

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

# A Bill

HOUSE BILL 1540

5 By: Representative Cozart  
6 By: Senator J. Sturch  
7

## For An Act To Be Entitled

9 AN ACT CONCERNING SCHOOL BOARD ELECTIONS; TO AMEND  
10 TIMING REQUIREMENTS CONCERNING THE ELECTION OF SCHOOL  
11 BOARD MEMBERS IN SCHOOL DISTRICTS THAT HAVE TEN  
12 PERCENT OR GREATER MINORITY POPULATION; TO DECLARE AN  
13 EMERGENCY; AND FOR OTHER PURPOSES.  
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## Subtitle

17 TO AMEND TIMING REQUIREMENTS CONCERNING  
18 THE ELECTION OF SCHOOL BOARD MEMBERS IN  
19 SCHOOL DISTRICTS THAT HAVE TEN PERCENT OR  
20 GREATER MINORITY POPULATION; AND TO  
21 DECLARE AN EMERGENCY.  
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23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 SECTION 1. Arkansas Code § 6-13-630(d), concerning a resolution  
27 adopted by a public school district board of directors to require that school  
28 board members be elected by zone, at large, or a combination thereof, is  
29 amended to read as follows:

30 (d) The board of directors of the school district shall cause the  
31 resolution to be published at least ~~thirty (30)~~ ninety (90) days before the  
32 filing deadline for the next regular school election after the adoption of  
33 the resolution.  
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35 SECTION 2. Arkansas Code § 6-13-631(b)(1), concerning the election of  
36 school board members in school districts that have ten percent or greater



1 minority population, is amended to read as follows:

2 (b)(1) At least ~~ninety (90) days before the election~~ one hundred  
3 twenty (120) days before the annual school election held on the second year  
4 after the federal decennial census, the local board of directors shall:

5 (A) By resolution, choose to elect members of the board of  
6 directors from five (5) or seven (7) single-member zones or from five (5)  
7 single-member zones and two (2) at large; and

8 (B) With the approval of the controlling county board of  
9 election commissioners, divide each school district having a ten percent  
10 (10%) or greater minority population into five (5) or seven (7) single-member  
11 zones in accordance with the federal Voting Rights Act of 1965, as amended.

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13 SECTION 3. Arkansas Code § 6-13-631(f)(1), concerning annual school  
14 elections in school districts that have ten percent or greater minority  
15 population after each federal decennial census, is amended to read as  
16 follows:

17 (f)(1) At least ~~one hundred (100)~~ ninety (90) days before the ~~second~~  
18 filing deadline for the annual school election held on the second year after  
19 each federal decennial census, the school district board of directors, with  
20 the approval of the county board of election commissioners of the county  
21 where the school district is administratively domiciled, shall:

22 (A) Divide each school district having a ten percent (10%)  
23 or greater minority population into single-member zones; and

24 (B)(i) File a copy of the plan with the county clerk of  
25 the county where the school district is administratively domiciled.

26 (ii) The plan filed with the clerk shall include a  
27 map showing the boundaries of the zones and documentation showing the  
28 population by race in each zone.

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30 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the  
31 General Assembly of the State of Arkansas that the timelines established by  
32 statute combined with the delay in the release of the most recent federal  
33 decennial census information make it impossible for some public school  
34 districts to comply with existing statutory requirements with respect to  
35 school election timelines; that the inability for these affected public  
36 school districts to follow statutorily required timelines puts the public

1 school districts' funding at risk and would prohibit the public school  
2 districts from performing their governmental functions; and that this act is  
3 immediately necessary to ensure the affected public school districts retain  
4 funding and are able to properly perform required duties. Therefore, an  
5 emergency is declared to exist, and this act being immediately necessary for  
6 the preservation of the public peace, health, and safety shall become  
7 effective on:

8 (1) The date of its approval by the Governor;

9 (2) If the bill is neither approved nor vetoed by the Governor,  
10 the expiration of the period of time during which the Governor may veto the  
11 bill; or

12 (3) If the bill is vetoed by the Governor and the veto is  
13 overridden, the date the last house overrides the veto.

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16 **APPROVED: 4/1/21**  
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