

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

SENATE BILL 158

5 By: Senator B. Ballinger
6 By: Representative Gonzales
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING SCHOOL ELECTION
10 ADMINISTRATION; TO CREATE UNIFORMITY IN ELECTION
11 PROCEDURE; AND FOR OTHER PURPOSES.
12
13

Subtitle

15 TO AMEND THE LAW CONCERNING SCHOOL
16 ELECTION ADMINISTRATION; AND TO CREATE
17 UNIFORMITY IN ELECTION PROCEDURE.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 6-14-102(a)(2), concerning the ballots for
23 special school elections, is amended to read as follows:

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

28 ~~(B) If the annual school election is held at the same time~~
29 ~~as a preferential primary election or general election, the issues~~ Issues to
30 be considered in the annual school election may be printed on the same ballot
31 as ~~the preferential primary election ballot or general election ballot~~ the
32 ballot of any other election lawfully held on the same date as the annual
33 school election.
34

35 SECTION 2. Arkansas Code § 6-14-111(a), concerning school election
36 procedures, is amended to read as follows:



1 (a)(1) All candidate filings ~~pursuant to~~ under this subchapter shall
 2 be with the county clerk of the county in which the school district is
 3 domiciled for administrative purposes.

4 (2)(A)(i) ~~All~~ In a special school election or an annual school
 5 election not held with the preferential primary or general election, all
 6 actions required of county boards of election commissioners shall be
 7 performed by the county board of election commissioners of the county in
 8 which the school district is domiciled for administrative purposes.

9 (ii) However, if one of that school district's
 10 nondomicile counties is holding a special election on the same date as a
 11 school election, each county in which the school district has territory shall
 12 conduct the school district's school election as if it were held with the
 13 preferential primary or general election.

14 (B) When a county clerk of a school district's nondomicile
 15 county becomes aware that a special election will be held on the same date as
 16 a school district's annual or special school election, the county clerk of
 17 the nondomicile county shall immediately notify the county clerk of the
 18 county in which the school district is domiciled for administrative purposes
 19 in writing that the school district's school election shall be conducted
 20 under subdivision (a)(3) of this section.

21 (C) The county clerk of the county in which the school
 22 district is domiciled for administrative purposes shall then immediately
 23 notify the county clerks of any other nondomicile counties that the school
 24 district's election will be conducted under subdivision (a)(3) of this
 25 section.

26 (3) In a school election held with the preferential primary or
 27 general election, all actions required of county boards of election
 28 commissioners shall be performed by the county board of election
 29 commissioners of the county in which the electors reside.

30
 31 SECTION 3. Arkansas Code § 6-14-111(h) through (k), concerning school
 32 election procedures, are amended to read as follows:

33 (h) The school district shall file the language required to submit the
 34 rate of tax for the school district to the voters during the annual school
 35 election with the county clerk of the county in which the school district is
 36 domiciled for administrative purposes as soon as that language becomes

1 available but no later than sixty (60) days before the annual school
 2 election.

3 (i) The county board of election commissioners shall place on the
 4 ballot as candidates for school district director the names of any qualified
 5 registered voters whose political practices pledges and affidavits of
 6 eligibility have been filed and whose petitions have been filed with and
 7 verified by the county clerk of the county in which the school district is
 8 domiciled for administrative purposes.

9 ~~(i)(1)~~(j)(1) On the day after the deadline for candidates to file for
 10 a position on the ~~county~~ board of directors by petition, the county clerk of
 11 the county in which the school district is domiciled for administrative
 12 purposes shall certify to the county board of election commissioners the
 13 names of those candidates who are registered voters in the school district
 14 and the electoral zone, if applicable, and who have qualified for the ballot
 15 by petition.

16 (2) Immediately after the close of the write-in filing period,
 17 the county clerk of the county within which the school district is domiciled
 18 for administrative purposes shall certify to the county board of election
 19 commissioners any write-in candidates who have filed the affidavit of
 20 eligibility, the notice of write-in candidacy, and the political practices
 21 pledge with the county clerk of the county within which the school district
 22 is domiciled for administrative purposes.

