

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: S2/12/19
A Bill

SENATE BILL 158

By: Senator B. Ballinger
By: Representative Gonzales

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING SCHOOL ELECTION
ADMINISTRATION; TO CREATE UNIFORMITY IN ELECTION
PROCEDURE; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING SCHOOL
ELECTION ADMINISTRATION; AND TO CREATE
UNIFORMITY IN ELECTION PROCEDURE.

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

SECTION 1. Arkansas Code § 6-14-102(a)(2), concerning the ballots for special school elections, is amended to read as follows:

~~(2)(A) Except as provided in subdivision (a)(2)(B) of this section, the~~ 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 at the same time as a preferential primary election or general election, the issues~~ Issues to be considered in the annual school election may be printed on the same ballot as ~~the preferential primary election ballot or general election ballot~~ the ballot of any other election lawfully held on the same date as the annual school election.

SECTION 2. Arkansas Code § 6-14-111(a), concerning school election procedures, is amended to read as follows:



(a)(1) All candidate filings ~~pursuant to~~ under this subchapter shall be with the county clerk of the county in which the school district is domiciled for administrative purposes.

(2)(A)(i) All 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.

(ii) However, if one of that school district's nondomicile counties is holding a special election on the same date as a 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, each county in which the school district has territory shall conduct the school district's school election as if it were held with the preferential primary 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) 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 (a)(3) of this section.

(3) In a school election 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 electors reside.

SECTION 3. Arkansas Code § 6-14-111(h) through (k), concerning school election procedures, are amended to read as follows:

(h) The school district shall file the language required to submit the rate of tax for the school district to the voters during the annual school election with the county clerk of the county in which the school district is domiciled for administrative purposes as soon as that language becomes available but no later than sixty (60) days before the annual school election.

(i) The county board of election commissioners shall place on the ballot as candidates for school district director the names of any qualified registered voters whose political practices pledges and affidavits of eligibility have been filed and whose petitions have been filed with and verified by the county clerk of the county in which the school district is domiciled for administrative purposes.

~~(i)-(l)~~(j)(1) On the day after the deadline for candidates to file for a position on the ~~county~~ board of directors by petition, the county clerk of the county in which the school district is domiciled for administrative purposes shall certify to the county board of election commissioners the names of those candidates who are registered voters in the school district and the electoral zone, if applicable, and who have qualified for the ballot by petition.

(2) Immediately after the close of the write-in filing period, the county clerk of the county within which the school district is domiciled for administrative purposes shall certify to the county board of election commissioners any write-in candidates who have filed the affidavit of eligibility, the notice of write-in candidacy, and the political practices pledge with the county clerk of the county within which the school district is domiciled for administrative purposes.

~~(j)~~(k) The order in which the names of the respective candidates are to appear on the ballot shall be determined by lot at the public meeting of the county board of election commissioners held not later than seventy-two (72) days before the annual school election.

~~(k)~~(1) When a candidate has identified the position sought on the petition or notice of write-in candidacy, the candidate shall not be allowed to change the position on that petition or notice of write-in candidacy but may withdraw a petition or notice of write-in candidacy and file a new petition or notice of write-in candidacy designating a different position before the deadline for filing.

SECTION 4. Arkansas Code § 6-14-114 is amended to read as follows:
6-14-114. Counting of votes.

When the polls of each election are closed, the election officials shall immediately proceed to count the results and make returns ~~thereof to the county clerk~~ of the votes under § 6-14-115, showing:

- (1) The number of votes cast for each person for school district director;
- (2) The number of votes cast for the school tax;
- (3) The number of votes cast against the school tax;
- (4) The number of mills for:
 - (A) The additional mills for maintenance and operation;
 - (B) The additional mills for maintenance and operation that have been designated dedicated maintenance and operation mills;
 - (C) The debt service millage; and
 - (D) The total millage rate levied for all purposes in the school district in excess of the uniform rate of tax; and
- (5) The number of votes cast for and against any other question submitted at the election.

SECTION 5. Arkansas Code § 6-14-115 is amended to read as follows:
6-14-115. Return, canvass, and appeal – Filing.

