

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

HOUSE BILL 2089

4
5 By: Representative Young

For An Act To Be Entitled

9 "AN ACT AMEND VARIOUS SECTIONS OF ARKANSAS CODE TITLE 6,
10 7, AND 14; TO MOVE PRIMARY ELECTIONS TO THE MONTH OF
11 AUGUST; TO PROVIDE THAT SCHOOL ELECTIONS WILL BE HELD AT
12 THE SAME TIME AS THE GENERAL ELECTION; TO PROVIDE THAT AN
13 INDEPENDENT WILL FILE AT THE SAME TIME AS POLITICAL PARTY
14 CANDIDATES; TO PROVIDE THAT FILINGS FOR MUNICIPAL OFFICE
15 WILL BE AT THE SAME TIME AS PROVIDED FOR OTHER OFFICES; TO
16 CONFORM VARIOUS LAWS TO THE DATE SET FOR RUNOFF ELECTIONS
17 IN ARKANSAS CODE 7-5-108; TO MAKE CONSISTENT THE LAWS
18 SETTING THE DEADLINE FOR FILING AS A NEW POLITICAL PARTY;
19 AND FOR OTHER PURPOSES."

Subtitle

21 "AN ACT CONCERNING VARIOUS ELECTION LAW
22 DEADLINES."
23

24
25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

26
27 SECTION 1. Arkansas Code 6-14-102 is amended to read as follows:

28 ~~6-14-102.~~ Annual school election date.

29 (a) The annual school election shall be held in each school district of
30 the state on the ~~third Tuesday in September~~ Tuesday next after the first
31 Monday in November.

32 (b) The board of directors of any school district shall have the
33 authority to hold the annual school election on a date prior to that fixed by
34 law, provided that:

35 (1) The proposed budget of expenditures for the previous year, as
36 published, incorrectly stated a proposed expenditure or rate of tax levy, as

1 set forth in a certificate or certificates signed by each member of the board
 2 of directors, or was not published within the time required by law;

3 (2) All constitutional requirements for the annual school
 4 election are met; and

5 (3) The date of the election is approved by the Director of
 6 General Education.

7 ~~—— (c) In an even-numbered year, if no more than one (1) candidate for
 8 school district director or member of the county board of education presents a
 9 petition or notice in writing to the county board of election commissioners as
 10 required by § 6-14-111, and there are no other ballot issues to be submitted
 11 to district electors for consideration, the board of directors of any school
 12 district may, by resolution duly adopted, request the county board of election
 13 commissioners to change the date of the annual school election to coincide
 14 with that of the general election.~~

15 ~~—— (d)(c)(1)~~ (1) The board of directors of any school district shall have the
 16 authority to change the date of an annual school election that has been set
 17 when the district suffers damage to its physical facilities in an amount
 18 exceeding one hundred twenty-five thousand dollars (\$125,000) as a result of
 19 fire or other natural disaster, provided that all constitutional requirements
 20 are met.

21 (2) If the board of directors of the school district determines
 22 that the proceeds of insurance on those facilities will be insufficient to
 23 restore or replace the facilities, the board of directors may, by resolution
 24 duly adopted and with the approval of the Director of General Education,
 25 postpone the date of the annual school election in that school district for
 26 such year from the ~~third Tuesday in September~~ Tuesday next after the first
 27 Monday in November to the second Tuesday in December.

28 (3) Certified copies of the resolution shall be delivered not
 29 later than the Monday next preceding the ~~third Tuesday in September~~ Tuesday
 30 next after the first Monday in November to the Director of General Education,
 31 and to the county supervisor, or secretary of the county board of education if
 32 there is no county school supervisor, and the chairman of the county board of
 33 election commissioners of each county in which any of the territory of the
 34 school district is located.

