

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: S3/10/99

A Bill

Act 1196 of 1999
SENATE BILL 606

5 By: Senator Fitch
6 By: Representative Jacobs
7

For An Act To Be Entitled

10 "AN ACT TO PROHIBIT THE PLACING OF SCHOOL ELECTION
11 ISSUES ON THE NOVEMBER GENERAL ELECTION BALLOT; AND
12 FOR OTHER PURPOSES."

Subtitle

14 "TO PROHIBIT THE PLACING OF SCHOOL
15 ELECTION ISSUES ON THE NOVEMBER GENERAL
16 ELECTION BALLOT."
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code 6-14-102 is amended to read as follows:

23 "6-14-102. Annual school election date - Special school election.

24 (a) The annual school election shall be held in each school district of
25 the state on the third Tuesday in September.

26 (b) The board of directors of any school district shall have the
27 authority to hold the annual school election on a date other than that fixed
28 by law, provided that:

29 (1) The proposed budget of expenditures for the previous year, as
30 published, incorrectly stated a proposed expenditure or rate of tax levy, as
31 set forth in a certificate or certificates signed by each member of the board
32 of directors, or was not published within the time required by law; or

33 (2) The district has suffered damage to its physical facilities
34 in an amount exceeding one hundred twenty-five thousand dollars (\$125,000) as
35 a result of fire or other natural disaster and the board of directors has
36 determined that the proceeds of insurance on those facilities will be

1 insufficient to restore or replace the facilities; or

2 (3) The district will lose state aid because of a court decision
3 or legislation enacted by the General Assembly and the board of directors
4 takes action to change the date of the annual school election to consider a
5 millage increase no less than sixty (60) days after the court's decision or
6 effective date of the legislation; and

7 (4) All constitutional and statutory requirements for the annual
8 school election are met; and

9 (5) The date of the election is approved by the Director of
10 ~~General Education~~ the Department of Education.

11 ~~(c) In an even-numbered year, if no more than one (1) candidate for~~
12 ~~school district director or member of the county board of education presents a~~
13 ~~petition or notice in writing to the county board of election commissioners as~~
14 ~~required by § 6-14-111, and there are no other ballot issues to be submitted~~
15 ~~to district electors for consideration, the board of directors of any school~~
16 ~~district may, by resolution duly adopted, request the county board of election~~
17 ~~commissioners to change the date of the annual school election to coincide~~
18 ~~with that of the general election.~~

19 ~~(d)(1) [As enacted by Acts 1997, No. 545.] (c)(1)~~ In any election
20 year, if no more than one (1) candidate for school district director ~~or member~~
21 ~~of the county board of education~~ presents a petition or notice in writing to
22 the county board of election commissioners as required by § 6-14-111, and
23 there are no other ballot issues to be submitted to district electors for
24 consideration, the board of directors of any school district ~~may~~, by
25 resolution duly adopted, may request the county board of election
26 commissioners to reduce the number of polling places.

27 (2) The county board of election commissioners shall provide at
28 least one (1) polling place.

29 (3) In a county that uses voting machines or electronic voting,
30 the county board of election commissioners may choose to use paper ballots for
31 the election.

32 ~~(d) [As enacted by Acts 1997, No. 1120.]~~ The board of directors of any
33 school district shall have the authority to request the county board of
34 ~~education~~ election commissioners to call a special election for the purpose of
35 considering a rate of tax for additional millages for maintenance and
36 operations or debt service as authorized by Arkansas Constitution, Amendment

1 74, provided that:

2 (1) All constitutional and statutory requirements for a special
3 school election are met; and

4 (2) The date of the election is approved by the Director of
5 ~~General Education~~ the Department of Education."

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

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11 SECTION 3. If any provision of this act or the application thereof to
12 any person or circumstance is held invalid, such invalidity shall not affect
13 other provisions or applications of the act which can be given effect without
14 the invalid provision or application, and to this end the provisions of this
15 act are declared to be severable.

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17 SECTION 4. All laws and parts of laws in conflict with this act are
18 hereby repealed.

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/s/ Fitc

APPROVED: 4/7/1999h