1	State of Arkansas	A Bill	
2	94th General Assembly	A DIII	GENTLE DATE 500
3	Regular Session, 2023		SENATE BILL 532
4			
5	By: Senator C. Penzo		
6	By: Representative Beaty Jr.		
7			
8		For An Act To Be Entitled	
9		ND THE LAW CONCERNING NONPART	
10		AMEND THE LAW CONCERNING MEM	
11	LOCAL SCHOOL E	BOARDS OF DIRECTORS; TO AMEND	THE LAW
12	CONCERNING SCH	HOOL BOARD ELECTIONS; TO AMEN	ND THE DATE
13	ON WHICH AN EI	LECTION OF A SCHOOL DISTRICT	BOARD OF
14	DIRECTORS IS F	HELD; AND FOR OTHER PURPOSES.	•
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17		Subtitle	
18	TO AMEND	THE LAW CONCERNING NONPARTIS	SAN
19	ELECTION	S; TO AMEND THE LAW CONCERNIN	NG
20	LOCAL SC	HOOL BOARDS OF DIRECTORS AND	
21	SCHOOL B	OARD ELECTIONS; AND TO AMEND	THE
22	DATE ON T	WHICH AN ELECTION OF A SCHOOL	L
23	DISTRICT	BOARD OF DIRECTORS IS HELD.	
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26	BE IT ENACTED BY THE GENER	RAL ASSEMBLY OF THE STATE OF	ARKANSAS:
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28	SECTION 1. Arkansas	s Code § 6-13-608 is amended	to read as follows:
29	6-13-608. Length of	directors' terms.	
30	(a) All members of	a school district board of d	lirectors shall be
31	elected to a term of offic	ce of <del>not less than three (3)</del>	years nor more than
32	five (5) years four (4) ye	ears in length and with the e	expiration of such terms
33	so arranged that, as near	ly as possible, an equal numb	per of positions are
34	filled <del>each year</del> <u>every sch</u>	nool board election.	
35	(b) Unless otherwis	se provided by law, members o	of a school district
36	board of directors shall b	have terms of office of equal	length.

T	(C)(I) A member of a school district board of directors shall not
2	serve more than one (1) full term as a holdover.
3	(2) If at the expiration of the holdover term a person is not
4	elected to fill the position at the annual school election or the person
5	elected fails to subscribe to the director's oath of office within the time
6	provided under § 6-13-617(a)(1), the position is vacant and the school
7	district board of directors shall fill the vacancy as provided under § 6-13-
8	<del>611.</del>
9	(b)(l) If an entire school district board of directors is elected
10	during the same school board election, the members of the school district
11	board of directors who are elected during the same school board election
12	shall initially draw lots for two-year or four-year terms so that, as nearly
13	as possible, an equal number of positions are filled in each subsequent
14	school board election.
15	(2)(A) Initially, terms for members elected in May 2023 shall
16	expire in 2026.
17	(B) All other members will draw for terms so, as nearly as
18	possible, an equal number of positions are filled every school board
19	election.
20	(3) For members of a school district board of directors
21	currently holding terms, terms set to expire on or in:
22	(a) November 2023 shall expire in 2024;
23	(b) 2024 shall expire in 2024;
24	(c) 2025 shall expire in 2024;
25	(d) 2026 shall expire in 2026; and
26	(e) 2027 shall expire in 2026.
27	(4) If after rebalancing terms, there is not, as nearly as
28	possible, an equal number of positions filled every school board election,
29	the school district board of directors shall adjust the minimum number of
30	terms necessary to ensure balance between those terms expiring in 2024 and
31	<u>2026.</u>
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33	SECTION 2. Arkansas Code § 6-13-611(e), concerning vacancies generally
34	of a school district board of directors, is amended to read as follows:
35	(e) An appointed director, except a director appointed to fill a
36	vacancy under § 6-13-613, shall serve only to the next annual school board

election, at which time the electors shall select in the usual manner directors to serve the unexpired terms of the vacating directors.

