

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

*As Engrossed: H2/22/11 S3/29/11*

# A Bill

HOUSE BILL 1295

5 By: Representative T. Baker  
6 *By: Senator D. Wyatt*  
7

## For An Act To Be Entitled

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

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

25 7-5-106. Runoff elections for county and municipal officers.

26 (a) ~~(1) Whenever~~ If there are more than two (2) candidates for election  
27 to any county elected office, including the office of justice of the peace,  
28 ~~or for any municipal office~~ at any general election held in this state and no  
29 candidate for the ~~municipal or~~ county elected office receives a majority of  
30 the votes cast for the county elected office, there shall be a runoff general  
31 election held in that county ~~or municipality~~ three (3) weeks following the  
32 date of the general election at which the names of the two (2) candidates  
33 receiving the highest number of votes, but not a majority, 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 (2)(A) The following procedure will govern if there are more



1 than two (2) candidates for election to any municipal office at any general  
2 election held in this state in which no candidate for the municipal office  
3 receives either:

4 (i) A majority of the votes cast; or

5 (ii) A plurality of forty percent (40%) of the votes  
6 cast.

7 (B)(i) A candidate who receives a plurality of forty  
8 percent (40%) of the votes cast must obtain at least twenty percent (20%)  
9 more of the votes cast than the second-place candidate for the municipal  
10 office to avoid a runoff general election against the second-place candidate.

11 (ii) If required, the runoff general election  
12 between the two (2) candidates shall be held in that municipality three (3)  
13 weeks following the date of the general election with the names of the two  
14 (2) candidates placed on the ballot to be voted upon by the qualified  
15 electors of the municipality.

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

21 (c)(1) *If there is one (1) candidate who receives the highest number*  
22 *of votes, but not a majority of the votes, and two (2) other candidates*  
23 *receive the same number of votes for the next highest number of votes cast, a*  
24 *tie shall be deemed to exist between the two (2) candidates.*

25 (2) *The county board of election commissioners shall determine*  
26 *the runoff candidate by lot at a public meeting and in the presence of the*  
27 *two (2) candidates.*

28 (d) If one (1) of the two (2) candidates who received the highest  
29 number of votes for ~~an~~ a county elected office or a municipal office but not  
30 a majority of the votes in a county for a county elected office or either a  
31 majority or both forty percent (40%) of the votes cast and at least twenty  
32 percent (20%) more of the votes cast than the second-place candidate in a  
33 municipality for a municipal office in the general election withdraws ~~prior~~  
34 ~~to~~ before certification of the result of the general election, the remaining  
35 candidate who received the most votes at the general election shall be  
36 declared elected to the county elected office or municipal office and there

1 shall be no runoff general election ~~runoff~~.

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

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

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

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

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

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

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29 /s/T. Baker  
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