## Stricken language would be deleted from and underlined language would be added to present law. Act 379 of the Regular Session

1	State of Arkansas	A D:11	
2	90th General Assembly	A Bill	
3	Regular Session, 2015		HOUSE BILL 1358
4			
5	By: Representative Ratliff		
6	By: Senator B. Pierce		
7			
8	For An Act To Be Entitled		
9	AN ACT TO MODIFY STATUTORY PROVISIONS RELATED TO THE		
10	ELECTION OF MEMBERS OF A SCHOOL DISTRICT BOARD OF		
11	DIRECTORS; TO CLARIFY REQUIREMENTS RELATED TO OATH OF		
12	OFFICE OF MEMBERS OF A SCHOOL DISTRICT BOARD OF		
13	DIRECTORS; AN	ND FOR OTHER PURPOSES.	
14			
15			
16		Subtitle	
17	TO MODI	FY STATUTORY PROVISIONS RELATED TO	
18	THE ELE	CTION OF MEMBERS OF A SCHOOL	
19		T BOARD OF DIRECTORS; AND TO	
20	CLARIFY	REQUIREMENTS RELATED TO OATH OF	
21	OFFICE	OF MEMBERS OF A SCHOOL DISTRICT	
22	BOARD O	F DIRECTORS.	
23			
24			
25	BE IT ENACTED BY THE GENE	ERAL ASSEMBLY OF THE STATE OF ARKAN	ISAS:
26			
27	SECTION 1. Arkansa	as Code $ 6-13-608(c)(2) $ , concerning	g length of
28	directors' terms, is amen	nded to read as follows:	
29	(2) If at the	e expiration of the holdover term a	person is not
30	elected to fill the posit	tion at the annual school election	or the person
31	elected fails to receive	the director's oath of office with	in the time
32	provided under $\S$ 6-13-617(a)(1), the position is vacant and the board shall		
33	fill the vacancy as provi	ided under § 6-13-611.	
34			
35	SECTION 2. Arkansa	as Code $\S$ 6-13-617 is amended to re	ead as follows:
36	6-13-617. Oath.		

(a) <u>(l)</u> Each dir	ector elected <del>or appointed</del> <u>for an initial or</u>	
nonconsecutive term o	f office shall, within ten (10) days after receiving	
notice from the count	y clerk or his or her designee of his or her election or	
within ten (10) days	after receiving notice from the county clerk or his or	
her designee of his o	r her appointment, subscribe to the following oath	
before an individual	authorized to administer oaths under § 21-2-105:	
"I,	,	
do hereby solemnly sw	ear or affirm, that I will support the Constitution of	
the United States and the Constitution of the State of Arkansas, and that I		
will not be interested, directly or indirectly, in any contract made by the		
district of which I am a director, except as permitted by state law and that		
I will faithfully dis	charge the duties as school director in	
School District upon	which I am about to enter.	
Director's Signature		
Administrator's Signa	<u>ture</u>	
	<del></del>	
<u>Date</u> "		
	fter the oath is administered, the director shall submit	
	e administration of the oath to the county clerk or his	
or her designee.		
<u>(B)</u>	The certification of the administration of the oath	
shall contain:		
	(i) A copy of the oath;	
	(ii) The director's signature;	
	(iii) The administrator's signature; and	
	(iv) The date.	

T	(b)(1) The county clerk, upon receipt of the certification of the		
2	administration of the oath prescribed for a director, shall immediately		
3	commission such persons, and they shall enter at once upon their duties as		
4	directors.		
5	(2) By the close of business of the day following the receipt of		
6	the certification of the administration of the oath, the county clerk or his		
7	or her designee shall notify the superintendent of the school district by		
8	phone that the individual has sworn to the director's oath and shall send a		
9	copy of the certificate of the administration of the oath to the school		
10	district central office within five (5) days.		
11	(c) The failure of an elected director to have the oath administered		
12	as required under subsection (a) of this section will result in:		
13	(1) The individual not being qualified to serve for the purpose		
14	of Arkansas Constitution, Article 19, § 5; and		
15	(2) A holdover.		
16			
17	SECTION 3. Arkansas Code § 6-14-115(a), concerning school elections,		
18	is amended to add an additional subdivision to read as follows:		
19	(2) The county clerk or his or her designee shall deliver to th		
20	person having the highest number of legal votes:		
21	(A) A certificate of election;		
22	(B) Notice of the requirement for all directors elected to		
23	an initial or nonconsecutive term that he or she must subscribe to the		
24	director's oath under § 6-13-617;		
25	(C) The date the ten (10) days to have the oath		
26	administered expires;		
27	(D) A list of the individuals qualified to give the oath		
28	under § 21-2-105;		
29	(E) A copy of the director's oath with spaces for the		
30	date, the signature of the director, and the signature of the administrator		
31	of the oath; and		
32	(F) Notice that the individual shall be unable to assume		
33	the duties of a director until a copy of the administration of the oath is		
34	received by the county clerk or his or her designee.		
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36	APPROVED: 03/11/2015		