

SENATE AMENDMENT 1 TO SB382.

deleting the title and substituting the following:

"AN ACT TO PROVIDE FOR THE NONPARTISAN ELECTION OF CERTAIN JUDICIAL OFFICES; TO AMEND VARIOUS SECTIONS OF ARKANSAS CODE TITLE 7 AND ARKANSAS CODE 14-42-206 TO CONFORM WITH THIS ACT; AND FOR OTHER PURPOSES."

AND

by deleting the subtitle and substituting the following:

"AN ACT CONCERNING NONPARTISAN JUDICIAL ELECTIONS."

AND

by deleting Section 1 and substituting the following:

"SECTION 1. Definitions.

For the purposes of this act, "nonpartisan judicial office" means the offices of Supreme Court Justice, judge of the Court of Appeals, circuit judge, chancery judge, circuit-chancery judge and municipal judge.

SECTION 2. Nonpartisan election of judges and justices.

(a) The offices of Supreme Court Justice, judge of the Court of Appeals, circuit judge, chancery judge, circuit-chancery judge and municipal judge are declared to be nonpartisan offices and candidates for those offices are declared to be independent candidates.

(b) (1) The period for filing as a candidate for a nonpartisan judicial office shall be the same as for filing political practice pledges in a preferential primary election under Arkansas Code 7-7-203. The candidate may pay a filing fee as provided for in this act, file a petition in the manner provided by Arkansas Code 7-7-103, or file as a write-in candidate pursuant to Arkansas Code 7-5-205. The filing period prescribed by this subsection shall apply regardless of whether the person pays the filing fee, files a petition, or files as a write-in candidate.

(2) A candidate for Supreme Court Justice or judge of the Court of Appeals shall file with the Secretary of State. A candidate for circuit judge, chancery judge, or circuit-chancery judge shall file with the county clerk of each county in which he or she is a candidate and shall file his or her political practice pledge with the Secretary of State. A candidate for municipal judge shall file with the county clerk.

(3) Arkansas Code 7-7-203, concerning independent candidates, shall not apply

to nonpartisan judicial offices except to the extent authorized by this section.

(c) The election for nonpartisan judicial offices shall be held at the same time as provided by law for preferential primary elections. However, the election is not a primary election.

(d) No person shall be elected to a nonpartisan judicial office without receiving a majority of the votes cast at the election for the office. In any election where no person receives a majority of the votes cast, the two (2) candidates receiving the highest and next highest number of votes shall be certified to a runoff election which shall be held at the same time as the November general election.

SECTION 3. Conduct of Election by County Board of Election Commissioners.

The names of candidates for nonpartisan judicial offices shall be placed on the ballots of the political parties but shall be designated as "nonpartisan judicial candidates." The county board of election commissioners shall provide a separate ballot for nonpartisan judicial offices for individuals who do not wish to participate in a party primary.

SECTION 4. Filing Fees.

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

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

(c) The filing fees shall be remitted to the State Treasurer for deposit as general revenues.

SECTION 5. Political Party Endorsement Prohibited.

(a) No candidate for a nonpartisan judicial office shall seek the endorsement of a political party. Nor shall the candidate hold himself or herself out as having been endorsed by a political party.

(b) The Judicial Discipline and Disability Commission shall have authority to investigate violations of this section.

SECTION 6. Arkansas Code 7-5-205 is amended to read as follows:

7-5-205. Write-in candidates votes - When counted.

No votes for write-in candidates in general elections shall be counted or tabulated unless the candidate or his agent shall notify in writing the county board of election commissioners and either the Secretary of State if a state or district candidate, or a

county clerk if a candidate for a county township or municipal office, of his intention to be a write-in candidate not later than sixty (60) days before the opening of the polls; except that, a candidate for a nonpartisan judicial office shall file his or her intent to be a write-in candidate not later than the deadline for filing a political practice pledge under § 7-7-203.

SECTION 7. Arkansas Code 7-5-704 is amended to add an additional subsection to read as follows:

(c) Subsection (b) of this section shall not apply to the offices of Justice of the Supreme Court, judge of the Court of Appeals, circuit judge, chancery judge, circuit-chancery judge, and municipal judge.

SECTION 8. Arkansas Code 7-7-306 is amended to read as follows:

7-7-306. Partisan ballots only.

At each primary election each county board of election commissioners shall furnish separate ballots ~~for each political party~~ containing only the names of persons seeking offices to be voted upon as a nominee or candidate of that political party. This section shall not prohibit the names of candidates for a nonpartisan judicial office from appearing on a primary election ballot.

SECTION 9. Arkansas Code 7-7-401 (e) is amended to read as follows:

(e) Nomination as an independent candidate for Supreme Court Justice, judge of the Court of Appeals, circuit judge, chancery judge, circuit-chancery judge, or municipal judge shall be deemed certified upon the candidate filing for office. For any other office, nomination ~~Nomination~~ as an independent candidate without political party affiliation for election to any office shall be certified by petition of electors in the manner provided in § 7-7-103.

SECTION 10. Arkansas Code 14-42-206 is amended to add a new subsection to read as follows:

(f) This section shall not be construed to allow a party primary for the office of municipal judge. Nor shall this section be construed to require a candidate for municipal judge to file a petition of nomination. "

AND

by appropriately renumbering subsequent sections of the bill.