

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 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: S3/4/03
A Bill

SENATE BILL 368

5 By: Senator Broadway
6
7

8 **For An Act To Be Entitled**

9 AN ACT TO AMEND THE PROCEDURE FOR HOLDING A
10 YEARLY ELECTION CONCERNING TAX RATES AND OTHER
11 DEBT ISSUES; AND FOR OTHER PURPOSES.
12

13 **Subtitle**

14 AN ACT TO AMEND THE PROCEDURE FOR
15 HOLDING A YEARLY ELECTION CONCERNING TAX
16 RATES AND OTHER DEBT ISSUES.
17
18

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

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

22 6-14-102. Annual school election date - Special school election.

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

25 (2) The annual school election shall only concern issues
26 authorized to be on the ballot by the Arkansas Constitution or by statute and
27 no other issues shall appear on the ballot.

28 (b)(1) The board of directors of any school district shall have the
29 authority to hold ~~the annual~~ a school election on the tax rate or debt issues
30 on a date other than that fixed by law provided that:

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

35 ~~(B) The district has suffered damage to its physical~~
36 ~~facilities in an amount exceeding one hundred twenty five thousand dollars~~



1 ~~(\$125,000) as a result of fire or other natural disaster and the board of~~
 2 ~~directors has determined that the proceeds of insurance on those facilities~~
 3 ~~will be insufficient to restore or replace the facilities; or~~

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

9 ~~(2)(A) All constitutional and statutory requirements,~~
 10 ~~except the requirement under subdivision (a)(1) of this section for the~~
 11 ~~annual school election are met; and~~

12 ~~(B) The election is held prior to the date of the annual~~
 13 ~~school election; and~~

14 ~~(3)(C) The Director of the Department of Education~~
 15 ~~approves the date of the election is approved by the Director of the~~
 16 ~~Department of Education.~~

17 ~~(2) If the school district board of directors decides to hold~~
 18 ~~the school election on the tax rate or other debt issues on a date other than~~
 19 ~~the annual school election, then the tax rate or other debt issues shall not~~
 20 ~~be presented to the electors of the school district at the annual school~~
 21 ~~election.~~

22 ~~(3) There shall be only one election on the tax rate or debt~~
 23 ~~issues in a school district in any given calendar year.~~

24 (c)(1) In any election year, if no more than one (1) candidate for
 25 school district director presents a petition or notice in writing to the
 26 county board of election commissioners as required by § 6-14-111, and if
 27 there are no other ballot issues to be submitted to district electors for
 28 consideration, the board of directors of any school district, by resolution
 29 duly adopted, may 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
 35 for the election.

36 ~~(d) The board of directors of any school district shall have the~~

1 ~~authority to request the county board of election commissioners to call a~~
2 ~~special election for the purpose of considering a rate of tax for additional~~
3 ~~millages for maintenance and operations or for debt service as authorized by~~
4 ~~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.~~

8
9 SECTION 2. Arkansas Code § 6-14-105 is repealed.

10 ~~6-14-105. Special election on petition of school district board of~~
11 ~~directors.~~

12 ~~(a) If the board of directors of a school district deems it advisable~~
13 ~~to hold a special election in the district, the board of directors shall~~
14 ~~present a petition to the county court of the county of its domicile.~~

15 ~~(b) If the county court approves of the petition, it shall enter an~~
16 ~~order fixing a day for the special election, not earlier than thirty (30)~~
17 ~~days after the date of the order.~~

18
19 SECTION 3. Arkansas Code § 6-14-106 is amended to read as follows:

20 6-14-106. Polling places.

21 (a) The county board of election commissioners of each county shall
22 designate all the polling sites for each school district in its respective
23 county, including districts having territory in more than one (1) county but
24 which are domiciled in its county for administrative purposes, and shall
25 provide the election supplies and appoint the election officials for holding
26 all school elections.

27 (b) If a school district has territory in more than one (1) county,
28 the county board of election commissioners of the county in which it is
29 domiciled shall either:

30 (1) Designate one (1) or more polling sites in each county in
31 which any part of the district lies; or

32 (2) Designate one (1) or more polling sites in the county in
33 which the district is domiciled for administrative purposes, at which all
34 qualified electors of the district, regardless of their county of residence,
35 may vote.

36 (c) When the county board of election commissioners of any county in

1 which a district is domiciled for administrative purposes determines that a
 2 polling site shall not be designated in the other county in which a portion
 3 of the district lies, it shall designate ~~a~~ and publish in a paper of general
 4 circulation in that area, the location of the polling site in the county in
 5 which the district is not administered for those electors of the district in
 6 the other county to vote. The board shall take appropriate action to assure
 7 that the necessary precinct registration files are delivered to that polling
 8 site in order that the electors in the nonadministering county may vote in
 9 the school election.

10 (d) The board of directors of each school district shall cause to be
 11 published, by at least one (1) insertion in a newspaper with general
 12 circulation in the county or counties wherein the school district is located,
 13 not more than ten (10) days nor less than three (3) days prior to any school
 14 election, a notice identifying the polling site for each ward or precinct. If
 15 the polling site for any ward or precinct has changed since the last
 16 election, the notice shall indicate the change.

17
 18 SECTION 4. Arkansas Code § 6-14-109 is amended to read as follows:
 19 6-14-109. Notice of elections.