23 ~~(j)~~(k) The order in which the names of the respective candidates are
 24 to appear on the ballot shall be determined by lot at the public meeting of
 25 the county board of election commissioners held not later than seventy-two
 26 (72) days before the annual school election.

27 ~~(k)~~(1) When a candidate has identified the position sought on the
 28 petition or notice of write-in candidacy, the candidate shall not be allowed
 29 to change the position on that petition or notice of write-in candidacy but
 30 may withdraw a petition or notice of write-in candidacy and file a new
 31 petition or notice of write-in candidacy designating a different position
 32 before the deadline for filing.

33

34 SECTION 4. Arkansas Code § 6-14-114 is amended to read as follows:
 35 6-14-114. Counting of votes.

36 When the polls of each election are closed, the election officials

1 shall immediately proceed to count the results and make returns thereof to
 2 the county clerk of the votes under § 6-14-115, showing:

- 3 (1) The number of votes cast for each person for school district
 4 director;
- 5 (2) The number of votes cast for the school tax;
- 6 (3) The number of votes cast against the school tax;
- 7 (4) The number of mills for:
 - 8 (A) The additional mills for maintenance and operation;
 - 9 (B) The additional mills for maintenance and operation
 10 that have been designated dedicated maintenance and operation mills;
 - 11 (C) The debt service millage; and
 - 12 (D) The total millage rate levied for all purposes in the
 13 school district in excess of the uniform rate of tax; and
- 14 (5) The number of votes cast for and against any other question
 15 submitted at the election.

16
 17 SECTION 5. Arkansas Code § 6-14-115 is amended to read as follows:

18 6-14-115. Return, canvass, and appeal – Filing.

19 (a)(1)~~(A)~~ The certification of a school district’s election shall be
 20 conducted as follows:

21 (A) At the close of the an election under § 6-14-
 22 111(a)(2), the election officials at each polling place or at the place of
 23 central tabulation shall make a return of the votes, certify the return, and
 24 file the certification in the office of the county clerk with the county
 25 board of election commissioners of the county in which the school district is
 26 domiciled for administrative purposes; administered for delivery to its
 27 county board of election commissioners, which no earlier than forty-eight
 28 (48) hours and no later than ten (10) days after the election shall proceed
 29 to ascertain and declare the results of the election and file the
 30 certification of election and one (1) of the ballots with the county clerk.

31 ~~(B) Subdivision (a)(1)(A) of this section shall apply~~
 32 ~~regardless of the date the annual school election is held.~~

33 (B) The county board of election commissioners of the
 34 county in which the school district is domiciled for administrative purposes
 35 shall:

- 36 (i) Deliver the duplicate certified copy of each

1 polling site's election results to the county clerk;

2 (ii) Declare preliminary and unofficial results of
3 the county's election as soon as they are available; and

4 (iii) No earlier than forty-eight (48) hours and no
5 later than fifteen (15) days after the election, proceed to ascertain and
6 declare the results of the election and file the certification of election
7 with the county clerk; and

8 (C) At the close of an election conducted under § 6-14-
9 111(a)(3), the election officials at each polling place or at the place of
10 central tabulation shall follow the general election procedures under § 7-5-
11 527. Once the county board of election commissioners has certified the
12 county's election results, the county board of election commissioners shall:

13 (i) No earlier than forty-eight (48) hours and no
14 later than fifteen (15) days after the election, file the certification of
15 the election results with the county clerk; and

16 (ii) File a certified copy of the results of any
17 school district not domiciled for administrative purposes in the county with
18 the county clerk of the county in which the school district is domiciled for
19 administrative purposes.

20 (2) The Based on the certified election results of each county
21 conducting a school district's annual school election, the county clerk or
22 his or her designee shall deliver to the person having the highest number of
23 legal votes:

24 (A) A certificate of election;

25 (B) Notice of the requirement for a director elected to an
26 initial or nonconsecutive term that he or she must subscribe to the
27 director's oath under § 6-13-617;

28 (C) The date the ten (10) days to have the oath
29 administered expires;

30 (D) A list of the individuals qualified to administer the
31 oath under § 21-2-105;

32 (E) A copy of the director's oath with spaces for the
33 date, the signature of the director, and the signature of the administrator
34 of the oath; and

35 (F) Notice that the individual cannot assume the duties of
36 a director until a copy of the administration of the oath is received by the

1 county clerk or his or her designee.

