

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

HOUSE BILL 1295

5 By: Representative T. Baker
6

For An Act To Be Entitled

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

14 TO MODIFY THE AMOUNT OF VOTES REQUIRED TO
15 BE ELECTED TO A MUNICIPAL POSITION WITHOUT
16 A RUNOFF.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 7-5-106 is amended to read as follows:

23 7-5-106. Runoff elections for county and municipal officers.

24 (a) ~~(1) Whenever~~ If there are more than two (2) candidates for election
25 to any county elected office, including the office of justice of the peace,
26 ~~or for any municipal office~~ at any general election held in this state and no
27 candidate for the ~~municipal or~~ county elected office receives a majority of
28 the votes cast for the county elected office, there shall be a runoff general
29 election held in that county ~~or municipality~~ three (3) weeks following the
30 date of the general election at which the names of the two (2) candidates
31 receiving the highest number of votes, but not a majority, shall be placed on
32 the ballot to be voted upon by the qualified electors of the county ~~or the~~
33 ~~municipality, as the case may be.~~

34 (2)(A) The following procedure will govern if there are more
35 than two (2) candidates for election to any municipal office at any general
36 election held in this state in which no candidate for the municipal office



1 receives either:

2 (i) A majority of the votes cast; or

3 (ii) A plurality of forty percent (40%) of the votes

4 cast.

5 (B)(i) A candidate who receives a plurality of forty
 6 percent (40%) of the votes cast must obtain twenty percent (20%) more votes
 7 than the second-place candidate for the municipal office to avoid a runoff
 8 general election against the second-place candidate.

9 (ii) If required, the runoff general election
 10 between the two (2) candidates shall be held in that municipality three (3)
 11 weeks following the date of the general election with the names of the two
 12 (2) candidates placed on the ballot to be voted upon by the qualified
 13 electors of the municipality.

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

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

26 (c)(1) A tie is deemed to exist between two (2) candidates who receive
 27 the same number of votes but place second behind another candidate who
 28 receives:

29 (A) The highest number of votes in a county in an election
 30 for a county elected office, but not a majority; or

31 (B) A plurality of forty percent (40%) of the votes cast,
 32 but there is a less than twenty percent (20%) difference between the votes
 33 cast for the candidate who places first and the votes cast for the candidates
 34 who place second.

35 (2) The county board of election commissioners shall determine
 36 among the two (2) other candidates the runoff general election candidate by

1 lot at a public meeting and in the presence of the two (2) other candidates.

2 (d) If one (1) of the two (2) candidates who received the highest
3 number of votes for ~~an~~ a county elected office or a municipal office but not
4 a majority of the votes in a county for a county elected office or either a
5 majority or both forty percent (40%) of the votes cast and twenty percent
6 (20%) more votes than the second-place candidate in a municipality for a
7 municipal office in the general election withdraws ~~prior to~~ before
8 certification of the result of the general election, the remaining candidate
9 who received the most votes at the general election shall be declared elected
10 to the county elected office or municipal office and there shall be no runoff
11 general election ~~runoff~~.

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

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

21 (f)(1) ~~For the purposes of this section, the term "municipal officers"~~
22 ~~shall include officers~~ As used in this section, "municipal office" includes
23 offices of cities of the first class and cities of the second class and
24 incorporated towns and ~~shall include~~ includes the offices of aldermen,
25 members of boards of managers, or other elective municipal offices elected by
26 the voters of the entire municipality or from wards or districts within a
27 municipality.

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

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

34 ~~(g) The provisions of this section are (h)~~ This section is intended
35 to be in addition to and supplemental to the laws of this state pertaining to
36 the election of officers for county elected offices and municipal ~~officers~~

1 offices at general elections.

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