

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

SENATE BILL 402

By: Senator B. Johnson
By: Representative Vaught

For An Act To Be Entitled

AN ACT CONCERNING THE ELECTION OF DIRECTORS OF A
CONSERVATION DISTRICT; TO AMEND THE PROCEDURE FOR THE
ELECTION OF A DIRECTOR OF A CONSERVATION DISTRICT;
AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE ELECTION OF DIRECTORS OF A
CONSERVATION DISTRICT; AND TO AMEND THE
PROCEDURE FOR THE ELECTION OF A DIRECTOR
OF A CONSERVATION DISTRICT.

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

SECTION 1. Arkansas Code § 14-125-302 is amended to read as follows:
14-125-302. Election of directors.

(a) Within thirty (30) days after the date of issuance by the
Secretary of State of a certificate of organization of a conservation
district, nominating petitions may be filed with the Arkansas Natural
Resources Commission to nominate candidates for directors of the district.

(b)(1) The commission shall have authority to extend the time within
which nominating petitions may be filed.

(2) No such nominating petition shall be accepted by the
commission unless it shall be subscribed by twenty-five (25) or more
qualified electors within the boundaries of the district.

(3) Qualified electors may sign more than one (1) such
nominating petition to nominate more than one (1) candidate for director.



(4) The commission shall give due notice of an election to be held for the election of three (3) directors for the district.

(5) The names of all nominees on behalf of whom the nominating petitions have been filed within the time herein designated shall be printed, arranged in alphabetical order of the surnames upon ballots, with a direction to vote for three (3) candidates by placing an "X" in the square beside the name of each ~~person~~ candidate for whom the voter wishes to vote.

(6) All qualified electors within the district shall be eligible to vote in the election.

(7) The three (3) candidates who ~~shall~~ receive the largest number, respectively, of the votes cast in the election shall be the elected directors for the district.

(8) ~~The commission governing body of the district~~ shall:

(A) Pay all the expenses of the election;

(B) Supervise the conduct ~~thereof~~ of the election; and

(C) ~~Prescribe rules governing the conduct of the election and the determination of the eligibility of voters therein; and~~

~~(D)~~ Publish the results and report results of the election to the Secretary of State.

(c)(1)(A) ~~Subsequent elections shall be conducted in the same manner. However, the district shall pay all the expenses of the elections, and by the district and shall be held on the first Tuesday in March for election years as designated in this section.~~

(B) ~~The~~ The nominating petitions for candidates shall be filed with the ~~commission~~ district during the first two (2) weeks of February of the year of election.

(2) The appointed district directors constitute the District Election Committee, which shall conduct the election on behalf of the district.

(3) The governing body of the district may extend the time within which nominating petitions may be filed.

(4) The governing body of the district shall not accept a nominating petition unless it has been subscribed by twenty-five (25) or more qualified electors within the boundaries of the district.

(5) An elected director seeking reelection shall not be required to obtain signatures of qualified electors but shall only be eligible for

reelection if the director has attended sixty-five percent (65%) of the district board meetings and three (3) area or state meetings within the last three (3) years.

(6) Qualified electors may sign more than one (1) such nominating petition to nominate more than one (1) candidate for director.

(7) The governing body of the district shall give notice of an election to be held for the election of directors for the district.

(8) The names of all nominees on behalf of whom the nominating petitions have been filed within the time designated under this section shall be printed, arranged in alphabetical order of the surnames upon ballots, with a direction to vote for a director by placing an "X" in the square beside the name of the candidate for whom the voter wishes to vote.

(9)(A) All qualified electors within the district shall be eligible to vote in the election.

(B) To be qualified elector, a person shall:

(i) Be registered to vote in Arkansas; and

(ii) Own land within the district.

(C) Before obtaining a ballot, a person shall sign a verification of voter registration to affirm that the person is a qualified elector.

(D) After obtaining a ballot, the person shall select up to three (3) candidates to serve as district directors by putting an "X" in the appropriate boxes and then placing the ballot in the ballot box.

(10)(A) Ballots shall be available at the district office two (2) weeks before the election for all qualified voters.

(B) A ballot shall not be removed from the district office except as provided under this section.

