

**Hall of the House of Representatives**  
92nd General Assembly - Regular Session, 2019  
**Amendment Form**

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**Subtitle of House Bill No. 1960**

TO AMEND THE LAW CONCERNING COUNTING VOTES FOR WITHDRAWN OR DECEASED  
CANDIDATES; AND TO STREAMLINE CERTAIN ELECTION PROCESSES.

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**Amendment No. 1 to House Bill 1960**

Amend House Bill No. 1960 as originally introduced:

Page 1, line 32, delete "under § 7-5-203" and substitute "after certification of the ballot"

AND

Page 2, delete lines 12 through 36, and substitute the following:

"(b)(1)(c)(1) The votes received by any person a candidate for an office that is not a nonpartisan municipal office whose name appeared on the ballot and who withdrew or died after the certification of the ballot shall be counted.

(2)(A) If the person candidate received enough votes to win the election, a vacancy in election shall be declared.

(B)(i) If the person candidate received enough votes to qualify for a runoff, the person's candidate's name shall appear on the runoff ballot.

(ii) If enough votes are cast for the person candidate to win the runoff, then a vacancy in election shall exist.

(d)(1) A candidate for office may withdraw from candidacy after certification of the ballot by filing a written statement that:

(A) Is signed by the candidate and acknowledged before an officer authorized to take acknowledgements; and

(B) Attests to the candidate's desire to withdraw as a



candidate for the office.

(2) The candidate withdrawing under this section shall file the written statement under subdivision (d)(1) of this section with the:

(A) County clerk if the candidate filed for candidacy with the county clerk; or

(B) The Secretary of State if the candidate filed for candidacy with the Secretary of State.

(3) The county clerk or Secretary of State shall promptly provide to each county board of election commissioners with which the candidate was certified for candidacy a certified copy of the written statement under this section.

(e)(1) The votes received by a candidate for a nonpartisan municipal office whose name appeared on the ballot and who has withdrawn or died after the certification of the ballot shall not be counted if two (2) or fewer candidates remain after the withdrawal or death.

(2) If only one (1) candidate for a nonpartisan municipal office remains after a candidate withdraws or dies after certification of the ballot, the remaining candidate shall be certified as elected.

(3) If two (2) candidates for a nonpartisan municipal office remain after a candidate withdraws or dies after certification of the ballot and:

(A) Only one (1) of the remaining candidates has the most votes, the remaining candidate with the most votes shall be certified as elected; or

(B) If more than one (1) of the remaining candidates have the most votes and the same number of votes, the candidates with the most votes and the same number of votes shall be certified to the general runoff election or special runoff election.

(4) If a candidate for a nonpartisan municipal office has withdrawn or died after certification of the ballot and his or her name will appear on the ballot but not be counted, notice shall be posted in each early voting location, polling place, and vote center in a manner that is reasonably visible to voters which:

(A) Identifies the candidate who has withdrawn or died after certification of the ballot;

(B) States that the candidate has withdrawn or died after

certification of the ballot; and

(C) Advises voters that any vote entered for that candidate will not be counted.

(f) If a candidate for the office of mayor or city clerk withdraws or dies after certification of the ballot, the total number of votes cast in the election for mayor or city clerk shall be counted and tabulated for administrative purposes, but the dead or withdrawn candidate shall not be certified as elected or to a runoff election.

(g)(1) Votes not counted under this section may be tabulated or released as preliminary and unofficial election results.

(2) Votes not counted under this section shall not be included in the certified election results, and the results of the election shall be determined as if the votes not counted were not cast."

AND

Delete page 3

The Amendment was read \_\_\_\_\_

By: Representative Perry  
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Chief Clerk