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- SECTION 3. Arkansas Code § 6-13-615(d) and (e), concerning local option to elect school board directors from single-member zones, are amended to read as follows:
- 7 (d)(1) The members of the board of directors of the school district 8 shall be elected for a three year four-year term.
- 9 <u>(2)</u> Provided, any Any member of the board of directors shall 10 hold office until his or her successor has been elected and qualified.
- 11 (3) A member of the board of directors who is qualified to serve 12 the zone he or she represents may succeed himself or herself.
  - (e)(1) Following the election, the new school district board of directors at their its initial meeting shall, by lot, establish their its initial terms so that an equal number of positions are filled each year and not more than three (3) members' terms expire each year every school board election.
  - (2) The regular term of office for the school district board of directors elected after the initial election following the decision to elect from single-member zones shall be the same as the term of the school district board of directors of the school district before the change in the method of election of the school district board of directors.

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- SECTION 4. Arkansas Code  $\S$  6-13-631(d)(2)(A), concerning the effect of a minority population on an election, is amended to read as follows:
- (2)(A) Except as provided in subsection (e) of this section, a member of a school district board of directors shall serve a <u>five-year four-year</u> term.

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- 30 SECTION 5. Arkansas Code § 6-13-631(e) and (f), concerning the effect 31 of a minority population on an election, are amended to read as follows:
- 32 (e) At the first meeting of a new board of directors, the members
  33 shall establish initial terms by lot so that, to the extent possible, an
  34 equal number of positions are filled each year and not more than two (2)
  35 members' terms expire each year every school board election.
  - (f)(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
- 7 (B)(i) File a copy of the plan with the county clerk of
- 8 the county where the school district is administratively domiciled.
- 9 (ii) The plan filed with the clerk shall include a
- 10 map showing the boundaries of the zones and documentation showing the
- ll population by race in each zone.
- 12 (2) The zones shall be based on the most recent federal
- decennial census information and be substantially equal in population.
- 14 (3) At the annual school board election following the rezoning,
- 15 a new school district board of directors shall be elected in accordance with
- 16 procedures set forth in this section.

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- SECTION 6. Arkansas Code § 6-13-634(d), concerning the size of a
- 19 school district board of directors, is amended to read as follows:
- 20 (d) Any change in the number of directors serving on a school district
- 21 board of directors under this section is effective upon the directors' taking
- 22 office following the next regular annual school board election.

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- 24 SECTION 7. Arkansas Code § 6-13-1415(e)(1)(B), concerning an interim
- 25 school district board of directors following an involuntary consolidation or
- 26 annexation, is amended to read as follows:
- 27 (B) All the members of the permanent board of directors of
- 28 the resulting district or receiving district are elected at large, then the
- 29 state board may stagger the terms of the interim board of directors, which
- 30 shall be determined by lot so that, no more than two (2) members' terms
- 31 expire during any one (1) year as nearly as possible, an equal number of
- 32 positions are filled during each school board election.

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- 34 SECTION 8. Arkansas Code § 6-13-1417(a)(3), concerning the formation
- 35 of a school district board of directors following an involuntary
- 36 consolidation or annexation, is amended to read as follows:

