

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

# A Bill

HOUSE BILL 1350

5 By: Representative C. Fite  
6 By: Senator K. Hammer  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE EFFECT OF A  
10 MINORITY POPULATION ON SCHOOL DISTRICT ELECTIONS; AND  
11 FOR OTHER PURPOSES.  
12  
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## Subtitle

15 TO AMEND THE LAW CONCERNING THE EFFECT OF  
16 A MINORITY POPULATION ON SCHOOL DISTRICT  
17 ELECTIONS.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

22 SECTION 1. Arkansas Code § 6-13-631 is amended to read as follows:  
23 6-13-631. Effect of minority population on election.

24 (a)~~(1)~~ The qualified electors of a school district ~~having a ten~~  
25 ~~percent (10%) or greater minority population out of the total population, as~~  
26 ~~reported by the most recent federal decennial census information,~~ shall elect  
27 the members of the board of directors as authorized in this section,  
28 utilizing selection procedures in compliance with the federal Voting Rights  
29 Act of 1965, as amended, if the school district has a:

30 (A) Ten percent (10%) or greater minority population out  
31 of the total population, as reported by the most recent federal decennial  
32 census information; and

33 (B) Total population of eight thousand (8,000) or greater,  
34 as reported by the most recent decennial census information.

35 (2) A school district shall be exempt from the provisions of  
36 this section if the school district:



1 (A) Is operating under a preconsolidation agreement that  
 2 is in compliance with the federal Voting Rights Act of 1965, as amended;

3 (B) Has a zoned board of directors meeting the  
 4 requirements of the federal Voting Rights Act of 1965, as amended; or

5 (C)(i) Is currently operating under a federal court order  
 6 enforcing school desegregation or the federal Voting Rights Act of 1965, as  
 7 amended.

8 (ii) A school district released from operating under  
 9 a federal court order enforcing school desegregation or the federal Voting  
 10 Rights Act of 1965, as amended, shall comply with this section by using the  
 11 most recent federal decennial census information to create zones under this  
 12 section within one hundred eighty (180) calendar days after the release from  
 13 the court order.

14 (b)(1) The local board of directors of a school district that is  
 15 initially determined to have a ten percent (10%) or greater minority  
 16 population out of the total population and a total population of eight  
 17 thousand (8,000) or greater as reported by the most recent federal decennial  
 18 census information or was previously determined to have a ten percent (10%)  
 19 or greater minority population out of the total population and a total  
 20 population of eight thousand (8,000) or greater, as reported by the most  
 21 recent federal decennial census information, and is determined to no longer  
 22 meet one of the exemptions under subdivision (a)(2) of this section shall:

23 (1) At least:

24 (A) ~~one~~ One hundred twenty (120) days before the annual  
 25 school election held in the second year after the federal decennial census,  
 26 the local board of directors shall adopt a resolution establishing that the  
 27 members of the board of directors shall be elected from:

28 ~~(A) By resolution, choose to elect members of the board of~~  
 29 ~~directors from five~~ (i) Five (5) ~~or seven~~ single-member zones;

30 (ii) Seven (7) single-member zones; ~~or~~

31 (iii) ~~from five~~ Five (5) single-member zones and two

32 (2) at large; ~~and~~ or

33 (iv) If permitted under § 6-13-634, nine (9) single-  
 34 member zones; and

35 ~~(B) With the approval of the controlling county board of~~  
 36 ~~election commissioners, divide each school district having a ten percent~~

1 ~~(10%) or greater minority population into five (5) or seven (7) single-member~~  
2 ~~zones in accordance with the federal Voting Rights Act of 1965, as amended~~  
3 Ninety (90) days before the filing deadline for the annual school election  
4 held on the second year after the federal decennial census:

5 (i)(a) Divide the school district into single-member  
6 zones in accordance with the resolution adopted by the school district board  
7 of directors.

8 ~~(2)(b)~~ Zones shall have substantially equal  
9 population, with boundaries based on the most recent available federal  
10 decennial census information; and

11 (ii)(a) File a copy of the plan with the county  
12 clerk of the county where the school district is administratively domiciled.

