

1 State of Arkansas  
2 95th General Assembly  
3 Regular Session, 2025  
4

As Engrossed: H1/23/25

**A Bill**

HOUSE BILL 1078

5 By: Representative Long  
6 By: Senator J. Payton  
7

**For An Act To Be Entitled**

9 AN ACT TO AMEND ARKANSAS LAW CONCERNING RUNOFF  
10 ELECTIONS; TO PROVIDE FOR A RUNOFF ELECTION FOR  
11 CANDIDATES FOR THE SENATE AND THE HOUSE OF  
12 REPRESENTATIVES; AND FOR OTHER PURPOSES.  
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**Subtitle**

15 TO AMEND ARKANSAS LAW CONCERNING RUNOFF  
16 ELECTIONS; AND TO PROVIDE FOR A RUNOFF  
17 ELECTION FOR CANDIDATES FOR THE SENATE  
18 AND THE HOUSE OF REPRESENTATIVES.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code § 7-5-704 is amended to read as follows:

24 7-5-704. Votes for legislative, judicial, and executive officers – ~~The~~  
25 ~~vote~~ Runoff election.

26 (a)(1) It shall be the duty of the Secretary of State, in the presence  
27 of the Governor, within thirty (30) days after the time allowed in this  
28 subchapter to make returns of elections by the county board of election  
29 commissioners, or sooner, if all the returns have been received, to cast up  
30 and arrange the votes from the several counties for each person who received  
31 votes for any legislative, judicial, or executive office, except the offices  
32 named in Arkansas Constitution, Article 6, § 3.

33 (2) The persons who have received the greatest number of legal  
34 votes for Justice of the Supreme Court and Commissioner of State Lands,  
35 within the state; ~~judges~~ Judges of the Court of Appeals and of the circuit  
36 courts, and prosecuting attorneys, in their respective districts or circuits;



1 judges of the county and probate courts, circuit clerk, county clerk,  
 2 sheriff, coroner, surveyor, and assessor, in their respective counties; and  
 3 all other officers required by law, shall be commissioned by the Governor.

4 ~~(b)(1) If two (2) or more persons have an equal number of votes for~~  
 5 ~~the same office and a higher number than any other person~~ If there are more  
 6 than two (2) candidates for election as a member of the Senate or the House  
 7 of Representatives at a general election held in this state and no candidate  
 8 for the Senate or the House of Representatives receives a majority of the  
 9 votes cast for the office, the names of the two (2) candidates receiving the  
 10 highest number of votes for ~~any legislative or executive~~ the office, ~~except~~  
 11 ~~those offices named in Arkansas Constitution, Article 6, § 3, and constables,~~  
 12 shall be certified to a special runoff election which shall be held four (4)  
 13 weeks from the day on which the general election is held.

14 (2)(A) The Except as provided in subdivision (b)(2)(B) of this  
 15 section, the special runoff election shall be conducted in the same manner as  
 16 is now provided by law, and the election results thereof shall be canvassed  
 17 and certified in the manner provided by law.

18 (B) All polling sites in the district of the two (2)  
 19 candidates for election as a member of the General Assembly that are  
 20 designated for the general election preceding the special runoff election  
 21 shall be used for the special runoff election.

22 (3) If at the conclusion of the special runoff election the two  
 23 (2) candidates for election as a member of the Senate or the House of  
 24 Representatives have an equal number of votes, the State Board of Election  
 25 Commissioners shall determine the winner of the special runoff election by  
 26 lot at an open public meeting and in the presence of the two (2) candidates.

27 (c) Subsection (b) of this section shall not apply to the offices of:

- 28 (1) Governor;
- 29 (2) Lieutenant Governor;
- 30 (3) Secretary of State;
- 31 (4) Treasurer of State;
- 32 (5) Auditor of State;
- 33 (6) Attorney General;
- 34 (7) Commissioner of State Lands;
- 35 (8) Justice of the Supreme Court;
- 36 (9) Judge of the Court of Appeals;

- 1            ~~(10) circuit~~ Circuit judge; ~~or~~
- 2            ~~(11) district~~ District judge;
- 3            (12) Prosecuting attorney; or
- 4            (13) Constable.

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SECTION 2. Arkansas Code § 7-5-705(a), concerning votes for constitutional officers, is amended to read as follows:

(a) During the first week of the session after each election for Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Auditor of State, ~~and~~ Attorney General, and Commissioner of State Lands, and in the presence of both houses of the General Assembly, the Speaker of the House of Representatives shall open and publish the votes cast and given for each of the respective officers previously mentioned.

*/s/Long*