

1 State of Arkansas *As Engrossed: H3/19/25 S4/1/25*

2 95th General Assembly

A Bill

3 Regular Session, 2025

HOUSE BILL 1724

4

5 By: Representative B. McKenzie

6 By: Senator J. English

7

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For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING NONPARTISAN
10 ELECTIONS; TO AMEND THE LAW CONCERNING MEMBERS OF
11 LOCAL SCHOOL BOARDS OF DIRECTORS; TO AMEND THE LAW
12 CONCERNING SCHOOL BOARD ELECTIONS; TO AMEND THE DATE
13 ON WHICH AN ELECTION OF A SCHOOL DISTRICT BOARD OF
14 DIRECTORS IS HELD; AND FOR OTHER PURPOSES.

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Subtitle

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

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SECTION 1. Arkansas Code § 6-13-608 is amended to read as follows:

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6-13-608. Length of directors' terms.

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*(a) All members of a school district board of directors shall be
elected to a term of office of ~~not less than three (3) years nor more than~~
~~five (5) years~~ four (4) years or six (6) years in length and with the
expiration of such terms so arranged that, as nearly as possible, an equal
number of positions are filled ~~each year~~ every school board election.*

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*(b) Unless otherwise provided by law, members of a school district
board of directors shall have terms of office of equal length.*

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*(c)(1) A member of a school district board of directors shall not
serve more than one (1) full term as a holdover.*

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1 (2) If at the expiration of the holdover term a person is not
2 elected to fill the position at the ~~annual~~ school board election or the
3 person elected fails to subscribe to the director's oath of office within the
4 time provided under § 6-13-617(a)(1), the position is vacant and the ~~school~~
5 ~~district board of directors shall fill the~~ vacancy shall be filled as
6 provided under § 6-13-611.

7 (d)(1) An entire school district board of directors is required to be
8 elected during the first school board election after a school district:

9 (A) Changes from an all at-large or combined at-large and
10 zoned membership and is zoned to an all zoned or combined at-large and zoned
11 membership;

12 (B) Is rezoned following the federal decennial census;

13 (C) Returns from state to local control;

14 (D) Has boundary or zone changes as a result of
15 annexation, consolidation, or reconstruction;

16 (E) Has fallen below the average daily membership
17 requirement under § 6-13-634(a); or

18 (F) Is no longer operating under a court ordered exemption
19 to § 6-13-634(b).

20 (2) School board members shall initially draw lots for two-year
21 or four-year terms in districts with four-year terms or two-year, four-year,
22 or six-year terms in districts with six-year terms so that, as nearly as
23 possible, an equal number of positions are filled in each subsequent school
24 board election no longer than:

25 (A) Two (2) school board elections for those with four-
26 year terms; or

27 (B) Three (3) school board elections for those with six-
28 year terms.

29 (3) Initially, terms for members elected in 2025 shall expire:

30 (A) For school boards adopting four-year terms in 2028; or

31 (B) For school boards adopting six-year terms in 2030.

32 (4) For other members of a school district board of directors
33 currently holding terms, terms set to expire on or in:

34 (A) 2026 shall expire in 2026;

35 (B) 2027 shall expire in 2026;

36 (C) 2028 shall expire in 2028; and

1 (D) 2029 shall expire in 2028.

2 (5) If after rebalancing terms, there is not, as nearly as
 3 possible, an equal number of positions filled every school board election,
 4 the school district board of directors shall adjust the minimum number of
 5 terms necessary to ensure balance between those terms expiring in 2026 and
 6 2028.

7 SECTION 2. Arkansas Code § 6-13-611(e), concerning vacancies generally
 8 of a school district board of directors, is amended to read as follows:

9 (e)~~(1)~~ An appointed director, except a director appointed to fill a
 10 vacancy under § 6-13-613, shall serve only until his or her elected successor
 11 subscribes to the director's oath of office under § 6-13-617 to the next
 12 annual school election, at which time the electors shall select in the usual
 13 manner directors to serve the unexpired terms of the vacating directors.

