

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

State of Arkansas
95th General Assembly
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As Engrossed: H3/19/25 S4/1/25

A Bill

HOUSE BILL 1724

By: Representative B. McKenzie

By: Senator J. English

For An Act To Be Entitled

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

Subtitle

TO AMEND THE LAW CONCERNING LOCAL SCHOOL BOARDS OF DIRECTORS AND SCHOOL BOARD ELECTIONS; AND TO AMEND THE DATE ON WHICH AN ELECTION OF A SCHOOL DISTRICT BOARD OF DIRECTORS IS 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) years~~ four (4) years or six (6) 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 school board election.

(b) 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.



(2) *If at the expiration of the holdover term a person is not elected to fill the position at the ~~annual~~ school board 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 shall be filled as provided under § 6-13-611.*

(d)(1) An entire school district board of directors is required to be elected during the first school board election after a school district:

(A) Changes from an all at-large or combined at-large and zoned membership and is zoned to an all zoned or combined at-large and zoned membership;

(B) Is rezoned following the federal decennial census;

(C) Returns from state to local control;

(D) Has boundary or zone changes as a result of annexation, consolidation, or reconstruction;

(E) Has fallen below the average daily membership requirement under § 6-13-634(a); or

(F) Is no longer operating under a court ordered exemption to § 6-13-634(b).

(2) School board members shall initially draw lots for two-year or four-year terms in districts with four-year terms or two-year, four-year, or six-year terms in districts with six-year terms so that, as nearly as possible, an equal number of positions are filled in each subsequent school board election no longer than:

(A) Two (2) school board elections for those with four-year terms; or

(B) Three (3) school board elections for those with six-year terms.

(3) Initially, terms for members elected in 2025 shall expire:

(A) For school boards adopting four-year terms in 2028; or

(B) For school boards adopting six-year terms in 2030.

(4) For other members of a school district board of directors currently holding terms, terms set to expire on or in:

(A) 2026 shall expire in 2026;

(B) 2027 shall expire in 2026;

(C) 2028 shall expire in 2028; and

(D) 2029 shall expire in 2028.

(5) If after rebalancing terms, there is not, as nearly as possible, an equal number of positions filled every school board election, the school district board of directors shall adjust the minimum number of terms necessary to ensure balance between those terms expiring in 2026 and 2028.

SECTION 2. Arkansas Code § 6-13-611(e), concerning vacancies generally of a school district board of directors, is amended to read as follows:

~~(e)(1) An appointed director, except a director appointed to fill a vacancy under § 6-13-613, shall serve only until his or her elected successor subscribes to the director's oath of office under § 6-13-617 to the next annual school election, at which time the electors shall select in the usual manner directors to serve the unexpired terms of the vacating directors.~~

~~(2) If there is not an individual who has filed as a candidate to serve an unexpired term of a vacating director, the position shall be:~~

~~(A) Deemed vacant; and~~

~~(B) Filled in accordance with this section.~~

SECTION 3. 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 4. Arkansas Code § 6-13-1415(e)(1)(B), concerning an interim school district 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 5. Arkansas Code § 6-14-102(a)(1)(B), concerning the annual school election date, is repealed.

~~(B)(i) A school district shall adopt a policy setting~~

~~forth which election date under subdivision (a)(1)(A) of this section the school district chooses to hold the annual school election upon.~~

~~(ii) At least one hundred (100) days before the first day of the respective candidate filing period set forth in § 6-14-111(e)(1)(A), a school district shall provide a copy of the policy under subdivision (a)(1)(B)(i) of this section to:~~

~~(a) The county board of election commissioners of the county in which the school district is domiciled for administrative purposes; and~~

~~(b) The county clerk of each county within the school district's boundaries.~~

~~(iii) If a school district fails to timely provide a copy of its most current policy to the county board of election commissioners and county clerks in accordance with subdivision (a)(1)(B)(ii) of this section, the school district shall be required to hold the school district's annual school election in accordance with the most recent policy the school district has provided to the county board of election commissioners and county clerks.~~

