

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

# 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 TO AMEND ARKANSAS LAW CONCERNING  
14 DEADLINES APPLICABLE TO CERTAIN  
15 ELECTIONS.  
16  
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.

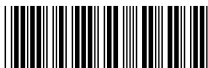
23 (a)(1) All candidate filings pursuant to this subchapter shall be with  
24 the county clerk of the county in which the school district is domiciled for  
25 administrative purposes.

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) days before the annual school election.

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

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

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

27 (2) An affidavit of eligibility; and

28 (3) The political practices pledge.

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

35 (i)(1) On the day after the deadline for candidates to file for a  
36 position on the board of directors by petition, the county clerk shall

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

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

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

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

19

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

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

29

30 "State of Arkansas

31 County of . . . . .

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

1 ballot as a candidate for such position at the coming general or annual  
2 school election.

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

9 SECTION 3. Arkansas Code § 7-5-203 is amended to read as follows:  
10 7-5-203. Certification of candidate lists.

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

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

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

23 (B) Dies.

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

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

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

36 (B) Dies.

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

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

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

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

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

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

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

27  
28 SECTION 5. Arkansas Code § 7-5-207 is amended to read as follows:

29 7-5-207. Ballots – Names included – Draw for ballot position.

30 (a)(1) Except as provided in subdivisions (a)(2) and (3) of this  
31 section, all election ballots provided by the county board of election  
32 commissioners of any county in this state for any election shall contain in  
33 the proper place the name of every candidate whose nomination for any office  
34 to be filled at that election has been certified to the county board and  
35 shall not contain the name of any candidate or person who has not been  
36 certified.

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

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

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

13                   (ii) The phrase "Unopposed Candidates" shall appear  
14 at the top of the list of the names of all unopposed candidates.

15                   (iii) Adjacent to the phrase "Unopposed Candidates"  
16 shall be a place in which the voter may cast a vote for all the candidates by  
17 placing an appropriate mark.

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

21           (b) No person's name shall be placed upon the ballot as a candidate  
22 for any public office in this state at any election unless the person is  
23 qualified and eligible at the time of filing, or as otherwise may be provided  
24 by law, as a candidate for the office to hold the public office for which he  
25 or she is a candidate, except if a person is not qualified to hold the office  
26 at the time of filing because of age alone, the name of the person shall be  
27 placed on the ballot as a candidate for the office if the person will qualify  
28 to hold the office at the time prescribed by law for taking office.

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

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

36           (3) For runoff elections, the ballot order for eligible

1 candidates shall be the same as for the previous election leading to the  
2 runoff.

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

5 (A) His or her party designation; or

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

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

9 (A) Nonpartisan judicial election; or

10 (B) Nonpartisan municipal election.

11

12 SECTION 6. Arkansas Code § 7-5-407(a), concerning the preparation and  
13 delivery of ballots, is amended to read as follows:

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

20 (2) Upon the receipt of the absentee ballots, the county clerk  
21 shall begin delivering ballots to absentee voters as soon as practicable.

22

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

25 (g)(1) If the party's nominee is not selected in time to file  
26 his or her certificate of nomination with the appropriate party authority at  
27 least ~~sixty-six (66)~~ seventy-six (76) days before the general election, the  
28 nominee's name shall not appear on the general election ballot but the name  
29 of the person who vacated the nomination shall appear on the ballot, and  
30 votes cast for the name of the person appearing on the ballot shall be  
31 counted for the nominee but only if the certificate of nomination is duly  
32 filed at least ~~thirty-five (35)~~ forty-seven (47) days before the general  
33 election.

34

35 SECTION 8. Arkansas Code § 7-7-203 is amended to read as follows:

36 7-7-203. Dates.

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

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

5 (c)(1) The party filing period shall be a one-week period ending at  
6 12:00 noon on the ninety-first day before the preferential primary election.

7 ~~(1)(2) Party pledges, if any, and affidavits of eligibility~~  
8 ~~shall be filed, and any filing fees of a political party, if any, shall be~~  
9 ~~paid, and party certificates shall be issued by the party during regular~~  
10 ~~office hours during the party filing period in the period beginning at 12:00~~  
11 ~~noon on the first weekday in March and ending at 12:00 noon on the seventh~~  
12 ~~day thereafter before the preferential primary election.~~

13 ~~(2)(3) A party certificate and the political practice practices~~  
14 ~~pledge for primary elections shall be filed with the county clerk or the~~  
15 ~~Secretary of State, as the case may be, during regular office hours during~~  
16 ~~the party filing period in the period beginning at 12:00 noon on the first~~  
17 ~~weekday in March and ending at 12:00 noon on the seventh day thereafter~~  
18 ~~before the preferential primary election.~~

19 ~~(3)(4) The name of a candidate who fails to file a party~~  
20 ~~certificate and political practices pledge by the filing deadline with the~~  
21 ~~Secretary of State or county clerk, as the case may be, shall not appear on~~  
22 ~~the ballot.~~

23 ~~(4)(5) Party pledges, if any, shall be filed, filing fees, if~~  
24 ~~any, shall be paid, and party certificates and political practice pledges~~  
25 ~~shall be filed for special primary elections on or before the deadline~~  
26 ~~established by proclamation of the Governor or other entity authorized to~~  
27 ~~call a special primary election.~~

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

33 (2) At least ~~seventy (70)~~ seventy-five (75) days before the  
34 preferential primary election, the county clerk shall certify to the county  
35 committees and to the county board of election commissioners a list of the  
36 names of all candidates who have filed party certificates with the county



1 clerk within the time required by law.

