

1 State of Arkansas *As Engrossed: H5/20/16* Call Item 10
2 90th General Assembly **A Bill**
3 Third Extraordinary Session, 2016 HOUSE BILL 1005
4

5 By: Representatives Bell, Richey
6

7 **For An Act To Be Entitled**

8 AN ACT TO AMEND THE LAW TO ENABLE ANNUAL SCHOOL
9 ELECTIONS TO BE HELD IN NOVEMBER; TO MAKE TECHNICAL
10 CORRECTIONS TO THE LAW CONCERNING THE ANNUAL SCHOOL
11 ELECTIONS; TO AMEND THE FUNDING STRUCTURE AND OTHER
12 ESSENTIAL ADMINISTRATIVE PROVISIONS CONCERNING
13 CERTAIN SCHOOL ELECTIONS; AND FOR OTHER PURPOSES.
14

15
16 **Subtitle**

17 TO AMEND THE LAW TO ENABLE ANNUAL SCHOOL
18 ELECTIONS TO BE HELD IN NOVEMBER; AND TO
19 AMEND THE FUNDING STRUCTURE AND OTHER
20 ESSENTIAL ADMINISTRATIVE PROVISIONS
21 CONCERNING CERTAIN SCHOOL ELECTIONS.
22
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

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

27 6-14-102. Annual school election date – Special school election.

28 (a)(1) The annual school election shall be held in each school
29 district of the state on the third Tuesday in September or the first Tuesday
30 following the first Monday in November of each year.

31 (2)(A) The Except as provided in subdivision (a)(2)(B) of this
32 section, the annual school election shall only concern issues authorized to
33 be on the ballot by the Arkansas Constitution or by statute, and no other
34 issues shall appear on the ballot.

35 (B) If the annual school election is held in November of
36 an even-numbered year, the issues to be considered in the annual school



1 election may be printed on the same ballot as the general election ballot.

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

5 (1) All constitutional and statutory requirements for the annual
6 school election are met, notwithstanding ~~subdivision (a)(1)~~ subsection (a) of
7 this section;

8 (2) The election is held before the date of the annual school
9 election; and

10 (3) The Commissioner of Education approves the date of the
11 election.

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

20 (A) Reduce the number of polling places;

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

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

25 (2)(A) If ~~requested~~ the annual school election is held in
26 September and upon request by proper resolution adopted by the board of
27 directors of any school district, the county board of election commissioners
28 may provide that no polling places be open on election day so that the
29 election can be conducted by:

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

31 (ii) Election by candidate under the procedure in §
32 7-11-107(c).

33 (B) If a county uses electronic voting machines or
34 electronic vote tabulating devices, the county board of election
35 commissioners may use:

36 (i) The electronic voting machines or electronic

1 vote tabulating devices; or

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

5

6 SECTION 2. Arkansas Code § 6-14-106(a) and (b), concerning polling
7 locations for the annual school election, are amended to read as follows:

8 (a)(1) ~~The~~ Except as provided under subdivision (a)(5) of this
9 section, the county board of election commissioners of each county shall
10 designate all the polling sites for each school district in its respective
11 county, including districts having territory in more than one (1) county but
12 which are domiciled in its county for administrative purposes, and shall
13 provide the election supplies and appoint the poll workers for holding all
14 school elections.

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

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

19 (B) The location of the polling sites.

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

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

27 (ii) If no polling sites were opened in the
28 immediately preceding school election, the polling sites shall be the same as
29 those established for the most recent school election in which polling sites
30 were opened unless changed by order of the county board of election
31 commissioners.

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

34 (5) If the annual school election is held at the same time as
35 the general election, the polling sites for the annual school election shall
36 be the same as the polling sites for the general election.

1 (b) If the annual school election is held in September of any year or
2 in November of an odd-numbered year and a school district has territory in
3 more than one (1) county, the county board of election commissioners of the
4 county in which the school district is domiciled shall designate in a
5 contested school election one (1) or more polling sites in each county:

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

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

9 (3) That has registered electors.

10
11 SECTION 3. Arkansas Code § 6-14-109 is amended to read as follows:
12 6-14-109. Notice of elections.

13 (a)(1) ~~The~~ If the school election is held on a date on which no other
14 elections are held, the board of directors of each school district shall give
15 notice by advertisement one (1) time a week for three (3) weeks before each
16 election to be held within the school district, setting out the time, place,
17 and questions to be submitted to the electors at the election.