(C) An individual with a disability whose physical condition makes it difficult to vote on election day may obtain a ballot by presenting a signed, written statement that the person making the request:

(i) Is a registered voter in Arkansas;

(ii) Owns land within the district;

(iii) Cannot vote on election day due to health reasons; and

(iv) Is attaching the name of the person authorized to deliver the ballot to the individual with a disability.

(D) The person named under subdivision (c)(10)(C)(iv) of this section shall present the written statement under subdivision (c)(10)(C) of this section to the District Election Committee to obtain a ballot and shall return the ballot to the district office by the Monday before Election Day.

(11) Votes for write-in candidates shall be void and shall not be counted.

(12)(A) After the polls close, the District Election Committee shall collect all ballot boxes and election materials.

(B) Both members of the District Election Committee shall open the ballot boxes together and count the votes cast.

(C) A ballot with more than three (3) candidates marked shall be disqualified and shall not be counted.

(D) A ballot with write-in candidates shall be disqualified and shall not be counted.

(E)(i) The District Election Committee shall certify to the governing body of the district the results of the election, including the number of voters and the number of votes for each candidate.

(ii) The District Election Committee shall then post results at the polling place, polling places, the district office, and other public places in the district.

(F) The ballots and other election materials shall be maintained in a secure place for at least one (1) year following the election.

(13) The candidates who receive the largest number, respectively, of the votes cast in the election shall be the elected directors for the district.

(14)(A) A person challenging the results of the election shall notify the District Election Committee in writing within three (3) days after the election outlining the reasons for the challenge.

(B) The District Election Committee shall investigate any allegations made under subdivision (c)(14)(A) of this section, which may include recounting the vote or verifying those voting in the election.

(C) The District Election Committee shall report any findings under subdivision (c)(14)(B) of this section to the governing body of the district.

(D) Based upon the findings of the District Election Committee under subdivision (c)(14)(C) of this section, the governing body of the district may:

- (i) Require a recount of votes;
- (ii) Confirm the results as reported;
- (iii) Set aside the results and conduct a special election; or
- (iv) Take any other appropriate action.

(15) The governing body of the district shall:

- (A) Pay all the expenses of the election;
- (B) Publish:
 - (i) Notice of the election;
 - (ii) Availability and qualifications for obtaining a position on the board of the directors of the district; and
 - (iii) The deadline for filing the candidate nomination petition;

(C) Select the polling sites necessary to provide adequate coverage for the district;

- (D) Appoint a person or persons to oversee polling sites;
- (E) Supervise the conduct of the election;
- (F) Collect absentee and regular ballots and count votes;
- (G) Determine the eligibility of voters in the district;

and

(H) Publish the results and report results of the election to the Secretary of State.

(16) The elections shall be scheduled as follows:

(A) On the first Tuesday in March 2000, and on the first Tuesday in March every third year thereafter, in those districts which have the greatest amount of district territory in the following counties:

- Boone Little River
- Carroll Logan
- Clark Lonoke
- Clay Poinsett
- Cleburne Polk
- Cleveland Saline
- Columbia Scott

Conway	Searcy
Crawford	St. Francis
Cross	White
Fulton	Woodruff
Greene	Yell
Jefferson	

(B) On the first Tuesday in March 1998, and on the first Tuesday in March every third year thereafter, in those districts which have the greatest amount of district territory in the following counties:

Baxter	Phillips
Calhoun	Pike
Craighead	Pope
Dallas	Prairie
Faulkner	Pulaski
Garland	Randolph
Hempstead	Sebastian
Monroe	Sevier
Nevada	Sharp
Newton	Stone
Ouachita	Union
Perry	Van Buren
Washington	

(C) On the first Tuesday in March 1999, and on the first Tuesday in March every third year thereafter in those districts which have the greatest amount of district territory in the following counties:

Arkansas	Hot Spring
Ashley	Howard
Benton	Independence
Bradley	Izard
Chicot	Jackson
Crittenden	Johnson
Desha	Lafayette
Drew	Lawrence
Franklin	Lee

Grant Lincoln
Madison Mississippi
Marion Montgomery
Miller

APPROVED: 4/11/23