

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

SENATE BILL 180

By: Senator D. Johnson
By: Representatives Vines, Williams

For An Act To Be Entitled

AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 7 OF THE ARKANSAS CODE, CONCERNING ELECTIONS; AMENDING PORTIONS OF ARKANSAS LAW RESULTING FROM INITIATED ACT 1 OF 1990 AND INITIATED ACT 1 OF 1996; AND FOR OTHER PURPOSES.

Subtitle

AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 7 OF THE ARKANSAS CODE, CONCERNING ELECTIONS, AND AMENDING PORTIONS OF ARKANSAS LAW RESULTING FROM INITIATED ACT 1 OF 1990 AND INITIATED ACT 1 OF 1996.

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

SECTION 1. Arkansas Code § 7-1-101(31)(B), concerning definitions applicable to election law, is amended to make a grammatical correction to read as follows:

(B) ~~The phrase “vacancy~~ “Vacancy in office” shall does not apply to the election of a person at a general election to fill an unexpired portion of a term of office;

SECTION 2. Arkansas Code § 7-3-108(a) and (b), concerning new political parties, are amended to clarify references to Arkansas Code § 5-54-205 to read as follows:

(a) ~~No~~ A political party shall not be recognized, qualified to



participate, or permitted to have the names of its candidates printed on the ballot in any election in this state that:

(1) Either directly or indirectly advocates, teaches, justifies, aids, or abets the overthrow by force or violence, or by any unlawful means, of the government of the United States or this state, or an act of terrorism as ~~defined~~ described by § 5-54-205; or

(2) Directly or indirectly carries on, advocates, teaches, justifies, aids, or abets a program of sabotage, force and violence, sedition, or treason against the government of the United States or this state.

(b)(1) ~~No~~ A newly organized political party shall not be recognized, qualified to participate, or permitted to have the names of its candidates printed on the ballot in any election in this state until it has filed an affidavit, by the officers of the party in this state under oath, that:

(A) It does not either directly or indirectly advocate, teach, justify, aid, or abet the overthrow by force or violence or by any unlawful means of the government of the United States or this state, or an act of terrorism as ~~defined~~ described by § 5-54-205; or

(B) It does not directly or indirectly carry on, advocate, teach, justify, aid, or abet a program of sabotage, force and violence, sedition, or treason against the government of the United States or this state.

(2) The affidavit shall be filed with the Secretary of State.

SECTION 3. Arkansas Code § 7-4-118(e)(2)(A), concerning election complaints, is amended to remove a reference to a repealed section of Arkansas law to read as follows:

(A) The board may file suit in the Pulaski County Circuit Court or in the circuit court of the county in which the debtor resides or, ~~according to the Small Claims Procedure Act, § 16-17-601 et seq. [repealed],~~ in the small claims division of any district court in the State of Arkansas to obtain a judgment for the amount of any fine imposed according to its authority.

SECTION 4. Arkansas Code § 7-5-101(c)(2)(C), concerning precinct boundaries and polling sites, is amended to correct a reference to a division

of the Arkansas State Highway and Transportation Department to read as follows:

(C) ~~Cartography Section~~ Mapping and Graphics Section of the Planning and Research Division of the Arkansas State Highway and Transportation Department.

SECTION 5. Arkansas Code § 7-5-109(c)(1) and (2), concerning voter registration lists, are amended to correct references to computer technology to read as follows:

(1)(A) Upon request every county clerk who maintains on computer the list of registered voters within the county shall provide the list on ~~computer disk or tape~~ compact disc or other electronic medium.

(B) The list shall include at least the names, addresses, and precinct numbers of the voters.

(2)(A) The fee for a list, on ~~computer disk or tape~~ compact disc or other electronic medium, of one (1) to five thousand (5,000) registered voters may be up to ten dollars (\$10.00).

(B) The fee for a list, on ~~computer disk or tape~~ compact disc or other electronic medium, of five thousand one (5,001) to twenty-five thousand (25,000) registered voters may be up to twenty-five dollars (\$25.00).

(C) The fee for a list, on ~~computer disk or tape~~ compact disc or other electronic medium, of more than twenty-five thousand (25,000) registered voters may be up to fifty dollars (\$50.00).

SECTION 6. Arkansas Code § 7-5-532(a)(1), concerning direct-recording electronic voting machines, is amended to use language consistent with other sections of Arkansas law when referring to direct-recording electronic voting machines to read as follows:

(1) "~~Direct~~ Direct-recording electronic voting machine" means a voting machine that:

(A) Records votes by means of a ballot display provided with mechanical or electro-optical components that may be actuated by the voter;

(B) Processes the data by means of a computer program;

(C) Records voting data and ballot images in internal or

external memory components; and

(D) Produces a tabulation of the voting data stored in a removable memory component and in a printed copy; and

SECTION 7. Arkansas Code § 7-5-707(a), concerning the certification of election results, is amended to correct a reference to the internet to read as follows:

(a) For all state and federal elections, the county board of election commissioners shall transmit the certified results for each polling place to the county clerk, who shall immediately transmit the results to the Secretary of State through the ~~Internet~~ website interface provided by the Secretary of State.