35 ~~—— (e)(d)~~ (d) The board of directors of any school district that will lose
 36 state aid because of a court decision or legislation enacted by the General

1 Assembly shall have authority, no less than sixty (60) days after the court's
 2 decision or effective date of the legislation, to change the date of the
 3 annual school election to consider a millage increase.✕

4

5 SECTION 2. Arkansas Code 6-14-120 (c), concerning runoff elections for
 6 school district board of directors, is amended to read as follows:

7 (c) In the case of a tie vote for a position of director, a runoff
 8 election shall be held on ~~a day two (2) weeks after the regular school~~
 9 ~~election~~ the date for runoff elections as provided by § 7-5-108 at which the
 10 names of the two (2) candidates receiving the tie vote shall be placed on the
 11 ballot, and the candidate receiving the highest number of votes at such runoff
 12 election shall be declared elected.✕

13

14 SECTION 3. Arkansas Code 6-14-121 (a), concerning runoff elections for
 15 county or district school board, is amended to read as follows:

16 (a) Whenever there are more than two (2) candidates for election to
 17 any county or district school board at any election held in this state, and no
 18 candidate for any county or district position receives a majority of the votes
 19 cast for the office, there shall be a runoff election held in the county or
 20 district. The runoff election shall be held ~~two (2) weeks following the date~~
 21 ~~of the election~~ on the date for runoff elections as provided by § 7-5-108; the
 22 names of the two (2) candidates receiving the highest number of votes, but not
 23 a majority, shall be placed on the ballot to be voted upon by the qualified
 24 electors of the county or the district, as the case may be.✕

25

26 SECTION 4. Arkansas Code 7-1-101 (1), concerning the definition of a
 27 political party, is amended to read as follows:

28 "(1)(A) Political party means any group of voters which, at the last-
 29 preceding general election, polled for its candidate for Governor in the state
 30 or nominees for presidential electors at least three percent (3%) of the
 31 entire vote cast for the office; or which files with the Secretary of State a
 32 petition signed by qualified electors equal in number to at least three
 33 percent (3%) of the total vote cast for the Office of Governor or nominees for
 34 presidential electors at the last-preceding election, declaring their
 35 intention of organizing a political party, the name of which shall be stated
 36 in the declaration, and of participating in the next-succeeding general

1 election.

2 (B) Except in preferential presidential primary elections, the
 3 petition shall be filed with the Secretary of State not later than 12:00 noon
 4 of the first Tuesday in ~~May~~ the fourth calendar month before the preferential
 5 primary election for the general election in which the political party filing
 6 the petition desires to participate. No group of electors shall assume a name
 7 or designation which is so similar, in the opinion of the Secretary of State,
 8 to that of an existing political party as to confuse or mislead the voters at
 9 an election.

10 (C) When any political party fails to obtain three percent (3%)
 11 of the total votes cast at an election for the Office of Governor or nominees
 12 for presidential electors, it shall cease to be a political party; ~~is~~

13

14 SECTION 5. Arkansas Code 7-1-107 is repealed.

15 ~~7-1-107. Independent candidates for municipal office - Filing.~~

16 ~~(a) The governing body of any first class city, second class city, or~~
 17 ~~incorporated town may enact an ordinance requiring independent candidates for~~
 18 ~~municipal office to file petitions for nomination as independent candidates~~
 19 ~~with the county board of election commissioners no later than noon on the day~~
 20 ~~before the preferential primary election.~~

21 ~~(b) The ordinance shall be enacted no later than ninety (90) days prior~~
 22 ~~to the filing deadline. The ordinance shall be published at least once a week~~
 23 ~~for two (2) consecutive weeks immediately following adoption of the ordinance~~
 24 ~~in a newspaper having a general circulation in the city.~~

25

26 SECTION 6. Arkansas Code 7-5-106 is amended to read as follows:

27 ~~§~~7-5-106. Runoff elections for county and municipal officers.

