

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: S3/15/23
A Bill

SENATE BILL 389

By: Senators C. Penzo, *J. Bryant*
By: Representatives Beaty Jr., *B. McKenzie*

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING MEMBERS OF LOCAL SCHOOL BOARDS OF DIRECTORS; TO AMEND THE LAW CONCERNING SCHOOL ELECTIONS; TO AMEND THE DATE ON WHICH AN ELECTION OF A SCHOOL DISTRICT BOARD OF DIRECTORS SHALL BE HELD; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING MEMBERS OF LOCAL SCHOOL BOARDS OF DIRECTORS; TO AMEND THE LAW CONCERNING SCHOOL ELECTIONS; AND TO AMEND THE DATE ON WHICH AN ELECTION OF A SCHOOL DISTRICT BOARD OF DIRECTORS SHALL BE HELD.

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

SECTION 1. Arkansas Code § 6-13-608 is amended to read as follows:
6-13-608. Length of directors' terms.

(a) All members of a school district board of directors shall be elected to a term of office of ~~not less than three (3) years nor more than five (5)~~ four (4) years in length and with the expiration of such terms so arranged that, as nearly as possible, an equal number of positions are filled ~~each year~~ every two (2) years.

~~(b)(1) Unless otherwise provided by law, members of a school district board of directors shall have terms of office of equal length.~~

~~(c)(1)~~ A member of a school district board of directors shall not



serve more than ~~one (1) full term as a holdover~~ sixteen (16) consecutive years in office.

(2) If at the expiration of ~~the holdover~~ a term a person is not elected to fill the position at the annual school election or the person elected fails to subscribe to the director's oath of office within the time provided under § 6-13-617(a)(1), the position is vacant and the school district board of directors shall fill the vacancy as provided under § 6-13-611.

(c) If an entire school district board of directors is elected during the same school board election, the members of the school district board of directors who are elected during the same school board election shall initially draw lots for two-year or four-year terms so that, as nearly as possible, an equal number of positions are filled in each subsequent school board election.

SECTION 2. Arkansas Code § 6-13-615(d) and (e), concerning the local option to elect directors from single-member zones, is amended to read as follows:

(d) The members of the board of directors of the school district shall be elected for a ~~three-year~~ four (4) year term. Provided, any member of the board of directors shall hold office until his or her successor has been elected and qualified. A member of the board of directors who is qualified to serve the zone he or she represents may succeed himself or herself unless the term would exceed sixteen (16) consecutive years in office.

(e)(1) Following the election, the new school district board of directors at their initial meeting shall, by lot, establish their initial terms so that, as nearly as possible, an equal number of positions are filled ~~each year and not more than three (3) members' terms expire each year~~ every two (2) years.

(2) The regular term of office for the school district board of directors elected after the initial election following the decision to elect from single-member zones shall be the same as the term of the school district board of directors of the school district before the change in the method of election of the school district board of directors.

SECTION 3. Arkansas Code § 6-13-631(d)(2)(A), concerning the effect of

minority population on school district board of directors election, is amended to read as follows:

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

SECTION 4. Arkansas Code § 6-13-631(e) and (f), concerning the effect of minority population on school district board of directors election, are amended to read as follows:

(e) At the first meeting of a new board of directors, 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~~ every two (2) years.

(f)(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

(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.

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

(3) At the annual school election following the rezoning, a new school district board of directors shall be elected in accordance with procedures set forth in this section.

SECTION 5. Arkansas Code § 6-13-634(d), concerning the size of a school district board of directors, is amended to read as follows:

(d) Any change in the number of directors serving on a school district board of directors under this section is effective upon the directors' taking office following the next regular ~~annual~~ school board election.

