

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019

# A Bill

HOUSE BILL 1960

4  
5 By: Representative Perry

## For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING COUNTING VOTES FOR  
9 WITHDRAWN OR DECEASED CANDIDATES; TO STREAMLINE  
10 CERTAIN ELECTION PROCESSES; AND FOR OTHER PURPOSES.

## Subtitle

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13 TO AMEND THE LAW CONCERNING COUNTING  
14 VOTES FOR WITHDRAWN OR DECEASED  
15 CANDIDATES; AND TO STREAMLINE CERTAIN  
16 ELECTION PROCESSES.  
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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(a)(2)(B)(i), concerning the number  
23 of votes required to be declared elected at an election for municipal office,  
24 is amended to read as follows:

25 (B)(i)(a) A Except as provided in subdivision  
26 (a)(2)(B)(i)(b) of this section, a candidate who receives a plurality of  
27 forty percent (40%) of the votes cast must obtain at least twenty percent  
28 (20%) more of the votes cast than the second-place candidate for the  
29 municipal office to avoid a runoff general election against the second-place  
30 candidate.

31 (b) If a candidate for nonpartisan municipal  
32 office as defined under § 7-5-315 dies or withdraws under § 7-5-203 and only  
33 one (1) or two (2) candidates for the office remain, the candidate who  
34 received the most votes cast in the election shall be elected as provided  
35 under § 7-5-315.



SECTION 2. Arkansas Code § 7-5-315 is amended to read as follows:

7-5-315. Counting votes for unopposed and deceased candidates.

~~(a)(1)(a)~~ As used in this section "nonpartisan municipal office" includes all nonpartisan municipal offices except for the office of district court judge.

(b)(1) The votes received by an unopposed candidate for the office of mayor, governor, or circuit clerk shall be counted and tabulated by the election officials.

(2) All other unopposed candidates shall be declared and certified as elected in the same manner as if the candidate had been voted upon at the election.

~~(b)(1)(c)(1)~~ The Except as provided in subsection (d) of this section, votes received by any person a candidate whose name appeared on the ballot and who withdrew or died after the certification of the ballot shall be counted.

(2)(A) If the ~~person~~ candidate received enough votes to win the election, a vacancy in election shall be declared.

(B)(i) If the ~~person~~ candidate received enough votes to qualify for a runoff, the ~~person's~~ candidate's name shall appear on the runoff ballot.

(ii) If enough votes are cast for the ~~person~~ candidate to win the runoff, then a vacancy in election shall exist.

(d)(1) The votes received by a candidate for a nonpartisan municipal office whose name appeared on the ballot and who withdrew or died after the certification of the ballot shall not be counted.

(2) If only one (1) candidate for a nonpartisan municipal office remains after a candidate withdraws under § 7-5-203 or dies, the remaining candidate shall be certified as elected.

(3) If two (2) or more candidates for a nonpartisan municipal office remain after a candidate withdraws under § 7-5-203 or dies and:

(A) Only one (1) of the remaining candidates has the most votes, that remaining candidate with the most votes shall be certified as elected; or

(B) If more than one (1) of the remaining candidates have the most votes and the same number of votes, the candidates with the most votes and the same number of votes shall be certified to the general primary

1 election, general runoff election, or special runoff election.

2 (4) If a candidate for a nonpartisan municipal office has  
 3 withdrawn under § 7-5-203 or died and his or her name will appear on the  
 4 ballot but not be counted, notice shall be posted in each early voting  
 5 location, polling place, and vote center in a manner that is reasonably  
 6 visible to voters which:

7 (A) Identifies the candidate who has withdrawn under § 7-  
 8 5-203 or died;

9 (B) States that the candidate has withdrawn under § 7-5-  
 10 203 or died; and

11 (C) Advises voters that any vote entered for that  
 12 candidate will not be counted.

13 (5)(A) If the candidate received enough votes to win the  
 14 preferential primary election, general primary election, special election to  
 15 fill a vacancy in nomination, or special election to fill a vacancy in  
 16 candidate for nomination, a vacancy in election shall be declared.

17 (B)(i) If the candidate received enough votes to qualify  
 18 for a runoff, the candidate's name shall appear on the runoff ballot.

19 (ii) If enough votes are cast for the candidate to  
 20 win the runoff, then a vacancy in election shall exist.

21 (e) If a candidate for the office of mayor or city clerk withdraws  
 22 under § 7-5-203 or dies, the total number of votes cast in the election for  
 23 mayor shall be counted for administrative purposes, but the dead or withdrawn  
 24 candidate shall not be certified as elected or to a runoff election.

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