14 ~~(2) If there is not an individual who has filed as a candidate~~
 15 ~~to serve an unexpired term of a vacating director, the position shall be:~~

16 ~~(A) Deemed vacant; and~~

17 ~~(B) Filled in accordance with this section.~~

18 SECTION 3. Arkansas Code § 6-13-634(d), concerning the size of a
 19 school district board of directors, is amended to read as follows:

20 (d) Any change in the number of directors serving on a school district
 21 board of directors under this section is effective upon the directors' taking
 22 office following the next regular ~~annual~~ school board election.

24 SECTION 4. Arkansas Code § 6-13-1415(e)(1)(B), concerning an interim
 25 school district board of directors following an involuntary consolidation or
 26 annexation, is amended to read as follows:

27 (B) All the members of the permanent board of directors of
 28 the resulting district or receiving district are elected at-large, then the
 29 state board may stagger the terms of the interim board of directors, which
 30 shall be determined by lot so that ~~no more than two (2) members' terms expire~~
 31 ~~during any one (1) year~~ , as nearly as possible, an equal number of positions
 32 are filled during each school board election.

34 SECTION 5. Arkansas Code § 6-14-102(a)(1)(B), concerning the annual
 35 school election date, is repealed.

36 ~~(B)(i) A school district shall adopt a policy setting~~

1 ~~forth which election date under subdivision (a)(1)(A) of this section the~~
 2 ~~school district chooses to hold the annual school election upon.~~

3 ~~(ii) At least one hundred (100) days before the~~
 4 ~~first day of the respective candidate filing period set forth in § 6-14-~~
 5 ~~111(e)(1)(A), a school district shall provide a copy of the policy under~~
 6 ~~subdivision (a)(1)(B)(i) of this section to:~~

7 ~~(a) The county board of election commissioners~~
 8 ~~of the county in which the school district is domiciled for administrative~~
 9 ~~purposes; and~~

10 ~~(b) The county clerk of each county within the~~
 11 ~~school district's boundaries.~~

12 ~~(iii) If a school district fails to timely provide a~~
 13 ~~copy of its most current policy to the county board of election commissioners~~
 14 ~~and county clerks in accordance with subdivision (a)(1)(B)(ii) of this~~
 15 ~~section, the school district shall be required to hold the school district's~~
 16 ~~annual school election in accordance with the most recent policy the school~~
 17 ~~district has provided to the county board of election commissioners and~~
 18 ~~county clerks.~~

19
 20 SECTION 6. Arkansas Code § 6-13-1417(a)(3), concerning the formation
 21 of a school district board of directors following an involuntary
 22 consolidation or annexation, is amended to read as follows:

23 (3) At the first meeting of the permanent board of directors,
 24 the members shall determine the terms of the board of directors by lot so
 25 that ~~not more than two (2) members' terms expire during any one (1) year~~ , as
 26 nearly as possible, an equal number of positions are filled during each
 27 school board election.

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 29 SECTION 7. Arkansas Code § 6-14-102(c)(1), concerning the annual
 30 school election date and special school elections, is amended to read as
 31 follows:

32 (c)(1) When the annual school election is not held at the same time as
 33 a preferential primary or general election, if ~~no more than one (1) candidate~~
 34 ~~for a school district director position presents a petition or notice as~~
 35 ~~required by § 6-14-111 and if there are no other ballot issues to be~~
 36 submitted to school district electors for consideration, with the exception

1 of the local tax rate if that rate is not being changed or restructured, the
 2 board of directors of a school district, by resolution, may request the
 3 county board of election commissioners to:

4 (A) Reduce the number of polling places;

5 (B) Open no polling places on election day so that the
 6 election can be conducted by absentee ballot and early voting only; or

7 (C)(i) Declare an election by candidate to be held;

8 (ii) Open no polling places; and

9 (iii) Allow the candidate to cast a ballot for
 10 himself or herself at a designated time and location on election day or
 11 during the period that would otherwise be designated for early voting.
 12

13 *SECTION 8. Arkansas Code § 6-14-121(a)(1), concerning runoff*
 14 *elections, is amended to read as follows:*

