

Stricken language would be deleted from and underlined language would be added to present law.
Act 1286 of the Regular Session

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: H3/26/13 S4/5/13
A Bill

HOUSE BILL 2065

By: Representative Lea

For An Act To Be Entitled

AN ACT TO REVISE THE PROCEDURES FOR FILING FOR OFFICE
BY A NONPARTISAN JUDICIAL CANDIDATE; AND FOR OTHER
PURPOSES.

Subtitle

TO REVISE THE PROCEDURES FOR FILING FOR
OFFICE BY A NONPARTISAN JUDICIAL
CANDIDATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 7-10-103 is amended to read as follows:

7-10-103. Filing as a candidate – Judicial Filing Fee Fund.

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

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

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

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



begin at 3:00 p.m. on the first day of the party filing period under § 7-7-203 and shall end at 3:00 p.m. on the last day of the party filing period under § 7-7-203.

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

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

(c)(1)(A)(i) Any person desiring to have his or her name placed on the ballot for a nonpartisan judicial office without paying a filing fee may do so by filing a petition in the manner provided for under this section. Petitions for Supreme Court, Court of Appeals, ~~and~~ circuit court, and district court positions shall be filed with the Secretary of State, ~~and petitions for district court positions shall be filed with the applicable county clerk~~ beginning at 12:00 noon ~~forty-six (46)~~ fifty-three (53) days before the first day of the party filing period under § 7-7-203 and ending at 12:00 noon ~~thirty-two (32)~~ forty-six (46) days before the first day of the party filing period under § 7-7-203.

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

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

(C) The Secretary of State ~~or the county clerk, as the case may be,~~ shall determine within ~~thirty (30)~~ forty-five (45) days whether the petition contains the names of a sufficient number of qualified electors. The Secretary of State or county clerk shall verify the sufficiency of the petitions within ~~thirty (30)~~ forty-five (45) days of filing. The sufficiency of any petition filed under the provisions of this section may be challenged in the same manner as provided by law for election contests, § 7-5-801 et seq.

(D) Qualified electors signing the petitions must be

registered voters in the geographic area applicable to the position at the time they sign the petition. Each qualified elector shall provide his or her printed name, signature, address, date of birth, and date of signing on the *petition*.

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

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

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

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

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

(d) No votes for a write-in candidate in a nonpartisan judicial election shall be counted or tabulated unless the candidate or his or her agent gives notice in writing of his or her intention to be a write-in candidate to ~~the~~ all county board boards of election commissioners in the judicial district and ~~either~~—

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

~~(B) A county clerk, if a candidate for a district judgeship~~ the Secretary of State.

~~(2)~~(1) The written notice must be given not later than eighty

(80) days before the nonpartisan judicial election.

~~(3)~~(2) Write-in candidates shall file a political practices pledge at the same time as filing a notice of intention.

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

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

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

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

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

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

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

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

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

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

(4) A candidate shall not be permitted to change the form in which his or her name will be printed on the ballot after the deadline for

filing the political practices pledge.

/s/Lea

APPROVED: 04/16/2013