

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

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: H2/13/23
A Bill

HOUSE BILL 1350

By: Representative C. Fite
By: Senator K. Hammer

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE EFFECT OF A
MINORITY POPULATION ON SCHOOL DISTRICT ELECTIONS; AND
FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE EFFECT OF
A MINORITY POPULATION ON SCHOOL DISTRICT
ELECTIONS.

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

SECTION 1. Arkansas Code § 6-13-631 is amended to read as follows:

6-13-631. Effect of minority population on election.

(a)~~(1)~~ The qualified electors of a school district ~~having a ten percent (10%) or greater minority population out of the total population, as reported by the most recent federal decennial census information,~~ shall elect the members of the board of directors as authorized in this section, utilizing selection procedures in compliance with the federal Voting Rights Act of 1965, as amended, if the school district has a:

(A) Ten percent (10%) or greater minority population out of the total population, as reported by the most recent federal decennial census information; and

(B) Total population of eight thousand (8,000) or greater, as reported by the most recent decennial census information.

(2) A school district shall be exempt from the provisions of this section if the school district:



(A) Is operating under a preconsolidation agreement that is in compliance with the federal Voting Rights Act of 1965, as amended;

(B) Has a zoned board of directors meeting the requirements of the federal Voting Rights Act of 1965, as amended; or

(C)(i) Is currently operating under a federal court order enforcing school desegregation or the federal Voting Rights Act of 1965, as amended.

(ii) A school district released from operating under a federal court order enforcing school desegregation or the federal Voting Rights Act of 1965, as amended, shall comply with this section by using the most recent federal decennial census information to create zones under this section within one hundred eighty (180) calendar days after the release from the court order.

(b)(1) The local board of directors of a school district that is initially determined to have a ten percent (10%) or greater minority population out of the total population and a total population of eight thousand (8,000) or greater as reported by the most recent federal decennial census information or was previously determined to have a ten percent (10%) or greater minority population out of the total population and a total population of eight thousand (8,000) or greater, as reported by the most recent federal decennial census information, and is determined to no longer meet one of the exemptions under subdivision (a)(2) of this section shall:

(1) At least:

(A) ~~one~~ One hundred twenty (120) days before the annual school election held in the second year after the federal decennial census, the local board of directors shall adopt a resolution establishing that the members of the board of directors shall be elected from:

~~(A) By resolution, choose to elect members of the board of directors from five~~ (i) Five (5) ~~or seven~~ single-member zones;

(ii) Seven (7) single-member zones; ~~or~~

(iii) ~~from five~~ Five (5) single-member zones and two

(2) at large; ~~and~~ or

(iv) If permitted under § 6-13-634, nine (9) single-member zones; 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~~
Ninety (90) days before the filing deadline for the annual school election held on the second year after the federal decennial census:

(i)(a) Divide the school district into single-member zones in accordance with the resolution adopted by the school district board of directors.

~~(2)(b) Zones shall have substantially equal population, with boundaries based on the most recent available federal decennial census information;~~ and

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

(b) 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;

(2)(A) Have the county board of election commissioners of the county where the school district is administratively domiciled review and approve the resolution required under subdivision (b)(1)(A) of the section and the plan required under subdivision (b)(1)(B)(ii) of this section;

(B) The approval by the county board of election commissioners of the county where the school district is administratively domiciled shall be granted before the deadlines set in subdivision (b)(1)(A) and subdivision (b)(1)(B) of this section in order for the school district to be considered to have timely met the requirements under this section; and

(3)(A) Ensure the following positions of a board of directors of a school district establishing initial zones under this subsection are up for election at the annual school election held on the second year after the federal decennial census:

(i) The position of a school board member whose elected term has expired unless the school board member was selected under subdivision (b)(3)(B) of this section;

(ii) A position held by a school board member who was serving on the school districts board of directors by appointment;

(iii) A single-member zone position on the school district board of directors created to account for the most recent federal decennial census information where two (2) or more existing school board

members reside unless only two (2) existing school board members reside in the zone and one (1) of the school board members residing in the zone was selected under subdivision (b)(3)(B) of this section; and

(iv) A single-member zone position on the school district board of directors created to account for the most recent federal decennial census information where either no existing school board members reside in the zone or the only school board member who resides in the zone was selected under subdivision (b)(3)(B) of this section.

~~(e)(B)(i)~~ A board of directors choosing to elect members of the board of directors by five (5) single-member zones and two (2) at-large positions may fill the two (2) at-large positions by drawing lots from among the current members of the board of directors.

(ii) The drawing of lots shall occur at least ninety (90) days before the filing deadline for the annual school election held on the second year after the federal decennial census; and

~~(d)(1)(A) A candidate for election from a single-member zone must be a qualified elector and a resident of the zone.~~

~~(B) A candidate for an at-large position must be a qualified elector and a resident of the school district.~~

~~(2)(A)(4)(A) Except~~ Ensure that, except as provided in subsection ~~(e)(c)~~ of this section, a member of a school district board of directors shall serve a five-year term.

