

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

HOUSE BILL 1621

5 By: Representative Lowery  
6 By: Senator J. English  
7

## For An Act To Be Entitled

9 AN ACT TO CHANGE THE DATE OF THE ANNUAL SCHOOL  
10 ELECTION; AND FOR OTHER PURPOSES.  
11

## Subtitle

14 TO CHANGE THE DATE OF THE ANNUAL SCHOOL  
15 ELECTION.  
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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 or the first Tuesday~~  
24 ~~following the first Monday in November of each year.~~

25 (A) Date of the preferential primary election in even-  
26 numbered years and the date that would be designated as the preferential  
27 primary election in odd-numbered years if a general election was held in the  
28 odd-numbered year; or

29 (B) First Tuesday following the first Monday in November  
30 of each year.

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

35 (B) If the annual school election is held ~~in November of~~  
36 ~~an even-numbered year~~ at the same time as a preferential primary election or



1 general election, the issues to be considered in the annual school election  
2 may be printed on the same ballot as the preferential primary election ballot  
3 or general election ballot.

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

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

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

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

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

21 (A) Reduce the number of polling places;

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

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

26 (2)(A) If the annual school election is not held ~~in September at~~  
27 the same time as a preferential primary election or general election and upon  
28 request by proper resolution adopted by the board of directors of any school  
29 district, the county board of election commissioners may provide that no  
30 polling places be open on election day so that the election can be conducted  
31 by:

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

33 (ii) Election by candidate under the procedure in §  
34 7-11-107(c).

35 (B) If a county uses electronic voting machines or  
36 electronic vote tabulating devices, the county board of election

1 commissioners may use:

2 (i) The electronic voting machines or electronic  
3 vote tabulating devices; or

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

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8 SECTION 2. Arkansas Code § 6-14-106(a) and (b), concerning polling  
9 places and qualifications and appointment of election commissioners and poll  
10 workers, are amended to read as follows:

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

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

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

22 (B) The location of the polling sites.

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

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

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

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

1 (5) If the annual school election is held at the same time as  
2 the preferential primary election or general election, the polling sites for  
3 the annual school election shall be the same as the polling sites for the  
4 preferential primary or general election.

5 (b) If the annual school election is held ~~in September of any year or~~  
6 ~~in November of an odd-numbered year~~ on a date on which no other elections are  
7 held and a school district has territory in more than one (1) county, the  
8 county board of election commissioners of the county in which the school  
9 district is domiciled shall designate in a contested school election one (1)  
10 or more polling sites in each county:

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

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

14 (3) That has registered electors.

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16 SECTION 3. Arkansas Code § 6-14-115(a)(1)(B), concerning the school  
17 elections and results, is amended to read as follows:

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

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23 SECTION 4. Arkansas Code § 6-14-118(b) and (c), concerning the expense  
24 of a school election, are amended to read as follows:

25 (b)(1) If the school election is held in ~~November~~ of an even-numbered  
26 year, the school district shall reimburse each county in which the school  
27 election appears on the preferential primary election or general election  
28 ballot for additional costs incurred by the county when holding the school  
29 election in conjunction with the preferential primary election or general  
30 election.

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

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

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

3 (2) The preferential primary election or general election in  
 4 which the school election is held in conjunction with does not result in the  
 5 holding of a general primary election or a general runoff election in the  
 6 county so that the school runoff election is the only issue on the ballot.  
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8 SECTION 5. Arkansas Code § 6-14-121(a)(3), concerning runoff  
 9 elections, is amended to read as follows:

10 (3) The runoff election shall be held:

11 (A) ~~three~~ Three (3) weeks following the date of ~~the~~ an  
 12 election held in any odd-numbered year;

13 (B) On the date designated for the general primary  
 14 election if the annual school election is held with the preferential primary  
 15 election; or

16 (C) On the date designated for the general runoff election  
 17 if the annual school election is held with the general election.  
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19 SECTION 6. Arkansas Code § 7-5-418(a)(2)(B), concerning early voting,  
 20 is amended to read as follows:

21 (B) If an annual school election is held at the same time  
 22 as the preferential primary election or general election, early voting for  
 23 the annual school election shall comply with subdivision (a)(1)(A) of this  
 24 section.  
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