

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H3/13/17
A Bill

HOUSE BILL 1621

5 By: Representative Lowery
6 By: Senator J. English
7

8 For An Act To Be Entitled

9 AN ACT TO CHANGE THE DATE OF THE ANNUAL SCHOOL
10 ELECTION; AND FOR OTHER PURPOSES.
11

12 Subtitle

13 TO CHANGE THE DATE OF THE ANNUAL SCHOOL
14 ELECTION.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Arkansas Code § 6-14-102 is amended to read as follows:

21 6-14-102. Annual school election date – Special school election.

22 (a)(1)(A) The annual school election shall be held in each school
23 district of the state on the: ~~third Tuesday in September or the first Tuesday~~
24 ~~following the first Monday in November of each year.~~

25 (i) Date of the preferential primary election in even-
26 numbered years and the date that would be designated as the preferential
27 primary election in odd-numbered years if a general election was held in the
28 odd-numbered year; or

29 (ii) First Tuesday following the first Monday in November
30 of each year.

31 (B) By the first day of the filing period for a candidate
32 in a primary election, a school district shall notify the county clerk which
33 election date under subdivisions (a)(1)(A)(i) and (ii) of this section it
34 chooses to hold the annual school election.

35 (2)(A) Except as provided in subdivision (a)(2)(B) of this section,
36 the annual school election shall only concern issues authorized to be on the



1 ballot by the Arkansas Constitution or by statute, and no other issues shall
2 appear on the ballot.

3 (B) If the annual school election is held ~~in November of~~
4 ~~an even-numbered year~~ at the same time as a preferential primary election or
5 general election, the issues to be considered in the annual school election
6 may be printed on the same ballot as the preferential primary election ballot
7 or general election ballot.

8 (b) The board of directors of any school district shall have the
9 authority to hold a school election concerning the tax rate or debt issues on
10 a date other than that fixed by law provided that:

11 (1) All constitutional and statutory requirements for the annual
12 school election are met, notwithstanding subsection (a) of this section;

13 (2) The election is held before the date of the annual school
14 election; and

15 (3) The Commissioner of Education approves the date of the
16 election.

17 (c)(1) In any election year in which the annual school election is not
18 held in September at the same time as a preferential primary or general
19 election, if no more than one (1) candidate for any school district director
20 position presents a petition or notice as required by § 6-14-111 and if there
21 are no other ballot issues to be submitted to school district electors for
22 consideration, with the exception of the local tax rate if that rate is not
23 being changed or restructured, the board of directors of any school district,
24 by resolution, may request the county board of election commissioners to:

25 (A) Reduce the number of polling places;

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

28 (C) Open no polling places on election day and hold an
29 election by candidate under the procedure in § 7-11-107(c).

30 (2)(A) If the annual school election is not held ~~in September at~~
31 the same time as a preferential primary election or general election and upon
32 request by proper resolution adopted by the board of directors of any school
33 district, the county board of election commissioners may provide that no
34 polling places be open on election day so that the election can be conducted
35 by:

36 (i) Absentee ballot and early voting only; or

1 (ii) Election by candidate under the procedure in §
2 7-11-107(c).

3 (B) If a county uses electronic voting machines or
4 electronic vote tabulating devices, the county board of election
5 commissioners may use:

6 (i) The electronic voting machines or electronic
7 vote tabulating devices; or

8 (ii) Paper ballots counted by hand and provide no
9 voting machines to be used in the election, notwithstanding any other
10 provision in the Arkansas Code.

11

12 SECTION 2. Arkansas Code § 6-14-106(a) and (b), concerning polling
13 places and qualifications and appointment of election commissioners and poll
14 workers, are amended to read as follows:

15 (a)(1) Except as provided under subdivision (a)(5) of this section,
16 the county board of election commissioners of each county shall designate all
17 the polling sites for each school district in its respective county,
18 including districts having territory in more than one (1) county but which
19 are domiciled in its county for administrative purposes, and shall provide
20 the election supplies and appoint the poll workers for holding all school
21 elections.

22 (2) The county board of election commissioners shall consult
23 with each school district regarding:

24 (A) The number of polling sites to designate for each
25 school district; and

26 (B) The location of the polling sites.

27 (3) Polling sites for school elections shall be established by a
28 majority vote of the members of the county board of election commissioners
29 present.

30 ~~(4)(A)(i)~~ Except as provided in subdivision (a)(4)(A)(ii) of
31 this section and unless changed by order of the county board of election
32 commissioners, the polling sites for each school election shall be the same
33 as those established for the immediately preceding school election.

34 ~~(i)~~ (B) If no polling sites were opened in the
35 immediately preceding school election, the polling sites shall be the same as
36 those established for the most recent school election in which polling sites

1 were opened unless changed by order of the county board of election
2 commissioners.

3 ~~(B) Each polling site for a school district's annual~~
4 ~~school election shall be located within the school district.~~

5 (5) If the annual school election is held at the same time as
6 the preferential primary election or general election, the polling sites for
7 the annual school election shall be the same as the polling sites for the
8 preferential primary or general election.

