

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

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

SENATE BILL 254

By: Senators Crowell, K. Hammer, Dees, M. McKee, J. Petty, Stone

By: Representatives Schulz, Wing, Achor, Andrews, Barker, Beaty Jr., Beck, Bentley, M. Berry, Breaux, Brooks, K. Brown, M. Brown, Burkes, Joey Carr, C. Cooper, Cozart, Evans, C. Fite, L. Fite, Fortner, Furman, Gazaway, Gonzales, Gramlich, Haak, Hawk, Hollowell, Jean, Ladyman, Long, Lundstrum, Lynch, McAlindon, McClure, McCollum, M. McElroy, McGrew, B. McKenzie, McNair, S. Meeks, Miller, Milligan, K. Moore, Painter, Pearce, Pilkington, Puryear, R. Scott Richardson, Richmond, Rose, Rye, Steimel, Tosh, Underwood, Vaught, Womack, Wooldridge, Wooten

For An Act To Be Entitled

AN ACT TO ELIMINATE WRITE-IN CANDIDATES IN ELECTIONS;
TO AMEND ELECTION PROCEDURES; TO AMEND THE LAW
CONCERNING ELECTION; AND FOR OTHER PURPOSES.

Subtitle

AN ACT TO ELIMINATE WRITE-IN CANDIDATES
IN ELECTIONS; TO AMEND ELECTION
PROCEDURES; AND TO AMEND THE LAW
CONCERNING ELECTION.

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

SECTION 1. Arkansas Code § 6-14-111(c), concerning candidate filing procedures for school elections, is amended to read as follows:

(c) A candidate for a position on the board of directors of a school district may qualify for the ballot by filing a political practices pledge, an affidavit of eligibility, and ~~either:~~

~~(1) A a petition; or~~

~~(2) A notice of write-in candidacy.~~

SECTION 2. Arkansas Code § 6-14-111(g), concerning candidate filing



procedures for school elections, is repealed.

~~(g)(1) Votes for a write-in candidate for school district director shall not be counted or tabulated unless the candidate files with the county clerk during the one week period under subdivision (e)(1) of this section:~~

~~(A) A written notice of his or her intention to be a write-in candidate identifying the position sought, including without limitation the position number or other identifying information if applicable;~~

~~(B) An affidavit of eligibility; and~~

~~(C) The political practices pledge.~~

~~(2)(A) Upon receipt of the candidate's notice of intention to be a write-in candidate, the county clerk shall immediately verify that:~~

~~(i) The address where the candidate is registered to vote is within the election zone, if applicable, represented by the position on the board of directors that the candidate has indicated on the notice of intention to be a write-in candidate; and~~

~~(ii) The position on the board of directors that the candidate has indicated on the notice of intention to be a write-in candidate is scheduled to be filled during the current election.~~

~~(B) The county clerk shall reject a notice of intention to be a write-in candidate that does not comply with subdivision (g)(2)(A) of this section.~~

~~(C) The county clerk shall inform the candidate:~~

~~(i) That the candidate's notice of intention to be a write-in candidate was accepted or rejected; and~~

~~(ii) If the candidate's notice of intention to be a write-in candidate was rejected, the reason for the rejection.~~

SECTION 3. Arkansas Code § 6-14-111(j), concerning candidate filing procedures for school elections, is amended to read as follows:

(j)(1) On the day after the deadline for candidates to file for a position on the board of directors by petition, the county clerk of the county in which the school district is domiciled for administrative purposes shall certify to the county board of election commissioners the names of those candidates who are registered voters in the school district and the electoral zone, if applicable, and who have qualified for the ballot by

petition.

~~(2) Immediately after the close of the write-in filing period, the county clerk of the county within which the school district is domiciled for administrative purposes shall certify to the county board of election commissioners any write-in candidates who have filed the affidavit of eligibility, the notice of write-in candidacy, and the political practices pledge with the county clerk of the county within which the school district is domiciled for administrative purposes.~~

SECTION 4. Arkansas Code § 6-14-111(1), concerning candidate filing procedures for school elections, is amended to read as follows:

(1) When a candidate has identified the position sought on the petition ~~or notice of write-in candidacy~~, the candidate shall not be allowed to change the position on that petition ~~or notice of write-in candidacy~~ but may withdraw a petition ~~or notice of write-in candidacy~~ and file a new petition ~~or notice of write-in candidacy~~ designating a different position before the deadline for filing.

