

1 State of Arkansas  
2 90th General Assembly  
3 Third Extraordinary Session, 2016  
4

# A Bill

Call Item 10  
HOUSE BILL 1005

5 By: Representatives Bell, Richey  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW TO ENABLE ANNUAL SCHOOL  
9 ELECTIONS TO BE HELD IN NOVEMBER; TO MAKE TECHNICAL  
10 CORRECTIONS TO THE LAW CONCERNING THE ANNUAL SCHOOL  
11 ELECTIONS; TO AMEND THE FUNDING STRUCTURE AND OTHER  
12 ESSENTIAL ADMINISTRATIVE PROVISIONS CONCERNING  
13 CERTAIN SCHOOL ELECTIONS; AND FOR OTHER PURPOSES.  
14

## Subtitle

15  
16 TO AMEND THE LAW TO ENABLE ANNUAL SCHOOL  
17 ELECTIONS TO BE HELD IN NOVEMBER; AND TO  
18 AMEND THE FUNDING STRUCTURE AND OTHER  
19 ESSENTIAL ADMINISTRATIVE PROVISIONS  
20 CONCERNING CERTAIN SCHOOL ELECTIONS.  
21  
22  
23

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

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

27 6-14-102. Annual school election date – Special school election.

28 (a)(1) The annual school election shall be held in each school  
29 district of the state on the third Tuesday in September or the first Tuesday  
30 following the first Monday in November of each year.

31 (2)(A) The Except as provided in subdivision (a)(2)(B) of this  
32 section, the annual school election shall only concern issues authorized to  
33 be on the ballot by the Arkansas Constitution or by statute, and no other  
34 issues shall appear on the ballot.

35 (B) If the annual school election is held in November of  
36 an even-numbered year, the issues to be considered in the annual school



1 election may be printed on the same ballot as the general election ballot.

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

5 (1) All constitutional and statutory requirements for the annual  
 6 school election are met, notwithstanding ~~subdivision (a)(1)~~ subsection (a) of  
 7 this section;

8 (2) The election is held before the date of the annual school  
 9 election; and

10 (3) The Commissioner of Education approves the date of the  
 11 election.

12 (c)(1) In any election year in which the annual school election is  
 13 held in September, if no more than one (1) candidate for any school district  
 14 director position presents a petition or notice as required by § 6-14-111 and  
 15 if there are no other ballot issues to be submitted to school district  
 16 electors for consideration, with the exception of the local tax rate if that  
 17 rate is not being changed or restructured, the board of directors of any  
 18 school district, by resolution, may request the county board of election  
 19 commissioners to:

20 (A) Reduce the number of polling places;

21 (B) Open no polling places on election day so that the  
 22 election can be conducted by absentee ballot and early voting only; or

23 (C) Open no polling places on election day and hold an  
 24 election by candidate under the procedure in § 7-11-107(c).

25 (2)(A) If ~~requested~~ the annual school election is held in  
 26 September and upon request by proper resolution adopted by the board of  
 27 directors of any school district, the county board of election commissioners  
 28 may provide that no polling places be open on election day so that the  
 29 election can be conducted by:

30 (i) Absentee ballot and early voting only; or

31 (ii) Election by candidate under the procedure in §  
 32 7-11-107(c).

33 (B) If a county uses electronic voting machines or  
 34 electronic vote tabulating devices, the county board of election  
 35 commissioners may use:

36 (i) The electronic voting machines or electronic

1 vote tabulating devices; or

2 (ii) Paper ballots counted by hand and provide no  
3 voting machines to be used in the election, notwithstanding any other  
4 provision in the Arkansas Code.

5  
6 SECTION 2. Arkansas Code § 6-14-106(a) and (b), concerning polling  
7 locations for the annual school election, are amended to read as follows:

8 (a)(1) ~~The~~ Except as provided under subdivision (a)(5) of this  
9 section, the county board of election commissioners of each county shall  
10 designate all the polling sites for each school district in its respective  
11 county, including districts having territory in more than one (1) county but  
12 which are domiciled in its county for administrative purposes, and shall  
13 provide the election supplies and appoint the poll workers for holding all  
14 school elections.

