1   State of Arkansas
2   84th General Assembly

A Bill

3   Regular Session, 2003   SENATE BILL   741

4

5   By: Senator Wilkins

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8   **For An Act To Be Entitled**
9   AN ACT TO ELIMINATE RUNOFF ELECTIONS FOR
10   MUNICIPAL OFFICES; AND FOR OTHER PURPOSES.

11

12   **Subtitle**
13   AN ACT TO ELIMINATE RUNOFF ELECTIONS FOR
14   MUNICIPAL OFFICES.

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

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19   SECTION 1. Arkansas Code § 7-5-106 is amended to read as follows:
20   7-5-106. Runoff elections for county ~~and municipal~~ officers.
21   (a)(1)(A) Whenever there are more than two (2) candidates for election
22 to any county elected office, including the office of justice of the peace,
23 ~~or for any municipal office~~ at any general election held in this state and no
24 candidate for the ~~municipal or~~ county office receives a majority of the votes
25 cast for the office, there shall be a runoff general election held in that
26 county ~~or municipality~~ three (3) weeks following the date of the general
27 election at which the names of the two (2) candidates receiving the highest
28 number of votes, but not a majority, shall be placed on the ballot to be
29 voted upon by the qualified electors of the county ~~or the municipality, as~~
30 ~~the case may be~~.
31   (B) In the event that two (2) candidates receive the
32 highest number of votes and receive the same number of votes, a tie shall be
33 deemed to exist and the names of the two (2) candidates shall be placed on
34 the ballot to be voted upon by the qualified electors of the county ~~or the~~
35 ~~municipality, as the case may be~~.
36   (C)_(i)_ If there is one (1) candidate who receives the

1   highest number of votes, but not a majority of the votes, and two (2) other

2   candidates receive the same number of votes for the next highest number of

3   votes cast, a tie shall be deemed to exist between the two (2) candidates.

4   (ii)   The county board of election commissioners

5   shall determine the runoff candidate by lot at a public meeting and in the

6   presence of the two (2) candidates.

7   (2)(A)   The person receiving the majority of the votes cast for

8   the office at the runoff general election shall be declared elected.

9   (B)   However, in the event that the two (2) candidates

10 seeking election to the same county ~~or municipal~~ office shall receive the

11 same number of votes in the runoff election, a tie shall be deemed to exist,

12 and the county board shall determine the winner by lot at an open public

13 meeting and in the presence of the two (2) candidates.

14   ~~(b)   For the purposes of this section, the term "municipal officers"~~

15 ~~shall include officers of cities of the first and second class and~~

16 ~~incorporated towns and shall include aldermen, members of boards of managers,~~

17 ~~or other elective municipal offices elected by the voters of the entire~~

18 ~~municipality or from wards or districts within a municipality. The term~~

19 ~~"municipal officers" shall not include officers of cities having a city~~

20 ~~manager form of government. The provisions of this section shall not be~~

21 ~~applicable to election of members of the boards of directors and other~~

22 ~~officials of cities having a city manager form of government.~~

23   ~~(c)~~(b)   The provisions of this section are intended to be in addition

24 to and supplemental to the laws of this state pertaining to the election of

25 county ~~and municipal~~ officers at general elections.

26

27   SECTION 2.   Arkansas Code Title 7, Chapter 5, Subchapter 1 is amended

28 to add an additional section to read as follows:

29   7-5-111. Election of municipal officials by plurality vote.

30   (a)   For purposes of this section, "municipal office" means any elected

31 office of a city of the first class, city of the second class, or

32 incorporated town.

33   (b)   The candidate receiving the largest number of votes cast for the

34 municipal office at any special election or general election shall be deemed

35 to have won the election.

36   (c)   If two (2) or more candidates for a municipal office tie for the

1 largest number of votes cast for the offices, the winner shall be determined

2 by lot.

3

4   SECTION 3. Arkansas Code § 14-42-206(c), concerning the nominating

5 petition in a municipal primary election, is amended to read as follows:

6   (c)(1)(A) If no candidate receives a majority of the votes cast in the

7 general election, the two (2) candidates receiving the highest number of

8 votes cast for the office to be filled shall be the nominees for the

9 respective offices, to be voted upon in a runoff election pursuant to § 7-5-

10 106.

11   (B) In any case, except for the office of mayor, in which

12 only one (1) candidate shall have filed and qualified for the office, the

13 candidate shall be declared elected and the name of the person shall be

14 certified as elected without the necessity of putting the person's name on

15 the general election ballot for the office.

16   (2)(1) If the office of mayor is unopposed, then the candidate

17 for mayor shall be printed on the general election ballot and the votes for

18 mayor shall be tabulated as in all contested races.

19   (3)(2) Any municipal judge position that is elected other than

20 citywide will not be affected by this section.

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22   SECTION 4. Arkansas Code § 14-43-304(c) and (d), concerning elections

23 for mayors in cities having a mayor-council government, are amended to read

24 as follows:

25   (c)(1) In the event that no candidate for mayor of cities of the first

26 class receives a majority of the votes cast in the general election, the two

27 (2) candidates receiving the highest number of votes shall be certified to a

28 special runoff election, which shall be held two (2) weeks from the day on

29 which the general election is held.

30   (2) The special runoff election shall be conducted in the same

31 manner as provided by law, and the election results thereof shall be

32 canvassed and certified in the manner provided by law.

33   (d)(c) In the event that a vacancy occurs in the office of mayor of

34 these cities, the vacancy shall be filled by a special election and special

35 runoff election, if necessary, as provided in subsection (c) of this section.

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1   SECTION 5. Arkansas Code § 14-61-111(b)(3), concerning elections for
2 mayor, is repealed.
3   ~~(3)(A) If it is required that a candidate receive a minimum~~
4 ~~percentage, less than fifty percent (50%), of the total votes cast for mayor~~
5 ~~in order to be elected mayor without a runoff, and if no candidate for the~~
6 ~~position of mayor receives at least the required percentage of the votes~~
7 ~~cast, then the two (2) candidates receiving the highest number of votes shall~~
8 ~~be the nominees for the position of mayor and shall be certified to a special~~
9 ~~runoff election which shall be held two (2) weeks from the day on which the~~
10 ~~general election is held.~~
11   ~~(B) The special runoff election shall be conducted, and~~
12 ~~the election results shall be canvassed and certified in the manner~~
13 ~~prescribed by law for municipal runoff elections.~~
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15   SECTION 6. Arkansas Code § 14-61-112 is amended to read as follows:
16   14-61-112. Directors and mayor selected by plurality vote.
17   (a) ~~Unless special provisions for the position of mayor are~~
18 ~~implemented pursuant to § 14-61-111, the~~ The candidate for any designated
19 position on the board of directors of a city affected by this chapter,
20 including the mayor, who in any special or general election shall receive
21 votes greater in number than those cast in favor of any other candidate for
22 the position, shall be deemed to be elected.
23   (b) ~~If special provisions for the election of the mayor are~~
24 ~~implemented pursuant to § 14-61-111, then those special provisions will~~
25 ~~control the election of the mayor.~~ If two (2) or more candidates receive the
26 same number of votes, and more votes than any other candidate, the winner
27 shall be determined by lot.
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