

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

State of Arkansas
95th General Assembly
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As Engrossed: H2/27/25 H3/10/25

A Bill

HOUSE BILL 1070

By: Representatives John Carr, *J. Mayberry, Rose, Underwood*

By: Senator J. Bryant

For An Act To Be Entitled

AN ACT TO CREATE THE BALLOT DRAW STANDARDIZATION ACT OF 2025; TO AMEND ARKANSAS LAW CONCERNING THE DRAWING OF LOTS TO DETERMINE THE ORDER IN WHICH THE NAMES OF CANDIDATES APPEAR ON THE BALLOT; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE BALLOT DRAW
STANDARDIZATION ACT OF 2025.

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

SECTION 1. Title. This act shall be known and may be cited as the "Ballot Draw Standardization Act of 2025".

SECTION 2. Arkansas Code § 6-14-111(j), concerning candidate filing procedures, 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~~ a list of candidates for the board of directors, arranged by contest, with the candidates listed in the order in which they filed their petitions and with the earliest filing candidate listed first.

(2) The list under subdivision (j)(1) of this section shall



include the date and time that the candidate's petition was filed.

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

(k)(1) The order in which the names of the respective candidates are to appear on the ballot shall be determined by lot at the public meeting of the county board of election commissioners held not later than:

~~(1)(A)~~ The deadline to conduct the ballot draw for the preferential primary or general election for an annual school election held in even-numbered years;

~~(2)(B)~~ The seventh day of March for an annual school election held on the second Tuesday in May of an odd-numbered year; and

~~(3)(C)~~ Seventy-two (72) days before an annual school election held on the second Tuesday of November of an odd-numbered year.

(2)(A) The lot to determine the order in which a candidate's name appears on the ballot shall be drawn by the candidate or his or her designee.

(B)(i) Except as provided in subdivision (k)(2)(B)(ii) of this section, a person shall not be designated to draw by lot for more than one (1) candidate at the public meeting under subdivision (k)(1) of this section to determine the order in which the names of the candidates appear on the ballot.

(ii) If a candidate does not appear in person to draw by lot and does not designate a person to draw by lot on his or her behalf, the lot shall be drawn by a member of the county board of election commissioners or a person designated by the county board of election commissioners.

(C) Lots shall be drawn by contest in the following order as certified to the county board of election commissioners by the Secretary of State or the county clerk:

(i) First, by all candidates who appear in person;

(ii) Second, by all persons designated by a candidate; and

(iii) Third, by members of the county board of election commissioners or persons designated by the county board of election commissioners.

SECTION 4. Arkansas Code § 7-5-203(a)(1), concerning the certification of candidate lists, is amended to read as follows:

(a)(1)(A) Not less than seventy-five (75) days before each general election day, the Secretary of State shall certify to all county boards of election commissioners full lists of all candidates to be voted for in their respective counties as the nominations have been certified or otherwise properly submitted to him or her, arranged by contest, with the candidates listed in the order in which they filed for office and with the earliest filing candidate listed first.

(B) The list under subdivision (a)(1)(A) of this section shall include the date and time that the candidate filed for office.

SECTION 5. Arkansas Code § 7-5-203(b)(1), concerning the certification of candidate lists, is amended to read as follows:

(b)(1)(A) Not less than seventy-five (75) days before each general election day, the clerk of each county shall certify to the county board of election commissioners of his or her county a full list of all candidates to be voted for in the county as the nominations have been certified or otherwise properly submitted to him or her, arranged by contest, with the candidates listed in the order in which they filed for office and with the earliest filing candidate listed first.

(B) The list under subdivision (b)(1)(A) of this section shall include the date and time that the candidate filed for office.

SECTION 6. Arkansas Code § 7-5-207(c), concerning the draw for ballot position, is amended to read as follows:

(c)(1)(A) The order in which the names of the candidates ~~shall~~ appear on the ballot shall be determined by lot at a public meeting of the county board of election commissioners not less than seventy-two (72) days before the general election.