SECTION 8. Arkansas Code § 7-5-801(d), concerning election contests, is amended to make a grammatical correction when referring to the subject of a complaint to read as follows:

(d) The complaint shall be verified by the affidavit of the contestant to the effect that he or she believes the statements to be true and shall be filed within twenty (20) days of the certification ~~complained of~~ that is the subject of the complaint.

SECTION 9. Arkansas Code § 7-6-201(1)(B), concerning definitions applicable to campaign finance law and resulting from Initiated Act 1 of 1990 and Initiated Act 1 of 1996, is amended to clarify references to ballot question committees to read as follows:

(B) "Approved political action committee" ~~shall~~ does not include an organized political party as defined in § 7-1-101, a county political party committee, the candidate's own campaign committee, an exploratory committee, or a ballot question committee or legislative question committee as defined in § 7-9-402;

SECTION 10. Arkansas Code § 7-6-201(11), concerning definitions applicable to campaign finance law and resulting from Initiated Act 1 of 1990 and Initiated Act 1 of 1996, is amended to make a grammatical correction to read as follows:

(11) ~~An "independent~~ "Independent expenditure" is ~~any an~~ an

expenditure which is not a contribution and:

(A) Expressly advocates the election or defeat of a clearly identified candidate for office;

(B) Is made without arrangement, cooperation, or consultation between ~~any~~ a candidate or ~~any~~ an authorized committee or agent of the candidate and the person making the expenditure or ~~any~~ an authorized agent of that person; and

(C) Is not made in concert with or at the request or suggestion of ~~any~~ a candidate or ~~any~~ an authorized committee or agent of the candidate;

SECTION 11. Arkansas Code § 7-6-202 is amended to clarify a reference to committing a Class A misdemeanor to read as follows:

7-6-202. Penalties.

~~Any~~ A person who knowingly ~~or willfully~~ fails to comply with ~~any~~ provisions of this subchapter shall upon conviction be guilty of a Class A misdemeanor.

SECTION 12. Arkansas Code § 7-6-216(c)(3), concerning reports by exploratory committees and resulting from Initiated Act 1 of 1990, is amended to make a grammatical correction to read as follows:

(3) The total amount of expenditures made and, for each single expenditure ~~which~~ that exceeds one hundred dollars (\$100), an itemization, including the amount of the expenditure, the name and address of the person to whom the expenditure was made, and the date the expenditure was made.

SECTION 13. Arkansas Code § 7-7-106(a)(2), concerning vacancies in candidacy for nomination, is amended for consistency with other subdivisions in this subsection to read as follows:

(2) ~~Upon notification to~~ A person is running unopposed in a preferential primary and notifies the party that he or she will not accept the nomination due to a serious illness.

SECTION 14. Arkansas Code § 7-7-306(a)(1), concerning ballots for the judicial general election, is amended to correct a reference concerning persons seeking nomination as candidates to read as follows:

(1) The names of persons seeking ~~offices to be voted on as a nominee or candidate~~ nomination as candidates of that political party;

SECTION 15. Arkansas Code § 7-8-305(2), concerning election results, is amended to clarify a reference to the Seal of the State of Arkansas to read as follows:

(2) Proclaim the persons composing the list so elected to be the electors of President and Vice President by mailing the electors a triplicate certificate of their appointment under the ~~seal of the state~~ Seal of the State of Arkansas; and

SECTION 16. Arkansas Code § 7-9-114(b), concerning proposed ballot measures, is amended to make a grammatical correction to read as follows:

(b) Not ~~fewer~~ less than eighteen (18) days before the election, the Secretary of State shall transmit a certified copy of the abstract to the county boards of election commissioners, who shall cause copies to be printed and posted conspicuously at all polling places in the county for the information of the voters.

SECTION 17. Arkansas Code § 7-9-306(b), concerning an organizational meeting for a constitutional convention, is amended to clarify a reference to the chamber of the House of Representatives to read as follows:

(b) This meeting shall be for the purpose of electing permanent convention officers, adopting rules of procedure, and providing for such interim committees and staff members as may be necessary to prepare for the plenary meeting of the convention which shall convene at the State Capitol Building in the chamber of the House of Representatives ~~Chamber~~ on the first Monday of the following April.

SECTION 18. DO NOT CODIFY. The enactment and adoption of this act shall not repeal, expressly or impliedly, the acts passed at the regular session of the Eighty-Ninth General Assembly. All such acts shall have the full force and effect and, so far as those acts intentionally vary from or conflict with any provision contained in this act, those acts shall have the effect of subsequent acts and as amending or repealing the appropriate parts of the Arkansas Code of 1987.