

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005

# A Bill

HOUSE BILL 2800

4  
5 By: Representative Blair  
6  
7

## For An Act To Be Entitled

8  
9 AN ACT CONCERNING CHALLENGES TO A CANDIDATE'S  
10 QUALIFICATIONS TO HOLD OFFICE OR APPEAR ON A  
11 BALLOT; AND FOR OTHER PURPOSES.  
12

## Subtitle

13  
14 AN ACT CONCERNING CHALLENGES TO A  
15 CANDIDATE'S QUALIFICATIONS TO HOLD  
16 OFFICE OR APPEAR ON A BALLOT.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code Title 7, Chapter 5, Subchapter 2 is amended  
22 to add an additional section to read as follows:

23 7-5-213. Challenge to candidate qualification.

24 (a)(1) A challenge to a candidate's qualification to hold office,  
25 including questions involving the candidate's residency, or to the  
26 certification of the candidate to appear on a ballot is a pre-election  
27 challenge.

28 (2) A pre-election challenge shall be filed prior to the  
29 applicable primary or general election:

30 (A) In the circuit court of the county in which the  
31 certification of nomination or certificate of vote will be made when a  
32 county, city, or township office is involved; or

33 (B) In the Pulaski County Circuit Court when the office of  
34 United States Senator, the office of United States Representative, or any  
35 state office is involved.

36 (3) The complaint shall be verified by the affidavit of the



1 complainant to the effect that he or she believes the statements in the  
2 complaint to be true.

3 (4) The complaint shall be answered within twenty (20) days.

4 (b)(1) A pre-election challenge under this section shall be tried by  
5 the circuit judge in open court without a jury and shall be given a full  
6 hearing on the merits.

7 (2) Upon the close of the evidence, the circuit judge shall  
8 issue a written decision as soon as practicable.

9 (3) A pre-election challenge under this section shall not be  
10 dismissed without the complaining party's being afforded an opportunity to  
11 make a full record of the evidence.

12 (4) All court proceedings under this section shall have priority  
13 over all other civil or criminal cases.

14 (c) An appeal may be taken from the judgment of the circuit court. It  
15 shall be the duty of the Supreme Court to advance the hearing of any such  
16 appeal.

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