

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

As Engrossed: S3/3/97

A Bill

HOUSE BILL 1709

4
5 *By: Representatives Lancaster, Ingram, and Faris*

For An Act To Be Entitled

9 "AN ACT AMENDING ARKANSAS CODE ANNOTATED § 6-14-102 TO
10 AUTHORIZE A REDUCTION IN THE NUMBER OF POLLING PLACES AT
11 SCHOOL ELECTIONS WHEN THERE IS ONLY ONE (1) CANDIDATE FOR
12 DISTRICT DIRECTOR OR MEMBER OF THE COUNTY BOARD OF
13 EDUCATION AND NO OTHER BALLOT ISSUES FOR CONSIDERATION; TO
14 DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES."

Subtitle

16
17 "TO AUTHORIZE A REDUCTION IN THE NUMBER
18 OF POLLING PLACES AT SCHOOL ELECTIONS
19 WHEN THERE IS ONLY 1 CANDIDATE FOR
20 DIRECTOR OR COUNTY BOARD MEMBER AND NO
21 OTHER BALLOT ISSUES FOR CONSIDERATION."

22
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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

27 "6-14-102. Annual school election date.

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

30 (b) The board of directors of any school district shall have the
31 authority to hold the annual school election on a date prior to that fixed by
32 law, provided that:

33 (1) The proposed budget of expenditures for the previous year, as
34 published, incorrectly stated a proposed expenditure or rate of tax levy, as
35 set forth in a certificate or certificates signed by each member of the board
36 of directors, or was not published within the time required by law;

1 (2) All constitutional requirements for the annual school
2 election are met; and

3 (3) The date of the election is approved by the Director of
4 General Education.

5 (c) In an even-numbered year, if no more than one (1) candidate for
6 school district director or member of the county board of education presents a
7 petition or notice in writing to the county board of election commissioners as
8 required by § 6-14-111, and there are no other ballot issues to be submitted
9 to district electors for consideration, the board of directors of any school
10 district may, by resolution duly adopted, request the county board of election
11 commissioners to change the date of the annual school election to coincide
12 with that of the general election.

13 (d)(1) In an election year, if no more than one (1) candidate for
14 school district director or member of the county board of education presents a
15 petition or notice in writing to the county board of election commissioners as
16 required by § 6-14-111, and there are no other ballot issues to be submitted
17 to district electors for consideration, the board of directors of any school
18 district may, by resolution duly adopted, request the county board of election
19 commissioners to reduce the number of polling places.

20 (2) The county board of election commissioners shall provide at
21 least one (1) polling place.

22 (3) In a county that uses voting machines or electronic voting,
23 the county board of election commissioners may choose to use paper ballots for
24 the election.

25 ~~(d)~~(e)(1) The board of directors of any school district shall have the
26 authority to change the date of an annual school election that has been set
27 when the district suffers damage to its physical facilities in an amount
28 exceeding one hundred twenty-five thousand dollars (\$125,000) as a result of
29 fire or other natural disaster, provided that all constitutional requirements
30 are met.

31 (2) If the board of directors of the school district determines
32 that the proceeds of insurance on those facilities will be insufficient to
33 restore or replace the facilities, the board of directors may, by resolution
34 duly adopted and with the approval of the Director of General Education,
35 postpone the date of the annual school election in that school district for
36 such year from the third Tuesday in September to the second Tuesday in

1 December.

2 (3) Certified copies of the resolution shall be delivered not
3 later than the Monday next preceding the third Tuesday in September to the
4 Director of General Education, and to the county supervisor, or secretary of
5 the county board of education if there is no county school supervisor, and the
6 chairman of the county board of election commissioners of each county in which
7 any of the territory of the school district is located.

8 ~~_____ (e)~~(f) The board of directors of any school district that will lose
9 state aid because of a court decision or legislation enacted by the General
10 Assembly shall have authority, no less than sixty (60) days after the court's
11 decision or effective date of the legislation, to change the date of the
12 annual school election to consider a millage increase."

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

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18 SECTION 3. If any provision of this act or the application thereof to
19 any person or circumstance is held invalid, such invalidity shall not affect
20 other provisions or applications of the act which can be given effect without
21 the invalid provision or application, and to this end the provisions of this
22 act are declared to be severable.

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

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27 SECTION 5. EMERGENCY. It is found and determined by the General
28 Assembly of the State of Arkansas that it is in the best interests of
29 efficiency and the voting public that any changes in law pertaining to the
30 authority of the county election commissioners to fix polling places be
31 enacted immediately. Therefore an emergency is declared to exist and this act
32 being immediately necessary for the preservation of the public peace, health
33 and safety shall become effective on the date of its approval by the Governor.
34 If the bill is neither approved nor vetoed by the Governor, it shall become
35 effective on the expiration of the period of time during which the Governor
36 may veto the bill. If the bill is vetoed by the Governor and the veto is

1 overridden, it shall become effective on the date the last house overrides the
2 veto.

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/s/Lancaster et al

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