28 (a) Whenever there are more than two (2) candidates for election to any
 29 county elected office, including the office of justice of the peace, or for
 30 any municipal office at any general election held in this state, and no
 31 candidate for the municipal or county office receives a majority of the votes
 32 cast for the office, there shall be a runoff general election held in that
 33 county or municipality ~~two (2) weeks following the date of the general~~
 34 ~~election~~ on the date for runoff elections as provided by § 7-5-108 at which
 35 the names of the two (2) candidates receiving the highest number of votes, but
 36 not a majority, shall be placed on the ballot to be voted upon by the

1 qualified electors of the county or the municipality, as the case may be. The
 2 person receiving the majority of the votes cast for the office at the runoff
 3 general election shall be declared elected. However, in the event the two (2)
 4 candidates seeking election to the same county or municipal office shall
 5 receive the same number of votes, a tie shall be deemed to exist, and the
 6 county board of election commissioners, at an open public meeting, and in the
 7 presence of the two (2) candidates, shall determine the winner by lot unless
 8 one of the candidates requests a runoff election, in which case a runoff
 9 election shall be conducted as provided by this section.

10 (b) For the purposes of this section, the term municipal officers
 11 shall include officers of cities of the first and second class and
 12 incorporated towns and shall include aldermen, members of boards of managers,
 13 or other elective municipal offices elected by the voters of the entire
 14 municipality or from wards or districts within a municipality. The term
 15 municipal officers shall not include officers of cities having a city manager
 16 form of government. The provisions of this section shall not be applicable to
 17 election of members of the boards of directors and other officials of cities
 18 having a city manager form of government.

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

22

23 SECTION 7. Arkansas Code 7-5-703 (c), concerning runoff election for
 24 U.S. Congress when there is a tie vote, is amended to read as follows:

25 (c) Should any two (2) or more persons have an equal number of votes,
 26 and a higher number than any other person, the names of the two (2) candidates
 27 receiving the highest number of votes for United States Senator or
 28 Representative shall be certified to a special runoff election which shall be
 29 held ~~two (2) weeks from the day on which the general election is held~~ on the
 30 date for runoff elections as provided by § 7-5-108. The special runoff
 31 election shall be conducted in the same manner as is now provided by law, and
 32 the election results shall be canvassed and certified in the manner provided
 33 by law. ✕

34

35 SECTION 8. Arkansas Code 7-5-704 (b), concerning runoff election for
 36 legislative, judicial, and executive officers when there is a tie vote, is

1 amended to read as follows:

2 ~~§~~(b) If two (2) or more persons have an equal number of votes for the
 3 same office and a higher number than any other person, the names of the two
 4 (2) candidates receiving the highest number of votes for any legislative,
 5 judicial, or executive office, except those officers named in Arkansas
 6 Constitution, Article 6, Section 3, and constables, shall be certified to a
 7 special runoff election which shall be held ~~two (2) weeks from the day on~~
 8 ~~which the general election is held~~ on the date for runoff elections as
 9 provided by § 7-5-108. The special runoff election shall be conducted in the
 10 same manner as is now provided by law, and the election results thereof shall
 11 be canvassed and certified in the manner provided by law. ~~»~~

12

13 SECTION 9. Arkansas Code 7-6-102 is amended to read as follows:

14 ~~§~~7-6-102. Political practices pledge - Penalty for falsification.

15 (a)(1) Candidates for state or district offices shall file with the
 16 Secretary of State and candidates for county, municipal, or township offices
 17 shall file with the county clerk of the county ~~not later than 12:00 noon on~~
 18 ~~the first Tuesday of April~~ in the period beginning at 12:00 noon on the first
 19 Tuesday in June and ending at 12:00 noon on the fourteenth day thereafter,
 20 before the preferential primary election, a pledge in writing, stating that
 21 they are familiar with the requirements of §§ 7-1-103, 7-1-104, 7-3-108, and
 22 7-6-101 - 7-6-104 and will, in good faith, comply with their terms.

23 (2) Persons nominated as independent candidates shall file the
 24 political practices pledge ~~at the time of filing the petition for nomination~~
 25 during the period provided in subdivision (a)(1).

26 ~~————— (3) Independent candidates for municipal office shall file their~~
 27 ~~political practices pledges with the county clerk of the county not less than~~
 28 ~~sixty (60) calendar days before the general election by 12:00 noon nomination.~~

29 ~~————— (4)~~(3) Persons who wish to be write-in candidates shall file the
 30 political practices pledge at the time of filing the notice to be a write-in
 31 candidate. A write-in candidate shall file the political practices pledge
 32 with the Secretary of State if a candidate for a state or district office or
 33 with the county clerk if a candidate for a county, township, or municipal
 34 office.

