

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997  
4

# A Bill

ACT 443 OF 1997  
HOUSE BILL 1767

5 By: House Committee on State Agencies and Governmental Affairs  
6  
7

## For An Act To Be Entitled

8  
9 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED ~~§~~ 6-14-111 TO  
10 REQUIRE THE COUNTY CLERK TO VERIFY THE NAMES ON A PETITION  
11 FOR A CANDIDATE IN A SCHOOL ELECTION; TO REPEAL ARKANSAS  
12 CODE ANNOTATED ~~§~~6-14-112 PERTAINING TO DUPLICATE BALLOTS IN  
13 SCHOOL ELECTIONS; TO AMEND ARKANSAS CODE ANNOTATED ~~§~~ 6-14-  
14 115 TO REQUIRE THE RESULTS OF A SCHOOL ELECTION TO BE  
15 DECLARED WITHIN THREE (3) DAYS AFTER THE ELECTION, AND TO  
16 ELIMINATE THE REQUIREMENT THAT THE COUNTY COURT CERTIFY  
17 SCHOOL ELECTIONS, AND TO PROVIDE THAT THE COUNTY BOARD OF  
18 ELECTION COMMISSIONERS SHALL CERTIFY SCHOOL ELECTIONS; TO  
19 REPEAL ARKANSAS CODE ANNOTATED ~~§~~ 6-14-117 SO THAT GENERAL  
20 ELECTION LAW PENALTIES APPLY TO SCHOOL ELECTIONS; TO AMEND  
21 ARKANSAS CODE ANNOTATED ~~§~~ 6-14-119 TO ELIMINATE THE  
22 REQUIREMENT THAT THE COUNTY JUDGE APPROVE THE MAXIMUM  
23 AMOUNT OF COMPENSATION FOR ELECTION OFFICIALS IN SCHOOL  
24 ELECTIONS; TO AMEND ARKANSAS CODE ANNOTATED ~~§§~~ 6-14-120 AND  
25 6-14-121 TO REQUIRE RUNOFFS IN SCHOOL ELECTIONS TO BE HELD  
26 THREE (3) WEEKS AFTER THE REGULAR ELECTION; TO AMEND  
27 VARIOUS PROVISIONS OF ARKANSAS CODE ANNOTATED 6-14-101, ET  
28 SEQ., TO MAKE TECHNICAL CORRECTIONS; AND FOR OTHER  
29 PURPOSES."

## Subtitle

30  
31  
32 "AN ACT TO AMEND VARIOUS SECTIONS OF  
33 A.C.A. ~~§~~ 6-14-101, ET SEQ., PERTAINING TO  
34 SCHOOL ELECTIONS."

35  
36 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
37

1 SECTION 1. Arkansas Code Annotated § 6-14-106 is amended to read as  
 2 follows:

3 "§ 6-14-106. Polling places.

4 (a) The county board of election commissioners of each county shall  
 5 designate all the polling ~~places~~ sites for each school district in its  
 6 respective county, including districts having territory in more than one (1)  
 7 county but which are domiciled in its county for administrative purposes, and  
 8 shall provide the election supplies and appoint the ~~judges and clerks~~ election  
 9 officials for holding all school elections.

10 (b) If a school district has territory in more than one (1) county, the  
 11 county board of election commissioners of the county in which it is domiciled  
 12 shall either:

13 (1) Designate one (1) or more polling ~~places~~ sites in each county  
 14 in which any part of the district lies; or

15 (2) Designate one (1) or more polling ~~places~~ sites in the county  
 16 in which the district is domiciled for administrative purposes, at which all  
 17 qualified electors of the district, regardless of their county of residence,  
 18 may vote.

19 (c) When the county board of election commissioners of any county, in  
 20 which a district is domiciled for administrative purposes, determines that a  
 21 polling ~~place~~ site shall not be designated in the other county in which a  
 22 portion of the district lies, it shall designate a polling ~~place~~ site in the  
 23 county in which the district is administered for those electors of the  
 24 district in the other county to vote and shall take appropriate action to  
 25 assure that the necessary precinct registration files are delivered to that  
 26 polling ~~place~~ site in order that the electors in the nonadministering county  
 27 may vote in the school election.

28 (d) The board of directors of each school district shall cause to be  
 29 published, by at least one (1) insertion in a newspaper with general  
 30 circulation in the county wherein the school district is located, not more  
 31 than ten (10) days nor less than three (3) days prior to any school election,  
 32 a notice identifying the polling ~~place~~ site for each ward or precinct. If the  
 33 polling ~~place~~ site for any ward or precinct has changed since the last  
 34 election, the notice shall indicate the change."