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

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

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

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

15 (2) At the same time, the county board of election commissioners  
16 shall certify to the Secretary of State and the secretary of the state  
17 committee the results of the contests for all United States, state, and  
18 district offices. Immediately after ascertaining the results for all United  
19 States, state, and district offices, the Secretary of State shall certify to  
20 the state committee a list of all nominated candidates for the offices.

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

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

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

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

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

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

17  
 18           SECTION 9. Arkansas Code § 7-7-304 is amended to read as follows:

19           7-7-304. Names to be included on ballots – Withdrawal – Unopposed  
 20 candidates – ~~Position~~ Designation of position – Necessity of general primary.

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

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

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

33           (B) Dies.

34           (b)(1) Not less than ~~seventy (70)~~ seventy-five (75) days before each  
 35 preferential primary election, the county clerk shall certify to the county  
 36 board full lists of the names of all candidates who have filed party

1 certificates with him or her to be placed on the ballot at the preferential  
2 primary election.

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

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

9 (B) Dies.

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

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

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

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

20 (d) When only one (1) candidate qualifies for a particular office or  
21 position, the office or position and the name of the unopposed candidate  
22 shall be printed on the political party's ballot in all primary elections.

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

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

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

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

6  
7           SECTION 10. Arkansas Code § 7-7-305 is amended to read as follows:

8           7-7-305. Printing of ballots – Form – Draw for ballot position.

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

14           (b) The order in which the names of the respective candidates are to  
15 appear on the ballots at all preferential and general primary elections shall  
16 be determined by lot at the public meeting of the county board of election  
17 commissioners held not later than ~~sixty-five (65)~~ seventy-two (72) days  
18 before the preferential primary election. The county board shall give at  
19 least ten (10) days' written notice of the time and place of the meeting to  
20 the chairs of the county committees, if the chairs are not members of the  
21 board, and shall, at least three (3) days before the meeting, publish notice  
22 of the time and place of holding the meeting in some newspaper of general  
23 circulation in the county.

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

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

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

34           (2) The names and titles as proposed to be used by each  
35 candidate on the political practice pledge or, if the political practice  
36 pledge is not filed by the filing deadline, then the names and titles that

1 appear on the party certificate shall be reviewed no later than one (1)  
2 business day after the filing deadline by the Secretary of State for state  
3 and district offices and by the county board of election commissioners for  
4 county, township, school, and municipal offices.

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

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

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

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

17  
18 SECTION 11. Arkansas Code § 7-8-302(5)(D), concerning the submission  
19 of presidential candidates by qualified political groups, is amended to read  
20 as follows:

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

27  
28 SECTION 12. Arkansas Code § 7-9-304(c), concerning nominating  
29 petitions for delegates to a constitutional convention, is amended to read as  
30 follows:

31 (c) The petitions shall be filed with the Secretary of State not less  
32 than ~~seventy (70)~~ eighty (80) days before the next general election, and the  
33 Secretary of State shall certify the names of all candidates and the position  
34 that each is seeking to the county board of election commissioners of the  
35 counties in the respective House districts not later than ~~seventy (70)~~  
36 seventy-five (75) days prior to the date of the election. A candidate must

1 designate the position he or she is seeking at the time he or she files his  
 2 or her nominating petition with the Secretary of State, and after having  
 3 designated a position, the candidate is prohibited from changing to a  
 4 different position.

5  
 6 SECTION 13. Arkansas Code § 7-10-103 is amended to read as follows:

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

8 (a) A candidate for a nonpartisan judicial office may pay a filing fee  
 9 as provided for in this chapter, file a petition in the manner provided for  
 10 in this chapter, or file as a write-in candidate in the manner as provided  
 11 for in this chapter.

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

14 (2)(A) The filing fee for the offices of Justice of the Supreme  
 15 Court, Judge of the Court of Appeals, and circuit judge shall be paid to the  
 16 Secretary of State at the same time that the candidate files his or her  
 17 political practices pledge. A candidate for district judge shall pay the  
 18 filing fee to the county clerk at the same time that the candidate files his  
 19 or her political practices pledge.

20 (B) The period for paying filing fees and filing political  
 21 practice pledges shall ~~begin at 12:00 noon on the first weekday in March and~~  
 22 ~~end at 12:00 noon on the seventh day thereafter~~ be the same as the party  
 23 filing period under § 7-7-203.