13 (b) The plan filed with the clerk shall  
14 include a map showing the boundaries of the zones and documentation showing  
15 the population by race in each zone;

16 (2)(A) Have the county board of election commissioners of the  
17 county where the school district is administratively domiciled review and  
18 approve the resolution required under subdivision (b)(1)(A) of the section  
19 and the plan required under subdivision (b)(1)(B)(ii) of this section;

20 (B) The approval by the county board of election  
21 commissioners of the county where the school district is administratively  
22 domiciled shall be granted before the deadlines set in subdivision (b)(1)(A)  
23 and subdivision (b)(1)(B) of this section in order for the school district to  
24 be considered to have timely met the requirements under this section; and

25 (3)(A) Ensure the following positions of a board of directors of  
26 a school district establishing initial zones under this subsection are up for  
27 election at the annual school election held on the second year after the  
28 federal decennial census:

29 (i) The position of a school board member whose  
30 elected term has expired unless the school board member was selected under  
31 subdivision (b)(3)(B) of this section;

32 (ii) A position held by a school board member who  
33 was serving on the school districts board of directors by appointment;

34 (iii) A single-member zone position on the school  
35 district board of directors created to account for the most recent federal  
36 decennial census information where two (2) or more existing school board

1 members reside unless only two (2) existing school board members reside in  
 2 the zone and one (1) of the school board members residing in the zone was  
 3 selected under subdivision (b)(3)(B) of this section; and

4 (iv) A single-member zone position on the school  
 5 district board of directors created to account for the most recent federal  
 6 decennial census information where either no existing school board members  
 7 reside in the zone or the only school board member who resides in the zone  
 8 was selected under subdivision (b)(3)(B) of this section.

9 ~~(e)(B)(i)~~ A board of directors choosing to elect members of the board  
 10 of directors by five (5) single-member zones and two (2) at-large positions  
 11 may fill the two (2) at-large positions by drawing lots from among the  
 12 current members of the board of directors.

13 (ii) The drawing of lots shall occur at least ninety  
 14 (90) days before the filing deadline for the annual school election held on  
 15 the second year after the federal decennial census; and

16 ~~(d)(1)(A) A candidate for election from a single-member zone must be a~~  
 17 ~~qualified elector and a resident of the zone.~~

18 ~~(B) A candidate for an at-large position must be a~~  
 19 ~~qualified elector and a resident of the school district.~~

20 ~~(2)(A)(4)(A) Except~~ Ensure that except as provided in subsection  
 21 ~~(e)~~ subdivision (b)(4)(C) of this section, a member of a school district  
 22 board of directors shall serve a five-year term.

23 (B) A term shall commence when the county court declares  
 24 the results of the election by an order entered of record.

25 ~~(e)(c)~~ At the first regular meeting of a ~~new~~ board of directors  
 26 elected under subdivision (b)(3) of this section, the members shall establish  
 27 initial terms by lot so that, to the extent possible, an equal number of  
 28 positions are filled each year and not more than two (2) members' terms  
 29 expire each year.

30 (d) The board of directors of a school district that previously went  
 31 through the process under subsection (b) of this section and is still  
 32 determined to have a ten percent (10%) or greater minority population out of  
 33 the total population and a total population of eight thousand (8,000) or  
 34 greater, as reported by the most recent federal decennial census information,  
 35 shall:

36 ~~(f)(1)(1)~~ At least ninety (90) days before the filing deadline for the

1 annual school election held in the second year after each federal decennial  
 2 census, ~~the school district board of directors, with the approval of the~~  
 3 ~~county board of election commissioners of the county where the school~~  
 4 ~~district is administratively domiciled, shall:~~

5 (A) ~~Divide each school district having a ten percent (10%)~~  
 6 ~~or greater minority population into single member zones; and~~ Review the  
 7 current population within each of the school district's existing zones, as  
 8 reported by the most recent federal decennial census information;

9 (B) Redraw the zones as necessary so that the zones are  
 10 substantially equal in population, based on the most recent federal decennial  
 11 census information;

12 ~~(B)(i)(C)(i)~~ File a copy of the plan with the county clerk  
 13 of the county where the school district is administratively domiciled.

14 (ii) The plan filed with the clerk shall include a  
 15 map showing the boundaries of the zones and documentation showing the  
 16 population by race in each zone; and

17 (D)(i) Have the county board of election commissioners of  
 18 the county where the school district is administratively domiciled review and  
 19 approve the plan under subdivision (d)(1) of this section.

20 (ii) The approval by the county board of election  
 21 commissioners of the county where the school district is administratively  
 22 domiciled shall be granted before the deadline set in subdivision (d)(1) of  
 23 this section in order for the school district to be considered to have timely  
 24 met the requirements under this section; and

25 ~~(2) The zones shall be based on the most recent federal~~  
 26 ~~decennial census information and be substantially equal in population.~~

27 ~~(3)(2)(A)~~ At the annual school election following the rezoning,  
 28 a new the following members of the school district board of directors shall  
 29 be elected in accordance with procedures set forth in this section up for  
 30 election:

31 (i) A school board member whose elected term has  
 32 expired; and

33 (ii) A school board member who was serving on the  
 34 school districts board of directors by appointment.

