

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**  
4 **By: Representative Pryor**  
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6

# A Bill

**HOUSE BILL**

## For An Act To Be Entitled

8 "AN ACT TO ELIMINATE RUN-OFF ELECTIONS FOR COUNTY AND  
9 MUNICIPAL OFFICERS; AND FOR OTHER PURPOSES."

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

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13 SECTION 1. Arkansas Code 7-5-106 is hereby amended to read as follows:

14 "7-5-106. Runoff elections for county and municipal officers.

15 (a) Whenever there are more than two (2) candidates for election to any  
16 county elected office, including the office of justice of the peace, or for  
17 any municipal office at any general election held in this state, and no  
18 candidate for the municipal or county office receives a majority of the votes  
19 cast for the office, there shall not be a runoff general election. The person  
20 receiving the majority or plurality of the votes cast for the office at the  
21 general election shall be declared elected. However, in the event the two (2)  
22 candidates seeking election to the same county or municipal office shall  
23 receive the same number of votes, a tie shall be deemed to exist, and the  
24 county board of election commissioners, at an open public meeting, and in the  
25 presence of the two (2) candidates, shall determine the winner by lot.

26 (b) For the purposes of this section, the term 'municipal offices'  
27 shall include offices of cities of the first and second class and incorporated  
28 towns and shall include aldermen, members of boards of managers, or other  
29 elective municipal offices elected by the voters of the entire municipality or  
30 from wards or districts within a municipality.

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

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35 SECTION 2. Arkansas Code 14-42-206(c)(1)(A) is hereby repealed.

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2 SECTION 3. All provisions of this Act of a general and permanent nature  
3 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
4 Revision Commission shall incorporate the same in the Code.

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6 SECTION 4. If any provision of this Act or the application thereof to  
7 any person or circumstance is held invalid, such invalidity shall not affect  
8 other provisions or applications of the Act which can be given effect without  
9 the invalid provision or application, and to this end the provisions of this  
10 Act are declared to be severable.

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12 SECTION 5. All laws and parts of laws in conflict with this Act are  
13 hereby repealed.

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15 SECTION 6. EMERGENCY CLAUSE. It is hereby found and determined by the  
16 Seventy-Eighth General Assembly that the United States Federal Court, in the  
17 case of Bill Clinton, et. al., v. M. C. Jeffers, et. al., has found that the  
18 passage of Arkansas Code Annotated 7-5-106 and Arkansas Code Annotated 14-42-  
19 206 represented "a systematic and deliberate attempt to reduce black political  
20 opportunity", that these laws were "plainly unconstitutional", and that "the  
21 inference of racial motivation" in these laws was "inescapable"; that the  
22 modification of these laws through this Act will help increase minority  
23 participation in the election process and further the ability of minorities in  
24 this State to elect candidates of their choice; that this State shall not  
25 condone or allow to continue any form of discrimination based on race, and  
26 that any such laws found to be discriminatory should be addressed swiftly and  
27 modified as soon as possible. Therefore, an emergency is hereby declared to  
28 exist and this Act being immediately necessary for the preservation of the  
29 public peace, health and safety shall be in full force and effect from and  
30 after its passage and approval.

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