

Hall of the House of Representatives
90th General Assembly - Regular Session, 2015
Amendment Form

Subtitle of House Bill No. 1422

TO PROMOTE VOTER TURNOUT; AND TO AMEND THE LAW TO LIMIT THE DATES ON WHICH
CERTAIN SPECIAL ELECTIONS CAN BE HELD.

Amendment No. 2 to House Bill No. 1422

Amend House Bill No. 1422 as engrossed, H3/9/15 (version: 03/09/2015 9:49:03 AM):

Page 1, line 30, delete "(b) If" and substitute "(b) Except as provided under subsection (f) of this section, if"

AND

Page 1, line 33, delete "(c) If" and substitute "(c) Except as provided under subsection (f) of this section, if"

AND

Page 2, delete line 5, and substitute the following:
"is not required to be filed for a special school election.

(f)(1) An emergency special election may be held on a date other than the dates specified under subsections (b) and (c) of this section if an emergency requires that the election be held on a date other than the dates specified in subsections (b) and (c) of this section.

(2) As used in this section "emergency" means:

(A) Either:

(i) A substantial change in the interpretation of the law by the federal or state courts which if not addressed by an election will render the governing entity incapable of performing its lawful duties and obligations; or

(ii) A substantial change in circumstances due to a fire, flood, tornado, or other natural disaster which if not addressed by an election will render the governing entity financially incapable of performing its lawful duties and obligations; and

(B) Delay of the special election until the next date under subsections (b) and (c) of this section would cause a substantial and undue hardship to the governing entity."

AND



Page 2, delete line 24, and substitute the following:
"date authorized under § 7-11-201 et seq.

SECTION 4. Arkansas Code § 6-13-608, concerning length of directors' terms, is amended to add an additional subdivision to read as follows:

(d)(1) If a member of a school district board of directors is serving a term which is scheduled to end pursuant to the annual school election in September 2017, he or she will be replaced by the person who is elected to fill that position in the annual school election in May 2017.

(2) Before February 1, 2017, the school district boards of directors shall meet and arrange the terms of the remaining members of the school district board of directors so that they meet the requirements of this section.

SECTION 5. Arkansas Code § 6-13-634(c)(6), concerning board of directors size, is amended to read as follows:

(6) If the number of members of a board of directors is decreased under this section, the board of directors in office on ~~August~~ April 12 before the next regular school election shall draw lots to determine which board positions will be eliminated."

AND

Page 2, delete lines 28 through 36, and substitute the following:

~~"(a)(1) The annual school election shall be held in each school district of the state on the third Tuesday in September.~~

~~(2) The annual school election shall only concern issues authorized to be on the ballot by the Arkansas Constitution or by statute, and no other issues shall appear on the ballot following dates:~~

(1) If the annual school election is held in an odd-numbered year, the Tuesday next after the first Monday in May; and

(2) If the annual school election is held in an even-numbered year, the date of the preferential primary election.

(b) The board of directors of any school district ~~shall have the authority to may~~ hold a school election concerning the tax rate or debt issues on a date ~~other than that fixed by law~~ under § 7-11-304 provided that:

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

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

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

AND

Page 3, delete lines 1 through 23

AND

Page 4, delete line 9, and substitute the following:

"provision in the Arkansas Code.

SECTION 5. Arkansas Code § 6-14-106 is amended to read as follows:

6-14-106. Polling places – Qualifications and appointment of election commissioners and poll workers.

~~(a)(1) The county board of election commissioners of each county shall designate all~~ Except as provided under subsection (b) of this section, the the polling sites for each school district in its respective county, including districts having territory in more than one (1) county but which are domiciled in its county for administrative purposes, ~~and shall be the same as the polling sites designated by the county board of election commissioners under § 7-5-101.~~

(2) The county board of election commissioners shall provide the election supplies and appoint the poll workers for holding all school elections.

~~(2) The county board shall consult with each school district regarding:~~

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

~~(B) The location of the polling sites.~~

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

(b)(1)(A) If the school election is on a date on which no other elections are held, the school district board of directors by majority vote shall designate the polling sites for the district.

~~(4)(A)(B) The polling sites for each the school election shall be the same as those established for the immediately preceding school election that was held on a date on which no other elections were held unless changed by order of the county board of election commissioners school district board of directors.~~

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

(C) The school district board of directors shall consult with the county board of election commissioners regarding:

(i) The number of polling sites to designate for each school district; and

(ii) The location of the polling sites.

