ARKANSAS SENATE
83rd General Assembly - Regular Session, 2001
Amendment Form

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Subtitle of Senate Bill No. 885

"AN ACT TO AMEND VARIOUS PROVISIONS OF THE ARKANSAS INFORMATION

SYSTEMS ACT OF 1997."

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Amendment No. 1 to Senate Bill No. 885.

Amend Senate Bill No. 885 as originally introduced:

Delete section 1 and substitute the following:
"SECTION 1.   Arkansas code 7-5-106 is amended to read as follows:
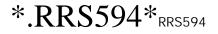7-5-106. Runoff elections for county ~~and municipal~~ officers.
(a)(1)(A) Whenever there are more than two (2) candidates for election to any county elected office, including the office of justice of the peace, ~~or for any municipal office~~ at any general election held in this state and no candidate for the ~~municipal or~~ county office receives a majority of the votes cast for the office, there shall be a runoff general election held in that county ~~or municipality~~ three (3) weeks following the date of the general election at which the names of the two (2) candidates receiving the highest number of votes, but not a majority, shall be placed on the ballot to be voted upon by the qualified electors of the county ~~or the municipality, as the case may be~~.
(B) In the event that two (2) candidates receive the highest number of votes and receive the same number of votes, a tie shall be deemed to exist and the names of the two (2) candidates shall be placed on the ballot to be voted upon by the qualified electors of the county ~~or the municipality, as the case may be~~.
(C) If there is one (1) candidate who receives the highest number of votes, but not a majority of the votes, and two (2) other candidates receive the same number of votes for the next highest number of votes cast, a tie shall be deemed to exist between the two (2) candidates. The county board of election commissioners shall determine the runoff candidate by lot at a public meeting and in the presence of the two (2) candidates.
(2)(A) The person receiving the majority of the votes cast for the office at the runoff general election shall be declared elected.
(B) However, in the event that the two (2) candidates seeking election to the same county ~~or municipal~~ office shall receive the same number of votes in the runoff election, a tie shall be deemed to exist, and the county board shall determine the winner by lot at an open public

meeting and in the presence of the two (2) candidates.

~~(b)   For the purposes of this section, the term "municipal officers"~~
~~shall include officers of cities of the first and second class and~~
~~incorporated towns and shall include 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.   The term~~
~~"municipal officers" shall not include officers of cities having a city~~
~~manager form of government. The provisions of this section shall not be~~
~~applicable to election of members of the boards of directors and other~~
~~officials of cities having a city manager form of government.~~

~~(c)~~(b)   The provisions of this section are intended to be in addition
to and supplemental to the laws of this state pertaining to the election of
county ~~and municipal~~ officers at general elections.

SECTION 2.   Arkansas Code Title 7, Chapter 5, Subchapter 1 is amended
to add an additional section to read as follows:

7-5-111.   Election of municipal officials by plurality vote.

(a)   The candidate receiving the largest number of votes cast for the
municipal office at any special election or general election shall be deemed
to have won the election.

(b)   If two (2) or more candidates for a municipal office tie for the
largest number of votes cast for the office, the winner shall be determined
by lot.

(c)   For the purposes of this section, the term "municipal office"
means any elected office of a city of the first class, city of the second
class, or incorporated town.

SECTION 3.   Arkansas Code 14-42-206(c) is amended to read as follows:

(c)~~(1)(A)   If no candidate receives a majority of the votes cast in the~~
~~general election, the two (2) candidates receiving the highest number of~~
~~votes cast for the office to be filled shall be the nominees for the~~
~~respective offices, to be voted upon in a runoff election pursuant to § 7-5-~~
~~106.~~

~~(B)   In any case, except for the office of mayor, in which~~
~~only one (1) candidate shall have filed and qualified for the office, the~~
~~candidate shall be declared elected and the name of the person shall be~~
~~certified as elected without the necessity of putting the person's name on~~
~~the general election ballot for the office.~~

~~(2)~~(1)   If the office of mayor is unopposed, then the candidate
for mayor shall be printed on the general election ballot and the votes for
mayor shall be tabulated as in all contested races.

~~(3)~~(2)   Any municipal judge position that is elected other than
citywide will not be affected by this section.

SECTION 4.   Arkansas Code 14-43-304(c) and (d) are amended to read as
follows:

~~(c)(1)   In the event that no candidate for mayor of cities of the first~~
~~class receives a majority of the votes cast in the general election, the two~~
~~(2) candidates receiving the highest number of votes shall be certified to a~~
~~special runoff election, which shall be held two (2) weeks from the day on~~
~~which the general election is held.~~

~~(2)   The special runoff election shall be conducted in the same~~

manner as provided by law, and the election results thereof shall be
canvassed and certified in the manner provided by law.

~~(d)~~(c) In the event that a vacancy occurs in the office of mayor of
these cities, the vacancy shall be filled by a special election ~~and special
runoff election, if necessary, as provided in subsection (c) of this section~~.

SECTION 5. Arkansas Code 14-61-111(b)(3) is repealed.
~~(3)(A) If it is required that a candidate receive a minimum
percentage, less than fifty percent (50%), of the total votes cast for mayor
in order to be elected mayor without a runoff, and if no candidate for the
position of mayor receives at least the required percentage of the votes
cast, then the two (2) candidates receiving the highest number of votes shall
be the nominees for the position of mayor and shall be certified to a special
runoff election which shall be held two (2) weeks from the day on which the
general election is held.~~
~~(B) The special runoff election shall be conducted, and
the election results shall be canvassed and certified in the manner
prescribed by law for municipal runoff elections.~~

SECTION 6. Arkansas Code 14-61-112 is amended to read as follows:
14-61-112. Directors and mayor selected by plurality vote.
~~(a) Unless special provisions for the position of mayor are
implemented pursuant to § 14-61-111, the~~ The candidate for any designated
position on the board of directors of a city affected by this chapter,
including the mayor, who in any special or general election shall receive
votes greater in number than those cast in favor of any other candidate for
the position, shall be deemed to be elected. If two (2) or more candidates
receive the same number of votes, and more than any other candidate, the
winner shall be determined by lot.
~~(b) If special provisions for the election of the mayor are
implemented pursuant to § 14-61-111, then those special provisions will
control the election of the mayor.~~

The Amendment was read the first time, rules suspended and read the second time and _____
By: Senator Wilkins
LH/RRS   _____
RRS594   **Secretary**