

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015  
4

# A Bill

HOUSE BILL 1358

5 By: Representative Ratliff  
6 By: Senator B. Pierce  
7

## For An Act To Be Entitled

9 AN ACT TO MODIFY STATUTORY PROVISIONS RELATED TO THE  
10 ELECTION OF MEMBERS OF A SCHOOL DISTRICT BOARD OF  
11 DIRECTORS; TO CLARIFY REQUIREMENTS RELATED TO OATH OF  
12 OFFICE OF MEMBERS OF A SCHOOL DISTRICT BOARD OF  
13 DIRECTORS; AND FOR OTHER PURPOSES.  
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## Subtitle

17 TO MODIFY STATUTORY PROVISIONS RELATED TO  
18 THE ELECTION OF MEMBERS OF A SCHOOL  
19 DISTRICT BOARD OF DIRECTORS; AND TO  
20 CLARIFY REQUIREMENTS RELATED TO OATH OF  
21 OFFICE OF MEMBERS OF A SCHOOL DISTRICT  
22 BOARD OF DIRECTORS.  
23  
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
26

27 SECTION 1. Arkansas Code § 6-13-608(c)(2), concerning length of  
28 directors' terms, is amended to read as follows:

29 (2) If at the expiration of the holdover term a person is not  
30 elected to fill the position at the annual school election or the person  
31 elected fails to receive the director's oath of office within the time  
32 provided under § 6-13-617(a)(1), the position is vacant and the board shall  
33 fill the vacancy as provided under § 6-13-611.  
34

35 SECTION 2. Arkansas Code § 6-13-617 is amended to read as follows:  
36 6-13-617. Oath.



(a)(1) Each director elected ~~or appointed~~ for an initial or nonconsecutive term of office shall, within ten (10) days after receiving notice from the county clerk or his or her designee of his or her election or within ten (10) days after receiving notice from the county clerk or his or her designee of his or her appointment, subscribe to the following oath before an individual authorized to administer oaths under § 21-2-105:

“I, \_\_\_\_\_,  
do hereby solemnly swear or affirm, that I will support the Constitution of the United States and the Constitution of the State of Arkansas, and that I will not be interested, directly or indirectly, in any contract made by the district of which I am a director, except as permitted by state law and that I will faithfully discharge the duties as school director in \_\_\_\_\_  
School District upon which I am about to enter.

\_\_\_\_\_  
Director’s Signature

\_\_\_\_\_  
Administrator’s Signature

\_\_\_\_\_  
Date”

(2)(A) After the oath is administered, the director shall submit a certification of the administration of the oath to the county clerk or his or her designee.

(B) The certification of the administration of the oath shall contain:

- (i) A copy of the oath;
- (ii) The director’s signature;
- (iii) The administrator’s signature; and
- (iv) The date.

1           (b)(1) The county clerk, upon receipt of the certification of the  
2 administration of the oath prescribed for a director, shall immediately  
3 commission such persons, and they shall enter at once upon their duties as  
4 directors.

5           (2) By the close of business of the day following the receipt of  
6 the certification of the administration of the oath, the county clerk or his  
7 or her designee shall notify the superintendent of the school district by  
8 phone that the individual has sworn to the director's oath and shall send a  
9 copy of the certificate of the administration of the oath to the school  
10 district central office within five (5) days.

11          (c) The failure of an elected director to have the oath administered  
12 as required under subsection (a) of this section will result in:

13           (1) The individual not being qualified to serve for the purpose  
14 of Arkansas Constitution, Article 19, § 5; and

15           (2) A holdover.

16  
17          SECTION 3. Arkansas Code § 6-14-115(a), concerning school elections,  
18 is amended to add an additional subdivision to read as follows:

19           (2) The county clerk or his or her designee shall deliver to the  
20 person having the highest number of legal votes:

21           (A) A certificate of election;

22           (B) Notice of the requirement for all directors elected to  
23 an initial or nonconsecutive term that he or she must subscribe to the  
24 director's oath under § 6-13-617;

25           (C) The date the ten (10) days to have the oath  
26 administered expires;

27           (D) A list of the individuals qualified to give the oath  
28 under § 21-2-105;

29           (E) A copy of the director's oath with spaces for the  
30 date, the signature of the director, and the signature of the administrator  
31 of the oath; and

32           (F) Notice that the individual shall be unable to assume  
33 the duties of a director until a copy of the administration of the oath is  
34 received by the county clerk or his or her designee.