SECTION 5. 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 shall be counted or tabulated unless:~~

~~(1) The candidate notifies in writing the county board of election commissioners of each county in which the candidate seeks election at least ninety (90) days prior to the election and files the notice with either:~~

~~(A) The Secretary of State, if a candidate for the United States Senate, the United States House of Representatives, or any state or district office; or~~

~~(B) The county clerk, if a candidate for a county or township office;~~

~~(2) The candidate files with the county clerk or the Secretary of State, as required, a political practices pledge and an affidavit of eligibility for the office at the same time the candidate files his or her notice of write-in candidacy;~~

~~(3) The notice of write-in candidacy, the political practices pledge, and the affidavit of eligibility are filed during the party filing~~

period; and

~~(4) The name written on the ballot is the same name listed on the write-in candidate's political practices pledge, except that any abbreviation, misspelling, or other minor variation in the form of the name of the candidate shall be disregarded if the intention of the voter may be ascertained.~~

(a) No person shall file as a write-in candidate.

(b) No vote for a write-in candidate shall be counted.

SECTION 6. Arkansas Code § 7-5-208(c), concerning the form of ballots, is amended to read as follows:

(c)~~(1)~~ Every ballot shall contain the name of each candidate who has been nominated or has qualified in accordance with law for each office. The names of the candidates shall be listed in a perpendicular column under the name of each office to be filled.

~~(2) In all elections in which votes for a write-in candidate may be counted, at the bottom of each list of names for each position or office appearing on the ballot, there shall be a blank line for a possible write-in vote for that position or office. However, the blank line shall not appear on the ballot with respect to those offices and candidates for positions in which no person has qualified as a write-in candidate by filing his or her notice of intention to be a write-in candidate within the time prescribed in § 7-5-205.~~

SECTION 7. Arkansas Code § 7-5-525 is repealed.

~~7-5-525. Write-in votes.~~

~~(a) Votes for any person whose name does not appear on the voting machine as a qualified candidate for office are referred to in this section as write-in votes.~~

~~(b)(1) The voting machine shall be programmed to allow a voter to enter the name of a qualified write-in candidate on the ballot.~~

~~(2) A write-in vote shall be cast in the appropriate place on the ballot, or the vote for that candidate shall be void and not counted.~~

~~(c) Write-in votes shall not be counted in primary elections.~~

SECTION 8. Arkansas Code § 7-5-610 is repealed.

~~7-5-610. Write in ballots.~~

~~In all elections in which write in candidacies are allowed, the ballot shall permit electors to submit the names of persons who have qualified as write in candidates and whose names are not on the ballot.~~

SECTION 9. Arkansas Code § 7-5-613 is amended to read as follows:

7-5-613. Counting ballots ~~and write in votes.~~

In precincts where an electronic vote tabulating device is used, as soon as the polls are closed+

~~(1) The~~ the poll workers shall compare the total number of voters indicated by the electronic vote tabulating device with the list of voters to ensure that the number recorded by the tabulator is the same as the number of voters shown on the list of voters who received a ballot at the polling site. If the totals are different, this fact shall be reported in writing to the county board of election commissioners with the reasons, if known; ~~and~~

~~(2) The poll workers shall count the write in votes and prepare a return of the votes on forms provided for that purpose.~~

SECTION 10. Arkansas Code § 7-7-204(a)(2), concerning the prohibition on candidacy for multiple nominations, is amended to read as follows:

(2) Be an independent ~~or write in~~ candidate for the same office at the general or special election.

SECTION 11. Arkansas Code § 7-7-204(b), concerning the prohibition on candidacy for multiple nominations, is amended to read as follows:

(b) A person who is certified as an independent candidate shall not be eligible to be ~~a write in candidate or~~ the nominee of any political party for the same office at the same general or special election.

SECTION 12. Arkansas Code § 7-10-103(a), concerning filing as a candidate, is amended to read as follows:

(a) A candidate for a nonpartisan office under this chapter shall:

- (1) Pay a filing fee; or
- (2) File a petition; ~~or~~
- ~~(3) File as a write in candidate.~~

SECTION 13. Arkansas Code § 7-10-103(d), concerning filing as a candidate, is repealed.

~~(d)(1) Votes for a write-in candidate in a nonpartisan 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) All county boards of election commissioners in the judicial district; and~~

~~(B) The Secretary of State.~~

~~(2) The written notice shall be given no later than eighty (80) days before the nonpartisan election.~~

~~(3) A write-in candidate shall file a political practices pledge at the same time as filing a notice of intention.~~