election, only that one (1) candidate shall advance to the
 2 special election; and

3 (3)(A) The candidate receiving the greatest number of votes for
 4 the office at the general election or special election shall be declared the
 5 winner of the election.

6 (B)(i) If only one (1) candidate for an office will be
 7 listed on the general election ballot or special election ballot, the
 8 candidate shall be declared elected, his or her name shall not appear on the
 9 general election or special election ballot, and the name of the candidate
 10 declared elected shall be certified as elected in the same manner as if the
 11 candidate had been voted upon at the general election or special election.

12 (ii) The general election or special election shall
 13 not be held if no other office or issue is on the general election ballot or
 14 special election ballot.

15 (b)(1) The election process under subsection (a) of this section shall
 16 apply to all elections for:

17 (A) Federal congressional office;

18 (B) State office;

19 (C) County office; and

20 (D) Nonpartisan office, including without limitation
 21 judicial office.

22 (2) The election process under subsection (a) of this section
 23 does not apply to elections for:

24 (A) Municipal office; and

25 (B) Local office.

26 (c)(1) The election process under subsection (a) of this section shall
 27 not apply to primary elections and general elections for President of the
 28 United States.

29 (2)(A) The General Assembly shall provide by law for a
 30 presidential primary election to select delegates to attend a quadrennial
 31 national nominating convention of a political party to select nominees for
 32 President of the United States and Vice President of the United States.

33 (B) Voting at the presidential primary election shall be
 34 based on party affiliation.

35 (3)(A) The General Assembly shall provide by law for a process
 36 to choose and elect electors for President of the United States and Vice

1 President of the United States.

2 (B) The choice and election of electors for President of
 3 the United States and Vice President of the United States may appear on the
 4 general election ballot.

5 (d) The General Assembly shall enact all laws necessary to implement
 6 this amendment, including without limitation laws concerning:

7 (1) The process for filing as a candidate for a primary
 8 election, special primary election, and election for nonpartisan office,
 9 including without limitation the process for filing as an unaffiliated
 10 candidate;

11 (2) Procedures for conducting primary elections, general
 12 elections, elections for nonpartisan office, and special elections, including
 13 without limitation a process for:

14 (A) Resolving tie votes; and

15 (B) Determining when and if candidate vacancies may be
 16 filled at primary elections, general elections, elections for nonpartisan
 17 office, and special elections;

18 (3) When primary elections, general elections, elections for
 19 nonpartisan office, and special elections shall occur;

20 (4) The process for filing as a candidate at a presidential
 21 primary election;

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

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

24 (7) The process for electors for President of the United States
 25 and Vice President of the United States to file for inclusion on the ballot;

26 (8) When the choice and election of electors for President of
 27 the United States and Vice President of the United States shall occur;

28 (9) Procedures for conducting an election to choose and elect
 29 electors for President of the United States and Vice President of the United
 30 States;

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

32 (11) Other matters deemed necessary by the General Assembly for
 33 the implementation of this amendment.

34
 35 SECTION 2. Arkansas Constitution, Article 3, § 13, is repealed.

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

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

- 2 ~~(1) A primary election;~~
- 3 ~~(2) A special primary election;~~
- 4 ~~(3) A general election; and~~
- 5 ~~(4) A special election.~~

6 ~~(b) The General Assembly may enact laws providing that if there is~~
 7 ~~only one (1) person qualified as a candidate for an office after all~~
 8 ~~deadlines for filing as a candidate have passed so that there will be only~~
 9 ~~one (1) name listed on the election ballot for the office and no write-in~~
 10 ~~candidates qualify to appear as candidates for the office on the election~~
 11 ~~ballot.~~

12 ~~(1) The one (1) candidate for the office shall be declared~~
 13 ~~elected and his or her name shall not appear on the election ballot;~~

14 ~~(2) The name of the candidate declared elected shall be~~
 15 ~~certified as elected in the same manner as if the candidate had been voted~~
 16 ~~upon at the election; and~~

17 ~~(3) The election shall not be held if no other office or issue~~
 18 ~~is on the election ballot.~~

19
 20 SECTION 3. Arkansas Constitution, Amendment 29, Section 5, is amended
 21 to read as follows:

22 § 5. Election to fill – Placing names on ballots.

23 Only the names of candidates for office nominated ~~by an organized~~
 24 ~~political party at a convention of delegates, or by a majority of all the~~
 25 ~~votes cast for candidates for the office in a primary election, or by~~
 26 ~~petition of electors~~ as provided by law, shall be placed on the ballots in
 27 any election.
 28

29 SECTION 4. EFFECTIVE DATE. This amendment is effective on and after
 30 January 1, 2025, and shall be applicable to elections occurring on and after
 31 January 1, 2026.

32
 33 SECTION 5. BALLOT TITLE AND POPULAR NAME. When this proposed
 34 amendment is submitted to the electors of this state on the general election
 35 ballot:

- 36 (1) The title of this joint resolution shall be the ballot

1 title; and

2 (2) The popular name shall be "A Constitutional Amendment
3 Requiring the General Assembly to Establish by Law a Revised Election
4 Process; Requiring the General Assembly to Establish by Law an Election
5 Process in which Candidates at a Primary Election, Special Primary Election,
6 or Election for Nonpartisan Office Appear on a Single Ballot Regardless of
7 Political Party Affiliation and the Top Two (2) Candidates Advance to the
8 General Election or Special Election; and Requiring the General Assembly to
9 Establish by Law a Process Based on Party Affiliation for Selecting Delegates
10 to Attend a Quadrennial National Nominating Convention of a Political Party
11 to Select a Nominee for the Office of President of the United States and a
12 Process for Choosing and Electing Electors for President of the United States
13 and Vice President of the United States".

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