35 (B) Any school board member elected from a single-member  
 36 zone whose residence is moved into a different zone due to the zone's

1 boundaries being redrawn to take into account the most recent federal  
 2 decennial census information may continue to serve until the expiration of  
 3 the individual's term.

4 (C) At the annual school election following the rezoning,  
 5 positions on a school district board of directors that are at-large positions  
 6 shall be up for election only if the at-large position falls under  
 7 subdivision (d)(2)(A)(i) or subdivision (d)(2)(A)(ii) of this section.

8 (D) The length of term for a school board member elected  
 9 under subdivision (d)(2)(A) of this section shall be as follows:

10 (i) Five (5) years for individuals elected under  
 11 subdivision (d)(2)(A)(i) of this section; or

12 (ii) The remainder of the unexpired term for  
 13 individuals elected under subdivision (d)(2)(A)(ii) of this section.

14 (e)(1) A candidate for election from a single-member zone must be a  
 15 qualified elector and a resident of the zone.

16 (2) A candidate for an at-large position must be a qualified  
 17 elector and a resident of the school district.

18 ~~(g)(1) The following school districts shall be exempt from the~~  
 19 ~~provisions of this section:~~

20 ~~(A) A school district that is currently operating under a~~  
 21 ~~federal court order enforcing school desegregation or the federal Voting~~  
 22 ~~Rights Act of 1965, as amended;~~

23 ~~(B) A school district that is operating under a~~  
 24 ~~preconsolidation agreement that is in compliance with the federal Voting~~  
 25 ~~Rights Act of 1965, as amended;~~

26 ~~(C) A school district that has a zoned board of directors~~  
 27 ~~meeting the requirements of the federal Voting Rights Act of 1965, as~~  
 28 ~~amended; and~~

29 ~~(D) A school district that a federal court has ruled is~~  
 30 ~~not in violation of the federal Voting Rights Act of 1965, as amended, so~~  
 31 ~~long as the court order is in effect.~~

32 ~~(2) A school district which on August 13, 1993, was in the~~  
 33 ~~process of defending a lawsuit brought under the federal Voting Rights Act of~~  
 34 ~~1965, as amended, shall also be exempt from the provisions of this section~~  
 35 ~~until such time as the lawsuit has been finally resolved.~~

36 ~~(3)(A) A school district released from operating under a federal~~

1 ~~court order enforcing school desegregation shall comply with the provisions~~  
 2 ~~of this section.~~

3 ~~(B) The school district shall use the most recent federal~~  
 4 ~~decennial census information to create zones pursuant to this section within~~  
 5 ~~one hundred eighty (180) calendar days after the release from the court~~  
 6 ~~order.~~

7 ~~(h)(1)(A)(f)(1) On or before August 1, 2002, and every decade~~  
 8 ~~thereafter, of the second year following the federal decennial census, each~~  
 9 ~~and every school district shall submit to the Division of Elementary and~~  
 10 ~~Secondary Education a letter stating whether or not its school district board~~  
 11 ~~of directors falls under this section. that the school district board of~~  
 12 ~~directors:~~

13 ~~(B)(A) In that same letter, each school district that~~  
 14 ~~falls Falls under this section shall state and how it has complied with this~~  
 15 ~~section; or~~

16 ~~(C)(B) Furthermore, in the same letter, any school~~  
 17 ~~district that believes that it is Is exempt from this section shall state~~  
 18 ~~under which provision it is exempt. and that it is exempt due to the fact~~  
 19 ~~that the school district:~~

20 ~~(i) Has lower than ten percent (10%) or greater~~  
 21 ~~minority population out of the total population, as reported by the most~~  
 22 ~~recent federal decennial census information;~~

23 ~~(ii) Has a total population of eight thousand~~  
 24 ~~(8,000) or fewer, as reported by the most recent federal decennial census~~  
 25 ~~information;~~

26 ~~(iii) Is operating under a preconsolidation~~  
 27 ~~agreement that is in compliance with the federal Voting Rights Act of 1965,~~  
 28 ~~as amended;~~

29 ~~(iv) Has a zoned board of directors meeting the~~  
 30 ~~requirements of the federal Voting Rights Act of 1965, as amended; or~~

31 ~~(v) Is currently operating under a federal court~~  
 32 ~~order enforcing school desegregation or the federal Voting Rights Act of~~  
 33 ~~1965, as amended.~~

34 (2) The division shall withhold twenty percent (20%) of the  
 35 annual state funds allocation to a school district not in compliance with  
 36 this section.

1           ~~(i)~~(g) The State Board of Education is hereby authorized to adopt  
2 rules necessary for the implementation of this section.

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