

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

A Bill

SENATE BILL 700

For An Act To Be Entitled

8 "AN ACT TO REPEAL ARKANSAS CODE 7-5-106 GOVERNING RUN-OFF
9 ELECTIONS FOR COUNTY AND MUNICIPAL OFFICERS; TO REPEAL
10 ARKANSAS CODE ANNOTATED 14-42-206 GOVERNING MUNICIPAL
11 PRIMARY ELECTIONS AND NOMINATING PETITIONS; TO DECLARE AN
12 EMERGENCY; AND FOR OTHER PURPOSES."

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

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

17 *"7-5-106. Runoff elections for county and municipal officers.*

18 *(a) Whenever there are more than two (2) candidates for election to any*
19 *county elected office, including the office of justice of the peace, or for*
20 *any municipal office at any general election held in this state, and no*
21 *candidate for the municipal or county office receives a majority of the votes*
22 *cast for the office, the person receiving the plurality of the votes cast for*
23 *the office at the general election shall be declared elected. However, in the*
24 *event the two (2) or more candidates seeking election to the same county or*
25 *municipal office shall receive the same number of votes and no other candidate*
26 *received a higher number of votes, a tie shall be deemed to exist, and the*
27 *county board of election commissioners, at an open public meeting, and in the*
28 *presence of the two (2) or more candidates, shall determine the winner by lot,*
29 *unless one (1) of the tied candidates requests a runoff election within*
30 *seventy-two (72) hours of certification of the tie vote, in which case a*
31 *runoff election shall be conducted two (2) weeks following the date of the*
32 *general election. If both candidates receive the same number of votes and no*
33 *other candidate received a higher number of votes at the runoff election, the*
34 *winner shall be determined by lot as prescribed above.*

35 *(b) For the purposes of this section, the term 'municipal offices'*

1 shall include offices of cities of the first and second class and incorporated
2 towns and shall include aldermen, members of boards of managers, or other
3 elective municipal offices elected by the voters of the entire municipality or
4 from wards or districts within a municipality.

5 (c) The provisions of this section are intended to be in addition to
6 and supplemental to the laws of this state pertaining to the election of
7 county and municipal offices at general elections."

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9 SECTION 2. Section 2(c)(1)(A) of Act 59 of 1991 is hereby amended to
10 read as follows:

11 "(c)(1)(A) If no candidate receives a majority of the votes cast in the
12 general election, the candidate receiving the plurality of votes cast for the
13 office to be filled shall be declared elected. However, in the event two (2)
14 or more candidates seeking election to the same county or municipal office
15 shall receive the same number of votes, a tie shall be deemed to exist, and
16 the outcome of the election shall be determined pursuant to the procedures set
17 forth in Section 7-5-106."

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19 SECTION 3. All provisions of this Act of a general and permanent nature
20 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
21 Revision Commission shall incorporate the same in the Code.

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23 SECTION 4. If any provision of this Act or the application thereof to
24 any person or circumstance is held invalid, such invalidity shall not affect
25 other provisions or applications of the Act which can be given effect without
26 the invalid provision or application, and to this end the provisions of this
27 Act are declared to be severable.

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29 SECTION 5. All laws and parts of laws in conflict with this Act are
30 hereby repealed.

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/s/Lewellen

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