

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

# A Bill

SENATE BILL 389

5 By: Senator C. Penzo  
6 By: Representative Beaty Jr.  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING MEMBERS OF LOCAL  
10 SCHOOL BOARDS OF DIRECTORS; TO AMEND THE LAW  
11 CONCERNING SCHOOL ELECTIONS; TO AMEND THE DATE ON  
12 WHICH AN ELECTION OF A SCHOOL DISTRICT BOARD OF  
13 DIRECTORS SHALL BE HELD; AND FOR OTHER PURPOSES.  
14  
15

## Subtitle

16 TO AMEND THE LAW CONCERNING MEMBERS OF  
17 LOCAL SCHOOL BOARDS OF DIRECTORS; TO  
18 AMEND THE LAW CONCERNING SCHOOL  
19 ELECTIONS; AND TO AMEND THE DATE ON WHICH  
20 AN ELECTION OF A SCHOOL DISTRICT BOARD OF  
21 DIRECTORS SHALL BE HELD.  
22  
23  
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
26

27 SECTION 1. Arkansas Code § 6-13-608 is amended to read as follows:  
28 6-13-608. Length of directors' terms.

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

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

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



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

3 (2) If at the expiration of ~~the holdover~~ a term a person is not  
4 elected to fill the position at the annual school election or the person  
5 elected fails to subscribe to the director's oath of office within the time  
6 provided under § 6-13-617(a)(1), the position is vacant and the school  
7 district board of directors shall fill the vacancy as provided under § 6-13-  
8 611.

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

15  
16 SECTION 2. Arkansas Code § 6-13-615(d) and (e), concerning the local  
17 option to elect directors from single-member zones, is amended to read as  
18 follows:

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

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

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

35  
36 SECTION 3. Arkansas Code § 6-13-631(d)(2)(A), concerning the effect of

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

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

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

10 (e) At the first meeting of a new board of directors, the members  
 11 shall establish initial terms by lot so that, to the extent possible, an  
 12 equal number of positions are filled ~~each year and not more than two (2)~~  
 13 ~~members' terms expire each year~~ every two (2) years.

14 (f)(1) At least ninety (90) days before the filing deadline for the  
 15 annual school election held in 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; and

21 (B)(i) File a copy of the plan with the county clerk of  
 22 the county where the school district is administratively domiciled.

23 (ii) The plan filed with the clerk shall include a  
 24 map showing the boundaries of the zones and documentation showing the  
 25 population by race in each zone.

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

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

31  
 32 SECTION 5. Arkansas Code § 6-13-634(d), concerning the size of a  
 33 school district board of directors, is amended to read as follows:

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

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

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

10  
11 SECTION 7. Arkansas Code § 6-13-1416(e)(1)(B), concerning an interim  
12 board of directors following an involuntary consolidation or annexation, is  
13 amended to read as follows:

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

20  
21 SECTION 8. Arkansas Code § 6-13-1417(a)(3), concerning the formation  
22 of a board of directors following an involuntary consolidation or annexation,  
23 is amended to read as follows:

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

29  
30 SECTION 9. Arkansas Code § 6-14-102(c)(1), concerning annual school  
31 election dates and special school elections, is amended to read as follows:

32 (c)(1) When the annual school election is not held at the same time as  
33 a preferential primary or general election, ~~if no more than one (1) candidate~~  
34 ~~for a school district director position presents a petition or notice as~~  
35 ~~required by § 6-14-111 and~~ if there are no other ballot issues to be  
36 submitted to school district electors for consideration, with the exception

1 of the local tax rate if that rate is not being changed or restructured, the  
2 board of directors of a school district, by resolution, may request the  
3 county board of election commissioners to:

4 (A) Reduce the number of polling places;

5 (B) Open no polling places on election day so that the  
6 election can be conducted by absentee ballot and early voting only; or

7 (C)(i) Declare an election by candidate to be held;

8 (ii) Open no polling places; and

9 (iii) Allow the candidate to cast a ballot for  
10 himself or herself at a designated time and location on election day or  
11 during the period that would otherwise be designated for early voting.  
12

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

16 (d) The election of a school district board of directors not elected  
17 in its entirety as a result of the same election shall be held in each public  
18 school district of this state on the date of the general election.  
19

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

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

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

27 ~~(2)(A)(i)~~(3)(A)(i) In a special school election, or an annual  
28 school election not held with the preferential primary or general election,  
29 all actions required of county boards of election commissioners shall be  
30 performed by the county board of election commissioners of the county in  
31 which the school district is domiciled for administrative purposes.

32 (ii) However, if one of that school district's  
33 nondomicile counties is holding a special election on the same date as a  
34 school election and at least one (1) qualified elector in the county is  
35 eligible to vote in both the special election and the school election, each  
36 county in which the school district has territory shall conduct the school

1 district's school election as if it were held with the preferential primary  
2 or general election.

3 (B) When a county clerk of a school district's nondomicile  
4 county becomes aware that a special election will be held on the same date as  
5 a school district's annual or special school election and at least one (1)  
6 qualified elector in the county is eligible to vote in both the special  
7 election and the school election, the county clerk of the nondomicile county  
8 shall immediately notify the county clerk of the county in which the school  
9 district is domiciled for administrative purposes in writing that the school  
10 district's school election shall be conducted under subdivision (a)(3) of  
11 this section.

12 (C) The county clerk of the county in which the school  
13 district is domiciled for administrative purposes shall then immediately  
14 notify the county clerks of any other nondomicile counties that the school  
15 district's election will be conducted under subdivision (a)(3) of this  
16 section.

17 ~~(3)(4)~~ In a school election held with the preferential primary  
18 or general election, all actions required of county boards of election  
19 commissioners shall be performed by the county board of election  
20 commissioners of the county in which the electors reside.

21  
22 SECTION 12. Arkansas Code § 6-14-111(e)(1), concerning candidate  
23 filing procedures, is amended to read as follows:

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

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

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

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

35  
36 SECTION 13. Arkansas Code § 6-14-111(h)(2), concerning candidate

1 filing procedures, is amended to read as follows:

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

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

9 (k) The order in which the names of the respective candidates are to  
10 appear on the ballot shall be determined by lot at the public meeting of the  
11 county board of election commissioners held not later than+

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

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

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

19  
20 SECTION 15. Arkansas Code § 7-1-101(16), concerning the definition of  
21 "General or special election" under education law, is amended to read as  
22 follows:

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

29  
30  
31  
32  
33  
34  
35  
36