9 (b) If the annual school election is held ~~in September of any year or~~
10 ~~in November of an odd-numbered year~~ on a date on which no other elections are
11 held and a school district has territory in more than one (1) county, the
12 county board of election commissioners of the county in which the school
13 district is domiciled shall designate in a contested school election one (1)
14 or more polling sites in each county:

15 (1) In which the school district has territory;

16 (2) In which school district territory contains a city of the
17 second class or larger; and

18 (3) That has registered electors.

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20 *SECTION 3. Arkansas Code § 6-14-111(e)-(j), concerning candidate*
21 *filing procedures, is amended to read as follows:*

22 (e) *The petition, affidavit of eligibility, and the candidate's*
23 *political practices pledge shall be filed with the clerk as follows: during a*
24 ~~*one-week period ending at 12:00 noon seventy (70) days before the annual*~~
25 ~~*school election.*~~

26 *(1) During the party filing period as set forth in § 7-7-203 for*
27 *school elections held concurrently with a preferential primary election; or*

28 *(2) During a one-week period ending at 12:00 noon ninety (90)*
29 *days before the election for school elections held in odd years or*
30 *concurrently with a general election.*

31 (f)(1) *Candidates may begin circulating petitions not earlier than one*
32 ~~*hundred (100) thirty (30) days before the annual school election filing*~~
33 ~~*deadline under subsection (e) of this section.*~~

34 (2) *A signature dated more than one hundred (100) thirty (30)*
35 ~~*days before the school election filing deadline under subsection (e) of this*~~
36 ~~*section shall not be counted by the clerk as a valid signature.*~~

1 (g) Votes for a write-in candidate for school district director shall
2 not be counted or tabulated unless the candidate files with the county clerk
3 during a the one-week period ending at 12:00 noon seventy (70) days before
4 the annual school election under subsection (e) of this section:

5 (1) A written notice of his or her intention to be a write-in
6 candidate identifying the position sought, including without limitation the
7 position number or other identifying information if applicable;

8 (2) An affidavit of eligibility; and

9 (3) The political practices pledge.

10 (h) The county board of election commissioners shall place on the
11 ballot as candidates for school district director the names of any qualified
12 registered voters whose political practices pledges and affidavits of
13 eligibility have been filed and whose petitions have been filed with and
14 verified by the county clerk of the county in which the school district is
15 domiciled for administrative purposes.

16 (i)(1) On the day after the deadline for candidates to file for a
17 position on the board of directors by petition, the county clerk shall
18 certify to the board of election commissioners the names of those candidates
19 who are registered voters in the school district and the electoral zone, if
20 applicable, and who have qualified for the ballot by petition.

21 (2) Immediately after the close of the write-in filing period,
22 the county clerk shall certify to the county board of election commissioners
23 any write-in candidates who have filed the affidavit of eligibility, the
24 notice of write-in candidacy, and the political practices pledge with the
25 county clerk.

26 (j) The order in which the names of the respective candidates are to
27 appear on the ballot shall be determined by lot at the public meeting of the
28 county board of election commissioners held not later than ~~sixty-seven (67)~~
29 seventy-two (72) days before the annual school election.

30
31 SECTION 4. Arkansas Code § 6-14-115(a)(1)(B), concerning the school
32 elections and results, is amended to read as follows:

33 (B) Subdivision (a)(1)(A) of this section shall apply
34 regardless of ~~whether the date~~ the annual school election is held ~~on the~~
35 ~~third Tuesday in September or the first Tuesday following the first Monday in~~
36 ~~November.~~

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SECTION 5. Arkansas Code § 6-14-118(b) and (c), concerning the expense of a school election, are amended to read as follows:

(b)(1) If the school election is held in ~~November~~ of an even-numbered year, the school district shall reimburse each county in which the school election appears on the preferential primary election or general election ballot for additional costs incurred by the county when holding the school election in conjunction with the preferential primary election or general election.

(2) Total reimbursement under subdivision (b)(1) of this section shall not exceed an amount equal to the amount the school district reimbursed one (1) or more counties in the aggregate for the last contested school election in an odd-numbered year.

(c) The school district shall reimburse a county for the entire cost of a school runoff election if:

(1) The school election is held in ~~November~~ of an even-numbered year; and

(2) The preferential primary election or general election in which the school election is held in conjunction with does not result in the holding of a general primary election or a general runoff election in the county so that the school runoff election is the only issue on the ballot.

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

(3) The runoff election shall be held:

(A) ~~three (3)~~ Four (4) weeks following the date of the an election held in any odd-numbered year;

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

(C) On the date designated for the general runoff election if the annual school election is held with the general election.

SECTION 7. Arkansas Code § 7-5-418(a)(2)(B), concerning early voting, is amended to read as follows:

(B) If an annual school election is held at the same time

1 as the preferential primary election or general election, early voting for
2 the annual school election shall comply with subdivision (a)(1)(A) of this
3 section.

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5 *SECTION 8. DO NOT CODIFY. EFFECTIVE DATE.*

6 *This act shall be effective on and after January 1, 2018.*

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8 /s/Lowery

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11 **APPROVED: 04/05/2017**