

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

As Engrossed: H4/8/19  
**A Bill**

HOUSE BILL 1960

By: Representative Perry

### **For An Act To Be Entitled**

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WITHDRAWN OR DECEASED CANDIDATES; TO STREAMLINE  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

### **Subtitle**

TO AMEND THE LAW CONCERNING COUNTING  
VOTES FOR WITHDRAWN OR DECEASED  
CANDIDATES; AND TO STREAMLINE CERTAIN  
ELECTION PROCESSES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 7-5-106(a)(2)(B)(i), concerning the number of votes required to be declared elected at an election for municipal office, is amended to read as follows:

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

(b) If a candidate for nonpartisan municipal office as defined under § 7-5-315 dies or withdraws after certification of the ballot and only one (1) or two (2) candidates for the office remain, the candidate who received the most votes cast in the election shall be elected as provided 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 votes received by ~~any person~~ a candidate for an office that is not a nonpartisan municipal office 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) A candidate for office may withdraw from candidacy after certification of the ballot by filing a written statement that:

(A) Is signed by the candidate and acknowledged before an officer authorized to take acknowledgements; and

(B) Attests to the candidate's desire to withdraw as a candidate for the office.

(2) The candidate withdrawing under this section shall file the written statement under subdivision (d)(1) of this section with the:

(A) County clerk if the candidate filed for candidacy with the county clerk; or

(B) The Secretary of State if the candidate filed for candidacy with the Secretary of State.

(3) The county clerk or Secretary of State shall promptly provide to each county board of election commissioners with which the

candidate was certified for candidacy a certified copy of the written statement under this section.

(e)(1) The votes received by a candidate for a nonpartisan municipal office whose name appeared on the ballot and who has withdrawn or died after the certification of the ballot shall not be counted if two (2) or fewer candidates remain after the withdrawal or death.

(2) If only one (1) candidate for a nonpartisan municipal office remains after a candidate withdraws or dies after certification of the ballot, the remaining candidate shall be certified as elected.

(3) If two (2) candidates for a nonpartisan municipal office remain after a candidate withdraws or dies after certification of the ballot and:

(A) Only one (1) of the remaining candidates has the most votes, the 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 runoff election or special runoff election.

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

(A) Identifies the candidate who has withdrawn or died after certification of the ballot;

(B) States that the candidate has withdrawn or died after certification of the ballot; and

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

(f) If a candidate for the office of mayor or city clerk withdraws or dies after certification of the ballot, the total number of votes cast in the election for mayor or city clerk shall be counted and tabulated for administrative purposes, but the dead or withdrawn candidate shall not be certified as elected or to a runoff election.

(g)(1) Votes not counted under this section may be tabulated or

released as preliminary and unofficial election results.

(2) Votes not counted under this section shall not be included in the certified election results, and the results of the election shall be determined as if the votes not counted were not cast.

/s/Perry