18 ~~(b)(2)~~ The advertisement provided for shall begin at least twenty (20)
19 days before the date of the school election and shall be in a newspaper
20 either published in or having a bona fide circulation in the county or
21 counties in which the school district is administered.

22 ~~(e)(3) This~~ The provision for notice of school elections under this
23 subsection shall be the sole requirement for the publication of the notice.

24 (b)(1) If the school election is held on a date on which other
25 elections are held, the county board of election commissioners shall publish
26 notice in the manner provided by § 7-5-206.

27 (2) Notice under this subsection shall include without
28 limitation the time, place, and any questions to be submitted to the electors
29 at the election.

30
31 SECTION 4. Arkansas Code § 6-14-115(a)(1), concerning school election
32 returns, is amended to read as follows:

33 (a)(1)(A) At the close of the election, the election officials at each
34 polling place or at the place of central tabulation shall make a return of
35 the votes, certify the return, and file the certification in the office of
36 the county clerk of the county in which the school district is administered

1 for delivery to its county board of election commissioners, which no earlier
2 than forty-eight (48) hours and no later than ten (10) days after the
3 election shall proceed to ascertain and declare the results of the election
4 and file the certification of election and one (1) of the ballots with the
5 county clerk.

6 (B) Subdivision (a)(1)(A) of this section shall apply
7 regardless of whether the annual school election is held on the third Tuesday
8 in September or the first Tuesday following the first Monday in November.

9
10 SECTION 5. Arkansas Code § 6-14-118 is amended to read as follows:

11 6-14-118. Expenses.

12 ~~(a)(1) In school elections, the school districts in the county shall~~
13 ~~reimburse the county for the cost of the election less expenses incurred for~~
14 ~~election officials at individual polling places, with each school district's~~
15 ~~share of the total being determined by multiplying the total cost of the~~
16 ~~election by a fraction, the numerator of which is the number of votes cast in~~
17 ~~the specific school election and the denominator of which is the total number~~
18 ~~of votes cast in the entire election.~~

19 ~~(2) Expenses incurred for election officials at individual~~
20 ~~polling places shall be paid by the school district in which the polling~~
21 ~~place is located.~~

22 ~~(b) At all annual or special elections, the board of directors of each~~
23 ~~school district shall pay the expenses of the election out of the school~~
24 ~~fund.~~

25 (a)(1) Except as provided in this section, for school elections, the
26 school district shall reimburse the county for the cost of the school
27 election.

28 (2) Subdivision (a)(1) of this section includes the cost of a
29 special school election.

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

35 (2) Total reimbursement under subdivision (b)(1) of this section
36 shall not exceed an amount equal to the amount the school district reimbursed

1 one (1) or more counties in the aggregate for the last contested school
2 election in an odd-numbered year.

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

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

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

11
12 SECTION 6. Arkansas Code § 7-5-418(a), concerning early voting, is
13 amended to read as follows:

14 (a)(1)(A) Except as provided in subdivision (a)(1)(B) of this section,
15 early voting shall be available to any qualified elector who applies to the
16 county clerk's designated early voting location, beginning fifteen (15) days
17 before a preferential primary or general election between the hours of 8:00
18 a.m. and 6:00 p.m. Monday through Friday and 10:00 a.m. and 4:00 p.m.
19 Saturday and ending at 5:00 p.m. on the Monday before the election.

20 (B) Early voting shall not be available on state or county
21 holidays.

22 (2)(A) ~~However~~ Except as provided in subdivision (a)(2)(B) of
23 this section, on all other elections, including the general primary and
24 general runoff elections, early voting shall be available to any qualified
25 elector who applies to the county clerk during regular office hours,
26 beginning seven (7) days before the election and ending on the day before the
27 election day at the time the county clerk's office regularly closes.

28 (B) If an annual school election is held at the same time
29 as the general election, early voting for the annual school election shall
30 comply with subdivision (a)(1)(A) of this section.

31
32 SECTION 7. Arkansas Code § 14-14-904(b)(1)(A)(i), concerning the levy
33 of taxes by a quorum court, is amended to read as follows:

34 (1)(A)(i) The quorum court at its regular meeting in November or
35 December of each year shall levy the county taxes, municipal taxes, and
36 school taxes for the current year.