(a)(1)~~(A)~~ The certification of a school district's election shall be conducted as follows:

(A) At the close of the an election under § 6-14-111(a)(2), 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 with the county board of election commissioners of the county in which the school district is domiciled for administrative purposes; 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 the date the annual school election is held.~~

(B) The county board of election commissioners of the county in which the school district is domiciled for administrative purposes shall:

(i) Deliver the duplicate certified copy of each polling site's election results to the county clerk;

(ii) Declare preliminary and unofficial results of the county's election as soon as they are available; and

(iii) No earlier than forty-eight (48) hours and no later than fifteen (15) days after the election, proceed to ascertain and declare the results of the election and file the certification of election with the county clerk; and

(C) At the close of an election conducted under § 6-14-111(a)(3), the election officials at each polling place or at the place of central tabulation shall follow the general election procedures under § 7-5-527. Once the county board of election commissioners has certified the county's election results, the county board of election commissioners shall:

(i) No earlier than forty-eight (48) hours and no later than fifteen (15) days after the election, file the certification of the election results with the county clerk; and

(ii) File a certified copy of the results of any school district not domiciled for administrative purposes in the county with the county clerk of the county in which the school district is domiciled for administrative purposes.

(2) The Based on the certified election results of each county conducting a school district's annual school election, 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 a director 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 administer 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 cannot 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.

(b) The county clerk of the county in which the school district is administered domiciled for administrative purposes shall file ~~a certified copy of the certification of election with the county clerk of each county in which any part of the school district lies,~~ the following with the county clerk of each nondomicile county in which any part of the school district lies:

(1) Certified copies of the certified results of the election from each county; and

(2) Certification of the outcome of each race or issue on the school district's ballot.

(c) The county clerk of the county in which the school district is administered domiciled for administrative purposes shall submit ~~a certified copy of the certification of election and a copy of the ballot~~ to the Commissioner of Education no later than five (5) days following the requirements set forth in subsection (a) of this section:

(1) Copies of the certified election results of the election of each county; and

(2) A certification of the outcome of each race or issue on the school district's ballot and the text of each issue.

SECTION 6. Arkansas Code § 6-14-119 is repealed.

~~6-14-119. Compensation of election officials.~~

~~The school district board may allow sufficient compensation to the election officials of all elections to secure good citizens to act in those capacities.~~

SECTION 7. Arkansas Code § 6-14-121, concerning runoff elections, is amended to add an additional subsection to read as follows:

(f) A runoff election shall be conducted using the same procedures as the election requiring the runoff election.

SECTION 8. Arkansas Code Title 6, Chapter 14, Subchapter 1, is amended to add an additional section to read as follows:

6-14-124. Pre-election procedures for school elections held in school districts situated in more than one county.

(a)(1)(A) In all school elections conducted under § 6-14-111(a)(3) in which the school district is situated in two (2) or more counties, a candidate for board of directors of a school district shall file his or her nominating petition with the county clerk of the county in which the school district is domiciled for administrative purposes.

(B) The county clerk of the county in which the nominating petition is filed shall:

(i) Verify the signatures on the nominating petition from that county; and

(ii) If there are signatures from another county to be verified, immediately forward the nominating petition to the appropriate county clerk.

(C) The county clerk receiving the nominating petition shall return the nominating petition to the county clerk of the county in which the school district is domiciled for administrative purposes no later than five (5) days after the filing period ends.

(D) The county clerk of the county in which the school district is domiciled for administrative purposes shall:

(i) Certify the sufficiency of the nominating petition; and

(ii) File the certification with the county board of election commissioners in each county in which the school district has territory.

(2) In all school elections conducted under § 6-14-111(a)(3) in which the school district is situated in two (2) or more counties, the county clerk of the county in which the school district is domiciled for administrative purposes shall submit all ballot questions that have been filed with the county clerk for the annual school election to each county board of election commissioners in each county in which the school district has territory.

(b)(1) When a county clerk of a county in which the school district is domiciled for administrative purposes is notified of a special school

election under § 7-11-203, the county clerk of the county in which the school district is domiciled for administrative purposes shall forward a copy of the calling document to the county clerk of each of the district's nondomicile counties.

(2) The county clerk of any nondomicile county conducting a special election on that same date shall immediately notify the county clerk of each county in which the school district is domiciled for administrative purposes under § 6-14-111(a)(2).

/s/B. Ballinger