

Arkansas Code of 1987 Annotated Official Edition
© 1987-2012 by the State of Arkansas
All rights reserved.

*** Legislation is current through the 2012 Fiscal Session and updates ***
*** received from the Arkansas Code Revision Commission through ***
*** April 24, 2012. ***

Title 7 Elections
Chapter 8 Federal Elections
Subchapter 3 -- Presidential Electors

A.C.A. § 7-8-302 (2012)

7-8-302. Election and certification of electors -- Ballots -- Contesting conventions -- Vacancy.

Choosing and election of electors of President and Vice President of the United States shall be in the following manner:

(1) (A) In each year in which a President and Vice President of the United States are chosen, each political party or group in the state shall choose by its state convention electors of President and Vice President of the United States. The state convention of the party or group shall also choose electors at large if any are to be appointed for the state.

(B) The state convention of the party or group, by its chair and secretary, shall certify to the Secretary of State the total list of electors together with electors at large so chosen. The certificate shall be filed no later than September 15 in the year of the election. The filing of the certificate with the Secretary of State shall be deemed and taken to be the choosing and selection of the electors of this state, if the party or group is successful at the polls, as provided in this subchapter, in choosing their candidates for President and Vice President of the United States.

(C) The certification by the respective political parties or groups in this state of electors of President and Vice President shall be made to the Secretary of State within two (2) days after the state convention;

(2) (A) Should more than one (1) certificate of choice and selection of electors of the same political party or group be filed by contesting conventions or contesting groups, it shall be the duty of the constitutional officers of this state within ten (10) days after the adjournment of the last of the conventions to meet in the office of the Governor and determine which set of nominees for electors of the party or group was chosen and selected by the authorized convention of the party or group.

(B) The Secretary of State shall notify the state officers of the date, time, and place of the meeting.

(C) (i) At the meeting, a majority of the officers present, after notice to the chair and secretaries or managers of the conventions or groups and after a hearing, shall determine

which set of electors was chosen by the authorized convention and shall so announce and publish that fact.

(ii) The decision shall be final, and the set of electors determined by the state officers to be chosen shall be the list or set of electors to be deemed elected if that party is successful at the polls, as herein provided;

(3) Should a vacancy occur in the choice of an elector, the vacancy may be filled by the state executive committee of the party or group, to be certified by the committee to the Secretary of State;

(4) (A) The names of the candidates of the several political parties or groups for electors of President and Vice President shall not be printed on the official ballot to be voted on in the election to be held on the day provided in § 7-8-301. In lieu of the names of the candidates for electors, the name of the candidate for President and the name of the candidate for Vice President with the particular political party designation of each shall be printed on the ballot. Each voter in this state may choose and elect one (1) list or set of electors from the several lists or sets of electors chosen and selected by the respective political parties or groups, by placing an appropriate mark on the ballot.

(B) Placing a cross within the square before the bracket enclosing the names of President and Vice President shall not be deemed and taken as a direct vote for the candidates for President and Vice President, or either of them, but shall only be deemed and taken to be a vote for the entire list or set of electors chosen by the political party or group so certified to the Secretary of State as herein provided. Voting by means of placing a cross in the appropriate place following the names of the candidates for President and Vice President shall not be deemed or taken as a direct vote for the candidates for President and Vice President, or either of them, but instead, as to the presidential vote, as a vote for the entire list or set of electors chosen by that political party or group so certified to the Secretary of State as herein provided;

(5) (A) (i) In order to have the name of a political party's candidates for President and Vice President printed on the ballot, a political party shall hold a presidential preferential primary election.

(ii) A new political party formed under the petition process may nominate by convention if the presidential election is the first general election after certification as a party by the Secretary of State.

(B) A political group desiring to have the names of its candidates for President and Vice President printed on the ballot shall file a petition with the Secretary of State by noon on the first Monday of August of the year of the election. The petition shall contain at the time of filing the names of one thousand (1,000) qualified electors of the state declaring their desire to have printed on the ballot the names of their candidate for President and Vice President. The Secretary of State shall verify the sufficiency of the petition within ten (10) days from the filing of the petition. If the petition is determined to be insufficient, the Secretary of State shall notify in writing the political group through its designated agent and shall set forth his or her reasons for so finding.

(C) Any challenges to the certification of the Secretary of State shall be filed in the Pulaski County Circuit Court.

(D) No later than 12:00 noon on the seventy-fifth day before the election, a political group that qualifies by petition to place its candidate on the ballot shall submit a certificate of choice stating the names of its candidates for President and Vice President, signed under oath by either the chair, vice chair, or secretary of the political group's convention; and

(6) (A) Persons desiring to have their names printed on the ballot as independent