35 (b) All political practices pledge forms for state or district offices
 36 and county, municipal, or township offices shall be required to contain the

1 following additional pledge:

2 I hereby certify that I have never been convicted of a felony in
 3 Arkansas or in any other jurisdiction outside of Arkansas.

4 (c) Any person who has been convicted of a felony and signs the pledge
 5 stating that he has not been convicted of a felony shall be guilty of a Class
 6 D felony.

7 (d) For purposes of this section, a person shall be qualified to be a
 8 candidate for a state, district, county, municipal, and township office and
 9 may certify that he has never been convicted of a felony if his record was
 10 expunged in accordance with §§ 16-93-301 - 16-93-303, or a similar expunction
 11 statute in another state, provided, the candidate presents a certificate of
 12 expunction from the court that convicted the prospective candidate.

13 ~~_____ (e) [As amended by Acts 1989, No. 755, § 1.] The Secretary of State or~~
 14 ~~the county clerks of each county, depending on the office, shall notify~~
 15 ~~candidates who have failed to file timely political practices pledges. Only~~
 16 ~~candidates who refuse to file signed pledges within five (5) days of~~
 17 ~~notification of failure to file may be kept off the ballot or made ineligible~~
 18 ~~to be write-in candidates.~~

19 (e) ~~[As amended by Acts 1989, No. 912, § 3.]~~ (1) The failure of any
 20 candidate to sign and file the pledge shall be justifiable grounds to keep the
 21 candidate's name from appearing on the ballot.

22 (2)(A) However, within five (5) days following the ~~first Tuesday~~
 23 ~~in April before the preferential primary election or within five (5) days from~~
 24 ~~which the pledge is required to be filed~~ deadline for filing the pledge, the
 25 Secretary of State or the county clerk shall notify, by certified mail which
 26 requires a return receipt signed by the candidate, those candidates who have
 27 failed to file a signed political practice pledge. Such notice shall include
 28 a copy of the written pledge required by this section.

29 (B) Failure of the state or district candidate to file with
 30 the Secretary of State or of the county, municipal, or township candidate to
 31 file with the county clerk within twenty (20) days of receipt or refusal of
 32 this notice shall prevent the candidate's name from appearing on the ballot. ✕

33

34 SECTION 10. Arkansas Code 7-7-103 is amended to read as follows:

35 "7-7-103. Filing as an independent - Petitions - Disqualification.

36 (a) [Repealed.]

1 (b) Any person desiring to have his name placed upon the ballot as an
 2 independent candidate without political party affiliation for any state,
 3 county, township, or district office in any general election in this state
 4 shall file as an independent candidate in the manner provided in this section
 5 ~~no later than the date fixed by law as the deadline for filing political~~
 6 ~~practice pledges and party pledges if any are required by the rules of the~~
 7 ~~party to qualify as a candidate of a political party in a primary election or~~
 8 ~~the first day of May, whichever is later~~ during the period for filing a
 9 political practice pledge under §7-7-102.

10 (c)(1) He shall furnish, at the time he files as an independent
 11 candidate, petitions signed by not less than three percent (3%) of the
 12 qualified electors in the county, township, or district in which the person is
 13 seeking office, but in no event shall more than two thousand (2,000)
 14 signatures be required for a district office.

15 (2) If the person is a candidate for state office or for United
 16 States Senator in which a statewide race is required, the person shall file
 17 petitions signed by not less than three percent (3%) of the qualified electors
 18 of the state, or ten thousand (10,000) signatures of qualified electors,
 19 whichever is the lesser. Each elector signing the petition shall be a
 20 registered voter, and the petition shall be directed to the official with whom
 21 the person is required by law to file nomination certificates to qualify as a
 22 candidate, requesting that the name of the person be placed on the ballot for
 23 election to the office mentioned in the petition.

24 (3) Petitions shall be circulated not earlier than sixty (60)
 25 calendar days prior to the deadline for filing petitions to qualify as an
 26 independent candidate.