~~(b)(2) If a school district has territory in more than one (1) county, the county board of election commissioners of the county in which the school district is domiciled school board of directors shall designate in a contested school election one (1) or more polling sites in each county:~~

~~(1)(A) In which the school district has territory;~~

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

~~(3)(C) That has registered electors.~~

~~(e)(3) The county board of election commissioners shall take appropriate action to assure that the necessary precinct registration files are delivered to each polling site in order that the electors in each county may vote in the school election.~~

~~(d)(1)(4)(A) The board of directors of each school district shall cause to be published, by at least one (1) insertion in a newspaper with~~

general circulation in the county or counties in which the school district is located, not more than ten (10) days nor less than three (3) days before any school election under this subsection, a notice identifying the polling site for each ward or precinct.

~~(2)~~(B) If the polling site for any ward or precinct has changed since the last school election, the notice shall indicate the change.

~~(e)(1)~~(c)(1) In addition to any other qualification under Arkansas law regarding members of the county board of election commissioners, a member of the county board of election commissioners who is a paid employee of any school district holding the election in the county shall be disqualified from participating as a member of the county board of election commissioners in any matter concerning the school election.

(2) In the event of a disqualification under subdivision ~~(e)(1)~~ (c)(1) of this section, the disqualified member shall notify the chair of the county committee of the affected party of the disqualification no later than sixty (60) days before the school election, or if the disqualified member is the county chair, the notice shall be provided to the chair of the state committee of the affected party.

(3) The chair of the county committee of the party affected by disqualification of a member of the county board of election commissioners shall appoint a qualified person to replace the disqualified member for the school election, or if the disqualified member is the county chair, the state chair of the affected party shall appoint a qualified person to replace the disqualified member for the school election.

~~(f)(1)~~(d)(1) The county board of election commissioners of the domicile county shall appoint one (1) election judge and one (1) election sheriff for each polling site and as many additional election clerks as are necessary for the efficient administration of elections at each polling site.

(2) In addition to any other qualification under Arkansas law regarding poll workers, a poll worker at a school election shall not be a paid employee of the school district holding the election.

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

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

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

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

(b)(1) If the school election is on a date on which other elections are held and is a special election, the county board of election commissioners shall publish notice in the manner provided by § 7-11-201 et seq.

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

(3) Notice under this subsection shall include the time, place, and questions to be submitted to the electors at the election.

SECTION 7. Arkansas Code § 6-14-111(e) - (g), concerning candidate filing procedures, are amended to read as follows:

(e) The petition, affidavit of eligibility, and the candidate's political practices pledge shall be filed with the clerk during a one-week period ending at 12:00 noon ~~seventy (70) days~~ on the first day of March before the annual school election and beginning at 12:00 noon one (1) week before the first day of March before the annual school election.

(f)(1) Candidates may begin circulating petitions not earlier than one hundred (100) days before the first day of March before the annual school election.

(2) A signature dated more than one hundred (100) days before the first day of March before the annual school election shall not be counted by the clerk as a valid signature.

(g) Votes for a write-in candidate for school district director shall not be counted or tabulated unless the candidate files with the county clerk during a one-week period ending at 12:00 noon ~~seventy (70) days before the annual school election~~ on the first day of March before the annual school election and beginning at 12:00 noon one (1) week before the first day in March before the annual school election:

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

(2) An affidavit of eligibility; and

(3) The political practices pledge.

SECTION 8. Arkansas Code § 6-14-111(j), concerning candidate filing procedures, is amended to read as follows:

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

AND

Page 4, delete line 30, and substitute the following:
"school election in an odd-numbered year.

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

(3)(A) The If the runoff election is held in an odd-numbered year, the runoff election shall be held three (3) weeks following the date of the election.

(B) If the runoff election is held in an even-numbered year, the runoff election shall be held on the date of the general primary election."

AND

Page 6, delete line 7, and substitute the following:

~~"shall not apply to school elections for officials of school districts;~~

SECTION 11. Arkansas Code § 7-5-309(b)(1)(B), concerning the time allowed to mark a ballot, is amended to read as follows:

(B) A voter shall not be allowed more than ~~five (5)~~ ten (10) minutes to mark his or her ballot.

SECTION 12. Arkansas Code § 7-7-306 is amended to read as follows:
7-7-306. Partisan and nonpartisan general election ballots.

(a) At each party primary and nonpartisan general election, each county board of election commissioners shall furnish a separate ballot for each political party containing:

(1) The name of each person seeking nomination as a candidate of that political party;

(2) The name of each candidate for the general election to a nonpartisan office under § 7-10-101;

(3) The name of each candidate for school district board of directors; and

~~(3)(4)~~ All measures and questions, if any, to be decided by the voters.

(b) The county board of election commissioners shall also furnish a separate ballot containing the names of all qualified candidates for the general election to nonpartisan offices, all candidates for school district board of directors, and all measures, if any, to be decided by the voters."

AND

Page 9, delete lines 19 through 36

AND

Page 10, delete lines 1 through 3

AND

Renumber the sections appropriately

The Amendment was read _____

By: Representative Bell

JAW/JAW - 03-11-2015 14:23:59

JAW165

Chief Clerk