

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

# A Bill

HOUSE BILL 1975

5 By: Representative Hawks  
6 By: Senator L. Eads  
7

## For An Act To Be Entitled

9 AN ACT CONCERNING THE EFFECT OF MINORITY POPULATION  
10 ON SCHOOL DISTRICT ELECTIONS; TO DECLARE AN  
11 EMERGENCY; AND FOR OTHER PURPOSES.  
12  
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## Subtitle

15 CONCERNING THE EFFECT OF MINORITY  
16 POPULATION ON SCHOOL DISTRICT ELECTIONS;  
17 AND TO DECLARE AN EMERGENCY.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 6-13-631 is amended to read as follows:  
23 6-13-631. Effect of minority population on election.

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

30 (2)(A) A school district that is currently operating under a  
31 federal court order enforcing school desegregation or the federal Voting  
32 Rights Act of 1965, as amended, is exempt from this section.

33 (B) A school district released from operating under a  
34 federal court order enforcing school desegregation or the federal Voting  
35 Rights Act of 1965, as amended, shall comply with this section by using the  
36 most recent federal decennial census information to create zones under this



1 section within one hundred eighty (180) calendar days after the release from  
 2 the court order.

3 (b)(1) The local board of directors of a school district that is  
 4 initially determined to have ten percent (10%) or greater minority population  
 5 out of the total population, as reported by the most recent federal decennial  
 6 census information, shall:

7 (1) At least one:

8 (A) One hundred twenty (120) days before the filing  
 9 deadline for the annual school election held on the second year after the  
 10 federal decennial census, the local board of directors shall By resolution,  
 11 choose to elect members of the board of directors from five adopt a  
 12 resolution establishing that the members of the board of directors shall be  
 13 elected from:

14 ~~(A)(i) Five (5) single-member zones; or seven~~

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

16 ~~(iii) Five (5) single-member zones and two (2) at~~  
 17 large; and or

18 ~~(iv) If permitted under § 6-13-634, nine (9) single-~~  
 19 member zones; and

20 ~~(B) With the approval of the controlling county board of~~  
 21 election commissioners, divide each school district having a ten percent  
 22 ~~(10%) or greater minority population into five (5) or seven (7) single-member~~  
 23 zones in accordance with the federal Voting Rights Act of 1965, as amended.

24 (B) Ninety (90) days before the filing deadline for the  
 25 annual school election held on the second year after the federal decennial  
 26 census:

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

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

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

35 (b) The plan filed with the clerk shall  
 36 include a map showing the boundaries of the zones and documentation showing

1 the population by race in each zone;

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

6 (B) The approval by the county board of election  
 7 commissioners of the county where the school district is administratively  
 8 domiciled shall come before the deadlines set in subdivision (b)(1) of this  
 9 section in order for the school district to have been considered to have  
 10 timely met the requirements under this section;

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

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

18 (ii) A position held by a board member who was  
 19 serving on the school district's board of directors by appointment; and

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

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

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

32 ~~(d)(1)(A)~~ A (4)(A) Verify that a candidate for election from a  
 33 single-member zone ~~must be~~ is a qualified elector and a resident of the zone.

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

36 ~~(2)(A)(c)(1)~~ Except as provided in subsection (e) subdivision

1 (c)(3) of this section, a member of a school district board of directors  
 2 shall serve a five-year term.

3 ~~(B)(2)~~ A term shall commence when the county court  
 4 declares the results of the election by an order entered of record.

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

10 ~~(f)(1)(d)~~ The board of directors of a school district that was  
 11 previously determined to have a ten percent (10%) or greater minority  
 12 population out of the total population, as reported by prior federal  
 13 decennial census information, shall:

14 (1) At least ninety (90) days before the filing deadline for the  
 15 annual school election held on the second year after each federal decennial  
 16 census, ~~the school district board of directors, with the approval of the~~  
 17 ~~county board of election commissioners of the county where the school~~  
 18 ~~district is administratively domiciled, shall:~~

19 ~~(A) Divide each school district having a ten percent (10%)~~  
 20 ~~or greater minority population into single member zones~~ Review the current  
 21 population within each of the school district's existing zones, as reported  
 22 by the most recent federal decennial census information; and

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

26 ~~(B)(i)~~ (C)(i) File a copy of the plan with the county  
 27 clerk of the county where the school district is administratively domiciled.