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

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

30 (c)(1)(A)(i) Any person desiring to have his or her name placed on the  
 31 ballot for a nonpartisan judicial office without paying a filing fee may do  
 32 so by filing a petition in the manner provided for under this section.  
 33 Petitions for Supreme Court, Court of Appeals, and circuit court positions  
 34 shall be filed with the Secretary of State, and petitions for district court  
 35 positions shall be filed with the applicable county clerk beginning at 12:00  
 36 noon forty-six (46) days before the first ~~weekday in March~~ day of the party

1 filing period under § 7-7-203 and ending at 12:00 noon thirty-two (32) days  
2 before the first ~~weekday in March~~ day of the party filing period under § 7-7-  
3 203.

4 (ii) Political practice pledges for nonpartisan  
5 judicial candidates filing by petition shall be filed at the same time as the  
6 petition.

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

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

19 (D) Qualified electors signing the petitions must be  
20 registered voters in the geographic area applicable to the position at the  
21 time they sign the petition. Each qualified elector shall provide his or her  
22 printed name, signature, address, date of birth, and date of signing on the  
23 petition.

24 (E) In determining the number of qualified electors in the  
25 state or in any court of appeals district, circuit court circuit, or district  
26 court district, the total number of all votes cast therein for Governor in  
27 the immediately preceding general gubernatorial election shall be conclusive  
28 of the number of all qualified electors therein for purposes of this section.

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

33 (B) Candidates by petition for the Court of Appeals shall  
34 file petitions signed by three percent (3%) of the qualified electors  
35 residing within the court of appeals district for which the candidate seeks  
36 office, but in no event shall more than two thousand (2,000) signatures be

1 required.

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

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

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

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

16 (B) A county clerk, if a candidate for a district  
17 judgeship.

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

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

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

24 (2) A candidate for district judge shall file with the county  
25 clerk.

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

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

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

36 (C) A nickname shall not include a professional or



1 honorary title.

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

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

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

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

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

19

20 SECTION 14. Arkansas Code § 7-11-105(e), concerning special elections  
21 to fill vacancies in office, is amended to read as follows:

22 (e)(1) A special election to fill a vacancy in office shall be held  
23 not less than ~~sixty-five (65)~~ seventy (70) days following the date  
24 established in the proclamation, ordinance, resolution, order, or other  
25 authorized document for drawing for ballot position when the special election  
26 is to be held on the date of the preferential primary election or general  
27 election.

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

33

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

36 (b)(1) A special election shall be held not less than ~~sixty-five (65)~~

1 seventy (70) days following the date that the proclamation, ordinance,  
2 resolution, order, or other authorized document is filed with the county  
3 clerk when the special election is to be held on the date of the preferential  
4 primary election or general election.

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

10  
11 SECTION 16. Arkansas Code § 14-42-119(b)(1)(B), concerning the removal  
12 of certain elected municipal officials, is amended to read as follows:

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

17  
18 SECTION 17. Arkansas Code § 14-42-206(b)(1), concerning nominating  
19 petitions for municipal elections, is amended to read as follows:

20 (b)(1) Any person desiring to become an independent candidate for  
21 municipal office in cities and towns with the mayor-council form of  
22 government shall file not more than ~~ninety (90)~~ one hundred (100) nor less  
23 than ~~seventy (70)~~ eighty (80) days prior to the general election by 12:00  
24 noon with the county clerk the petition of nomination in substantially the  
25 following forms:

26  
27 SECTION 18. Arkansas Code § 14-47-110(a), concerning elections for  
28 directors in the city manager form of government, is amended to read as  
29 follows:

30 (a) Candidates for the office of director shall be nominated and  
31 elected as follows:

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

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

36 (B)(i) A special election to fill any vacancy under § 14-

1 47-113 shall be called through a resolution of the board of directors.

2 (ii) A proclamation announcing the holding of the  
3 election shall be signed by the mayor and published in accordance with § 7-  
4 11-101 et seq.;

5 (2) The petition mentioned in subdivision (a)(3) of this section  
6 supporting the candidacy of each candidate to be voted upon at any general or  
7 special election shall be filed with the city clerk or recorder not more than  
8 ~~ninety (90)~~ one hundred (100) days nor fewer than ~~seventy (70)~~ eighty (80)  
9 days before the election by 12:00 noon;

10 (3)(A)(i) In respect to both special and general elections, the  
11 name of each candidate shall be supported by a petition, signed by at least  
12 fifty (50) qualified electors of the municipality, requesting the candidacy  
13 of the candidate.

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

18 (B) Each petition shall be substantially in the following  
19 form:

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

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

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

36 (ii)(a) Whether the names of the candidates so

1 certified to the county board of election commissioners are to be submitted  
2 at a biennial general election or at a special election held on a different  
3 date, the election board shall have general supervision over the holding of  
4 each municipal election.

5 (b) In this connection, the board shall post  
6 the nominations, print the ballots, establish the voting precincts, appoint  
7 the election judges and clerks, determine and certify the result of the  
8 election, and determine the election expense chargeable to the city, all in  
9 the manner prescribed by law in respect to general elections. It is the  
10 intention of this chapter that the general election machinery of this state  
11 shall be utilized in the holding of all general and special elections  
12 authorized under this chapter.

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

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

19  
20 SECTION 19. NOT TO BE CODIFIED. This act becomes effective on October  
21 2, 2011.

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