

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.

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007

A Bill

HOUSE BILL 1351

4
5 By: Representative Lamoureux
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7

For An Act To Be Entitled

9 AN ACT CONCERNING THE USE OF INSTANT RUNOFF
10 VOTING IN MUNICIPAL ELECTIONS; AND FOR OTHER
11 PURPOSES.
12

Subtitle

13 AN ACT CONCERNING THE USE OF INSTANT
14 RUNOFF VOTING IN MUNICIPAL ELECTIONS.
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17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

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

21 7-5-106. Runoff elections for county ~~and municipal~~ officers.

22 (a) Whenever there are more than two (2) candidates for election to
23 any county elected office, including the office of justice of the peace, ~~or~~
24 ~~for any municipal office~~ at any general election held in this state and no
25 candidate for the ~~municipal or~~ county office receives a majority of the votes
26 cast for the office, there shall be a runoff general election held in that
27 county ~~or municipality~~ three (3) weeks following the date of the general
28 election at which the names of the two (2) candidates receiving the highest
29 number of votes, but not a majority, shall be placed on the ballot to be
30 voted upon by the qualified electors of the county ~~or the municipality, as~~
31 ~~the case may be.~~

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



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

5 (2) The county board of election commissioners shall determine
 6 the runoff candidate by lot at a public meeting and in the presence of the
 7 two (2) candidates.

8 (d)(1) The person receiving the majority of the votes cast for the
 9 office at the runoff general election shall be declared elected.

10 (2) However, ~~in the event that~~ if the two (2) candidates seeking
 11 election to the same county ~~or municipal~~ office ~~shall~~ receive the same number
 12 of votes in the runoff election, a tie shall be deemed to exist, and the
 13 county board shall determine the winner by lot at an open public meeting and
 14 in the presence of the two (2) candidates.

15 ~~(e)(1) For the purposes of this section, the term "municipal officers"~~
 16 ~~shall include officers of cities of the first class and cities of the second~~
 17 ~~class and incorporated towns and shall include aldermen, members of boards of~~
 18 ~~managers, or other elective municipal offices elected by the voters of the~~
 19 ~~entire municipality or from wards or districts within a municipality.~~

20 ~~(2) The term "municipal officers" shall not include officers of~~
 21 ~~cities having a city manager form of government.~~

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

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

28
 29 SECTION 2. Arkansas Code Title 7, Chapter 5, Subchapter 1 is amended
 30 to add an additional section to read as follows:

31 7-5-111. Election of municipal officers.

32 (a)(1) Whenever there are more than two (2) candidates for election as
 33 a municipal officer at any general election held in this state, the county
 34 board of election commissioners shall prepare a special ballot for each
 35 office with two (2) or more candidates in addition to the regular ballot.

36 (2) The special ballot shall permit the elector to vote for the

1 candidates for municipal officer by indicating his or her order of preference
 2 for each candidate for each office.

3 (3)(A) To indicate his or her order of preference for each
 4 candidate, the voter shall put the number one (1) next to the name of the
 5 candidate who is the voter's first choice, the number two (2) for the voter's
 6 second choice, and so forth, so that in consecutive numerical order a number
 7 indicating the voter's preference is written by the voter next to the
 8 candidate's name on the ballot.

9 (B) The voter shall not be required to indicate his or her
 10 preference for more than one (1) candidate on the ballot.

11 (b) If two (2) candidates seeking election to the same municipal
 12 officer position receive the same number of votes in the election, a tie
 13 shall exist, and the county board of election commissioners shall determine
 14 the winner by lot at an open public meeting and in the presence of the two
 15 (2) candidates.

16 (c)(1) For the purposes of this section, the term "municipal officer"
 17 includes officers of cities of the first class and cities of the second class
 18 and incorporated towns and includes aldermen, members of boards of managers,
 19 or other elective municipal offices elected by the voters of the entire
 20 municipality or from wards or districts within a municipality.

21 (2) "Municipal officer" shall not include officers of cities
 22 having a city manager form of government.

23 (3) This section does not apply to election of members of the
 24 boards of directors and other officials of cities having a city manager form
 25 of government.

26 (d) This section is supplemental to the laws of this state pertaining
 27 to the election of county and municipal officers at general elections.

28
 29 SECTION 3. Arkansas Code § 14-42-206(c), concerning municipal primary
 30 elections, is amended to read as follows:

31 (c)(1)(A)(i) If no candidate receives a majority of the votes cast in
 32 the general election, the two (2) candidates receiving the highest number of
 33 votes cast for the office to be filled shall be the nominees for the
 34 respective offices, to be voted upon in a runoff election pursuant to § 7-5-
 35 106 the county board of election commissioners shall prepare a special ballot
 36 for each office with two (2) or more candidates in addition to the regular

1 ballot.

2 (ii) The special ballot shall permit the elector to vote
 3 for the candidates for the municipal office by indicating his or her order of
 4 preference for each candidate for each office.

5 (iii)(a) To indicate his or her order of preference for
 6 each candidate, the voter shall put the number one (1) next to the name of
 7 the candidate who is the voter's first choice, the number two (2) for the
 8 voter's second choice, and so forth, so that in consecutive numerical order a
 9 number indicating the voter's preference is written by the voter next to the
 10 candidate's name on the ballot.

11 (b) The voter shall not be required to indicate his
 12 or her preference for more than one (1) candidate on the ballot.

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

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

21
 22 SECTION 4. Arkansas Code § 14-43-304 is amended to read as follows:

23 14-43-304. Mayors in cities having mayor-council government.

24 (a)(1) No mayor of cities of the first class having a mayor-council
 25 form of government shall be elected except by a majority vote of the
 26 qualified electors of the city.

27 (2) The provisions of this section ~~shall not apply~~ are not
 28 applicable to a city of the first class with a city manager form of
 29 government or a city administrator.

30 (b)(1) As soon as the returns from all precincts are received, but in
 31 no event later than the seventh day after the election, the county board of
 32 election commissioners shall proceed to ascertain, from the certificates and
 33 ballots received from the several precincts, and declare the result of the
 34 election and deliver a certificate of his or her election to any person
 35 having the majority of legal votes for the office of mayor.

36 (2) The county board of election commissioners shall also file

1 in the office of the clerk of the county court a certificate setting forth in
 2 detail the results of the election.

3 (c)(1) ~~In the event that~~ If no candidate for mayor of a city of the
 4 first class receives a majority of the votes cast in the general election,
 5 ~~the two (2) candidates receiving the highest number of votes shall be~~
 6 ~~certified to a special runoff election that shall be held three (3) weeks~~
 7 ~~from the day on which the general election is held~~ the county board of
 8 election commissioners shall prepare a special ballot for each office with
 9 two (2) or more candidates in addition to the regular ballot.

10 (2) The special ballot shall permit the elector to vote for the
 11 candidates for the municipal office by indicating his or her order of
 12 preference for each candidate for each office.

13 (3)(A) To indicate his or her order of preference for each
 14 candidate, the voter shall put the number one (1) next to the name of the
 15 candidate who is the voter's first choice, the number two (2) for the voter's
 16 second choice, and so forth, so that in consecutive numerical order a number
 17 indicating the voter's preference is written by the voter next to the
 18 candidate's name on the ballot.

19 (B) The voter shall not be required to indicate his or her
 20 preference for more than one (1) candidate on the ballot.

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~~
 23 ~~canvassed and certified in the manner provided by law.~~

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

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