

State of Arkansas  
93rd General Assembly  
Regular Session, 2021

# A Bill

HOUSE BILL 1540

By: Representative Cozart

By: Senator J. Sturch

## For An Act To Be Entitled

AN ACT CONCERNING SCHOOL BOARD ELECTIONS; TO AMEND TIMING REQUIREMENTS CONCERNING THE ELECTION OF SCHOOL BOARD MEMBERS IN SCHOOL DISTRICTS THAT HAVE TEN PERCENT OR GREATER MINORITY POPULATION; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

## Subtitle

TO AMEND TIMING REQUIREMENTS CONCERNING THE ELECTION OF SCHOOL BOARD MEMBERS IN SCHOOL DISTRICTS THAT HAVE TEN PERCENT OR GREATER MINORITY POPULATION; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 6-13-630(d), concerning a resolution adopted by a public school district board of directors to require that school board members be elected by zone, at large, or a combination thereof, is amended to read as follows:

(d) The board of directors of the school district shall cause the resolution to be published at least ~~thirty (30)~~ ninety (90) days before the filing deadline for the next regular school election after the adoption of the resolution.

SECTION 2. Arkansas Code § 6-13-631(b)(1), concerning the election of school board members in school districts that have ten percent or greater



minority population, is amended to read as follows:

(b)(1) At least ~~ninety (90) days before the election~~ one hundred twenty (120) days before the annual school election held on the second year after the federal decennial census, the local board of directors shall:

(A) By resolution, choose to elect members of the board of directors from five (5) or seven (7) single-member zones or from five (5) single-member zones and two (2) at large; and

(B) With the approval of the controlling county board of election commissioners, divide each school district having a ten percent (10%) or greater minority population into five (5) or seven (7) single-member zones in accordance with the federal Voting Rights Act of 1965, as amended.

SECTION 3. Arkansas Code § 6-13-631(f)(1), concerning annual school elections in school districts that have ten percent or greater minority population after each federal decennial census, is amended to read as follows:

(f)(1) At least ~~one hundred (100)~~ ninety (90) days before the ~~second filing deadline for the~~ annual school election held on the second year after each federal decennial census, the school district board of directors, with the approval of the county board of election commissioners of the county where the school district is administratively domiciled, shall:

(A) Divide each school district having a ten percent (10%) or greater minority population into single-member zones; and

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

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

SECTION 4. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the timelines established by statute combined with the delay in the release of the most recent federal decennial census information make it impossible for some public school districts to comply with existing statutory requirements with respect to school election timelines; that the inability for these affected public school districts to follow statutorily required timelines puts the public

school districts' funding at risk and would prohibit the public school districts from performing their governmental functions; and that this act is immediately necessary to ensure the affected public school districts retain funding and are able to properly perform required duties. 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.

**APPROVED: 4/1/21**