

State of Arkansas
86th General Assembly
Regular Session, 2007

A Bill

HOUSE BILL 1352

By: Representative Lamoureux

For An Act To Be Entitled

AN ACT CONCERNING THE ELECTION OF MUNICIPAL
OFFICERS; AND FOR OTHER PURPOSES.

Subtitle

AN ACT CONCERNING THE ELECTION OF
MUNICIPAL OFFICERS.

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) 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 runoff general election ballot to be voted upon by the qualified electors of the county ~~or the municipality, as the case may be.~~

(c)(1) If there is one (1) candidate who receives the highest number



1 of votes, but not a majority of the votes, and two (2) other candidates
 2 receive the same number of votes for the next highest number of votes cast, a
 3 tie shall be deemed to exist between the two (2) candidates.

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

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

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

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

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

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

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

27
 28 SECTION 2. Arkansas Code Title 7, Chapter 5, Subchapter 1 is amended
 29 to add an additional section to read as follows:

30 7-5-111. Election of municipal officers.

31 (a) Whenever there are more than two (2) candidates for election as a
 32 municipal officer at any general election held in this state and no candidate
 33 for municipal officer receives a majority of the votes cast for the office,
 34 the person receiving a plurality of the votes cast for the office shall be
 35 declared elected.

36 (b) In the event that the two (2) candidates seeking election to the

1 same municipal office shall receive the same number of votes in the election,
 2 a tie shall be deemed to exist, and the county board of election
 3 commissioners shall determine the winner by lot at an open public meeting and
 4 in the presence of the two (2) candidates.

5 (c)(1) For the purposes of this section, "municipal officer" includes
 6 officers of cities of the first class and cities of the second class and
 7 incorporated towns and shall include aldermen, members of boards of managers,
 8 or other elective municipal offices elected by the voters of the entire
 9 municipality or from wards or districts within a municipality.

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

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

15 (d) The provisions of this section are intended to be in addition to
 16 and supplemental to the laws of this state pertaining to the election of
 17 municipal officers at general elections.

18
 19 SECTION 3. Arkansas Code § 14-14-613((1)(G), concerning elections for
 20 multicounty consolidated offices, is amended to read as follows:

21 (G) Elections for Multicounty Consolidated Offices. Election for
 22 multicounty consolidated offices shall be conducted at the next general
 23 election following the establishment of the consolidated office. Elections of
 24 persons for consolidated county offices shall be held in the same manner as
 25 prescribed for the election of district officers. A candidate for a
 26 consolidated county office shall possess the same qualifications for election
 27 as required of a candidate for the same office in a single county. The
 28 candidate for a consolidated county office receiving a majority plurality of
 29 votes cast for the office in the affected counties, taken together, shall be
 30 elected. ~~If no candidate receives a majority of votes cast for the office, a~~
 31 ~~runoff election between the two (2) candidates receiving the highest number~~
 32 ~~of votes cast shall be held in the same manner as a runoff election for~~
 33 ~~district officers.~~

34
 35 SECTION 4. Arkansas Code § 14-42-206(c), concerning municipal primary
 36 elections, is amended to read as follows:

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

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

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

15
 16 SECTION 5. Arkansas Code § 14-43-304 is amended to read as follows:

17 14-43-304. Mayors in cities having mayor-council government.

18 (a)(1) No mayor of cities of the first class having a mayor-council
 19 form of government shall be elected except by a ~~majority~~ plurality vote of
 20 the qualified electors of the city.

21 (2) The provisions of this section shall not apply to a city of
 22 the first class with a city manager form of government or a city
 23 administrator.

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

30 (2) The county board of election commissioners shall also file
 31 in the office of the clerk of the county court a certificate setting forth in
 32 detail the results of the election.

33 ~~(c)(1) In the event that no candidate for mayor of a city of the first~~
 34 ~~class receives a majority of the votes cast in the general election, the two~~
 35 ~~(2) candidates receiving the highest number of votes shall be certified to a~~
 36 ~~special runoff election that shall be held three (3) weeks from the day on~~

1 ~~which the general election is held.~~

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

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