

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 85th General Assembly
3 Regular Session, 2005

A Bill

HOUSE BILL 2468

4
5 By: Representative Mahony
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7

For An Act To Be Entitled

8
9 AN ACT TO AMEND CERTAIN SECTIONS OF THE ARKANSAS
10 CODE PERTAINING TO SCHOOL ELECTIONS; AND FOR
11 OTHER PURPOSES.
12

Subtitle

13
14 AN ACT TO AMEND SECTIONS OF THE ARKANSAS
15 CODE PERTAINING TO SCHOOL ELECTIONS.
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17

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

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

21 6-14-102. Annual school election date – Special school election.

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

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

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

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

34 ~~(B) The district has suffered damage to its physical~~
35 ~~facilities in an amount exceeding one hundred twenty five thousand dollars~~
36 ~~(\$125,000) as a result of fire or other natural disaster and the board of~~



1 ~~directors has determined that the proceeds of insurance on those facilities~~
2 ~~will be insufficient to restore or replace the facilities; or~~

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

8 ~~(2)(1) All constitutional and statutory requirements for the~~
9 ~~annual school election are met, notwithstanding subdivision (a)(1) of this~~
10 ~~section; and~~

11 ~~(2) The election is held before the date of the annual~~
12 ~~school election; and~~

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

16 (c)(1) In any election year, if no more than one (1) candidate for
17 school district director presents a petition or notice in writing to the
18 county board of election commissioners as required by § 6-14-111 and if there
19 are no other ballot issues to be submitted to district electors for
20 consideration, with the exception of the local tax rate if that rate is not
21 being changed or restructured, the board of directors of any school district,
22 by resolution ~~duly adopted~~, may request the county board of election
23 commissioners to reduce the number of polling places or to open no polling
24 places on election day so that the election can be conducted by absentee
25 ballot and early voting only.

26 (2) The county board of election commissioners may provide that
27 no polling places be open on election day so that the election can be
28 conducted by absentee ballot and early voting only, if no more than one (1)
29 candidate for school district director presents a petition or notice in
30 writing to the county board of election commissioners as required by § 6-14-
31 111, and if there are no other ballot issues to be submitted to district
32 electors for consideration, with the exception of the local tax rate if that
33 rate is not being changed or restructured, if requested by resolution adopted
34 by the board of directors of any school district.

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

1 counted by hand for the election.

2 ~~(d) The board of directors of any school district shall have the~~
3 ~~authority to request the county board of election commissioners to call a~~
4 ~~special election for the purpose of considering a rate of tax for additional~~
5 ~~millages for maintenance and operations or for debt service as authorized by~~
6 ~~Arkansas Constitution, Amendment 74, provided that:~~

7 ~~(1) All constitutional and statutory requirements for a special~~
8 ~~school election are met;~~

9 ~~(2) The date of the election is approved by the director; and~~

10 ~~(3) The special election is held on the second Tuesday of any~~
11 ~~month.~~

12

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

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

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

19 ~~(b)(1) If the county court approves of the petition, it shall enter an~~
20 ~~order fixing a day for the special election not earlier than thirty (30) days~~
21 ~~after the date of the order.~~

22 ~~(2) The county court shall set the date for the special election~~
23 ~~so that the special election is held on the second Tuesday of any month.~~

24

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

26 6-14-106. Polling places.

27 (a) The county board of election commissioners of each county shall
28 designate all the polling sites for each school district in its respective
29 county, including districts having territory in more than one (1) county but
30 which are domiciled in its county for administrative purposes, and shall
31 provide the election supplies and appoint the election officials for holding
32 all school elections.

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

36 (1) Designate one (1) or more polling sites in each county in

1 which any part of the district lies; or

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

6 (c) When the county board of election commissioners of any county in
 7 which a district is domiciled for administrative purposes determines that a
 8 polling site shall not be designated in the other county in which a portion
 9 of the district lies, it shall designate ~~a~~ and publish in a paper of general
 10 circulation in that area the location of the polling site in the county in
 11 which the district is administered for those electors of the district in the
 12 other county to vote. The board shall take appropriate action to assure that
 13 the necessary precinct registration files are delivered to that polling site
 14 in order that the electors in the nonadministering county may vote in the
 15 school election.

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

23
 24 SECTION 4. Arkansas Code § 6-14-109 is amended to read as follows:
 25 6-14-109. Notice of elections.

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

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

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

36

1 SECTION 5. Arkansas Code § 6-14-111 is amended to read as follows:
 2 6-14-111. Ballots – Write-in candidates.

3 (a) The county board of election commissioners of the county in which
 4 the school district is domiciled for administrative purposes shall prepare
 5 and furnish ballots and all other necessary supplies for the annual school
 6 election.

7 (b)(1) The county board of election commissioners shall place on the
 8 ballots as candidates for school district director names of any qualified
 9 voters whose names have been filed and verified by the county clerk of the
 10 county in which the school district is domiciled for administrative purposes.

11 (2) The county clerk of the county in which the school district
 12 is domiciled for administrative purposes shall certify to the board of
 13 election commissioners that the petition contains the names of at least
 14 twenty (20) qualified registered voters who are residents of the district and
 15 respective electoral zone, if directors are elected from zones, at least
 16 forty-five (45) days before the annual school election.

17 (3) Candidates shall circulate the petitions no earlier than
 18 ninety (90) calendar days before the annual school election.

19 (c) Votes for a write-in candidate for school district director shall
 20 not be counted or tabulated unless not later than forty (40) days before the
 21 annual school election the candidate notifies in writing the county board of
 22 election commissioners of the county in which the school district is
 23 domiciled for administrative purposes of his or her intention to be a write-
 24 in candidate.

25
 26 SECTION 6. Arkansas Code § 6-14-115 is amended to read as follows:
 27 6-14-115. Return, canvass, and appeal – Filing.

28 (a) At the close of the election, the election officials at each
 29 polling place or at the place of central tabulation shall make a return of
 30 the votes, certify the return, and file the certification in the office of
 31 the county clerk of the county in which the district is administered for
 32 delivery to its county board of election commissioners, who no earlier than
 33 forty-eight (48) hours and not later than ten (10) days after the election
 34 shall proceed to ascertain and declare the results of the election and file
 35 the certification of election and one (1) of the ballots with the county
 36 clerk.

1 (b) The county clerk of the county in which the district is
 2 administered shall file a certified copy of the certification of election
 3 with the county clerk of each county in which any part of the district lies.

4 (c) The county clerk of the county in which the district is
 5 administered shall submit a certified copy of the certification of election
 6 and a copy of the ballot to the Director of the Department of Education no
 7 later than five (5) days following the requirements set forth in subsection
 8 (a) of this section.

9
 10 SECTION 7. Arkansas Code § 6-14-116 is amended to read as follows:
 11 6-14-116. Contest of election.

12 (a) If the election of any member of a school district board of
 13 directors is contested, it shall be before the circuit court of the county
 14 ~~wherein~~ in which the school district is domiciled.

15 (b) All actions to contest the election shall be commenced within
 16 twenty (20) days after the date the election is certified ~~at which any such~~
 17 ~~person was elected.~~

18 (c) Actions to contest the election of school district officers shall
 19 follow the procedures set out in § 7-5-801 et seq.

20
 21 SECTION 8. Arkansas Code § 6-14-120 is amended to read as follows:
 22 6-14-120. Election of school district boards of directors.

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

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

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

1 of votes at the runoff election shall be declared elected.

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

4
 5 SECTION 9. Arkansas Code § 6-14-121 is amended to read as follows:
 6 6-14-121. Runoff elections.

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

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

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

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

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

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

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