27 (4) In determining the number of qualified electors in any
 28 county, township, district, or in the state, the total number of votes cast
 29 therein for all candidates in the preceding general election for the office of
 30 Governor shall be conclusive of the number of qualified electors therein for
 31 the purposes of this section.

32 (d)~~(1)~~ Independent candidates for municipal office may qualify by
 33 petition of not less than ten (10) nor more than fifty (50) electors of the
 34 ward or city in which the election is to be held.

35 ~~_____ (2) Independent candidates for municipal office shall file their~~
 36 ~~petitions of nomination with the county board of election commissioners not~~

1 ~~less than sixty (60) days before the general election.~~

2 (e) The sufficiency of any petition filed under the provisions of this
 3 section may be challenged in the same manner as provided by law for election
 4 contests, § 7-5-801 et seq.

5 (f) A person who has been defeated in a party primary shall not be
 6 permitted to file as an independent candidate in the general election for the
 7 office for which he was defeated in the party primary. ✕

8

9 SECTION 11. Arkansas Code 7-7-203 is amended to read as follows:

10 §7-7-203. Dates.

11 (a) The general primary election shall be held on the ~~second Tuesday in~~
 12 June fourth Tuesday in August preceding the general election.

13 (b) The preferential primary election shall be held on the Tuesday
 14 three (3) weeks prior to the general primary election.

15 (c) Party pledges, if any, and political practice pledges for primary
 16 elections shall be filed, and any filing fees of a political party shall be
 17 paid, during regular office hours in the period beginning at 12:00 noon on the
 18 ~~third Tuesday in March~~ first Tuesday in June and ending at 12:00 noon on the
 19 fourteenth day thereafter, before the preferential primary election. Party
 20 pledges, if any, and political practice pledges shall be filed, and filing
 21 fees of a political party for special primary elections shall be paid, on or
 22 before the deadline established by proclamation of the Governor. Pledges and
 23 filing fees of the political party for a new political party shall be filed
 24 and paid as provided in subsection (g) of this section. However, this
 25 subsection does not apply to preferential presidential primary candidates.

26 (d) No later than forty (40) days before the preferential primary
 27 election, the chairman and secretary of the state committee of the political
 28 party shall certify to the various county committees and the various county
 29 boards of election commissioners the names of all candidates who have
 30 qualified with the state committee for election by filing the party pledge and
 31 paying the filing fees of the political party within the time required by law.

32 (e) Judges and clerks of primary elections shall be selected by the
 33 county board of election commissioners in the same manner as in the general
 34 election.

35 (f) The boundaries of voting precincts in primary elections, and the
 36 voting places therein, shall be established at least thirty (30) days

1 preceding any primary election, and any alteration or change therein made
2 subsequent to that date shall be void.

3 (g) Any group of voters desiring to form a new political party may do
4 so by filing a petition with the Secretary of State. The petition shall
5 contain the signatures of qualified electors of this state equal in number to
6 at least three percent (3%) of the total vote cast for the Office of Governor
7 or nominees for presidential electors, whichever is less, at the last
8 preceding election. The petitions shall be filed with the Secretary of State
9 no later than 12:00 noon on the first Tuesday in the fourth calendar month
10 before the preferential primary election. The petitions shall be circulated
11 during the period beginning one hundred twenty (120) calendar days prior to
12 the deadline for filing the petitions with the Secretary of State. However,
13 this subsection does not apply to preferential presidential primary elections.

14 (h) The county board of election commissioners shall convene, at the
15 time specified in the notice to the members given by the chairman of the
16 board, no later than three (3) days after each primary election for the
17 purpose of canvassing the returns and certifying the election results unless
18 the number of absentee votes is sufficient to affect the election, in which
19 case the board shall convene no earlier than the tenth day after each primary
20 election. If no time is specified for the meeting of the board, the meeting
21 shall be at 5:00 p.m.

22 (i) The county convention of a political party holding a primary
23 election shall be held on the first Monday following the date of the general
24 primary.

25 (j)(1) The county board of election commissioners shall certify to the
26 county clerk and the county committee a list of all duly nominated candidates
27 for county, township, and municipal offices, and the political parties' county
28 committee members and delegates.