(B) A term shall commence when the county court declares the results of the election by an order entered of record.

~~(e)(c)~~ At the first regular meeting of a ~~new~~ board of directors elected under subdivision (b)(3) of this section, the members shall establish initial terms by lot so that, to the extent possible, an equal number of positions are filled each year and not more than two (2) members' terms expire each year.

(d) The board of directors of a school district that previously went through the process under subsection (b) of this section and is still determined to have a ten percent (10%) or greater minority population out of the total population and a total population of eight thousand (8,000) or greater, as reported by the most recent federal decennial census information, shall:

~~(f)(1)(1)~~ At least ninety (90) days before the filing deadline for the

annual school election held in 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~~ Review the current population within each of the school district's existing zones, as reported by the most recent federal decennial census information;

(B) Redraw the zones as necessary so that the zones are substantially equal in population, based on the most recent federal decennial census information;

~~(B)-(i)-(C)(i)~~ (C)(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; and

(D)(i) Have the county board of election commissioners of the county where the school district is administratively domiciled review and approve the plan under subdivision (d)(1) of this section.

(ii) The approval by the county board of election commissioners of the county where the school district is administratively domiciled shall be granted before the deadline set in subdivision (d)(1) of this section in order for the school district to be considered to have timely met the requirements under this section; and

~~(2) The zones shall be based on the most recent federal decennial census information and be substantially equal in population.~~

~~(3)(2)(A)~~ (2)(A) At the annual school election following the rezoning, a new the following members of the school district board of directors shall be elected in accordance with procedures set forth in this section up for election:

(i) A school board member whose elected term has expired; and

(ii) A school board member who was serving on the school districts board of directors by appointment.

(B) Any school board member elected from a single-member zone whose residence is moved into a different zone due to the zone's

boundaries being redrawn to take into account the most recent federal decennial census information may continue to serve until the expiration of the individual's term.

(C) At the annual school election following the rezoning, positions on a school district board of directors that are at-large positions shall be up for election only if the at-large position falls under subdivision (d)(2)(A)(i) or subdivision (d)(2)(A)(ii) of this section.

(D) The length of term for a school board member elected under subdivision (d)(2)(A) of this section shall be as follows:

(i) Five (5) years for individuals elected under subdivision (d)(2)(A)(i) of this section; or

(ii) The remainder of the unexpired term for individuals elected under subdivision (d)(2)(A)(ii) of this section.

(e)(1) A candidate for election from a single-member zone must be a qualified elector and a resident of the zone.

(2) A candidate for an at-large position must be a qualified elector and a resident of the school district.

~~(g)(1) The following school districts shall be exempt from the provisions of this section:~~

~~(A) A school district that is currently operating under a federal court order enforcing school desegregation or the federal Voting Rights Act of 1965, as amended;~~

~~(B) A school district that is operating under a preconsolidation agreement that is in compliance with the federal Voting Rights Act of 1965, as amended;~~

~~(C) A school district that has a zoned board of directors meeting the requirements of the federal Voting Rights Act of 1965, as amended; and~~

~~(D) A school district that a federal court has ruled is not in violation of the federal Voting Rights Act of 1965, as amended, so long as the court order is in effect.~~

~~(2) A school district which on August 13, 1993, was in the process of defending a lawsuit brought under the federal Voting Rights Act of 1965, as amended, shall also be exempt from the provisions of this section until such time as the lawsuit has been finally resolved.~~

~~(3)(A) A school district released from operating under a federal~~

~~court order enforcing school desegregation shall comply with the provisions of this section.~~

~~(B) The school district shall use the most recent federal decennial census information to create zones pursuant to this section within one hundred eighty (180) calendar days after the release from the court order.~~

~~(h)(1)(A)(f)(1) On or before August 1, 2002, and every decade thereafter, of the second year following the federal decennial census, each and every school district shall submit to the Division of Elementary and Secondary Education a letter stating whether or not its school district board of directors falls under this section. that the school district board of directors:~~

~~(B)(A) In that same letter, each school district that falls Falls under this section shall state and how it has complied with this section; or~~

~~(C)(B) Furthermore, in the same letter, any school district that believes that it is Is exempt from this section shall state under which provision it is exempt. and that it is exempt due to the fact that the school district:~~

~~(i) Has lower than ten percent (10%) or greater minority population out of the total population, as reported by the most recent federal decennial census information;~~

~~(ii) Has a total population of eight thousand (8,000) or fewer, as reported by the most recent federal decennial census information;~~

~~(iii) Is operating under a preconsolidation agreement that is in compliance with the federal Voting Rights Act of 1965, as amended;~~

~~(iv) Has a zoned board of directors meeting the requirements of the federal Voting Rights Act of 1965, as amended; or~~

~~(v) Is currently operating under a federal court order enforcing school desegregation or the federal Voting Rights Act of 1965, as amended.~~

(2) The division shall withhold twenty percent (20%) of the annual state funds allocation to a school district not in compliance with this section.

~~(i)~~(g) The State Board of Education is hereby authorized to adopt rules necessary for the implementation of this section.

/s/C. Fite