

Stricken language would be deleted from and underlined language would be added to present law.
Act 15 of the Third Extraordinary Session

State of Arkansas
90th General Assembly
Third Extraordinary Session, 2016

As Engrossed: H5/20/16
A Bill

Call Item 10
HOUSE BILL 1005

By: Representatives Bell, Richey

For An Act To Be Entitled

AN ACT TO AMEND THE LAW TO ENABLE ANNUAL SCHOOL ELECTIONS TO BE HELD IN NOVEMBER; TO MAKE TECHNICAL CORRECTIONS TO THE LAW CONCERNING THE ANNUAL SCHOOL ELECTIONS; TO AMEND THE FUNDING STRUCTURE AND OTHER ESSENTIAL ADMINISTRATIVE PROVISIONS CONCERNING CERTAIN SCHOOL ELECTIONS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW TO ENABLE ANNUAL SCHOOL ELECTIONS TO BE HELD IN NOVEMBER; AND TO AMEND THE FUNDING STRUCTURE AND OTHER ESSENTIAL ADMINISTRATIVE PROVISIONS CONCERNING CERTAIN SCHOOL ELECTIONS.

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

SECTION 1. Arkansas Code § 6-14-102 is amended to read as follows:

6-14-102. Annual school election date – Special school election.

(a)(1) The annual school election shall be held in each school district of the state on the third Tuesday in September or the first Tuesday following the first Monday in November of each year.

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

(B) If the annual school election is held in November of an even-numbered year, the issues to be considered in the annual school



election may be printed on the same ballot as the general election ballot.

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

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

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

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

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

(A) Reduce the number of polling places;

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

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

(2)(A) If ~~requested~~ the annual school election is held in September and upon request by proper resolution adopted by the board of directors of any school district, the county board of election commissioners may provide that no polling places be open on election day so that the election can be conducted by:

(i) Absentee ballot and early voting only; or

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

(B) If a county uses electronic voting machines or electronic vote tabulating devices, the county board of election commissioners may use:

(i) The electronic voting machines or electronic

vote tabulating devices; or

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

SECTION 2. Arkansas Code § 6-14-106(a) and (b), concerning polling locations for the annual school election, are amended to read as follows:

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

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

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

(B) The location of the polling sites.

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

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

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

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

(5) If the annual school election is held at the same time as the general election, the polling sites for the annual school election shall be the same as the polling sites for the general election.

(b) If the annual school election is held in September of any year or in November of an odd-numbered year and a school district has territory in more than one (1) county, the county board of election commissioners of the county in which the school district is domiciled shall designate in a contested school election one (1) or more polling sites in each county:

- (1) In which the school district has territory;
- (2) In which school district territory contains a city of the second class or larger; and
- (3) That has registered electors.

SECTION 3. Arkansas Code § 6-14-109 is amended to read as follows:
6-14-109. Notice of elections.

(a)(1) ~~The~~ If the school election is held on a date on which no other elections are held, the board of directors of each school district shall give notice by advertisement one (1) time a week for three (3) weeks before each election to be held within the school district, setting out the time, place, and questions to be submitted to the electors at the election.

~~(b)(2)~~ The advertisement provided for shall begin at least twenty (20) days before the date of the school election and shall be in a newspaper either published in or having a bona fide circulation in the county or counties in which the school district is administered.

~~(c)(3)~~ ~~This~~ The provision for notice of school elections under this subsection shall be the sole requirement for the publication of the notice.

(b)(1) If the school election is held on a date on which other elections are held, the county board of election commissioners shall publish notice in the manner provided by § 7-5-206.

(2) Notice under this subsection shall include without limitation the time, place, and any questions to be submitted to the electors at the election.

SECTION 4. Arkansas Code § 6-14-115(a)(1), concerning school election returns, is amended to read as follows:

(a)(1)(A) At the close of the election, the election officials at each polling place or at the place of central tabulation shall make a return of the votes, certify the return, and file the certification in the office of the county clerk of the county in which the school district is administered

for delivery to its county board of election commissioners, which no earlier than forty-eight (48) hours and no later than ten (10) days after the election shall proceed to ascertain and declare the results of the election and file the certification of election and one (1) of the ballots with the county clerk.

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

SECTION 5. Arkansas Code § 6-14-118 is amended to read as follows:

6-14-118. Expenses.

~~(a)(1) In school elections, the school districts in the county shall reimburse the county for the cost of the election less expenses incurred for election officials at individual polling places, with each school district's share of the total being determined by multiplying the total cost of the election by a fraction, the numerator of which is the number of votes cast in the specific school election and the denominator of which is the total number of votes cast in the entire election.~~

~~(2) Expenses incurred for election officials at individual polling places shall be paid by the school district in which the polling place is located.~~

~~(b) At all annual or special elections, the board of directors of each school district shall pay the expenses of the election out of the school fund.~~

(a)(1) Except as provided in this section, for school elections, the school district shall reimburse the county for the cost of the school election.

(2) Subdivision (a)(1) of this section includes the cost of a special school election.

(b)(1) If the school election is held in November of an even-numbered year, the school district shall reimburse each county in which the school election appears on the general election ballot for additional costs incurred by the county when holding the school election in conjunction with the general election.

(2) Total reimbursement under subdivision (b)(1) of this section shall not exceed an amount equal to the amount the school district reimbursed

one (1) or more counties in the aggregate for the last contested school election in an odd-numbered year.

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

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

(2) The general election in which the school election is held in conjunction with does not result in the holding of a general runoff election in the county so that the school runoff election is the only issue on the ballot.

SECTION 6. Arkansas Code § 7-5-418(a), concerning early voting, is amended to read as follows:

(a)(1)(A) Except as provided in subdivision (a)(1)(B) of this section, early voting shall be available to any qualified elector who applies to the county clerk's designated early voting location, beginning fifteen (15) days before a preferential primary or general election between the hours of 8:00 a.m. and 6:00 p.m. Monday through Friday and 10:00 a.m. and 4:00 p.m. Saturday and ending at 5:00 p.m. on the Monday before the election.

(B) Early voting shall not be available on state or county holidays.

(2)(A) ~~However~~ Except as provided in subdivision (a)(2)(B) of this section, on all other elections, including the general primary and general runoff elections, early voting shall be available to any qualified elector who applies to the county clerk during regular office hours, beginning seven (7) days before the election and ending on the day before the election day at the time the county clerk's office regularly closes.

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

SECTION 7. Arkansas Code § 14-14-904(b)(1)(A)(i), concerning the levy of taxes by a quorum court, is amended to read as follows:

(1)(A)(i) The quorum court at its regular meeting in November or December of each year shall levy the county taxes, municipal taxes, and school taxes for the current year.

SECTION 8. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that school districts that have chosen to hold their annual school election in November of this year are currently required to print separate ballots from the general election ballots at an extraordinary and unnecessary expense to taxpayers; that some voters in the annual school election this November will have to vote at a separate location for the general election and for the annual school election even though the elections are held on the same day which may decrease voter turnout and infringe upon the suffrage rights of those voters; and that this act is immediately necessary to ensure the voting rights of all citizens of Arkansas and to eliminate unnecessary election costs. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

- (1) The date of its approval by the Governor;
- (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or
- (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/Bell

APPROVED: 05/23/2016