15 (a)(1)(A) *Whenever there are more than two (2) candidates for election*
 16 *to any position on a board of directors at any election held in this state*
 17 *and whenever no candidate for any school district position receives a*
 18 *majority of the votes cast for the office or whenever there is a tie vote,*
 19 *there shall be a runoff election held in the school district.*

20 (B) In the event of a runoff election, the current member
 21 of the position for which there is a runoff election shall serve as a
 22 holdover until the person elected in the runoff election receives
 23 certification of the administration of the oath under § 6-13-617.
 24

25 *SECTION 9. Arkansas Code § 6-14-102(a)(1)(A), concerning the annual*
 26 *school election date and special school elections, is amended to read as*
 27 *follows:*

28 (a)(1)(A) *The annual school election shall be held in each school*
 29 *district of the state:*

30 (i) *In even-numbered years, on the date of the+*

31 ~~(a) Preferential~~ preferential ~~primary election; or~~

32 ~~(b) General election; and~~

33 (ii) *In odd-numbered years, on the+*

34 ~~(a) Second Tuesday in November; or~~

35 ~~(b) Second~~ first ~~Tuesday in May after the first~~
 36 Monday in March.

1 SECTION 10. Arkansas Code § 6-14-102, concerning the annual school
2 election date and special school elections, is amended to add an additional
3 subsection to read as follows:

4 (d) The election of a school district board of directors not elected
5 entirely during the same election shall be held in each public school
6 district of this state on the date of the preferential primary election.

7
8 SECTION 11. Arkansas Code § 6-14-111(a), concerning the candidate
9 filing procedures, is amended to read as follows:

10 (a)(1) All candidate filings under this subchapter shall be with the
11 county clerk of the county in which the school district is domiciled for
12 administrative purposes.

13 (2) A district school board member shall be elected at the
14 preferential primary election.

15 ~~(2)(A)(i)~~ (3)(A)(i) In a special school election or an annual
16 school election not held with the preferential primary ~~or general~~ election,
17 all actions required of county boards of election commissioners shall be
18 performed by the county board of election commissioners of the county in
19 which the school district is domiciled for administrative purposes.

20 (ii) However, if one of that school district's
21 nondomicile counties is holding a special election on the same date as a
22 school election and at least one (1) qualified elector in the county is
23 eligible to vote in both the special election and the school election, each
24 county in which the school district has territory shall conduct the school
25 district's school election as if it were held with the preferential primary
26 ~~or general~~ election.

27 (B) When a county clerk of a school district's nondomicile
28 county becomes aware that a special election will be held on the same date as
29 a school district's annual or special school election and at least one (1)
30 qualified elector in the county is eligible to vote in both the special
31 election and the school election, the county clerk of the nondomicile county
32 shall immediately notify the county clerk of the county in which the school
33 district is domiciled for administrative purposes in writing that the school
34 district's school election shall be conducted under subdivision ~~(a)(3)~~ (a)(4)
35 of this section.

36 (C) The county clerk of the county in which the school

1 district is domiciled for administrative purposes shall then immediately
2 notify the county clerks of any other nondomicile counties that the school
3 district's election will be conducted under subdivision ~~(a)(3)~~(a)(4) of this
4 section.

5 ~~(3)~~(4) In a school election held with the preferential primary
6 ~~or general election~~, all actions required of county boards of election
7 commissioners shall be performed by the county board of election
8 commissioners of the county in which the electors reside.

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10 SECTION 12. Arkansas Code § 6-14-111(e)(1), concerning the candidate
11 filing procedures, is amended to read as follows:

12 (e)(1) The petition, affidavit of eligibility, and the candidate's
13 political practices pledge shall be filed with the county clerk ~~as follows:~~

14 ~~(A)(i) For even-numbered years, during the party filing~~
15 ~~period as set forth in § 7-7-203 for school elections held concurrently with~~
16 ~~a preferential primary election; and~~

17 ~~(ii) For odd-numbered years, during the dates that~~
18 ~~would be the filing period as set forth in § 7-7-203 if a preferential~~
19 ~~primary and general election were to be held in that year; or~~

20 ~~(B) During a one-week period ending at 12:00 noon ninety~~
21 ~~(90) days before a school election held in November beginning at 12:00 noon~~
22 ~~on the first day of the party filing period under § 7-7-203 and shall end at~~
23 ~~12:00 noon on the last day of the party filing period under § 7-7-203.~~

24

25 SECTION 13. Arkansas Code § 6-14-111(h)(2), concerning candidate
26 filing procedures, is amended to read as follows:

27 (2) The county board of election commissioners shall not place
28 the name of an unopposed candidate for school district director on the ballot
29 during a school board election held concurrently with the *preferential*
30 *primary election* ~~or general election~~.