29 (2) At the same time, the county board of election commissioners
30 shall certify to the State Board of Election Commissioners and the secretary
31 of the state committee the results of the contests for all United States,
32 state, and district offices. Immediately after ascertaining the results for
33 all United States, state, and district offices, the state board of election
34 commissioners shall certify to the Secretary of State and the state committee
35 a list of all duly nominated candidates for the offices.

36 (k)(1) The Secretary of State shall, at least sixty (60) days prior to

1 the date of the general election, notify by registered mail the chairman and
 2 secretary of the state committee of the respective political parties that a
 3 certificate of nomination is due for all duly nominated candidates for United
 4 States, state, and district offices in order that the candidate's name be
 5 placed on the ballot of the general election. The state committee shall issue
 6 certificates of nomination to all duly nominated candidates for United States,
 7 state, and district offices, who shall file the certificates with the
 8 Secretary of State at least forty-five (45) days but not more than fifty-five
 9 (55) days prior to the general election. However, if the chairman and
 10 secretary of the state committee of the respective political parties are not
 11 properly notified as directed by this section, the failure of a candidate to
 12 file a certificate of nomination shall not prevent that candidate's name from
 13 being placed on the ballot of the general election.

14 (2) Each county clerk shall, at least sixty (60) days prior to
 15 the date of the general election, notify by registered mail the chairman and
 16 secretary of the county committee of the respective political parties that a
 17 certified list of all duly nominated candidates for county, township, and
 18 municipal offices is due and shall be filed with the county board of election
 19 commissioners and the county clerk in order that the candidates' names be
 20 placed on the ballot for the general election. The county committee shall
 21 issue the certified list on behalf of those duly nominated candidates and
 22 submit the certified list to the county board of election commissioners and
 23 the county clerk at least forty-five (45) days but not more than fifty-five
 24 (55) days prior to the general election. However, if the chairman and
 25 secretary of the county committee of the respective political parties are not
 26 properly notified as directed by this section, the failure of a certified list
 27 to be filed shall not prevent any candidate's name from being placed on the
 28 ballot of the general election.✕

29

30 SECTION 12. Arkansas Code 7-9-305(b)(2), concerning runoff election
 31 when there is a tie vote for delegate to a constitutional convention, is
 32 amended to read as follows:

33 (2) In the event more than two (2) candidates are seeking a particular
 34 delegate position and no candidate receives a majority of the votes cast for
 35 all candidates for the position, the names of the two (2) candidates receiving
 36 the highest number of votes for the position shall be certified to a special

1 runoff election which shall be held by the respective county board of election
2 commissioners of the district ~~two (2) weeks from the day on which the general~~
3 ~~election is held~~ on the date for runoff elections as provided by § 7-5-108.

4 The special runoff election shall be conducted in the same manner as is now
5 provided by law, and the election results shall be canvassed and certified in
6 the manner provided by law. ✕

7

8 SECTION 13. Arkansas Code 14-42-206 is amended to read as follows:

9 §14-42-206. Municipal primary elections - Nominating petitions.

10 (a) The city or town council of any city or town with the mayor-council
11 form of government, by resolution passed before January 1 of the year of the
12 election, may request the county party committees of recognized political
13 parties under the laws of the state to conduct party primaries for municipal
14 offices for the forthcoming year. When the resolution has been adopted, the
15 clerk or recorder shall mail a certified copy of the resolution to the
16 chairmen of the county party committees and to the chairmen of the state party
17 committees. Candidates nominated for municipal office by political primaries
18 under this section shall be certified by the county party committees to the
19 county board of election commissioners and shall be placed on the ballot at
20 the general election ballot.

