

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

# A Bill

SENATE BILL 402

5 By: Senator B. Johnson  
6 By: Representative Vaught  
7

## For An Act To Be Entitled

9 AN ACT CONCERNING THE ELECTION OF DIRECTORS OF A  
10 CONSERVATION DISTRICT; TO AMEND THE PROCEDURE FOR THE  
11 ELECTION OF A DIRECTOR OF A CONSERVATION DISTRICT;  
12 AND FOR OTHER PURPOSES.  
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## Subtitle

15 CONCERNING THE ELECTION OF DIRECTORS OF A  
16 CONSERVATION DISTRICT; AND TO AMEND THE  
17 PROCEDURE FOR THE ELECTION OF A DIRECTOR  
18 OF A CONSERVATION DISTRICT.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code § 14-125-302 is amended to read as follows:  
25 14-125-302. Election of directors.

26 (a) Within thirty (30) days after the date of issuance by the  
27 Secretary of State of a certificate of organization of a conservation  
28 district, nominating petitions may be filed with the Arkansas Natural  
29 Resources Commission to nominate candidates for directors of the district.

30 (b)(1) The commission shall have authority to extend the time within  
31 which nominating petitions may be filed.

32 (2) No such nominating petition shall be accepted by the  
33 commission unless it shall be subscribed by twenty-five (25) or more  
34 qualified electors within the boundaries of the district.

35 (3) Qualified electors may sign more than one (1) such  
36 nominating petition to nominate more than one (1) candidate for director.



1 (4) The commission shall give due notice of an election to be  
2 held for the election of three (3) directors for the district.

3 (5) The names of all nominees on behalf of whom the nominating  
4 petitions have been filed within the time herein designated shall be printed,  
5 arranged in alphabetical order of the surnames upon ballots, with a direction  
6 to vote for three (3) candidates by placing an "X" in the square beside the  
7 name of each ~~person~~ candidate for whom the voter wishes to vote.

8 (6) All qualified electors within the district shall be eligible  
9 to vote in the election.

10 (7) The three (3) candidates who ~~shall~~ receive the largest  
11 number, respectively, of the votes cast in the election shall be the elected  
12 directors for the district.

13 (8) ~~The commission governing body of the district~~ shall:

14 (A) Pay all the expenses of the election;

15 (B) Supervise the conduct ~~thereof~~ of the election; and

16 (C) ~~Prescribe rules governing the conduct of the election~~  
17 ~~and the determination of the eligibility of voters therein; and~~

18 ~~(D)~~ Publish the results and report results of the election  
19 to the Secretary of State.

20 (c)(1)(A) ~~Subsequent elections shall be conducted in the same manner.~~  
21 ~~However, the district shall pay all the expenses of the elections, and by the~~  
22 district and shall be held on the first Tuesday in March for election years  
23 as designated in this section.

24 (B) ~~The~~ The nominating petitions for candidates shall be  
25 filed with the ~~commission~~ district during the first two (2) weeks of February  
26 of the year of election.

27 (2) The appointed district directors constitute the District  
28 Election Committee, which shall conduct the election on behalf of the  
29 district.

30 (3) The governing body of the district may extend the time  
31 within which nominating petitions may be filed.

32 (4) The governing body of the district shall not accept a  
33 nominating petition unless it has been subscribed by twenty-five (25) or more  
34 qualified electors within the boundaries of the district.

35 (5) An elected director seeking reelection shall not be required  
36 to obtain signatures of qualified electors but shall only be eligible for

1 reelection if the director has attended sixty-five percent (65%) of the  
2 district board meetings and three (3) area or state meetings within the last  
3 three (3) years.

4 (6) Qualified electors may sign more than one (1) such  
5 nominating petition to nominate more than one (1) candidate for director.

6 (7) The governing body of the district shall give notice of an  
7 election to be held for the election of directors for the district.

8 (8) The names of all nominees on behalf of whom the nominating  
9 petitions have been filed within the time designated under this section shall  
10 be printed, arranged in alphabetical order of the surnames upon ballots, with  
11 a direction to vote for a director by placing an "X" in the square beside the  
12 name of the candidate for whom the voter wishes to vote.

13 (9)(A) All qualified electors within the district shall be  
14 eligible to vote in the election.

15 (B) To be qualified elector, a person shall:

16 (i) Be registered to vote in Arkansas; and

17 (ii) Own land within the district.

18 (C) Before obtaining a ballot, a person shall sign a  
19 verification of voter registration to affirm that the person is a qualified  
20 elector.

21 (D) After obtaining a ballot, the person shall select up  
22 to three (3) candidates to serve as district directors by putting an "X" in  
23 the appropriate boxes and then placing the ballot in the ballot box.

24 (10)(A) Ballots shall be available at the district office two  
25 (2) weeks before the election for all qualified voters.

26 (B) A ballot shall not be removed from the district office  
27 except as provided under this section.

