

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001

A Bill

HOUSE BILL 1622

4
5 By: Representative Hutchinson
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For An Act To Be Entitled

9 AN ACT TO CREATE THE PROCEDURE FOR THE ELECTION AND TO
10 REQUIRE AN ELECTION FOR THE OFFICE OF A STATE
11 SUPERINTENDENT; TO CREATE POWERS AND DUTIES FOR THE
12 STATE SUPERINTENDENT; AND FOR OTHER PURPOSES.
13

Subtitle

14 AN ACT TO CREATE THE PROCEDURE FOR THE
15 ELECTION AND TO REQUIRE AN ELECTION FOR
16 THE OFFICE OF A STATE SUPERINTENDENT; TO
17 CREATE POWERS AND DUTIES FOR THE STATE
18 SUPERINTENDENT.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code Title 6, Chapter 1 is amended to add a new
25 subchapter to read as follows:

26 6-1-301. Office of State Superintendent.

27 There is created the office of the State Superintendent who shall keep
28 an office in person at the seat of government and hold the office for the term
29 of two (2) years and until a successor is elected and qualified.
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31 6-1-302. Election and qualifications.

32 (a)(1) The State Superintendent shall be elected pursuant to this
33 section.

34 (2)(A) At the November 2002 general election and at each general
35 election thereafter, the elector of the state shall elect a State
36 Superintendent whose term of office shall begin on January 1 following the

1 general election.

2 (B) The names of candidates to appear on the ballot in the
3 general election shall have been certified as nominees selected pursuant to
4 Title 7, Chapter 7.

5 (C) The State Superintendent shall be elected by a majority
6 vote of the votes cast for the position.

7 (D)(i) If there are more than two (2) candidates for
8 election of the State Superintendent and no candidate for receives a majority
9 of the votes cast for the office, there shall be a runoff election.

10 (ii) The names of the two (2) candidates receiving
11 the highest number of votes, but not a majority, shall be placed on the ballot
12 to be voted upon by the qualified electors of the state.

13 (iii) The runoff election shall be held three (3)
14 weeks following the date of the general election.

15 (iv) The person receiving the majority of the votes
16 cast for the position at the runoff election shall be declared elected.

17 (E) If the two (2) candidates seeking election to the same
18 position on the State Superintendent receive the same number of votes, a tie
19 shall be deemed to exist. The Secretary of State shall determine the winner by
20 lot at an open public meeting and in the presence of the two (2) candidates.

21 (3) All elections of the State Superintendent shall be
22 nonpartisan, and the ballots shall show no party designation.

23 (4) To be eligible to be a candidate for the office of State
24 Superintendent, a person shall be a citizen of the United States and a
25 resident of Arkansas for a period not less than seven (7) calendar years.

26 (5)(A) If a vacancy occurs in the office of the State
27 Superintendent, the Governor shall appoint a successor, pursuant to Amendment
28 29 of the Arkansas Constitution, to complete the unexpired term.

29 (B) Resignation, disqualification, incapacitation from
30 mental or physical disability or otherwise, or change in status from the
31 eligibility requirements for State Superintendent shall automatically create a
32 vacancy.

33 (b) The general election laws shall apply to the State Superintendent
34 election insofar as the election laws are not in conflict with this section.

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36 6-1-303. Powers, duties, responsibilities and salary.

1 (a) On January 1, 2003, all of the powers, duties and responsibilities
2 of the Director of the Department of Education shall be transferred to the
3 State Superintendent and the position of the Director of Department shall be
4 abolished.

5 (b) The State Superintendent shall commit his or her entire time to the
6 office.

7 (c) The State Superintendent shall receive an annual salary equal to
8 that paid to the Director of the Department of Education in the 2000-2001
9 fiscal year, which shall be paid in equal monthly installments.

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