15 (2) The county board of election commissioners shall consult  
16 with each school district regarding:

17 (A) The number of polling sites to designate for each  
18 school district; and

19 (B) The location of the polling sites.

20 (3) Polling sites for school elections shall be established by a  
21 majority vote of the members of the county board of election commissioners  
22 present.

23 (4)(A)(i) Except as provided in subdivision (a)(4)(A)(ii) of  
24 this section and unless changed by order of the county board of election  
25 commissioners, the polling sites for each school election shall be the same  
26 as those established for the immediately preceding school election.

27 (ii) If no polling sites were opened in the  
28 immediately preceding school election, the polling sites shall be the same as  
29 those established for the most recent school election in which polling sites  
30 were opened unless changed by order of the county board of election  
31 commissioners.

32 (B) Each polling site for a school district's annual  
33 school election shall be located within the school district.

34 (5) If the annual school election is held at the same time as  
35 the general election, the polling sites for the annual school election shall  
36 be the same as the polling sites for the general election.

1           (b) If the annual school election is held in September of any year or  
 2 in November of an odd-numbered year and a school district has territory in  
 3 more than one (1) county, the county board of election commissioners of the  
 4 county in which the school district is domiciled shall designate in a  
 5 contested school election one (1) or more polling sites in each county:

6                   (1) In which the school district has territory;

7                   (2) In which school district territory contains a city of the  
 8 second class or larger; and

9                   (3) That has registered electors.

10  
 11           SECTION 3. Arkansas Code § 6-14-109 is amended to read as follows:  
 12           6-14-109. Notice of elections.

13           (a)(1) ~~The~~ If the school election is held on a date on which no other  
 14 elections are held, the board of directors of each school district shall give  
 15 notice by advertisement one (1) time a week for three (3) weeks before each  
 16 election to be held within the school district, setting out the time, place,  
 17 and questions to be submitted to the electors at the election.

18           ~~(b)(2)~~ The advertisement provided for shall begin at least twenty (20)  
 19 days before the date of the school election and shall be in a newspaper  
 20 either published in or having a bona fide circulation in the county or  
 21 counties in which the school district is administered.

22           ~~(e)(3) This~~ The provision for notice of school elections under this  
 23 subsection shall be the sole requirement for the publication of the notice.

24           **(b)(1) If the school election is held on a date on which other**  
 25 **elections are held, the county board of election commissioners shall publish**  
 26 **notice in the manner provided by § 7-5-206.**

27           **(2) Notice under this subsection shall include without**  
 28 **limitation the time, place, and any questions to be submitted to the electors**  
 29 **at the election.**

30  
 31           SECTION 4. Arkansas Code § 6-14-111(j), concerning the ordering of  
 32 candidate names on school election ballots, is amended to read as follows:

33           (j)(1) ~~The~~ Except as provided in subdivision (j)(2) of this section,  
 34 the order in which the names of the respective candidates are to appear on  
 35 the ballot shall be determined by lot at the public meeting of the county  
 36 board of election commissioners held not later than sixty-seven (67) days

1 before the annual school election.

2 (2) If the annual school election is held with the general  
 3 election, the order in which the names of the candidates shall appear on the  
 4 ballot shall comply with § 7-5-207(c).

5  
 6 SECTION 5. Arkansas Code § 6-14-115(a)(1), concerning school election  
 7 returns, is amended to read as follows:

8 (a)(1)(A) At the close of the election, the election officials at each  
 9 polling place or at the place of central tabulation shall make a return of  
 10 the votes, certify the return, and file the certification in the office of  
 11 the county clerk of the county in which the school district is administered  
 12 for delivery to its county board of election commissioners, which no earlier  
 13 than forty-eight (48) hours and no later than ten (10) days after the  
 14 election shall proceed to ascertain and declare the results of the election  
 15 and file the certification of election and one (1) of the ballots with the  
 16 county clerk.

17 (B) Subdivision (a)(1)(A) of this section shall apply  
 18 regardless of whether the annual school election is held on the third Tuesday  
 19 in September or the first Tuesday following the first Monday in November.

20  
 21 SECTION 6. Arkansas Code § 6-14-118 is amended to read as follows:

22 6-14-118. Expenses.