28 (C) An individual with a disability whose physical  
29 condition makes it difficult to vote on election day may obtain a ballot by  
30 presenting a signed, written statement that the person making the request:

31 (i) Is a registered voter in Arkansas;

32 (ii) Owns land within the district;

33 (iii) Cannot vote on election day due to health  
34 reasons; and

35 (iv) Is attaching the name of the person authorized  
36 to deliver the ballot to the individual with a disability.

1                   (D) The person named under subdivision (c)(10)(C)(iv) of  
2 this section shall present the written statement under subdivision (c)(10)(C)  
3 of this section to the District Election Committee to obtain a ballot and  
4 shall return the ballot to the district office by the Monday before Election  
5 Day.

6                   (11) Votes for write-in candidates shall be void and shall not  
7 be counted.

8                   (12)(A) After the polls close, the District Election Committee  
9 shall collect all ballot boxes and election materials.

10                   (B) Both members of the District Election Committee shall  
11 open the ballot boxes together and count the votes cast.

12                   (C) A ballot with more than three (3) candidates marked  
13 shall be disqualified and shall not be counted.

14                   (D) A ballot with write-in candidates shall be  
15 disqualified and shall not be counted.

16                   (E)(i) The District Election Committee shall certify to  
17 the governing body of the district the results of the election, including the  
18 number of voters and the number of votes for each candidate.

19                   (ii) The District Election Committee shall then post  
20 results at the polling place, polling places, the district office, and other  
21 public places in the district.

22                   (F) The ballots and other election materials shall be  
23 maintained in a secure place for at least one (1) year following the  
24 election.

25                   (13) The candidates who receive the largest number,  
26 respectively, of the votes cast in the election shall be the elected  
27 directors for the district.

28                   (14)(A) A person challenging the results of the election shall  
29 notify the District Election Committee in writing within three (3) days after  
30 the election outlining the reasons for the challenge.

31                   (B) The District Election Committee shall investigate any  
32 allegations made under subdivision (c)(14)(A) of this section, which may  
33 include recounting the vote or verifying those voting in the election.

34                   (C) The District Election Committee shall report any  
35 findings under subdivision (c)(14)(B) of this section to the governing body  
36 of the district.

1 (D) Based upon the findings of the District Election  
2 Committee under subdivision (c)(14)(C) of this section, the governing body of  
3 the district may:

- 4 (i) Require a recount of votes;
- 5 (ii) Confirm the results as reported;
- 6 (iii) Set aside the results and conduct a special  
7 election; or
- 8 (iv) Take any other appropriate action.

9 (15) The governing body of the district shall:

10 (A) Pay all the expenses of the election;

11 (B) Publish:

- 12 (i) Notice of the election;
- 13 (ii) Availability and qualifications for obtaining a  
14 position on the board of the directors of the district; and
- 15 (iii) The deadline for filing the candidate

16 nomination petition;

17 (C) Select the polling sites necessary to provide adequate  
18 coverage for the district;

19 (D) Appoint a person or persons to oversee polling sites;

20 (E) Supervise the conduct of the election;

21 (F) Collect absentee and regular ballots and count votes;

22 (G) Determine the eligibility of voters in the district;

23 and

24 (H) Publish the results and report results of the election  
25 to the Secretary of State.

26 (16) The elections shall be scheduled as follows:

27 (A) On the first Tuesday in March 2000, and on the first  
28 Tuesday in March every third year thereafter, in those districts which have  
29 the greatest amount of district territory in the following counties:

- 30 Boone Little River
- 31 Carroll Logan
- 32 Clark Lonoke
- 33 Clay Poinsett
- 34 Cleburne Polk
- 35 Cleveland Saline
- 36 Columbia Scott

- 1 Conway Searcy
- 2 Crawford St. Francis
- 3 Cross White
- 4 Fulton Woodruff
- 5 Greene Yell
- 6 Jefferson

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8 (B) On the first Tuesday in March 1998, and on the first  
 9 Tuesday in March every third year thereafter, in those districts which have  
 10 the greatest amount of district territory in the following counties:

- 11 Baxter Phillips
- 12 Calhoun Pike
- 13 Craighead Pope
- 14 Dallas Prairie
- 15 Faulkner Pulaski
- 16 Garland Randolph
- 17 Hempstead Sebastian
- 18 Monroe Sevier
- 19 Nevada Sharp
- 20 Newton Stone
- 21 Ouachita Union
- 22 Perry Van Buren
- 23 Washington

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25 (C) On the first Tuesday in March 1999, and on the first  
 26 Tuesday in March every third year thereafter in those districts which have  
 27 the greatest amount of district territory in the following counties:

- 28 Arkansas Hot Spring
- 29 Ashley Howard
- 30 Benton Independence
- 31 Bradley Iazard
- 32 Chicot Jackson
- 33 Crittenden Johnson
- 34 Desha Lafayette
- 35 Drew Lawrence
- 36 Franklin Lee

1 Grant Lincoln  
2 Madison Mississippi  
3 Marion Montgomery  
4 Miller

7 APPROVED: 4/11/23

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