

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 870

By: Senator J. Key

For An Act To Be Entitled

AN ACT TO HOLD NONPARTISAN JUDICIAL GENERAL ELECTIONS
WITH NOVEMBER GENERAL ELECTIONS; TO AMEND THE
REQUIREMENTS FOR A NONPARTISAN JUDICIAL RUNOFF
ELECTION; AND FOR OTHER PURPOSES.

Subtitle

TO HOLD NONPARTISAN JUDICIAL GENERAL
ELECTIONS WITH NOVEMBER GENERAL
ELECTIONS; TO AMEND THE REQUIREMENTS FOR
A NONPARTISAN JUDICIAL RUNOFF ELECTION.

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

SECTION 1. Arkansas Code § 7-5-407(a)(1), concerning preparation and delivery of ballots, is amended to read as follows:

(a)(1) The county board of election commissioners shall prepare official absentee ballots and deliver them to the county clerk for mailing to all qualified applicants as soon as practicable but ~~in any event~~ not later than forty-seven (47) days before a preferential primary, general election, school election, nonpartisan judicial general election, ~~nonpartisan judicial runoff election,~~ or any special election.

SECTION 2. Arkansas Code § 7-10-101 is amended to read as follows:

7-10-101. ~~Definitions~~ Definition.

~~For the purposes of~~ As used in this chapter,

(1) "~~Nonpartisan nonpartisan~~ nonpartisan judicial office" means the ~~offices~~ office of Justice of the Supreme Court, Judge of the Court of Appeals,



~~ircuit judge of the circuit court, and district or judge of the district court; and.~~

~~(2) "Political party" has the same meaning as provided in § 7-1-101.~~

SECTION 3. Arkansas Code § 7-10-102 is amended to read as follows:

7-10-102. Nonpartisan election of judges and justices.

(a) The offices of Justice of the Supreme Court, Judge of the Court of Appeals, ~~ircuit judge of the circuit court,~~ and ~~district judge of the district court~~ are ~~declared to be~~ nonpartisan offices.

(b)(1) The general ~~elections~~ election for nonpartisan judicial offices shall be held on the same ~~dates~~ date and at the same times and places as ~~provided by law for preferential primary elections~~ the November general election.

(2) The names of candidates ~~for nonpartisan judicial offices~~ shall be included on the ~~ballots of the political parties~~ ballot and shall be designated as nonpartisan judicial candidates. ~~However, separate ballots containing the names of nonpartisan judicial candidates shall be prepared and shall be made available to voters requesting the same.~~

~~(3) No voter shall be required to vote in a political party's preferential primary in order to be able to vote in nonpartisan judicial elections.~~

(c)(1) A person shall not be elected to a nonpartisan judicial office without receiving a majority of the votes cast at the election for the office.

(2)(A) In ~~any a~~ nonpartisan judicial election in which 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 that~~ shall be held ~~on the same date and at the same times and places as the November general election~~ three (3) weeks following the date of the November general election.

(B) The names of the two (2) candidates receiving the highest and next highest number of votes, but not a majority, shall be placed on the ballot to be voted on by the qualified electors of the judicial district.

~~(3) The names of the candidates in a nonpartisan judicial runoff~~

~~election shall be placed on the same ballots as used for the November general elections.~~

SECTION 4. 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~~ under this chapter shall:

~~(1) pay~~ Pay a filing fee ~~as provided for in this chapter;~~

~~(2) file~~ File a petition ~~in the manner provided for in this chapter;~~ or

~~(3) file~~ 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)(i) ~~The filing fee~~ A candidate for the ~~offices~~ office of Justice of the Supreme Court, Judge of the Court of Appeals, ~~and or~~ or ~~circuit~~ judge of the circuit court who chooses to file by paying a filing fee shall ~~be paid~~ pay the filing fee to the Secretary of State ~~at the same time that when~~ the candidate files his or her political practices pledge.

(ii) A candidate for district judge who chooses to file by paying a filing fee shall pay the filing fee to the county clerk ~~at the same time that when~~ 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.

~~(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~~ Judicial Filing Fee Fund under § 19-5-1225 for covering the cost of election expenses of the state board.

(c)(1)(A)(i) ~~Any~~ A person ~~desiring to~~ may 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 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) days before the first day of the party filing period under § 7-7-203 and ending at 12:00 noon thirty-two (32) days before the first day of the party filing period under § 7-7-203.~~

~~(ii) Political practice pledges for A nonpartisan judicial candidates candidate filing by petition shall be filed at the same time as file a political practice pledge with the petition.~~

(iii)(a) Petitions for Supreme Court, Court of Appeals, and circuit court positions shall be filed with the Secretary of State.

(b) Petitions for district court positions shall be filed with the county clerk.

(B)(i) The petition shall:

(a) be Be directed to the office with which it is to be filed; and shall request

(b) Request that the name of the candidate be placed on the ballot for the election set forth in the petition.

(ii) Candidates may shall not begin circulating petitions not earlier than sixty (60) days prior to before the filing deadline.

(C)(i) The Secretary of State or the county clerk, as the case may be, shall within thirty (30) days of the filing of the petition shall:

(a) determine Determine within thirty (30) days whether the petition contains the names of a sufficient number of qualified electors. The Secretary of State or county clerk shall; and

(b) verify Verify the sufficiency of the petitions within thirty (30) days of filing petition.

(ii) The sufficiency of any a 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 A qualified elector signing the petitions petition must be a registered voters voter in the geographic area applicable to the position at the time they sign he or she signs the petition. Each qualified elector shall provide on the petition his or her:

(i) printed Printed name;

- ~~(ii) signature,~~ Signature;
- ~~(iii) address,~~ Address;
- ~~(iv) date~~ Date of birth; and
- ~~(v) date~~ 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 under this section, 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~~ in the state, circuit, or district for purposes of this section.

(2)(A) Candidates by petition for the Supreme Court shall file petitions signed by ~~at least ten~~ the lesser of:

(i) Three percent (3%) of the qualified electors residing within the state; and

(ii) 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 the lesser of:

(i) three 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; and~~

(ii) Two thousand (2,000) signatures be required qualified electors.

(C) Candidates by petition for circuit judge shall file petitions signed by the lesser of:

(i) three 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; and~~

(ii) Two thousand (2,000) signatures be required qualified electors.

(D) Candidates by petition for district judge shall file petitions signed by ~~at least one~~ the lesser of:

(i) 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; and~~

(ii) Two thousand (2,000) signatures be required qualified electors.

(d)(1) ~~No votes~~ Votes for a write-in candidate in a nonpartisan judicial election shall not 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:

(A) the The county board of election commissioners of each county in which the candidate seeks election; and ~~either:~~

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

~~(B)(ii)~~ (ii) A county clerk, if a candidate for a district judgeship.

(2) The written notice must be given ~~not~~ no later than eighty (80) days before the nonpartisan judicial election or nonpartisan judicial general election.

(3) 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 shall file with the Secretary of State.~~

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

~~(f)(e)~~(1)(A) A candidate for nonpartisan judicial office ~~may~~ shall not use more than three (3) given names, one (1) of which may be a nickname or ~~any other~~ another 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~~ a candidate on the political practice pledge shall be reviewed no later than

one (1) business day after the filing deadline by:

(A) ~~the~~ The Secretary of State for Supreme Court, Court of Appeals, and circuit court positions; and ~~by~~

(B) ~~the~~ The county board of election commissioners for district court positions.

(3)(A) The name of ~~every~~ each 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~~ 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.