

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.

INTERIM STUDY PROPOSAL 2009-052

State of Arkansas

As Engrossed: S3/2/09

87th General Assembly

A Bill

Regular Session, 2009

HOUSE BILL 1393

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

Filed with: House Interim Committee on City, County and Local Affairs
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

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

Subtitle

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

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

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) ~~Whenever~~ If 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 elected office receives a majority of the votes cast for the county elected 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.~~



1 (2) If there are more than two (2) candidates for election to
 2 any municipal office at any general election held in this state and no
 3 candidate for the municipal office receives either a majority or both forty
 4 percent (40%) of the votes cast and twenty percent (20%) more votes than the
 5 second-place candidate for the municipal office, there shall be a runoff
 6 general election held in that municipality three (3) weeks following the date
 7 of the general election at which the names of the two (2) candidates
 8 receiving the highest number of votes, but not both forty percent (40%) of
 9 the votes cast and twenty percent (20%) more votes than the second-place
 10 candidate, shall be placed on the ballot to be voted upon by the qualified
 11 electors of the municipality.

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

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

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

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

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

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

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

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

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

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

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28 /s/ T. Baker
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36 Filed Date: 04/02/2009 By: KLL\VJF