20 (a) The board of directors of each school district shall give notice
 21 by advertisement once a week for three (3) weeks ~~of~~ before each election to
 22 be held within the district, setting out the time, place, and questions to be
 23 submitted to the electors at the election.

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

28 (c) This provision for notice of school elections shall be the sole
 29 requirement for the publication of the notice.

30
 31 SECTION 5. Arkansas Code § 6-14-113 is amended to read as follows:
 32 6-14-113. Election kits for school elections.

33 (a) In order that the annual school elections held throughout this
 34 state will be conducted in a more uniform manner, the ~~State Board of~~
 35 ~~Education~~ Secretary of State is authorized and directed to prepare and
 36 distribute annually upon the request of the county board of election

1 commissioners of each county annual school election kits or packages designed
2 especially for conducting annual school elections in the manner required by
3 law.

4 (b) The kits or packages shall contain forms for a list of voters and
5 duplicate list of voters, tally sheets, oaths of election officials,
6 certificates of results, and notices of election. In addition thereto, the
7 kits or packages shall contain ~~carbon paper~~, envelopes for regular,
8 irregular, and spoiled ballots, instructions for voters and election
9 officials, seals, and other necessary equipment and supplies except ballot
10 boxes, ballots, and certified lists of eligible voters, which shall be
11 furnished the election officials in the manner provided by law.

12 (c)(1) The kits or packages provided for in this section shall be
13 distributed annually to the several county boards of election commissioners
14 at least thirty (30) days prior to the annual school election.

15 (2) A sufficient number of kits or packages shall be supplied
16 each county in order that at least one (1) kit or package may be made
17 available at each voting precinct or voting place in the county.

18 (d) The cost of the kits or packages prepared by the ~~Department of~~
19 ~~Education~~ Secretary of State pursuant to this section shall be paid from the
20 *maintenance funds provided for the ~~department~~ Department of Education* by
21 *legislative appropriation.*

22
23 SECTION 6. Arkansas Code § 6-14-120 is amended to read as follows:
24 6-14-120. Election of school district boards of directors.

25 (a) At each annual school election there shall be elected in ~~rural~~
26 school districts one (1) or more director directors for a term of three (3)
27 years, ~~and in school districts in which there was in 1933 a city of the first~~
28 ~~class, there shall be elected two (2) directors each for a term of three (3)~~
29 ~~years. In all other school districts, at each annual election one (1)~~
30 ~~director shall be elected~~ or for a term of five (5) years as the case may be.

31 (b) All directors elected or appointed ~~in accordance with the~~
32 ~~provisions of this act~~ shall serve until their successors are elected and
33 qualified.

34 (c) In the case of a tie vote for a position of director, a runoff
35 election shall be held on a day three (3) weeks after the regular school
36 election, at which the names of the two (2) candidates receiving the tie vote

1 shall be placed on the ballot, and the candidate receiving the highest number
2 of votes at the runoff election shall be declared elected.

3 (d) The runoff election provided for herein shall be conducted in the
4 manner prescribed by law for other school elections.

5
6 SECTION 7. Arkansas Code § 6-14-121 is amended to read as follows:

7 6-14-121. Runoff elections. ~~{Effective July 1, 2000.}~~

8 (a)(1) Whenever there are more than two (2) candidates for election to
9 any position on a school district board at any election held in this state
10 and whenever no candidate for any district position receives a majority of
11 the votes cast for the office or whenever there is a tie vote, there shall be
12 a runoff election held in the district.

13 (2) The names of the two (2) candidates receiving the highest or
14 same number of votes, but not a majority, shall be placed on the ballot to be
15 voted upon by the qualified electors for that position on a school district
16 board.

17 (3) The runoff election shall be held three (3) weeks following
18 the date of the election.

19 (b) The person receiving the majority of the votes cast for the
20 position at the runoff election shall be declared elected.

21 (c) In the event the two (2) candidates seeking election to the same
22 district position shall receive the same number of votes in a runoff
23 election, a tie shall be deemed to exist. The county board of election
24 commissioners shall determine the winner by lot at an open public meeting and
25 in the presence of the two (2) candidates.

26 (d) The provisions of this section are intended to be in addition to
27 and supplemental to the laws of this state pertaining to the election of
28 school district boards of directors.

29
30 SECTION 8. EMERGENCY CLAUSE. It is found and determined by the
31 General Assembly of the State of Arkansas that the board of directors of a
32 school district must annually publish the school districts proposed budget of
33 expenditures; that legislation is needed to clarify the procedure by which
34 the budget is published; that this act is necessary for the school districts
35 to comply with requirements of the Arkansas Supreme Court's decision
36 concerning the adequacy of education in Arkansas; that this act is

1 immediately necessary because the public must be informed of the school
2 budget in sufficient time to make informed decisions regarding the annual ad
3 valorem property tax for the district. Therefore, an emergency is declared
4 to exist and this act being immediately necessary for the preservation of the
5 public peace, health, and safety shall become effective on:

6 (1) The date of its approval by the Governor;

7 (2) If the bill is neither approved nor vetoed by the Governor,
8 the expiration of the period of time during which the Governor may veto the
9 bill; or

10 (3) If the bill is vetoed by the Governor and the veto is
11 overridden, the date the last house overrides the veto.

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13 */s/ Broadway*
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