

State of Arkansas

76th General Assembly

Regular Session, 1987

SENATE BILL4

By: Senator Benham

As engrossed 1-28-87

As engrossed 2-27-87

"AN ACT TO REQUIRE EACH POLITICAL PARTY SELECTING DELEGATES TO A NATIONAL NOMINATING CONVENTION FOR SELECTING A PARTY NOMINEE FOR OFFICE OF PRESIDENT OF THE UNITED STATES TO HOLD A PREFERENTIAL PRESIDENTIAL PRIMARY ELECTION ON THE SECOND TUESDAY IN MARCH IN EACH PRESIDENTIAL ELECTION YEAR AND TO APPORTION THE ARKANSAS DELEGATES TO THE CONVENTION ON THE BASIS OF SUCH ELECTION; TO AMEND ACT 465 OF 1969, AS AMENDED; TO REPEAL ACT 566 OF 1985; AND FOR OTHER PURPOSES."

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

SECTION 1. For purposes of a preferential presidential primary election, "political party" shall mean any group of voters which, at the last preceding general election, polled for its candidate for Governor in the State or nominees for Presidential Electors at least three percent (3%) of the entire vote cast for such office; or which files with the Secretary of State a petition signed by qualified electors equal in number to at least three percent (3%) of the total vote cast for the office of Governor or nominees for Presidential Electors, at the last preceding election, declaring their intention of organizing a political party the name of which shall be stated in the declaration, and of participating in the next general election. The petition shall be filed with the Secretary of State not later than twelve o'clock (12:00) noon on the second Tuesday in November in the year preceding the preferential presidential primary election for the general election in which the political party filing such petition desires to participate.

SECTION 2. Each political party in the state desiring to select delegates to attend a quadrennial national nominating convention of the party to select a nominee for the office of President of the United States shall hold a

preferential presidential primary election in the State on the second Tuesday in March in each presidential election year.

SECTION 3. The expense of conducting a preferential presidential primary election shall be borne by the political party; provided, public funds appropriated by the county quorum courts, the State General Assembly, or the federal government, for use in conducting such elections may be accepted and applied to payment of such expense.

SECTION 4. (a) The official list of presidential candidates for each political party shall include the name of each candidate seeking nomination of the political party for the office of President of the United States who has qualified by meeting the requirements of the political party on whose ballot the candidate wishes to appear. The order in which the names of the candidates shall appear on the ballot shall be determined by lot at an open public meeting of the State Executive Committee to be held no later than the first Tuesday in January prior to the preferential presidential primary election. Each political party shall file with the Secretary of State no later than the first Tuesday in January prior to the preferential presidential primary election, a written statement of those candidates' names who have qualified to appear on their ballot and the order in which the names shall appear.

(b) Any person may have his name stricken from the preferential presidential primary ballot by, on or before 5:00 p.m. on the Friday before the second Tuesday in January prior to the election, filing with the Secretary of State a written statement, sworn to before an officer authorized by law to administer oaths, requesting that his name not be printed on the official primary ballot. Thereafter, the Secretary of State may strike the name of that person from the official list and adjust the remaining names on the ballot so that the order is maintained absent the stricken name.

(c) If a political party fails to submit a written statement of candidates who have qualified to be listed on its ballot, then no preferential presidential primary shall be held for that political party.

SECTION 5. The certified list containing the names of each candidate whose name shall appear on the preferential presidential primary ballot of

each political party and the order in which the names shall appear on the ballot shall be published and transmitted to each county clerk by the Secretary of State not later than twelve o'clock (12:00) noon on the second Tuesday in January prior to the preferential presidential primary election.

SECTION 6. Each county clerk shall cause the names of candidates certified by the Secretary of State to appear on the preferential presidential primary ballot of each party in the order listed along with a listing for an uncommitted vote. The ballot shall be prepared substantially in the following form, to instruct electors in casting their votes:

"The following persons are seeking nomination by the \_\_\_\_\_ Party for the office of President of the United States. Indicate the vote of your preference by voting for either (a) one of the candidates listed below, or, (b) 'uncommitted.' (Cast only one vote since casting more than one vote will invalidate your ballot.)"

The names of the candidates for nomination and provisions for voting "uncommitted" shall be listed on the ballot immediately after the above explanation or instructions, substantially as follows:

[ ] (Name of Candidate)  
 [ ] (Name of Candidate)  
 [ ] (Name of Candidate) etc.  
 [ ] 'Uncommitted'."

SECTION 7. The votes cast for the various candidates for nomination and "uncommitted" at the preferential presidential primary election shall be counted by the county committee and certified to the Secretary of State not later than the second Monday following the preferential presidential primary election. The Secretary of State shall notify the State Executive Committee of each of the political parties for whom a candidate was listed, of the number of votes and the proportion of the total number of votes recorded in that political party's primary that each candidate received.

SECTION 8. The State Executive Committee shall then apportion the delegates to be selected by such political party to represent the party at its national convention in the proportion that the votes cast for each of said candidates or "uncommitted" bears to the total votes cast for all such can-

didates or "uncommitted" at such election, rounded to the closest whole number.

SECTION 9. Each political party holding a preferential presidential primary election in the State shall adopt rules for the selection of delegates and alternate delegates to the quadrennial national nominating convention of the party.