23 ~~(a)(1) In school elections, the school districts in the county shall~~  
 24 ~~reimburse the county for the cost of the election less expenses incurred for~~  
 25 ~~election officials at individual polling places, with each school district's~~  
 26 ~~share of the total being determined by multiplying the total cost of the~~  
 27 ~~election by a fraction, the numerator of which is the number of votes cast in~~  
 28 ~~the specific school election and the denominator of which is the total number~~  
 29 ~~of votes cast in the entire election.~~

30 ~~(2) Expenses incurred for election officials at individual~~  
 31 ~~polling places shall be paid by the school district in which the polling~~  
 32 ~~place is located.~~

33 ~~(b) At all annual or special elections, the board of directors of each~~  
 34 ~~school district shall pay the expenses of the election out of the school~~  
 35 ~~fund.~~

36 (a)(1) Except as provided in this section, for school elections, the

1 school district shall reimburse the county for the cost of the school  
 2 election.

3 (2) Subdivision (a)(1) of this section includes the cost of a  
 4 special school election.

5 (b)(1) If the school election is held in November of an even-numbered  
 6 year, the school district shall reimburse each county in which the school  
 7 election appears on the general election ballot for additional costs incurred  
 8 by the county when holding the school election in conjunction with the  
 9 general election.

10 (2) Total reimbursement under subdivision (b)(1) of this section  
 11 shall not exceed an amount equal to the amount the school district reimbursed  
 12 one (1) or more counties in the aggregate for the last contested school  
 13 election in an odd-numbered year.

14 (c) The school district shall reimburse a county for the entire cost  
 15 of a school runoff election if:

16 (1) The school election is held in November of an even-numbered  
 17 year; and

18 (2) The general election in which the school election is held in  
 19 conjunction with does not result in the holding of a general runoff election  
 20 in the county so that the school runoff election is the only issue on the  
 21 ballot.

22  
 23 SECTION 7. Arkansas Code § 7-5-418(a), concerning early voting, is  
 24 amended to read as follows:

25 (a)(1)(A) Except as provided in subdivision (a)(1)(B) of this section,  
 26 early voting shall be available to any qualified elector who applies to the  
 27 county clerk's designated early voting location, beginning fifteen (15) days  
 28 before a preferential primary or general election between the hours of 8:00  
 29 a.m. and 6:00 p.m. Monday through Friday and 10:00 a.m. and 4:00 p.m.  
 30 Saturday and ending at 5:00 p.m. on the Monday before the election.

31 (B) Early voting shall not be available on state or county  
 32 holidays.

33 (2)(A) ~~However~~ Except as provided in subdivision (a)(2)(B) of  
 34 this section, on all other elections, including the general primary and  
 35 general runoff elections, early voting shall be available to any qualified  
 36 elector who applies to the county clerk during regular office hours,

1 beginning seven (7) days before the election and ending on the day before the  
2 election day at the time the county clerk's office regularly closes.

3 (B) If an annual school election is held at the same time  
4 as the general election, early voting for the annual school election shall  
5 comply with subdivision (a)(1)(A) of this section.

6  
7 SECTION 8. Arkansas Code § 14-14-904(b)(1)(A)(i), concerning the levy  
8 of taxes by a quorum court, is amended to read as follows:

9 (1)(A)(i) The quorum court at its regular meeting in November or  
10 December of each year shall levy the county taxes, municipal taxes, and  
11 school taxes for the current year.

12  
13 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the  
14 General Assembly of the State of Arkansas that school districts that have  
15 chosen to hold their annual school election in November of this year are  
16 currently required to print separate ballots from the general election  
17 ballots at an extraordinary and unnecessary expense to taxpayers; that some  
18 voters in the annual school election this November will have to vote at a  
19 separate location for the general election and for the annual school election  
20 even though the elections are held on the same day which may decrease voter  
21 turnout and infringe upon the suffrage rights of those voters; and that this  
22 act is immediately necessary to ensure the voting rights of all citizens of  
23 Arkansas and to eliminate unnecessary election costs. Therefore, an emergency  
24 is declared to exist, and this act being immediately necessary for the  
25 preservation of the public peace, health, and safety shall become effective  
26 on:

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

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

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