2 (b) The county clerk of the county in which the school district is
 3 ~~administered~~ domiciled for administrative purposes shall file ~~a certified~~
 4 ~~copy of the certification of election with the county clerk of each county~~
 5 ~~in which any part of the school district lies,~~ the following with the county
 6 clerk of each nondomicile county in which any part of the school district
 7 lies:

8 (1) Certified copies of the certified results of the election
 9 from each county; and

10 (2) Certification of the outcome of each race or issue on the
 11 school district's ballot.

12 (c) The county clerk of the county in which the school district is
 13 ~~administered~~ domiciled for administrative purposes shall submit ~~a certified~~
 14 ~~copy of the certification of election and a copy of the ballot~~ to the
 15 Commissioner of Education no later than five (5) days following the
 16 requirements set forth in subsection (a) of this section:

17 (1) Copies of the certified election results of the election of
 18 each county; and

19 (2) A certification of the outcome of each race or issue on the
 20 school district's ballot.

21
 22 SECTION 6. Arkansas Code § 6-14-119 is repealed.

23 ~~6-14-119. Compensation of election officials.~~

24 ~~The school district board may allow sufficient compensation to the~~
 25 ~~election officials of all elections to secure good citizens to act in those~~
 26 ~~capacities.~~

27
 28 SECTION 7. Arkansas Code § 6-14-121, concerning runoff elections, is
 29 amended to add an additional subsection to read as follows:

30 (f) A runoff election shall be conducted using the same procedures as
 31 the election requiring the runoff election.

32
 33 SECTION 8. Arkansas Code Title 6, Chapter 14, Subchapter 1, is amended
 34 to add an additional section to read as follows:

35 6-14-124. Pre-election procedures for school elections held in school
 36 districts situated in more than one county.

1 (a)(1)(A) In all school elections conducted under § 6-14-111(a)(3) in
2 which the school district is situated in two (2) or more counties, a
3 candidate for board of directors of a school district shall file his or her
4 nominating petition with the county clerk of the county in which the school
5 district is domiciled for administrative purposes.

6 (B) The county clerk of the county in which the nominating
7 petition is filed shall:

8 (i) Verify the signatures on the nominating petition
9 from that county; and

10 (ii) If there are signatures from another county to
11 be verified, immediately forward the nominating petition to the appropriate
12 county clerk.

13 (C) The county clerk receiving the nominating petition
14 shall return the nominating petition to the county clerk of the county in
15 which the school district is domiciled for administrative purposes no later
16 than five (5) days after the filing period ends.

17 (D) The county clerk of the county in which the school
18 district is domiciled for administrative purposes shall:

19 (i) Certify the sufficiency of the nominating
20 petition; and

21 (ii) File the certification with the county board of
22 election commissioners in each county in which the school district has
23 territory.

24 (2) In all school elections conducted under § 6-14-111(a)(3) in
25 which the school district is situated in two (2) or more counties, the county
26 clerk of the county in which the school district is domiciled for
27 administrative purposes shall submit all ballot questions that have been
28 filed with the county clerk for the annual school election to each county
29 board of election commissioners in each county in which the school district
30 has territory.

31 (b)(1) When a county clerk of a county in which the school district is
32 domiciled for administrative purposes is notified of a special school
33 election under § 7-11-203, the county clerk of the county in which the school
34 district is domiciled for administrative purposes shall forward a copy of the
35 calling document to the county clerk of each of the district's nondomicile
36 counties.

1 (2) The county clerk of any nondomicile county conducting a
2 special election on that same date shall immediately notify the county clerk
3 of each county in which the school district is domiciled for administrative
4 purposes under § 6-14-111(a)(2).

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