

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senator Chaffin**

A Bill ACT 53 OF 1991
SENATE BILL 22

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7 **For An Act To Be Entitled**

8 "AN ACT TO AMEND ARKANSAS 7-5-106 TO PROVIDE THAT WHEN
9 THERE IS A TIE VOTE FOR CERTAIN COUNTY OR MUNICIPAL
10 OFFICERS, EITHER CANDIDATE MAY REQUEST A RUNOFF ELECTION;
11 AND FOR OTHER PURPOSES."

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

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15 SECTION 1. Arkansas Code 7-5-106 is hereby amended to read as follows:

16 "7-5-106. Runoff elections for county and municipal officers.

17 (a) Whenever there are more than two (2) candidates for election to any
18 county elected office, including the office of justice of the peace, or for
19 any municipal office at any general election held in this state, and no
20 candidate for the municipal or county office receives a majority of the votes
21 cast for the office, there shall be a runoff general election held in that
22 county or municipality two (2) weeks following the date of the general
23 election at which the names of the two (2) candidates receiving the highest
24 number of votes, but not a majority, shall be placed on the ballot to be voted
25 upon by the qualified
26 electors of the county or the municipality, as the case may be. The person
27 receiving the majority of the votes cast for the office at the runoff general
28 election shall be declared elected. However, in the event the two (2)
29 candidates seeking election to the same county or municipal office shall
30 receive the same number of votes, a tie shall be deemed to exist, and the
31 county board of election commissioners, at an open public meeting, and in the
32 presence of the two (2) candidates, shall determine the winner by lot, unless
33 one of the candidates requests a runoff election in which case a runoff
34 election shall be conducted as provided by this section.

35 (b) For the purposes of this section, the term 'municipal officers'
36 shall include officers of cities of the first and second class and

1 incorporated towns and shall include aldermen, members of boards of managers,
2 or other elective municipal offices elected by the voters of the entire
3 municipality or from wards or districts within a municipality. The term
4 'municipal officers' shall not include officers of cities having a city
5 manager form of government. The provisions of this section shall not be
6 applicable to election of members of the
7 boards of directors and other officials of cities having a city manager form
8 of government.

9 (c) The provisions of this section are intended to be in addition to
10 and supplemental to the laws of this state pertaining to the election of
11 county and municipal officers at general elections."
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13 SECTION 2. All provisions of this Act of a general and permanent nature
14 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
15 Revision Commission shall incorporate the same in the Code.
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17 SECTION 3. If any provision of this Act or the application thereof to
18 any person or circumstance is held invalid, such invalidity shall not affect
19 other provisions or applications of the Act which can be given effect without
20 the invalid provision or application, and to this end the provisions of this
21 Act are declared to be severable.
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23 SECTION 4. All laws and parts of laws in conflict with this Act are
24 hereby repealed.
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26 APPROVED: 2-7-91
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