

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999  
4

# A Bill

SENATE BILL 355

5 By: Senator D. Malone  
6 By: Representative Madison  
7

## For An Act To Be Entitled

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9  
10 "AN ACT TO AMEND ARKANSAS CODE 7-5-106 RELATING TO  
11 RUNOFF ELECTIONS FOR COUNTY AND MUNICIPAL OFFICERS;  
12 AND FOR OTHER PURPOSES."  
13

## Subtitle

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15 "TO AMEND ARKANSAS CODE 7-5-106 RELATING  
16 TO RUNOFF ELECTIONS FOR COUNTY AND  
17 MUNICIPAL OFFICERS."  
18

19  
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) is amended to read as follows:

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

1 but not a majority of the votes and two (2) other candidates receive the same  
2 number of votes for the next highest number of votes cast, a tie shall be  
3 deemed to exist between the two (2) candidates. The County Board of Election  
4 Commissioners, at a public meeting and in the presence of the two (2)  
5 candidates shall determine the runoff candidate by lot. The person receiving  
6 the majority of the votes cast for the office at the runoff general election  
7 shall be declared elected. However, in the event the two (2) candidates  
8 seeking election to the same county or municipal office shall receive the same  
9 number of votes in the runoff election, a tie shall be deemed to exist, and  
10 the county board of election commissioners, at an open public meeting, and in  
11 the presence of the two (2) candidates, shall determine the winner by lot."  
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13 SECTION 2. All provisions of this act of a general and permanent nature  
14 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
15 Revision Commission shall incorporate the same in the Code.  
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17 SECTION 3. If any provision of this act or the application thereof to  
18 any person or circumstance is held invalid, such invalidity shall not affect  
19 other provisions or applications of the act which can be given effect without  
20 the invalid provision or application, and to this end the provisions of this  
21 act are declared to be severable.  
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23 SECTION 4. All laws and parts of laws in conflict with this act are  
24 hereby repealed.  
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