

Stricken language would be deleted from and underlined language would be added to the Arkansas Constitution.

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019

HJR 1001

4
5 By: Representative D. Douglas

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7 **HOUSE JOINT RESOLUTION**

8 AN AMENDMENT TO THE ARKANSAS CONSTITUTION REQUIRING
9 THE GENERAL ASSEMBLY TO ESTABLISH BY LAW AN ELECTION
10 PROCESS IN WHICH CANDIDATES AT A PRIMARY ELECTION,
11 SPECIAL PRIMARY ELECTION, OR ELECTION FOR NONPARTISAN
12 OFFICE APPEAR ON A SINGLE BALLOT REGARDLESS OF
13 POLITICAL PARTY AFFILIATION AND THE TOP TWO (2)
14 CANDIDATES FOR EACH OFFICE ADVANCE TO THE GENERAL
15 ELECTION OR SPECIAL ELECTION; AND REQUIRING THE
16 GENERAL ASSEMBLY TO ESTABLISH BY LAW A PROCESS BASED
17 ON PARTY AFFILIATION FOR SELECTING DELEGATES TO
18 ATTEND A QUADRENNIAL NATIONAL NOMINATING CONVENTION
19 OF A POLITICAL PARTY TO SELECT A NOMINEE FOR THE
20 OFFICE OF PRESIDENT OF THE UNITED STATES AND A
21 PROCESS FOR CHOOSING AND ELECTING ELECTORS FOR
22 PRESIDENT OF THE UNITED STATES AND VICE PRESIDENT OF
23 THE UNITED STATES.

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26 **Subtitle**

27 AN AMENDMENT TO THE ARKANSAS CONSTITUTION
28 REQUIRING THE GENERAL ASSEMBLY TO
29 ESTABLISH BY LAW A REVISED ELECTION
30 PROCESS.

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33 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SECOND GENERAL
34 ASSEMBLY OF THE STATE OF ARKANSAS, AND BY THE SENATE, A MAJORITY OF ALL
35 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

36



1 That the following is proposed as an amendment to the Constitution of
2 the State of Arkansas, and upon being submitted to the electors of the state
3 for approval or rejection at the next general election for Representatives
4 and Senators, if a majority of the electors voting thereon at the election
5 adopt the amendment, the amendment shall become a part of the Constitution of
6 the State of Arkansas, to wit:

7
8 SECTION 1. The Arkansas Constitution is amended to add an additional
9 amendment to read as follows:

10 (a) The General Assembly shall enact laws establishing an election
11 process for general elections, special elections, and elections for
12 nonpartisan office in which:

13 (1)(A) The names of all persons who have filed as candidates
14 for a primary election, special primary election, or election for nonpartisan
15 office shall be listed on a single ballot, regardless of political party.

16 (B) The party affiliation, if any, of each candidate shall
17 appear beside the name of each candidate.

18 (C)(i) Independent candidates shall appear on the primary
19 election ballot or special primary election ballot.

20 (ii) The word "Independent" shall appear beside the
21 name of an independent candidate at the primary election or special primary
22 election;

23 (2)(A) The top two (2) candidates receiving the greatest number
24 of votes cast for each office at the primary election, special primary
25 election, or election for nonpartisan office shall advance to the general
26 election or special election, regardless of each candidate's political party
27 affiliation.

28 (B) If only one (1) or two (2) persons file as candidates
29 for an office at a primary election, special primary election, or election
30 for nonpartisan office, the candidate or candidates shall automatically
31 advance to the general election or special election.

32 (C) The General Assembly may provide by law that if one
33 (1) candidate receives a specified percentage of the vote for an office at a
34 primary election, special primary election, or election for nonpartisan
35 office, only that one (1) candidate shall advance to the general election or
36 special election; and

1 (3)(A) The candidate receiving the greatest number of votes for
2 the office at the general election or special election shall be declared the
3 winner of the election.

4 (B)(i) If only one (1) candidate for an office will be
5 listed on the general election ballot or special election ballot, the
6 candidate shall be declared elected, his or her name shall not appear on the
7 general election or special election ballot, and the name of the candidate
8 declared elected shall be certified as elected in the same manner as if the
9 candidate had been voted upon at the general election or special election.

10 (ii) The general election or special election shall
11 not be held if no other office or issue is on the general election ballot or
12 special election ballot.

13 (b) The election process under subsection (a) of this section shall
14 apply to all elections for:

15 (1) Federal congressional office;

16 (2) State office;

17 (3) County office;

18 (4) Municipal office;

19 (5) Local office; and

20 (6) Nonpartisan office, including without limitation judicial
21 office.

22 (c)(1) The election process under subsection (a) of this section shall
23 not apply to primary elections and general elections for President of the
24 United States.

