

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

HOUSE BILL 1358

By: Representative Ratliff

By: Senator B. Pierce

For An Act To Be Entitled

AN ACT TO MODIFY STATUTORY PROVISIONS RELATED TO THE ELECTION OF MEMBERS OF A SCHOOL DISTRICT BOARD OF DIRECTORS; TO CLARIFY REQUIREMENTS RELATED TO OATH OF OFFICE OF MEMBERS OF A SCHOOL DISTRICT BOARD OF DIRECTORS; AND FOR OTHER PURPOSES.

Subtitle

TO MODIFY STATUTORY PROVISIONS RELATED TO THE ELECTION OF MEMBERS OF A SCHOOL DISTRICT BOARD OF DIRECTORS; AND TO CLARIFY REQUIREMENTS RELATED TO OATH OF OFFICE OF MEMBERS OF A SCHOOL DISTRICT BOARD OF DIRECTORS.

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

SECTION 1. Arkansas Code § 6-13-608(c)(2), concerning length of directors' terms, is amended to read as follows:

(2) If at the expiration of the holdover term a person is not elected to fill the position at the annual school election or the person elected fails to receive the director's oath of office within the time provided under § 6-13-617(a)(1), the position is vacant and the board shall fill the vacancy as provided under § 6-13-611.

SECTION 2. Arkansas Code § 6-13-617 is amended to read as follows:
6-13-617. Oath.



(a)(1) Each director elected ~~or appointed~~ for an initial or nonconsecutive term of office shall, within ten (10) days after receiving notice from the county clerk or his or her designee of his or her election or within ten (10) days after receiving notice from the county clerk or his or her designee of his or her appointment, subscribe to the following oath before an individual authorized to administer oaths under § 21-2-105:

“I, _____,
do hereby solemnly swear or affirm, that I will support the Constitution of the United States and the Constitution of the State of Arkansas, and that I will not be interested, directly or indirectly, in any contract made by the district of which I am a director, except as permitted by state law and that I will faithfully discharge the duties as school director in

School District upon which I am about to enter.

Director's Signature

Administrator's Signature

Date”

(2)(A) After the oath is administered, the director shall submit a certification of the administration of the oath to the county clerk or his or her designee.

(B) The certification of the administration of the oath shall contain:

- (i) A copy of the oath;
- (ii) The director's signature;
- (iii) The administrator's signature; and
- (iv) The date.

(b)(1) The county clerk, upon receipt of the certification of the administration of the oath prescribed for a director, shall immediately commission such persons, and they shall enter at once upon their duties as directors.

(2) By the close of business of the day following the receipt of the certification of the administration of the oath, the county clerk or his or her designee shall notify the superintendent of the school district by phone that the individual has sworn to the director's oath and shall send a copy of the certificate of the administration of the oath to the school district central office within five (5) days.

(c) The failure of an elected director to have the oath administered as required under subsection (a) of this section will result in:

(1) The individual not being qualified to serve for the purpose of Arkansas Constitution, Article 19, § 5; and

(2) A holdover.

SECTION 3. Arkansas Code § 6-14-115(a), concerning school elections, is amended to add an additional subdivision to read as follows:

(2) The county clerk or his or her designee shall deliver to the person having the highest number of legal votes:

(A) A certificate of election;

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

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

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

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

(F) Notice that the individual shall be unable to assume the duties of a director until a copy of the administration of the oath is received by the county clerk or his or her designee.

APPROVED: 03/11/2015