(B)(i) The lot to determine the order in which a candidate's name appears on the ballot shall be drawn by the candidate or his or her designee.

(ii) Except as provided in subdivision (c)(1)(B)(iii) of this section, a person shall not be designated to draw by

lot for more than one (1) candidate at the public meeting under subdivision (c)(1)(A) of this section to determine the order in which the names of the candidates appear on the ballot.

(iii) If a candidate does not appear in person to draw by lot and does not designate a person to draw by lot on his or her behalf, the lot shall be drawn by a member of the county board of election commissioners or a person designated by the county board of election commissioners.

(C) Lots shall be drawn by contest in the following order as certified to the county board of election commissioners by the Secretary of State or the county clerk:

(i) First, by all candidates who appear in person;

(ii) Second, by all persons designated by a candidate; and

(iii) Third, by members of the county board of election commissioners or persons designated by the county board of election commissioners.

(2) Notice of the public meeting under subdivision (c)(1)(A) of this section shall be given by publication in a newspaper of general circulation in the county at least three (3) days before the drawing.

(3) For runoff elections, the ballot order for eligible candidates shall be the same as for the previous election leading to the runoff.

SECTION 7. Arkansas Code § 7-7-203(d), concerning primary elections, is amended to read as follows:

(d)(1)(A) At least seventy-five (75) days before the preferential primary election, the Secretary of State shall certify to the various county committees and to the various county boards of election commissioners a list of the names of all candidates who have filed party certificates with the Secretary of State within the time required by law, arranged by contest, with the candidates listed in the order in which they filed their party certificates and with the earliest filing candidate listed first.

(B) The list under subdivision (d)(1)(A) of this section shall include the date and time that the candidate filed his or her party certificate.

(2)(A) At least seventy-five (75) days before the preferential primary election, the county clerk shall certify to the county committees and to the county board of election commissioners a list of the names of all candidates who have filed party certificates with the county clerk within the time required by law, arranged by contest, with the candidates listed in the order in which they filed their party certificates and with the earliest filing candidate listed first.

(B) The list under subdivision (d)(A) of this section shall include the date and time that the candidate filed his or her party certificate.

SECTION 8. Arkansas Code § 7-7-304(a)(1), concerning names to be included on primary ballots, is amended to read as follows:

(a)(1)(A) The Secretary of State shall certify to all county boards of election commissioners full lists of the names of all candidates who have filed party certificates with him or her to be placed on the ballots in their respective counties at the preferential primary election not less than:

~~(A)(i)~~ Seventy-five (75) days before a preferential primary election that is held in May under § 7-7-203; and

~~(B)(ii)~~ Ninety-two (92) days before a preferential primary election that is held in March under § 7-7-203.

(B) The list under subdivision (a)(1)(A) of this section shall:

(i) Be arranged by contest, with the candidates listed in the order in which they filed their party certificates and with the earliest filing candidate listed first; and

(ii) Include the date and time that the candidate filed his or her party certificate.

SECTION 9. Arkansas Code § 7-7-304(b)(1), concerning names to be included on primary ballots, is amended to read as follows:

(b)(1)(A) The county clerk shall certify to the county board of election commissioners full lists of the names of all candidates who have filed party certificates with him or her to be placed on the ballot at the preferential primary election not less than:

~~(A)(i)~~ Seventy-five (75) days before a preferential

primary election that is held in May under § 7-7-203; and

~~(B)(ii)~~ Ninety-two (92) days before a preferential primary election that is held in March under § 7-7-203.

(B) The list under subdivision (b)(1)(A) of this section shall:

(i) Be arranged by contest, with the candidates listed in the order in which they filed their party certificates and with the earliest filing candidate listed first; and

(ii) Include the date and time that the candidate filed his or her party certificate.

SECTION 10. Arkansas Code § 7-7-305(b), concerning the draw for ballot position in primary elections, is amended to read as follows:

(b)(1) The order in which the names of the respective candidates are to appear on the ballots at all preferential and general primary elections shall be determined by lot at the public meeting of the county board of election commissioners held not later than:

(A) Seventy-two (72) days before a preferential primary election that is held in May under § 7-7-203; and

(B) Eighty-nine (89) days before a preferential primary election that is held in March under § 7-7-203.