1	(3) At the first meeting of the permanent board of directors,
2	the members shall determine the terms of the board of directors by lot so
3	that, not more than two (2) members' terms expire during any one (1) year as
4	nearly as possible, an equal number of positions are filled during each
5	school board election.
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7	SECTION 9. Arkansas Code § 6-14-102(c)(1), concerning the annual
8	school election date and special school elections, is amended to read as
9	follows:
10	(c)(1) When the annual school election is not held at the same time as
11	a preferential primary or general election, if <del>no more than one (1) candidate</del>
12	for a school district director position presents a petition or notice as
13	required by § 6-14-111 and if there are no other ballot issues to be
14	submitted to school district electors for consideration, with the exception
15	of the local tax rate if that rate is not being changed or restructured, the
16	board of directors of a school district, by resolution, may request the
17	county board of election commissioners to:
18	(A) Reduce the number of polling places;
19	(B) Open no polling places on election day so that the
20	election can be conducted by absentee ballot and early voting only; or
21	(C)(i) Declare an election by candidate to be held;
22	(ii) Open no polling places; and
23	(iii) Allow the candidate to cast a ballot for
24	himself or herself at a designated time and location on election day or
25	during the period that would otherwise be designated for early voting.
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27	SECTION 10. Arkansas Code § 6-14-102, concerning the annual school
28	election date and special school elections, is amended to add an additional
29	subsection to read as follows:
30	(d) The election of a school district board of directors not elected
31	entirely during the same election shall be held in each public school
32	district of this state on the date of the preferential primary election.
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34	SECTION 11. Arkansas Code § 6-14-111(a), concerning the candidate
35	filing procedures, is amended to read as follows:
36	(a)(l) All candidate filings under this subchapter shall be with the

- 1 county clerk of the county in which the school district is domiciled for 2 administrative purposes.
- 3 (2) A district school board member shall be elected at the 4 preferential primary election.
- (2)(A)(i)(3)(A)(i) In a special school election or an annual school election not held with the preferential primary or general election, all actions required of county boards of election commissioners shall be performed by the county board of election commissioners of the county in which the school district is domiciled for administrative purposes.
- 10 (ii) However, if one of that school district's
  11 nondomicile counties is holding a special election on the same date as a
  12 school election and at least one (1) qualified elector in the county is
  13 eligible to vote in both the special election and the school election, each
  14 county in which the school district has territory shall conduct the school
  15 district's school election as if it were held with the preferential primary
  16 or general election.
  - (B) When a county clerk of a school district's nondomicile county becomes aware that a special election will be held on the same date as a school district's annual or special school election and at least one (1) qualified elector in the county is eligible to vote in both the special election and the school election, the county clerk of the nondomicile county shall immediately notify the county clerk of the county in which the school district is domiciled for administrative purposes in writing that the school district's school election shall be conducted under subdivision (a)(3)(a)(4) of this section.
    - (C) The county clerk of the county in which the school district is domiciled for administrative purposes shall then immediately notify the county clerks of any other nondomicile counties that the school district's election will be conducted under subdivision  $\frac{(a)(3)}{(a)(4)}$  of this section.
- 31 (3)(4) In a school election held with the preferential primary 32 or general election, all actions required of county boards of election 33 commissioners shall be performed by the county board of election 34 commissioners of the county in which the electors reside.

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SECTION 12. Arkansas Code § 6-14-111(e)(1), concerning the candidate

1	filing procedures, is amended to read as follows:		
2	(e)(l) The petition, affidavit of eligibility, and the candidate's		
3	political practices pledge shall be filed with the county clerk as follows:		
4	(A)(i) For even-numbered years, during the party filing		
5	period as set forth in § 7-7-203 for school elections held concurrently with		
6	a preferential primary election; and		
7	(ii) For odd-numbered years, during the dates that		
8	would be the filing period as set forth in § 7-7-203 if a preferential		
9	primary and general election were to be held in that year; or		
10	(B) During during a one-week period ending at 12:00 noon		
11	ninety (90) days before a general school board election.		
12			
13	SECTION 13. Arkansas Code § 6-14-111(h)(2), concerning candidate		
14	filing procedures, is amended to read as follows:		
15	(2) The county board of election commissioners shall not place		
16	the name of an unopposed candidate for school district director on the ballo		
17	during a school board election held concurrently with the preferential		
18	primary election or general election school board election.		
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20	SECTION 14. Arkansas Code § 6-14-111(k), concerning the candidate		
21	filing procedures, is amended to read as follows:		
22	(k) The order in which the names of the respective candidates are to		
23	appear on the ballot shall be determined by lot at the public meeting of the		
24	county board of election commissioners held not later than+		
25	(1) The the deadline to conduct the ballot draw for the		
26	preferential primary or general election for an annual school election held		
27	in even-numbered years;		
28	(2) The seventh day of March for an annual school election held		
29	on the second Tuesday in May of an odd-numbered year; and		
30	(3) Seventy-two (72) days before an annual school election held		
31	on the second Tuesday of November of an odd-numbered year.		
32			
33	SECTION 15. Arkansas Code § 6-14-121(a)—(c), concerning candidate		
34	filing procedures, are amended to read as follows:		
35	(a)(1) Whenever there are more than two (2) candidates for election to		
36	any position on a board of directors at any election held in this state and		

