

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
4

As Engrossed: S3/2/09

A Bill

HOUSE BILL 1393

5 By: Representatives T. Baker, Moore, Allen, Blount, Carroll, Cash, Davis, Everett, Gaskill, Pyle, Rainey,
6 Wagner, Word
7
8

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.
13

Subtitle

15 TO MODIFY THE AMOUNT OF VOTES REQUIRED
16 TO BE ELECTED TO A MUNICIPAL POSITION
17 WITHOUT A RUNOFF.
18
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 either a majority or both forty



1 percent (40%) of the votes cast and twenty percent (20%) more votes than the
2 second-place candidate for the municipal office, there shall be a runoff
3 general election held in that municipality three (3) weeks following the date
4 of the general election at which the names of the two (2) candidates
5 receiving the highest number of votes, but not both forty percent (40%) of
6 the votes cast and twenty percent (20%) more votes than the second-place
7 candidate, shall be placed on the ballot to be voted upon by the qualified
8 electors of the 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 either a majority or both forty percent (40%) of the votes cast and
17 twenty percent (20%) more votes than the second-place candidate in a
18 municipality for a municipal office, and two (2) other candidates receive the
19 same number of votes for the next highest number of votes cast, a tie ~~shall~~
20 be is deemed to exist between 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 either a
27 majority or both forty percent (40%) of the votes cast and twenty percent
28 (20%) more votes than the second-place candidate in a municipality for a
29 municipal office in the general election withdraws ~~prior to~~ before
30 certification of the result of the general election, the remaining candidate
31 who received the most votes at the general election shall be declared elected
32 to the county elected office or municipal office and there shall be no runoff
33 general election runoff.

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

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

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

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

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

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

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 25 */s/ T. Baker*
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