SECTION 6. Arkansas Code § 6-13-1415(e)(1)(B), concerning an interim board of directors following an involuntary consolidation or annexation, is amended to read as follows:

(B) All the members of the permanent board of directors of the resulting district or receiving district are elected at-large, then the state board may stagger the terms of the interim board of directors, which shall be determined by lot so that ~~no more than two (2) members' terms expire during any one (1) year,~~ as nearly as possible, an equal number of positions are filled during each school board election.

SECTION 7. Arkansas Code § 6-13-1416(e)(1)(B), concerning an interim board of directors following an involuntary consolidation or annexation, is amended to read as follows:

(B) All the members of the permanent board of directors of the resulting district or receiving district are elected at-large, then the state board may stagger the terms of the interim board of directors, which shall be determined by lot so that ~~no more than two (2) members' terms expire during any one (1) year,~~ as nearly as possible, an equal number of positions are filled during each school board election.

SECTION 8. Arkansas Code § 6-13-1417(a)(3), concerning the formation of a board of directors following an involuntary consolidation or annexation, is amended to read as follows:

(3) At the first meeting of the permanent board of directors, the members shall determine the terms of the board of directors by lot so that ~~not more than two (2) members' terms expire during any one (1) year,~~ as nearly as possible, an equal number of positions are filled during each school board election.

SECTION 9. Arkansas Code § 6-14-102(c)(1), concerning annual school election dates and special school elections, is amended to read as follows:

(c)(1) When the annual school election is not held at the same time as a preferential primary or general election, ~~if no more than one (1) candidate for a 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 a 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)(i) Declare an election by candidate to be held;
 - (ii) Open no polling places; and
 - (iii) Allow the candidate to cast a ballot for himself or herself at a designated time and location on election day or during the period that would otherwise be designated for early voting.

SECTION 10. Arkansas Code § 6-14-102, concerning the date of a special school election, is amended to add an additional subsection to read as follows:

(d) The election of a school district board of directors not elected in its entirety as a result of the same election shall be held in each public school district of this state on the date of the general election.

SECTION 11. Arkansas Code § 6-14-111(a), concerning candidate filing procedures, is amended to read as follows:

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

(2) A district school board member shall be elected at the general election.

~~(2)(A)(i)~~(3)(A)(i) 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)(4)~~ 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 12. Arkansas Code § 6-14-111(e)(1), concerning candidate filing procedures, is amended to read as follows:

(e)(1) The petition, affidavit of eligibility, and the candidate's political practices pledge shall be filed with the county clerk as ~~follows~~ under § 7-7-203.

~~(A)(i) For even numbered years, during the party filing period as set forth in § 7-7-203 for school elections held concurrently with a preferential primary election; and~~

~~(ii) For odd numbered years, during the dates that would be the filing period as set forth in § 7-7-203 if a preferential primary and general election were to be held in that year; or~~

~~(B) During a one week period ending at 12:00 noon ninety (90) days before a general election.~~

SECTION 13. Arkansas Code § 6-14-111(h)(2), concerning candidate

filing procedures, is amended to read as follows:

(2) The county board of election commissioners shall not place the name of an unopposed candidate for school district director on the ballot during a ~~school board election held concurrently with~~ the preferential primary election or general election.

SECTION 14. Arkansas Code § 6-14-111(k), concerning candidate filing procedures, is amended to read as follows:

(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+

~~(1) The the deadline to conduct the ballot draw for the preferential primary or general election for an annual school election held in even-numbered years;~~

~~(2) The seventh day of March for an annual school election held on the second Tuesday in May of an odd-numbered year; and~~

~~(3) Seventy-two (72) days before an annual school election held on the second Tuesday of November of an odd-numbered year.~~

SECTION 15. Arkansas Code § 7-1-101(16), concerning the definition of "General or special election" under education law, is amended to read as follows:

(16) "General or special election" means the regular biennial or annual election for election of United States, state, district, county, township, school board, and municipal officials and the special elections to fill vacancies therein and special elections to approve any measure. ~~The term as used in this act shall not apply to school elections for officials of school districts;~~

/s/C. Penzo