(2)(A) The lot to determine the order in which a candidate's name appears on the ballot shall be drawn by the candidate or his or her designee.

(B)(i) Except as provided in subdivision (b)(2)(B)(ii) of this section, a person shall not be designated to draw by lot for more than one (1) candidate at the public meeting under subdivision (b)(1) of this section to determine the order in which the names of the candidates appear on the ballot.

(ii) If a candidate does not appear in person to draw by lot and does not designate a person to draw by lot on his or her behalf, the lot shall be drawn by a member of the county board of election commissioners or a person designated by the county board of election commissioners.

(C) Lots shall be drawn by contest in the following order as certified to the county board of election commissioners by the Secretary

of State or the county clerk:

(i) First, by all candidates who appear in person;

(ii) Second, by all persons designated by a

candidate; and

(iii) Third, by members of the county board of election commissioners or persons designated by the county board of election commissioners.

~~(2)~~(3) The county board of election commissioners shall give at least ten (10) days' written notice of the time and place of the meeting to the chairs of the county committees if the chairs are not members of the county board of election commissioners, and at least three (3) days before the meeting, shall publish notice of the time and place of holding the meeting in some newspaper of general circulation in the county.

SECTION 11. Arkansas Code § 14-42-206(a)(4), concerning municipal primary elections, is amended to read as follows:

(4)(A) Candidates nominated for municipal office by political primaries under this section shall be certified by the county party committees to the county board of election commissioners and shall be placed on the ballot at the general election.

(B) The certification under subdivision (a)(4)(A) of this section shall:

(i) Be arranged by contest, with the candidates listed in the order in which they filed their party certificates and with the earliest filing candidate listed first; and

(ii) Include the date and time that the candidate filed his or her party certificate.

SECTION 12. Arkansas Code § 14-42-206(b)(3)(C), concerning municipal primary elections, is amended to read as follows:

(C) The county clerk promptly shall:

(i) ~~notify~~ Notify the candidate of the result; and

(ii)(a) Certify to the county board of election commissioners the names of those candidates who have qualified for the ballot by petition and the date and time that each candidate filed his or her petition.

(b) The certification under subdivision (b)(3)(C)(ii(a) of this section shall:

(1) Be arranged by contest, with the candidates listed in the order in which they filed their petitions and with the earliest filing candidate listed first; and

(2) Include the date and time that the petition naming the candidate was filed.

SECTION 13. Arkansas Code § 14-47-110(a)(3)(D)(i), concerning the election of directors, is amended to read as follows:

(D)(i)(a) The name of the candidate mentioned in each petition, together with a copy of the election proclamation if the election is a special election, shall be certified by the city clerk or recorder to the county board of election commissioners not less than seventy-five (75) days before the election unless the city clerk or recorder finds that the petition fails to meet the requirements of this chapter.

(b) The certification under subdivision (a)(3)(D)(i)(a) of this section shall:

(1) Be arranged by contest, with the candidates listed in the order in which they filed their petitions and with the earliest filing candidate listed first; and

(2) Include the date and time that the petition naming the candidate was filed.

SECTION 14. Arkansas Code § 14-48-109(a)(6)(C), concerning the election of the mayor and directors in a city with the city administrator form of government, is amended to read as follows:

(C)(i) The name of the candidate mentioned in each petition, together with a copy of the election proclamation if the election is a special election, shall be certified by the city clerk or recorder to the county board of election commissioners not less than seventy-five (75) days before the election unless the city clerk or recorder finds that the petition fails to meet with the requirements of this chapter.

(ii) The certification under subdivision (a)(6)(C)(i) of this section shall:

(a) Be arranged by contest, with the

candidates listed in the order in which they filed their petitions and with the earliest filing candidate listed first; and

(b) Include the date and time that the candidate filed his or her petition.

/s/John Carr