

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 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: S2/8/05 H2/22/05

A Bill

SENATE BILL 235

5 By: Senators Steele, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Glover, Higginbothom,
6 Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Malone, T. Smith, Trusty, Wilkinson, Wooldridge
7 By: Representatives J. Johnson, Cook, Dunn, Edwards, L. Evans, Jeffrey, Mathis, Maxwell, McDaniel,
8 Reep, Saunders, Sumpter, Thompson, Wood
9

For An Act To Be Entitled

10
11 AN ACT CONCERNING PRESIDENTIAL PREFERENTIAL
12 PRIMARY ELECTIONS; AND FOR OTHER PURPOSES.
13
14

Subtitle

15 AN ACT CONCERNING PRESIDENTIAL
16 PREFERENTIAL PRIMARY ELECTIONS.
17
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 7-8-201 is amended to read as follows:

23 7-8-201. Preferential elections required - Apportionment of delegates.

24 (a)(1) Each political party in the state desiring to select delegates
25 to attend a quadrennial national nominating convention of the party to select
26 a nominee for the office of President of the United States shall hold a
27 presidential preferential primary election in the state, and the delegates to
28 the national party convention shall be apportioned to the presidential
29 candidates whose names were on the ballot at the presidential preferential
30 primary or to "uncommitted" in the proportion that the votes cast for each
31 candidate or for "uncommitted" bear to the total votes cast at the election,
32 rounded to the closest whole number.

33 (2) Presidential preferential primary elections shall be held on
34 the first Tuesday in February of the year in which the convention is held.

35 (3)(A) Any person desiring to have his or her name printed on
36 the presidential preferential primary ballot as a candidate for his or her



1 party's nomination shall file a party certificate with the Secretary of State
2 during regular office hours in the period beginning at 12:00 noon on the
3 first Monday in November and ending at 12:00 noon on the fourteenth day
4 thereafter before the presidential preferential primary election.

5 (B) Each political party shall:

6 (i) Be responsible for determining the
7 qualifications of candidates seeking to appear on the presidential
8 preferential primary ballot of each political party;

9 (ii) Provide necessary applications for candidacy;

10 (iii) Accept and process the applications; and

11 (iv) Determine the order that candidates shall
12 appear on the ballot.

13 (4) The cost of the presidential preferential primary election
14 shall be borne by the State of Arkansas and shall be paid from an
15 appropriation made to the State Board of Election Commissioners for that
16 purpose.

17 (5)(A) The State Board of Election Commissioners shall have the
18 primary responsibility for conducting presidential preferential primary
19 elections.

20 (B) Within each county, the presidential preferential
21 primary election shall be conducted by the county board of election
22 commissioners under the direction of the State Board of Election
23 Commissioners.

24 (C) The State Board of Election Commissioners shall have
25 authority to adopt rules for the administration of presidential preferential
26 primary elections consistent with the election laws of this state.

27 (D) The State Board of Election Commissioners may withhold
28 reimbursement of funds to counties for state-funded presidential preferential
29 primary elections for failure to comply with the rules developed by the State
30 Board of Election Commissioners for the administration of primary elections
31 or applicable state election laws until all requirements are met to the
32 satisfaction of the State Board of Election Commissioners.

33 (b)(1) Presidential preferential primary election procedures not
34 addressed in this section shall be governed by the general election laws of
35 this state, including, but not limited to, laws governing primary elections.

36 (2) Party rules shall govern presidential preferential primary

1 election procedures not addressed by the general election laws of this state.

2
3 SECTION 2. Arkansas Code § 7-8-204 is amended to read as follows:
4 7-8-204. Rules for selection of delegates and alternates.

5 Each political party holding a presidential preferential primary
6 election in the state shall adopt appropriate rules for the selection of
7 delegates and alternate delegates to the quadrennial national nominating
8 convention of the party and to otherwise carry out the intent and purposes of
9 this subchapter.

10
11 SECTION 3. Arkansas Code § 7-8-302(5)(A), concerning political party
12 candidates for president and vice president, is amended to read as follows:

13 (5)(A) In order to have the name of a political party's candidates for
14 President and Vice President printed on the ballot, a political party shall
15 ~~nominate by~~ hold a presidential preferential primary election. A new
16 political party formed pursuant to the petition process may nominate by
17 convention if the presidential election is the first general election after
18 certification as a party by the Secretary of State.

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20 /s/ Steele, et al