

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999  
4

As Engrossed: H2/26/99

# A Bill

HOUSE BILL 1517

5 By: Representative Rackley  
6  
7

## For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE 6-14-102 TO PROVIDE  
10 THAT THE ANNUAL SCHOOL ELECTION SHALL BE HELD *ON THE*  
11 *TUESDAY FOLLOWING THE FIRST MONDAY IN NOVEMBER; AND*  
12 *FOR OTHER PURPOSES.* "  
13

## Subtitle

14 "TO AMEND ARKANSAS CODE 6-14-102 TO  
15 PROVIDE THAT THE ANNUAL SCHOOL ELECTION  
16 *SHALL BE HELD ON THE TUESDAY FOLLOWING THE*  
17 *FIRST MONDAY IN NOVEMBER OF EACH YEAR.* "  
18  
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

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

23 *"6-14-102. Annual school election date - Special school election.*

24 *(a) The annual school election shall be held in each school district of*  
25 *the state on the ~~third Tuesday in September.~~ Tuesday following the first*  
26 *Monday in November of each year. In even numbered years, the annual school*  
27 *election shall be held at the same place and on the same ballot as the general*  
28 *election. The State Board of Election Commissioners shall promulgate*  
29 *regulations necessary to implement this subsection.*

30 *(b) The board of directors of any school district shall have the*  
31 *authority to hold the annual school election on a date other than that fixed*  
32 *by 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; or*

1           (2) The district has suffered damage to its physical facilities  
 2 in an amount exceeding one hundred twenty-five thousand dollars (\$125,000) as  
 3 a result of fire or other natural disaster and the board of directors has  
 4 determined that the proceeds of insurance on those facilities will be  
 5 insufficient to restore or replace the facilities; or

6           (3) The district will lose state aid because of a court decision  
 7 or legislation enacted by the General Assembly and the board of directors  
 8 takes action to change the date of the annual school election to consider a  
 9 millage increase no less than sixty (60) days after the court's decision or  
 10 effective date of the legislation; and

11           (4) All constitutional and statutory requirements for the annual  
 12 school election are met; and

13           (5) The date of the election is approved by the Director of  
 14 General Education.

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

23           ~~(d)(1)(c)(1) [As enacted by Acts 1997, No. 545.] In any election odd~~  
 24 ~~numbered year, if no more than one (1) candidate for school district director~~  
 25 ~~or member of the county board of education presents a petition or notice in~~  
 26 ~~writing to the county board of election commissioners as required by § 6-14-~~  
 27 ~~111, and there are no other ballot issues to be submitted to district electors~~  
 28 ~~for consideration, the board of directors of any school district may, by~~  
 29 ~~resolution duly adopted, request the county board of election commissioners to~~  
 30 ~~reduce the number of polling places.~~

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

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

36           ~~(d) [As enacted by Acts 1997, No. 1120.] The board of directors of any~~

1 ~~school district shall have the authority to request the county board of~~  
2 ~~education to call a special election for the purpose of considering a rate of~~  
3 ~~tax for additional millages for maintenance and operations or debt service as~~  
4 ~~authorized by Arkansas Constitution, Amendment 74, provided that:~~  
5 ~~\_\_\_\_\_ (1) All constitutional and statutory requirements for a special~~  
6 ~~school election are met; and~~  
7 ~~\_\_\_\_\_ (2) The date of the election is approved by the Director of~~  
8 ~~General Education."~~

9  
10 SECTION 2. All provisions of this act of a general and permanent nature  
11 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
12 Revision Commission shall incorporate the same in the Code.

13  
14 SECTION 3. If any provision of this act or the application thereof to  
15 any person or circumstance is held invalid, such invalidity shall not affect  
16 other provisions or applications of the act which can be given effect without  
17 the invalid provision or application, and to this end the provisions of this  
18 act are declared to be severable.

19  
20 SECTION 4. All laws and parts of laws in conflict with this act are  
21 hereby repealed.

22 /s/ Rackley