28 (ii) The plan filed with the clerk shall include a  
 29 map showing the boundaries of the zones and documentation showing the  
 30 population by race in each zone;

31 ~~(2)(A)~~ The zones shall be based on the most recent federal  
 32 decennial census information and be substantially equal in population Have  
 33 the county board of election commissioners of the county where the school  
 34 district is administratively domiciled review and approve the plan under  
 35 subdivision (d)(1) of this section.

36 (B) The approval by the county board of election

1 commissioners of the county where the school district is administratively  
 2 domiciled shall come before the deadline set in subdivision (d)(1) of this  
 3 section in order for the school district to have been considered to have  
 4 timely met the requirements under this section; and

5 (3)(A) ~~At~~ Ensure that at the annual school election following  
 6 the rezoning, a new the following members of the school district board of  
 7 directors shall be elected in accordance with procedures set forth in this  
 8 section are up for election:

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

10 (ii) A board member who was serving on the school  
 11 district's board of directors by appointment; and

12 (iii) Any board member elected from a single-member  
 13 zone who resides in a zone where the zone's boundaries were redrawn to  
 14 account for the most recent federal decennial census information.

15 (B) At the annual school election following the rezoning,  
 16 positions on a school district board of directors that are at-large positions  
 17 shall be up for election only if the at-large position falls under  
 18 subdivision (d)(3)(A)(i) or subdivision (d)(3)(A)(ii) of this section.

19 (C) The length of term for a board member elected under  
 20 subdivision (d)(3)(A) and subdivision (d)(3)(B) of this section shall be as  
 21 follows:

22 (i) Five (5) years for individuals elected under  
 23 subdivision (d)(3)(A)(i) of this section; or

24 (ii) The remainder of the unexpired term for  
 25 individuals elected under subdivision (d)(3)(A)(ii) or subdivision  
 26 (d)(3)(A)(iii) of this section.

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

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

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

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

1 amended; and

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

5 ~~(2) A school district which on August 13, 1993, was in the~~  
 6 ~~process of defending a lawsuit brought under the federal Voting Rights Act of~~  
 7 ~~1965, as amended, shall also be exempt from the provisions of this section~~  
 8 ~~until such time as the lawsuit has been finally resolved.~~

9 ~~(3)(A) A school district released from operating under a federal~~  
 10 ~~court order enforcing school desegregation shall comply with the provisions~~  
 11 ~~of this section.~~

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

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

21 ~~(B)(A) In that same letter, each The school district ~~that~~~~  
 22 ~~board of directors falls under this section ~~shall state~~ and how it has~~  
 23 ~~complied with this section; or~~

24 ~~(C)(B) Furthermore, in the same letter, any The school~~  
 25 ~~district ~~that believes that it~~ board of directors is exempt from this section~~  
 26 ~~~~shall state under which provision it~~ and that it is exempt due to the fact~~  
 27 ~~that the school district:~~

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

31 ~~(ii) Is currently operating under a federal court~~  
 32 ~~order enforcing school desegregation or the federal Voting Rights Act of~~  
 33 ~~1965, as amended.~~

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

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

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4           SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
5 General Assembly of the State of Arkansas that there will be uncertainty with  
6 respect to upcoming school district board of directors elections if this act  
7 does not become effective until after the school district board of directors  
8 candidate circulation period; and that this act is immediately necessary to  
9 prevent the expenditure of unnecessary funds of candidates for school  
10 district boards of directors, provide certainty with respect to upcoming  
11 elections for school district boards of directors, and minimize the workload  
12 of counties and election officials. Therefore, an emergency is declared to  
13 exist, and this act being immediately necessary for the preservation of the  
14 public peace, health, and safety shall become effective on:

15                   (1) The date of its approval by the Governor;

16                   (2) If the bill is neither approved nor vetoed by the Governor,  
17 the expiration of the period of time during which the Governor may veto the  
18 bill; or

19                   (3) If the bill is vetoed by the Governor and the veto is  
20 overridden, the date the last house overrides the veto.

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