- 1 whenever no candidate for any school district position receives a majority of
- 2 the votes cast for the office or whenever there is a tie vote, there shall be
- 3 a runoff election held in the school district.
- 4 (2) The names of the two (2) candidates receiving the highest
- 5 number of votes, but not a majority, shall be placed on the ballot to be
- 6 voted upon by the qualified electors for that position on a school district
- 7 board of directors.
- 8 (3) The runoff election shall be held at the same time as the
- 9 general election. +
- 10 (A) Four (4) weeks following the date of an election held
- 11 in any odd-numbered year;
- 12 (B) On the date designated for the general primary
- 13 election if the annual school election is held with the preferential primary
- 14 election; or
- 15 (C) On the date designated for the general runoff election
- 16 if the annual school election is held with the general election.
- 17 (b) The person receiving the majority of the votes cast for the
- 18 position at the runoff election shall be declared elected.
- 19 (c) If one (1) of the two (2) candidates who received the highest
- 20 number of votes for a position withdraws before certification of the result
- 21 of the school election, the remaining candidate who received the most votes
- 22 at the school election shall be declared elected to the office and there
- 23 shall be no school board election runoff.

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- 25 SECTION 16. Arkansas Code § 7-10-102, concerning the nonpartisan
- 26 election of judges, justices, and prosecuting attorneys, is amended to read
- 27 as follows:
- 28 7-10-102. Nonpartisan election of judges, justices, and prosecuting
- 29 attorneys, and school board members.
- 30 (a) The offices of Justice of the Supreme Court, Judge of the Court of
- 31 Appeals, circuit judge, district judge, and prosecuting attorney, and a
- 32 member of a school district board of directors are nonpartisan offices.
- 33 (b)(1) The general elections for nonpartisan offices shall be held on
- 34 the same date and at the same times and places as provided by law for
- 35 preferential primary elections.
- 36 (2)(A) The names of nonpartisan candidates shall be:

T	(i) Included on the ballots of the political	
2	parties; and	
3	(ii) Designated as nonpartisan candidates.	
4	(B) Separate ballots containing the names of nonpartisan	
5	candidates shall be:	
6	(i) Prepared; and	
7	(ii) Made available to voters requesting a separate	
8	ballot.	
9	(3) A voter shall not be required to vote in a political party	
10	preferential primary to be able to vote in a nonpartisan election.	
11	(c)(1) A person shall not be elected to the office of Justice of the	
12	Supreme Court, Judge of the Court of Appeals, circuit judge, district judge,	
13	or prosecuting attorney, or a member of a school district board of directors	
14	unless the person receives a majority of the votes cast at the election for	
15	the office.	
16	(2) In a nonpartisan election in which no person receives a	
17	majority of the votes cast, the two (2) candidates receiving the highest and	
18	next highest number of votes shall be certified to a runoff election, which	
19	shall be held on the same date and at the same times and places as the	
20	November general election.	
21	(3) The names of the candidates in a nonpartisan runoff election	
22	shall be placed on the same ballots as used for the November general	
23	elections.	
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