

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995  
4 By: Senator Lewellen

## A Bill

SENATE BILL 455

### For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 6-61-520 TO REQUIRE THE  
9 MEMBERS OF THE BOARD OF *TRUSTEES* OF *CERTAIN* COMMUNITY  
10 COLLEGES TO BE ELECTED BY WARDS; AND FOR OTHER PURPOSES."

### Subtitle

13 "TO REQUIRE THE MEMBERS OF THE BOARD OF  
14 *TRUSTEES* OF COMMUNITY COLLEGES TO BE  
15 ELECTED BY WARDS."

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

19 SECTION 1. Arkansas Code 6-61-520 is amended to read as follows:

20 "6-61-520. Local boards - Establishment - Members.

21 (a) The local control of each community college shall be vested in a  
22 local board composed of nine (9) members who are residents and qualified  
23 electors of the community college district. *In a community college district*  
24 *having a ten percent (10%) or greater population in any one racial minority*  
25 *category according to the latest federal decennial census, the board members*  
26 *will be elected by ward.* If the community college district is located within  
27 a single county, the county board of election commissioners shall divide the  
28 district into nine (9) wards of as *nearly* equal populations as is reasonable.  
29 If the community college district is located in more than one county, the  
30 county boards of election commissioners shall jointly divide the district  
31 into nine (9) wards of as *nearly* equal populations *as is reasonable.* *In the*  
32 *districts having a ten percent (10%) or greater population in any one (1)*  
33 *racial minority, the terms of office of the board members serving shall*  
34 *expire on January 1 following the next annual school election in those*  
35 *districts in which board members are elected at the annual school election or*

1 on January 1 following the next general election in those districts in which  
2 board members are elected at the general election. In those districts, the  
3 county boards of election commissioners shall immediately draw the  
4 boundaries of the wards so that the elections may be conducted by ward at the  
5 next annual school election in those districts in which board members are  
6 elected at the annual school election or following the next general election  
7 in those districts in which board members are elected at the general  
8 election. Persons elected at the annual school election shall take office on  
9 January 1 following the election in those districts in which board members  
10 are elected at the annual school election or on January 1 following the next  
11 general election in those districts in which board members are elected at the  
12 general election. The members first elected shall draw lots whereby three  
13 (3) shall serve two (2) year terms, three (3) shall serve four (4) year  
14 terms, and six (6) shall serve three (3) year terms, and all successor  
15 members shall serve six (6) year terms. When, after the effective date of  
16 this act, the minority population of any district increases to at least ten  
17 percent (10%) or greater in any one (1) racial minority according to the  
18 latest federal decennial census, the terms of office of the board members  
19 shall expire on January 1 next following the annual school election in those  
20 districts in which board members are elected at the annual school election or  
21 on January 1 following the next general election in those districts in which  
22 board members are elected at the general election after the release of the  
23 census information, and the county board of election commissioners shall  
24 immediately after the release of the census information draw the boundaries  
25 of the wards so that the elections may be conducted by ward at the next  
26 annual school election or general election as appropriate. Persons elected  
27 at that annual school election or general election shall take office on  
28 January 1 following the election. The members first elected shall draw lots  
29 whereby three (3) shall serve two (2) year terms, three (3) shall serve four  
30 (4) year terms, and three (3) shall serve six (6) year terms, and all  
31 successor members shall serve six (6) year terms.

32 (b) All members shall be elected for terms of six (6) years. Members  
33 elected by ward shall be elected by the qualified electors of the ward at the  
34 annual school election or the general election immediately preceding the  
35 expiration of the expiring terms, and the newly-elected members shall take

1 office on January 1 next following the election. All members elected by  
2 district shall be elected by the qualified electors of the district at the  
3 general election or at the annual school election for any community college  
4 district which is comprised solely of one (1) or more entire school districts  
5 and whose boundary is contiguous with those school districts, immediately  
6 preceding the expiration of the expiring terms, and the newly elected members  
7 shall take office on January 1 next following the date of their election.

8 (c)(1) Candidates for membership on the local board shall run by and  
9 shall be elected on a nonpartisan basis, and there shall be no mark or  
10 designation on the ballot indicating the party affiliation of the candidates.  
11 The names of the candidates for *each position or for each ward if elected by*  
12 *ward* shall be arranged alphabetically on the ballot.

13 (2) Any person desiring to be a candidate for a position on the local  
14 board shall, not less than forty-five (45) days prior to the general or  
15 annual school election at which the position on the board is to be filled,  
16 file a notarized statement of such candidacy with the county board of  
17 election commissioners of each county of which any portion is in the  
18 community college district, in substantially the following form:

19 \_State of Arkansas  
20 County of .....

21  
22 I, ....., being first duly sworn, state that I reside at  
23 .....; that I am a resident and qualified elector of ward .....of  
24 the..... community college district; that I am a candidate for a *position* on  
25 the local board of such community college, and I hereby request that my name  
26 be placed on the ballot as a candidate for such position at the coming  
27 general or annual school election.

28  
29 (Signed) .....

30 Subscribed and sworn to before me this ..... day of ....., 19 ....

31  
32 (Signed)

33 .....

34  
35 Notary Public\_

1 (3) At the time of filing the statement of candidacy, the candidate  
2 shall pay a ballot fee of three dollars (\$3.00) and shall file a petition  
3 containing the signatures of at least fifty (50) qualified electors of the  
4 *district or of the ward if elected by ward*, requesting that the name of such  
5 person be placed on the ballot as a candidate for the position on the local  
6 board.

7 (4)(A) The county board of election commissioners of each county of  
8 which a portion is a part of the community college district shall certify the  
9 results of the election in that county to the local board of the community  
10 college.

11 (B) The local board of the community college shall officially canvass  
12 the returns, declare the candidate elected for each position, and make a  
13 record of the election upon its minutes.

14 (5) The candidate receiving the highest number of votes for each  
15 position on the local board to be filled at the election shall be elected to  
16 fill the particular position, and it shall not be necessary that the person  
17 elected receives a majority of all votes cast for all candidates for such  
18 position.

19 (d)(1) Vacancies on any local board due to death, resignation, or other  
20 causes shall be filled by appointment of the Governor.

21 (2) When the term of office in which the vacancy occurs expires on  
22 December 31 of the year in which the next general or annual school election  
23 is to be held, the person appointed by the Governor shall serve the remainder  
24 of the unexpired term.

25 (3) When the term of office in which the vacancy occurs extends beyond  
26 December 31 of the year in which the next general or annual school election  
27 is to be held, the person appointed by the Governor shall serve only until  
28 the general or annual school election at which election a person shall be  
29 elected by the qualified electors of the *district or ward* to fill the  
30 remainder of the unexpired term.

31 (4) When a vacancy occurs, the local board shall officially recognize  
32 that the vacancy exists, enter the recognition of the vacancy upon its  
33 minutes, and notify the Governor, requesting that he make an appointment to  
34 fill the vacancy as provided by law.

35 (5) The Governor shall officially notify the local board of his

1 appointment of the new member, which the local board shall enter upon its  
2 minutes."

3

4 SECTION 2. All provisions of this act of a general and permanent  
5 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
6 Code Revision Commission shall incorporate the same in the Code.

7

8 SECTION 3. If any provision of this act or the application thereof to  
9 any person or circumstance is held invalid, such invalidity shall not affect  
10 other provisions or applications of the act which can be given effect without  
11 the invalid provision or application, and to this end the provisions of this  
12 act are declared to be severable.

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14 SECTION 4. All laws and parts of laws in conflict with this act are  
15 hereby repealed.

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*/s/Lewellen*

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