31

32 SECTION 14. Arkansas Code § 6-14-111(k), concerning candidate filing
33 procedures, is amended to read as follows:

34 (k) The order in which the names of the respective candidates are to
35 appear on the ballot shall be determined by lot at the public meeting of the
36 county board of election commissioners held not later than+

1 ~~(1) The the deadline to conduct the ballot draw for the~~
2 preferential primary or general election ~~for an annual school election held~~
3 ~~in even numbered years;~~

4 ~~(2) The seventh day of March for an annual school election held~~
5 ~~on the second Tuesday in May of an odd numbered year; and~~

6 ~~(3) Seventy two (72) days before an annual school election held~~
7 ~~on the second Tuesday of November of an odd numbered year.~~

8
9 SECTION 15. Arkansas Code § 6-14-121(a)(3), concerning runoff
10 elections, is amended to read as follows:

11 (3) The runoff election shall be held+

12 ~~(A) Four (4) weeks following the date of an election held~~
13 ~~in any odd numbered year;~~

14 ~~(B) On the date designated for the general primary~~
15 ~~election if the annual school election is held with the preferential primary~~
16 ~~election; or~~

17 ~~(C) On the date designated for the general runoff election~~
18 ~~if the annual school election is held with the general election at the same~~
19 ~~time as the general election.~~

20
21 SECTION 16. Arkansas Code § 6-14-121(c), concerning runoff elections,
22 is amended to read as follows:

23 (c) If one (1) of the two (2) candidates who received the highest
24 number of votes for a position withdraws before certification of the result
25 of the school board election, the remaining candidate who received the most
26 votes at the school board election shall be declared elected to the office
27 and there shall be no school board election runoff.

28
29 SECTION 17. Arkansas Code § 7-10-102 is amended to read as follows:

30 7-10-102. Nonpartisan election of judges, justices, ~~and~~ prosecuting
31 attorneys, and school board members.

32 (a) The offices of Justice of the Supreme Court, Judge of the Court of
33 Appeals, circuit judge, district judge, ~~and~~ prosecuting attorney, and a
34 member of a school district board of directors are nonpartisan offices.

35 (b)(1) The general elections for nonpartisan offices shall be held on
36 the same date and at the same times and places as provided by law for

1 preferential primary elections.

2 (2)(A) The names of nonpartisan candidates shall be:

3 (i) Included on the ballots of the political
4 parties; and

5 (ii) Designated as nonpartisan candidates.

6 (B) Separate ballots containing the names of nonpartisan
7 candidates shall be:

8 (i) Prepared; and

9 (ii) Made available to voters requesting a separate
10 ballot.

11 (3) A voter shall not be required to vote in a political party's
12 preferential primary to be able to vote in a nonpartisan election.

13 (c)(1) A person shall not be elected to the office of Justice of the
14 Supreme Court, Judge of the Court of Appeals, circuit judge, district judge,
15 ~~or prosecuting attorney, or a member of a school district board of directors~~
16 unless the person receives a majority of the votes cast at the election for
17 the office.

18 (2) In a nonpartisan election in which no person receives a
19 majority of the votes cast, the two (2) candidates receiving the highest and
20 next highest number of votes shall be certified to a runoff election, which
21 shall be held on the same date and at the same times and places as the
22 November general election.

23 (3) The names of the candidates in a nonpartisan runoff election
24 shall be placed on the same ballots as used for the November general
25 elections.

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27 /s/B. McKenzie

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30 **APPROVED: 4/10/25**

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