SECTION 10. (a) Each national convention delegate and alternate shall, on the first ballot, cast their votes for the candidates or "uncommitted" as determined by the primary election. Provided, however, that in the event of the death or withdrawal of a candidate receiving votes under this section prior to the tabulation of the first ballot, any delegate votes allocated to such candidate shall be considered uncommitted. Withdrawal shall mean notice in writing by the candidate to the chairman of the Arkansas delegation prior to the first ballot. Each national convention delegate or alternate is not bound to vote for the candidate or "uncommitted" as determined by the primary election after the first ballot.

(b) Each delegate and alternate, within ten days after accepting appointment or election as a delegate or alternate, shall file with the Secretary of State his sworn pledge that he will abide by the provisions of this Act.

(c) If any person serving as a national convention delegate shall fail or refuse to vote for the candidate to which they are pledged on the first ballot, unless such persons are released therefrom in the manner set forth herein, such person shall be subject to such penalties as may be provided by the rules of the political party.

SECTION 11. All election laws not in conflict with the provisions of this Act shall be applicable to the conduct of the preferential presidential primary elections.

SECTION 12. Subsection (a) of Section 1 of Article 1 of Act 465 of 1969, the same being Arkansas Statutes 3-101(a), is hereby amended to read as follows:

"(a) 'Political Party' shall mean any group of voters which, at the last preceding general election, polled for its candidate for Governor in the State

or nominees for Presidential Electors at least three percent (3%) of the entire vote cast for such office; or which files with the Secretary of State a petition signed by qualified electors equal in number to at least three percent (3%) of the total vote cast for the office of Governor or nominees for Presidential Electors at the last preceding election, declaring their intention of organizing a political party the name of which shall be stated in the declaration, and of participating in the next succeeding general election. Except in preferential presidential primary elections, said petition shall be filed with the Secretary of State not later than twelve o'clock (12:00) noon of the first Tuesday in May before the preferential primary election for the general election in which the political party filing such petition desires to participate. No such group of electors shall assume a name or designation which is similar, in the opinion of the Secretary of State, to that of an existing political party as to confuse or mislead the voters at an election. When any political party fails to obtain three percent (3%) of the total votes cast at an election for the office of Governor or nominees for Presidential Electors, it shall cease to be a political party."

SECTION 13. Subsection (a) of Section 13 of Article 1 of Act 465 of 1969, the same being Arkansas Statutes 3-113(a), is hereby amended to read as follows:

"(a) Party pledges, if any, and political practices pledges for primary elections shall be filed, and ballot fees shall be paid during regular office hours in the period beginning at twelve o'clock (12:00) noon on the third Tuesday in March and ending at twelve o'clock (12:00) noon on the fourteenth day thereafter, before the preferential primary election. Party pledges, if any, and political practice pledges shall be filed, and ballot fees for special primary elections shall be paid on or before the deadline established by proclamation of the Governor. Provided, pledges and ballot fees for a new Political Party shall be filed and paid as provided in subsection (1) of Section 13 of Article 1 of Act 465 of 1969, as amended. However, this section does not apply to preferential presidential primary candidates."

SECTION 14. Subsection (1) of Section 13 of Article 1 of Act 465 of 1969, the same being Arkansas Statutes 3-113(1), is hereby amended to read as follows:

"(1) Any group of voters desiring to file a petition with the Secretary of State signed by qualified electors equal in number to at least three percent (3%) of the total vote cast for the office of Governor or nominees for Presidential Electors, at the last preceding election, so as to establish a Political Party shall file said petition not later than twelve o'clock (12:00) noon on the first Tuesday in May before the preferential primary election. All petitions must be circulated during the period beginning January 1 and ending the first Tuesday in May of any year. However, this section does not apply to preferential presidential primary elections."

SECTION 15. The regular political party primary elections to be held during the year 1988 shall be held on the dates provided in this Section of this Act, and all political party primary elections other than preferential presidential primary elections to be held in the years subsequent to 1988, shall be held on the same dates and in the same manner as now provided by law.

(a) The preferential primary election to be held by political parties in 1988 shall be held on March 8, 1988, and the general primary election (commonly referred to as the "run-off" primary election) shall be held on March 22, 1988.

(b) Party pledges, if any, and political practice pledges for primary elections to be held in 1988 shall be filed, and ballot fees shall be paid, during regular office hours in the period beginning at twelve (12:00) o'clock noon on December 22, 1987 and ending at twelve (12:00) o'clock noon on January 5, 1988.

(c) Any group of voters desiring to file a petition with the Secretary of State in the manner as provided in subsection (1) of Section 13 of Article 1 of Act 465 of 1969, as amended (Ark. Stat. 3-113(1)), shall file said petition, for the 1988 primary elections only, not later than twelve (12:00) o'clock noon on the second Tuesday in November, 1987.

(d) All other laws of this State prescribing deadlines to be met in connection with political party primary elections which are not otherwise specifically provided for within this Section, shall be applied within the same time frame with respect to the dates prescribed in this Section for the holding of the 1988 political party primary elections as the same are to be applied in connection with the time frame established for the conduct of political party primary elections in this State when held under the provisions of

laws in effect at the time of the passage of this Act.

(e) Political party primary elections to be held in 1990 and thereafter shall be held on the dates and in accordance with the provisions of the primary election laws of this State in effect on the date of the passage of this Act, or as amended by law.

Preferential presidential primary elections to be held in 1988 and thereafter shall be held on the dates, and in accordance with, the provisions provided in Sections 1 through 15 of this Act.

SECTION 16. Act 566 of 1985, the same being Arkansas Statutes 3-205.13 through 3-205.16, and all laws and parts of laws in conflict with this Act are hereby repealed.

/s/ Benham