SECTION 6. Arkansas Code § 6-13-1417(a)(3), concerning the formation of a school district 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 7. Arkansas Code § 6-14-102(c)(1), concerning the annual school election date 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 8. Arkansas Code § 6-14-121(a)(1), concerning runoff elections, is amended to read as follows:

(a)(1)(A) Whenever there are more than two (2) candidates for election to any position on a board of directors at any election held in this state and whenever no candidate for any school district position receives a majority of the votes cast for the office or whenever there is a tie vote, there shall be a runoff election held in the school district.

(B) In the event of a runoff election, the current member of the position for which there is a runoff election shall serve as a holdover until the person elected in the runoff election receives certification of the administration of the oath under § 6-13-617.

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

(a)(1)(A) The annual school election shall be held in each school district of the state:

- (i) In even-numbered years, on the date of the+
~~(a) Preferential~~ preferential primary election; ~~or~~
~~(b) General election;~~ and*
- (ii) In odd-numbered years, on the+
~~(a) Second Tuesday in November;~~ ~~or~~
~~(b) Second first Tuesday in May after the first
Monday in March.~~*

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

(d) The election of a school district board of directors not elected entirely during the same election shall be held in each public school district of this state on the date of the preferential primary election.

SECTION 11. Arkansas Code § 6-14-111(a), concerning the 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 preferential primary 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)(a)(4)~~ 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)~~(a)(4) 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 the 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:~~

~~(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 school election held in November beginning at 12:00 noon on the first day of the party filing period under § 7-7-203 and shall end at 12:00 noon on the last day of the party filing period under § 7-7-203.~~

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 § 6-14-121(a)(3), concerning runoff elections, is amended to read as follows:

(3) The runoff election shall be held+

~~(A) Four (4) weeks following the date of an election held in any odd numbered year;~~

~~(B) On the date designated for the general primary election if the annual school election is held with the preferential primary election; or~~

~~(C) On the date designated for the general runoff election if the annual school election is held with the general election at the same time as the general election.~~

SECTION 16. Arkansas Code § 6-14-121(c), concerning runoff elections, is amended to read as follows:

(c) If one (1) of the two (2) candidates who received the highest number of votes for a position withdraws before certification of the result of the school board election, the remaining candidate who received the most votes at the school board election shall be declared elected to the office and there shall be no school board election runoff.

SECTION 17. Arkansas Code § 7-10-102 is amended to read as follows:

7-10-102. Nonpartisan election of judges, justices, ~~and~~ prosecuting attorneys, and school board members.

(a) The offices of Justice of the Supreme Court, Judge of the Court of Appeals, circuit judge, district judge, ~~and~~ prosecuting attorney, and a member of a school district board of directors are nonpartisan offices.

(b)(1) The general elections for nonpartisan offices shall be held on the same date and at the same times and places as provided by law for

preferential primary elections.

(2)(A) The names of nonpartisan candidates shall be:

(i) Included on the ballots of the political parties; and

(ii) Designated as nonpartisan candidates.

(B) Separate ballots containing the names of nonpartisan candidates shall be:

(i) Prepared; and

(ii) Made available to voters requesting a separate ballot.

(3) A voter shall not be required to vote in a political party's preferential primary to be able to vote in a nonpartisan election.

(c)(1) A person shall not be elected to the office of Justice of the Supreme Court, Judge of the Court of Appeals, circuit judge, district judge, ~~or~~ prosecuting attorney, or a member of a school district board of directors unless the person receives a majority of the votes cast at the election for the office.

(2) In a nonpartisan election in which no person receives a majority of the votes cast, the two (2) candidates receiving the highest and next highest number of votes shall be certified to a runoff election, which shall be held on the same date and at the same times and places as the November general election.

(3) The names of the candidates in a nonpartisan runoff election shall be placed on the same ballots as used for the November general elections.

/s/B. McKenzie