

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

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1648

By: Representative Long

For An Act To Be Entitled

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

Subtitle

TO AMEND ARKANSAS LAW CONCERNING RUNOFF ELECTIONS AND TO PROVIDE FOR A RUNOFF ELECTION FOR CANDIDATES FOR THE SENATE AND THE HOUSE OF REPRESENTATIVES.

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

SECTION 1. Arkansas Code § 7-5-704 is amended to read as follows:

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

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

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



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

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

(2) The special runoff election shall be conducted in the same manner as is now provided by law, and the election results thereof shall be canvassed and certified in the manner provided by law.

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

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

- (1) Governor;
- (2) Lieutenant Governor;
- (3) Secretary of State;
- (4) Treasurer of State;
- (5) Auditor of State;
- (6) Attorney General;
- (7) Commissioner of State Lands;
- (8) Justice of the Supreme Court;
- (9) Judge of the Court of Appeals;
- (10) ~~circuit~~ Circuit judge; ~~or~~
- (11) ~~district~~ District judge;
- (12) Prosecuting attorney; or

(13) Constable.

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.