21 (b)(1) Any person desiring to become an independent candidate for
22 municipal office in cities and towns with the mayor-council form of government
23 shall, ~~not more than eighty (80) days nor less than sixty (60) days prior to~~
24 ~~the general election by twelve o'clock noon~~ during the period for filing a
25 political practice pledge under §7-7-102, file with the county board of
26 election commissioners their petition of nomination in substantially the
27 following forms:

28 (A) For all candidates except aldermen in cities of the
29 first and second class:

30

31 PETITION OF NOMINATION

32 TO THE COUNTY BOARD OF ELECTION COMMISSIONERS

33

34 We, the undersigned qualified electors of the city (town) of
35, Arkansas, being in number not less than ten (10) nor more than
36 fifty (50), do hereby petition that the name of be placed on the

1 ballot for the office of at the next election of municipal
2 officials in 19

3

4 (B) For all candidates for aldermen in cities of the first
5 and second class:

6

7 PETITION OF NOMINATION

8 TO THE COUNTY BOARD OF ELECTION COMMISSIONERS

9

10 We, the undersigned qualified electors of Ward of the city of
11, Arkansas, being in number not less than ten (10) nor more than
12 fifty (50), do hereby petition that the name of be placed on the
13 ballot for the office of Alderman, Ward, position, of the next
14 election of municipal officials in 19

15

16 NAME	STREET ADDRESS	VOTING PRECINCT
17	
18	.	

19 (2) Independent candidates for municipal office shall file a
20 political practices pledge ~~no later than sixty (60) days prior to the date of~~
21 ~~the general election by twelve o'clock noon~~ during the period provided under
22 §7-7-102.

23 (c)(1)(A) If no candidate receives a majority of the votes cast in the
24 general election, the two (2) candidates receiving the highest number of votes
25 cast for the office to be filled shall be the nominees for the respective
26 offices, to be voted upon in a runoff election pursuant to ~~§ 7-5-106~~ § 7-5-
27 108.

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

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

36 (3) Any municipal judge position that is elected other than

1 citywide will not be affected by this section.

2 (d) Special elections for mayors in cities of the first class and other
 3 special elections of officials required by law in cities and towns shall use
 4 the procedure in this section.

5 (e)(1) Nothing in this section shall repeal § 7-1-107 which allows
 6 municipalities to require independent candidates to file before the
 7 preferential primary election.

8 (2) Nothing in this section shall repeal any law pertaining to
 9 the city administrator form of government or the city manager form of
 10 government. ~~ⓧ~~

11

12 SECTION 14. Arkansas Code 14-43-304 (c), concerning runoff elections
 13 for mayor in cities of the first class having mayor-council government, is
 14 amended to read as follows:

15 "(c)(1) In the event that no candidate for mayor of cities of the first
 16 class receives a majority of the votes cast in the general election, the two
 17 (2) candidates receiving the highest number of votes shall be certified to a
 18 special runoff election, which shall be held ~~two (2) weeks from the day on~~
 19 ~~which the general election is held~~ on the date for runoff elections as
 20 provided by § 7-5-108.

21 (2) The special runoff election shall be conducted in the same
 22 manner as provided by law, and the election results thereof shall be canvassed
 23 and certified in the manner provided by law. ~~ⓧ~~

24

25 SECTION 15. Arkansas Code 14-61-111 (b)(3)(A), concerning runoff
 26 elections under the City Manager Enabling Act of 1989, is amended to read as
 27 follows:

28 (A) If it is required that a candidate receive a minimum percentage,
 29 less than fifty percent (50%), of the total votes cast for mayor in order to
 30 be elected mayor without a runoff, and if no candidate for the position of
 31 mayor receives at least the required percentage of the votes cast, then the
 32 two (2) candidates receiving the highest number of votes shall be the nominees
 33 for the position of mayor and shall be certified to a special runoff election
 34 which shall be held ~~two (2) weeks from the day on which the general election~~
 35 ~~is held~~ on the date for runoff elections as provided by § 7-5-108. ~~ⓧ~~

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1 SECTION 16. All provisions of this act of a general and permanent
2 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
3 Code Revision Commission shall incorporate the same in the Code.

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5 SECTION 17. If any provision of this act or the application thereof to
6 any person or circumstance is held invalid, such invalidity shall not affect
7 other provisions or applications of the act which can be given effect without
8 the invalid provision or application, and to this end the provisions of this
9 act are declared to be severable.

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11 SECTION 18. All laws and parts of laws in conflict with this act are
12 hereby repealed.

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