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36 SECTION 2. Arkansas Code Annotated § 6-14-111(b) is amended to read as

1 follows:

2 " (b) The county board of election commissioners shall place on the  
 3 ballots, as candidates for school district director or member of the county  
 4 board of education, names of any qualified voters whose names have been  
 5 ~~presented~~ filed and verified by the county clerk. The county clerk shall  
 6 certify to the board ~~by that the~~ petition of contained at least twenty (20)  
 7 qualified registered voters, residents of the respective districts or zones,  
 8 at least forty-five (45) days before the annual school election."

9

10 SECTION 3. Arkansas Code Annotated § 6-14-112, pertaining to duplicate  
 11 ballots in school election, is repealed.

12 ~~6-14-112. Duplicate ballots and ballot boxes.~~

13 ~~Duplicate ballots and ballot boxes shall be used in any school district~~  
 14 ~~in this state under the following conditions:~~

15 ~~(1) In any district in this state in which there is a contest for the~~  
 16 ~~office of school district director, any ten (10) qualified electors of the~~  
 17 ~~district may petition the county board of election commissioners at least ten~~  
 18 ~~(10) days prior to the election and request the county board of election~~  
 19 ~~commissioners to provide duplicate ballots and ballot boxes necessary in~~  
 20 ~~conducting the election.~~

21 ~~(2) The duplicate ballots and boxes shall conform to those now provided~~  
 22 ~~by law in primary elections, and the primary election law shall apply as~~  
 23 ~~nearly as possible to the holding of school elections without conflicting with~~  
 24 ~~the present law governing school elections.~~

25 ~~(3) When the petition is delivered to the county board of election~~  
 26 ~~commissioners, it shall be the board's duty to provide duplicate ballots and~~  
 27 ~~boxes for the district and deliver the ballots and boxes to the judges and~~  
 28 ~~clerks of the election as now provided by the school law.~~

29 ~~(4) Such judges and clerks shall use the duplicate ballots and boxes in~~  
 30 ~~the same manner as now provided by law in primary elections. When the polls~~  
 31 ~~have closed, the election judges shall at once seal the duplicate box and~~  
 32 ~~deliver it as soon as possible to the county treasurer, who shall safely keep~~  
 33 ~~it until the time for filing contests in school elections has expired.~~  
 34 ~~However, in case of a contest, the treasurer shall not destroy the ballots~~  
 35 ~~until ordered to do so by the court having jurisdiction of the contest.~~

36 ~~(5) The original ballot box shall be returned to the county judge and~~

1 ~~kept safely by him until the time for contesting an election has expired, and~~  
 2 ~~in case of a contest he shall preserve the ballot box and ballots. Both the~~  
 3 ~~original and duplicate ballots shall be competent evidence in case of contest.~~

4 SECTION 4. Arkansas Code Annotated § 6-14-113 is amended to read as  
 5 follows:

6 "6-14-113. Election kits for school elections.

7 (a) In order that the annual school elections held throughout this  
 8 state will be conducted in a more uniform manner, the State Board of Education  
 9 is authorized and directed to prepare and distribute annually ~~to~~ upon the  
 10 request of the county board of election commissioners of each county annual  
 11 school election kits or packages designed especially for conducting annual  
 12 school elections in the manner required by law.

13 (b) The kits or packages shall contain forms for a list of voters and  
 14 duplicate list of voters, tally sheets, oaths of ~~judges and clerks~~ election  
 15 officials, certificates of results, and notices of election. In addition  
 16 thereto, the kits or packages shall contain carbon paper, envelopes for  
 17 regular, irregular, and spoiled ballots, instruction for voters and election  
 18 ~~judges and clerks~~ officials, seals, and other necessary equipment and  
 19 supplies, except ballot boxes, ballots, and certified lists of eligible voters  
 20 which shall be furnished the election officials in the manner provided by law.

21 (c) The kits or packages provided for herein shall be distributed  
 22 annually to the several county boards of election commissioners at least  
 23 thirty (30) days prior to the annual school election. A sufficient number of  
 24 such kits or packages shall be supplied each county in order that at least one  
 25 (1) kit or package may be made available at each voting precinct or voting  
 26 place in such county.

27 (d) The cost of the kits or packages prepared by the Department of  
 28 Education pursuant to this section shall be paid from the maintenance funds  
 29 provided for the Department of Education by legislative appropriation."  
 30

31 SECTION 5. Arkansas Code Annotated § 6-14-114 is amended to read as  
 32 follows:

33 "6-14-114. Counting of votes.

