

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 1393

4
5 By: Representatives T. Baker, Moore, Allen, Blount, Carroll, Cash, Davis, Everett, Gaskill, Pyle, Rainey,
6 Wagner, Word

For An Act To Be Entitled

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

Subtitle

15 TO MODIFY THE AMOUNT OF VOTES REQUIRED
16 TO BE ELECTED TO A MUNICIPAL POSITION
17 WITHOUT A RUNOFF.

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19
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

21
22 SECTION 1. Arkansas Code § 7-5-106 is amended to read as follows:

23 7-5-106. Runoff elections for county and municipal officers.

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

34 (2) If there are more than two (2) candidates for election to
35 any municipal office at any general election held in this state and no
36 candidate for the municipal office receives both forty percent (40%) of the



1 votes cast and twenty percent (20%) more votes than the second-place
 2 candidate for the municipal office, there shall be a runoff general election
 3 held in that municipality three (3) weeks following the date of the general
 4 election at which the names of the two (2) candidates receiving the highest
 5 number of votes, but not both forty percent (40%) of the votes cast and
 6 twenty percent (20%) more votes than the second-place candidate, shall be
 7 placed on the ballot to be voted upon by the qualified electors of the
 8 municipality.

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

14 (c)(1) If there is one (1) candidate who receives the highest number
 15 of votes, but not a majority of the votes in a county for a county elected
 16 office or both forty percent (40%) of the votes cast and twenty percent (20%)
 17 more votes than the second-place candidate in a municipality for a municipal
 18 office, and two (2) other candidates receive the same number of votes for the
 19 next highest number of votes cast, a tie ~~shall be~~ is deemed to exist between
 20 the two (2) other candidates.

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

24 (d) If one (1) of the two (2) candidates who received the highest
 25 number of votes for ~~an~~ a county elected office or a municipal office but not
 26 a majority of the votes in a county for a county elected office or both forty
 27 percent (40%) of the votes cast and twenty percent (20%) more votes than the
 28 second-place candidate in a municipality for a municipal office in the
 29 general election withdraws ~~prior to~~ before certification of the result of the
 30 general election, the remaining candidate who received the most votes at the
 31 general election shall be declared elected to the county elected office or
 32 municipal office and there shall be no runoff general election ~~runoff~~.

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

36 (2) However, ~~in the event that~~ if the two (2) candidates seeking

1 election to the same county elected office or municipal office ~~shall~~ receive
2 the same number of votes in the runoff general election, a tie ~~shall be~~ is
3 deemed to exist, and the county board shall determine the winner of the
4 runoff general election by lot at an open public meeting and in the presence
5 of the two (2) candidates.

6 (f)(1) ~~For the purposes of this section, the term "municipal officers"~~
7 ~~shall include officers~~ As used in this section, "municipal office" includes
8 offices of cities of the first class and cities of the second class and
9 incorporated towns and ~~shall include~~ includes the offices of aldermen,
10 members of boards of managers, or other elective municipal offices elected by
11 the voters of the entire municipality or from wards or districts within a
12 municipality.

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

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

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

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