25 (2)(A) The General Assembly shall provide by law for a
26 presidential primary election to select delegates to attend a quadrennial
27 national nominating convention of a political party to select nominees for
28 President of the United States and Vice President of the United States.

29 (B) Voting at the presidential primary election shall be
30 based on party affiliation.

31 (3)(A) The General Assembly shall provide by law for a process
32 to choose and elect electors for President of the United States and Vice
33 President of the United States.

34 (B) The choice and election of electors for President of
35 the United States and Vice President of the United States may appear on the
36 general election ballot.

1 (d) The General Assembly shall enact all laws necessary to implement
 2 this amendment, including without limitation laws concerning:

3 (1) The process for filing as a candidate for a primary
 4 election, special primary election, and election for nonpartisan office,
 5 including without limitation the process for filing as an independent
 6 candidate;

7 (2) Procedures for conducting primary elections, general
 8 elections, elections for nonpartisan office, and special elections, including
 9 without limitation a process for:

10 (A) Resolving tie votes; and

11 (B) Determining when and if candidate vacancies may be
 12 filled at primary elections, general elections, elections for nonpartisan
 13 office, and special elections;

14 (3) When primary elections, general elections, elections for
 15 nonpartisan office, and special elections shall occur;

16 (4) The process for filing as a candidate at a presidential
 17 primary election;

18 (5) The date a presidential primary election shall occur;

19 (6) Procedures for conducting a presidential primary election;

20 (7) The process for electors for President of the United States
 21 and Vice President of the United States to file for inclusion on the ballot;

22 (8) When the choice and election of electors for President of
 23 the United States and Vice President of the United States shall occur;

24 (9) Procedures for conducting an election to choose and elect
 25 electors for President of the United States and Vice President of the United
 26 States;

27 (10) The process for filing as a write-in candidate; and

28 (11) Other matters deemed necessary by the General Assembly for
 29 the implementation of this amendment.

30
 31 SECTION 2. Arkansas Constitution, Article 3, § 13, is repealed.

32 ~~§ 13. Procedures for elections with one candidate.~~

33 ~~(a) As used in this section, "election" means:~~

34 ~~(1) A primary election;~~

35 ~~(2) A special primary election;~~

36 ~~(3) A general election; and~~

1 ~~(4) A special election.~~

2 ~~(b) The General Assembly may enact laws providing that if there is~~
 3 ~~only one (1) person qualified as a candidate for an office after all~~
 4 ~~deadlines for filing as a candidate have passed so that there will be only~~
 5 ~~one (1) name listed on the election ballot for the office and no write-in~~
 6 ~~candidates qualify to appear as candidates for the office on the election~~
 7 ~~ballot.~~

8 ~~(1) The one (1) candidate for the office shall be declared~~
 9 ~~elected and his or her name shall not appear on the election ballot;~~

10 ~~(2) The name of the candidate declared elected shall be~~
 11 ~~certified as elected in the same manner as if the candidate had been voted~~
 12 ~~upon at the election; and~~

13 ~~(3) The election shall not be held if no other office or issue~~
 14 ~~is on the election ballot.~~

15
 16 SECTION 3. Arkansas Constitution, Amendment 29, Section 5, is amended
 17 to read as follows:

18 § 5. Election to fill – Placing names on ballots.

19 Only the names of candidates for office nominated ~~by an organized~~
 20 ~~political party at a convention of delegates, or by a majority of all the~~
 21 ~~votes cast for candidates for the office in a primary election, or by~~
 22 ~~petition of electors~~ as provided by law, shall be placed on the ballots in
 23 any election.
 24

25 SECTION 4. EFFECTIVE DATE. This amendment is effective on and after
 26 January 1, 2021, and shall be applicable to elections occurring on and after
 27 January 1, 2022.
 28

29 SECTION 5. BALLOT TITLE AND POPULAR NAME. When this proposed
 30 amendment is submitted to the electors of this state on the general election
 31 ballot:

32 (1) The title of this Joint Resolution shall be the ballot
 33 title; and

34 (2) The popular name shall be "A Constitutional Amendment
 35 Requiring the General Assembly to Establish by Law an Election Process in
 36 which Candidates at a Primary Election, Special Primary Election, or Election

1 for Nonpartisan Office Appear on a Single Ballot Regardless of Political
2 Party Affiliation and the Top Two (2) Candidates Advance to the General
3 Election or Special Election; and Requiring the General Assembly to Establish
4 by Law a Process Based on Party Affiliation for Selecting Delegates to Attend
5 a Quadrennial National Nominating Convention of a Political Party to Select a
6 Nominee for the Office of President of the United States and a Process for
7 Choosing and Electing Electors for President of the United States and Vice
8 President of the United States".

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