34 When the polls of each election are closed, the ~~judges~~ election  
 35 officials shall immediately proceed to count the votes, ascertain the results,  
 36 and make returns thereof to the county clerk showing:

- 1           (1) The number of votes cast for each person for school district
- 2 director;
- 3           (2) The number of votes cast for school tax;
- 4           (3) The number of votes cast against school tax;
- 5           (4) In case of a division of the millage to be levied as school tax,
- 6 the number of mills and the number of votes cast for each millage for:
- 7                 (A) The current operation of the schools;
- 8                 (B) The erection and equipment of school buildings;
- 9                 (C) The retirement of existing indebtedness;
- 10          (5) The number of votes cast for and against any other question
- 11 submitted at the election."

12

13           SECTION 6. Arkansas Code Annotated § 6-14-115 is amended to read as  
 14 follows:

15           "6-14-115. Return, canvass, and appeal - Filing.

16           (a) At the close of the election, the ~~judges~~ election officials at each  
 17 polling place or at the place of central tabulation shall make a return of the  
 18 votes, ~~certified by the clerks of the election~~ certify the return, and file  
 19 ~~this the certification~~ in the office of the county clerk of the county in  
 20 which the district is administered for delivery to its county board of  
 21 election commissioners who shall, not later than ~~the eleventh calendar day~~  
 22 three (3) days after the election, proceed to ascertain and declare the  
 23 results of the election and file ~~their findings~~ the certification of election  
 24 and one (1) of the ballots with the county clerk.

25           ~~(b) Within fourteen (14) calendar days after the election, the county~~  
 26 ~~court shall canvass the returns and declare the result of the election by an~~  
 27 ~~order entered of record.~~

28           ~~(c) This order shall be final unless an appeal is taken from it to the~~  
 29 ~~circuit court within fifteen (15) calendar days after it has been entered.~~

30           ~~(d)~~(b) The county clerk of the county in which the district is  
 31 administered shall file a certified copy of the ~~order~~ certification of  
 32 election with the county clerk of each county in which any part of the  
 33 district lies."

34

35           SECTION 7. Arkansas Code Annotated § 6-14-117 is repealed.

36           ~~6-14-117. Unlawful acts - Penalties.~~

1 ~~\_\_\_\_\_ The following persons shall be guilty of a misdemeanor and shall be~~  
 2 ~~subject to a fine not to exceed one hundred dollars (\$100), and to~~  
 3 ~~imprisonment in the county jail not to exceed one (1) year:~~

4 ~~\_\_\_\_\_ (1) Any person not entitled to vote at such election who shall vote~~  
 5 ~~therein; and~~

6 ~~\_\_\_\_\_ (2) Any judge or clerk who shall be guilty of any fraud in receiving~~  
 7 ~~ballots or in counting them or in making election returns.~~

8

9 SECTION 8. Arkansas Code Annotated § 6-14-119 is amended to read as  
 10 follows:

11 "6-14-119. Compensation of ~~judges and clerks~~ election officials.

12 The school district board may allow sufficient compensation to the  
 13 ~~judges and clerks~~ election officials of all elections to secure good citizens  
 14 to act in those capacities. ~~The maximum amount shall be approved by the county~~  
 15 ~~judge."~~

16

17 SECTION 9. Arkansas Code Annotated § 6-14-120(c) is amended to read as  
 18 follows:

19 "(c) In the case of a tie vote for a position of director, a runoff  
 20 election shall be held on a day ~~two (2)~~ three (3) weeks after the regular  
 21 school election at which the names of the two (2) candidates receiving the tie  
 22 vote shall be placed on the ballot, and the candidate receiving the highest  
 23 number of votes at such runoff election shall be declared elected."

24

25 SECTION 10. Arkansas Code Annotated § 6-14-121(a) is amended to read as  
 26 follows:

27 "(a) Whenever there are more than two (2) candidates for election to  
 28 any county or district school board at any election held in this state, and no  
 29 candidate for any county or district position receives a majority of the votes  
 30 cast for the office, there shall be a runoff election held in the county or  
 31 district. The runoff election shall be held ~~two (2)~~ three (3) weeks following  
 32 the date of the election; the names of the two (2) candidates receiving the  
 33 highest number of votes, but not a majority, shall be placed on the ballot to  
 34 be voted upon by the qualified electors of the county or the district, as the  
 35 case may be."

36

1 SECTION 11. All provisions of this act of a general and permanent  
2 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
3 Code Revision Commission shall incorporate the same in the Code.

4

5 SECTION 12. If any provision of this act or the application thereof to  
6 any person or circumstance is held invalid, such invalidity shall not affect  
7 other provisions or applications of the act which can be given effect without  
8 the invalid provision or application, and to this end the provisions of this  
9 act are declared to be severable.

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11 SECTION 13. All laws and parts of laws in conflict with this act are  
12 hereby repealed.

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14 APPROVED:3-11-97

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