

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 84th General Assembly  
3 Regular Session, 2003  
4

# A Bill

HOUSE BILL 2341

5 By: Representative C. Taylor  
6  
7

## For An Act To Be Entitled

8 AN ACT TO REVISE NONPARTISAN JUDICIAL ELECTIONS;  
9 AND FOR OTHER PURPOSES.  
10

### Subtitle

11 AN ACT TO REVISE NONPARTISAN JUDICIAL  
12 ELECTIONS.  
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
18

19 SECTION 1. Arkansas Code § 7-5-405(a) is amended to read as follows:

20 (a) Applications for absentee ballots may be made on a form furnished  
21 by the county clerk, and the county clerk shall supply a form substantially  
22 similar to the following form or an electronic facsimile of a substantially  
23 similar form via telephonic transmission on request at least sixty (60) days  
24 before the election:

25 "IF YOU PROVIDE FALSE INFORMATION ON THIS FORM, YOU MAY BE GUILTY OF  
26 PERJURY AND SUBJECT TO A FINE OF UP TO \$10,000 OR IMPRISONMENT FOR UP TO 10  
27 YEARS.

28 ..... Date  
29 To: County Clerk  
30 ..... County  
31 ....., Arkansas .....

32 (1) I am a qualified elector of precinct ..... in  
33 ..... (City, Town), ..... County, Arkansas. Because I:  
34 [check one]

35 [ ] Will be unavoidably absent from my polling site on election day, or

36 [ ] Will be unable to attend the polls on election day because of illness



1 or physical disability,

2 I am requesting that you provide me with the appropriate absentee  
3 ballot(s) for the following elections: (check only one (1) political party):

- 4  ~~Nonpartisan Judicial General Election~~
- 5  Preferential Primary
- 6  ~~Democratic/ Nonpartisan Judicial General Election~~
- 7  ~~Republican/ Nonpartisan Judicial General Election~~
- 8  General Primary (Runoff)                     Democratic                     Republican
- 9  Annual School Election
- 10  General Election
- 11  General Runoff
- 12  Special                     School Runoff

13  All elections for calendar year ..... [designate party] (I understand  
14 that if I select all elections for the calendar year that the absentee  
15 ballots will be delivered to me only by mail.)

16 The application shall remain in effect for the current calendar year  
17 unless revoked by voter.

- 18 (2) I will receive my ballot(s): [check one]
- 19  By coming to the office of the county clerk by the time the county  
20 clerk's office regularly closes on the day before the election.
  - 21  By mail. I request that you mail my ballot(s) to the following address:  
22 .....  
23 .....
  - 24  By bearer ..... (insert name of relative, agent, or  
25 designated bearer)

26 The information I have provided is true to the best of my knowledge under  
27 penalty of perjury. If I have provided false information, I may be subject  
28 to a fine of up to ten thousand dollars (\$10,000) or imprisonment for up to  
29 ten (10) years, or both, under federal or state laws.

30 ..... .....

31 Printed or typed name of voter                    Signature of voter

32 ..... .....

33 Residence address of voter                    Date of birth

34 ..... .....

35 City or Town, Zip Code                    Signature of Designated Bearer, Relative, or

36 ..... .....

Authorized Agent."

1  
 2 SECTION 2. Arkansas Code § 7-10-102(b) and (c) is amended to read as  
 3 follows:

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

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

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

16 (c)(1) No person shall be elected to a nonpartisan judicial office  
 17 without receiving a majority of the votes cast at the election for the  
 18 office.

19 (2) In any nonpartisan judicial election in which no person  
 20 receives a majority of the votes cast, the two (2) candidates receiving the  
 21 highest ~~and next highest~~ number of votes shall be certified to a runoff  
 22 election which shall be held on the same date and at the same times and  
 23 places as ~~the November general election~~ provided in § 7-5-106.

24 (3) ~~The names of the candidates in a nonpartisan judicial runoff~~  
 25 ~~election shall be placed on the same ballots as used for the November general~~  
 26 ~~elections.~~

27  
 28 SECTION 3. Arkansas Code § 7-5-106 is amended to read as follows:

29 7-5-106. Runoff elections for county, ~~and~~ municipal, and nonpartisan  
 30 judicial officers.

31 (a)(1)(A) Whenever there are more than two (2) candidates for election  
 32 to any county elected office, including the office of justice of the peace,  
 33 ~~or~~ for any municipal office, or for any nonpartisan judicial office at any  
 34 general election held in this state and no candidate for the municipal, ~~or~~  
 35 county, or nonpartisan judicial office receives a majority of the votes cast  
 36 for the office, there shall be a runoff general election held in ~~that~~ the

1 state, county, ~~or~~ municipality, judicial district, or Court of Appeals  
 2 district three (3) weeks following the date of the general election at which  
 3 the names of the two (2) candidates receiving the highest number of votes,  
 4 but not a majority, shall be placed on the ballot to be voted upon by the  
 5 qualified electors of the state, county, ~~or the~~ municipality, judicial  
 6 district, or Court of Appeals district, as the case may be.

7 (B) In the event that two (2) candidates receive the  
 8 highest number of votes and receive the same number of votes, a tie shall be  
 9 deemed to exist and the names of the two (2) candidates shall be placed on  
 10 the ballot to be voted upon by the qualified electors of the county, ~~or the~~  
 11 municipality, judicial district, or Court of Appeals district, as the case  
 12 may be.

13 (C) If there is one (1) candidate who receives the highest  
 14 number of votes, but not a majority of the votes, and two (2) other  
 15 candidates receive the same number of votes for the next highest number of  
 16 votes cast, a tie shall be deemed to exist between the two (2) candidates.  
 17 The county board of election commissioners shall determine the runoff  
 18 candidate by lot at a public meeting and in the presence of the two (2)  
 19 candidates.

20 (2)(A) The person receiving the majority of the votes cast for  
 21 the office at the runoff general election shall be declared elected.

22 (B) However, in the event that the two (2) candidates  
 23 seeking election to the same county, ~~or municipal,~~ or nonpartisan judicial  
 24 office shall receive the same number of votes in the runoff election, a tie  
 25 shall be deemed to exist, and the county board of election commissioners or  
 26 the State Board of Election Commissioners, as the case may be, shall  
 27 determine the winner by lot at an open public meeting and in the presence of  
 28 the two (2) candidates.

29 (b) For the purposes of this section, the term "municipal officers"  
 30 shall include officers of cities of the first and second class and  
 31 incorporated towns and shall include aldermen, members of boards of managers,  
 32 or other elective municipal offices elected by the voters of the entire  
 33 municipality or from wards or districts within a municipality. The term  
 34 "municipal officers" shall not include officers of cities having a city  
 35 manager form of government. The provisions of this section shall not be  
 36 applicable to election of members of the boards of directors and other

1 officials of cities having a city manager form of government.

2 (c) The provisions of this section are intended to be in addition to  
3 and supplemental to the laws of this state pertaining to the election of  
4 nonpartisan judicial, county, and municipal officers at general elections.

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