

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009

A Bill

HOUSE BILL 1240

4
5 By: Representative T. Baker
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For An Act To Be Entitled

8
9 AN ACT TO MODIFY THE AMOUNT OF VOTES REQUIRED TO
10 BE ELECTED TO A MUNICIPAL POSITION WITHOUT A
11 RUNOFF; AND FOR OTHER PURPOSES.
12

Subtitle

13
14 TO MODIFY THE AMOUNT OF VOTES REQUIRED
15 TO BE ELECTED TO A MUNICIPAL POSITION
16 WITHOUT A RUNOFF.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 7-5-106 is amended to read as follows:

22 7-5-106. Runoff elections for county and municipal officers.

23 (a)(1) ~~Whenever~~ If there are more than two (2) candidates for election
24 to any county elected office, including the office of justice of the peace,
25 ~~or for any municipal office~~ at any general election held in this state and no
26 candidate for the ~~municipal~~ ~~or~~ county elected office receives a majority of
27 the votes cast for the county elected office, there shall be a runoff general
28 election held in that county ~~or municipality~~ three (3) weeks following the
29 date of the general election at which the names of the two (2) candidates
30 receiving the highest number of votes, but not a majority, shall be placed on
31 the ballot to be voted upon by the qualified electors of the county ~~or the~~
32 municipality, as the case may be.

33 (2) If there are more than two (2) candidates for election to
34 any municipal office at any general election held in this state and no
35 candidate for the municipal office receives forty percent (40%) of the votes
36 cast for the municipal office, there shall be a runoff general election held



1 in that municipality three (3) weeks following the date of the general
 2 election at which the names of the two (2) candidates receiving the highest
 3 number of votes, but not forty percent (40%), shall be placed on the ballot
 4 to be voted upon by the qualified electors of the municipality.

5 (b) ~~In the event that~~ If two (2) candidates receive the highest number
 6 of votes and receive the same number of votes, a tie ~~shall be~~ is deemed to
 7 exist and the names of the two (2) candidates shall be placed on the runoff
 8 general election ballot to be voted upon by the qualified electors of the
 9 county or the municipality, as the case may be.

10 (c)(1) If there is one (1) candidate who receives the highest number
 11 of votes, but not a majority of the votes in a county for a county elected
 12 office or forty percent (40%) of the votes in a municipality for a municipal
 13 office, and two (2) other candidates receive the same number of votes for the
 14 next highest number of votes cast, a tie ~~shall be~~ is deemed to exist between
 15 the two (2) other candidates.

16 (2) The county board of election commissioners shall determine
 17 among the two (2) other candidates the runoff general election candidate by
 18 lot at a public meeting and in the presence of the two (2) other candidates.

19 (d) If one (1) of the two (2) candidates who received the highest
 20 number of votes for ~~an~~ a county elected office or a municipal office but not
 21 a majority of the votes in a county for a county elected office or forty
 22 percent (40%) of the votes in a municipality for a municipal office in the
 23 general election withdraws ~~prior to~~ before certification of the result of the
 24 general election, the remaining candidate who received the most votes at the
 25 general election shall be declared elected to the county elected office or
 26 municipal office and there shall be no runoff general election ~~runoff~~.

27 (e)(1) The person receiving the majority of the votes cast for the
 28 county elected office or municipal office at the runoff general election
 29 shall be declared elected.

30 (2) However, ~~in the event that~~ if the two (2) candidates seeking
 31 election to the same county elected office or municipal office ~~shall~~ receive
 32 the same number of votes in the runoff general election, a tie ~~shall be~~ is
 33 deemed to exist, and the county board shall determine the winner of the
 34 runoff general election by lot at an open public meeting and in the presence
 35 of the two (2) candidates.

36 (f)(1) ~~For the purposes of this section, the term "municipal officers"~~

~~shall include officers~~ As used in this section, "municipal office" includes
offices of cities of the first class and cities of the second class and
incorporated towns and ~~shall include~~ includes the offices of aldermen,
members of boards of managers, or other elective municipal offices elected by
the voters of the entire municipality or from wards or districts within a
municipality.

(2) ~~The term "municipal officers" shall not include officers~~
"Municipal office" does not include offices of cities having a city manager
form of government.

~~(3) The provisions of this section shall not be applicable (g)~~
This section does not apply to election of members of the boards of directors
and other officials of cities having a city manager form of government.

~~(g) The provisions of this section are (h)~~ This section is intended
to be in addition to and supplemental to the laws of this state pertaining to
the election of officers for county elected offices and municipal ~~officers~~
offices at general elections.

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