

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

# A Bill

HOUSE BILL 1739

5 By: Representative Warren  
6 By: Senator Crowell  
7

## For An Act To Be Entitled

8  
9 AN ACT CONCERNING A VACANCY ON A PUBLIC SCHOOL  
10 DISTRICT BOARD OF DIRECTORS; AND FOR OTHER PURPOSES.  
11

## Subtitle

12  
13 CONCERNING A VACANCY ON A PUBLIC SCHOOL  
14 DISTRICT BOARD OF DIRECTORS.  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
19

20 SECTION 1. Arkansas Code § 6-13-611(e), concerning the term for an  
21 appointed school board director, is amended to read as follows:

22 (e)(1) An appointed director, except a director appointed to fill a  
23 vacancy under § 6-13-613, shall serve only to the next annual school  
24 election, at which time the electors shall select in the usual manner  
25 directors to serve the unexpired terms of the vacating directors.

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

28 (A) Deemed vacant; and

29 (B) Filled in accordance with this section.  
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32 APPROVED: 4/12/23  
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1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

# A Bill

SENATE BILL 276

5 By: Senators K. Hammer, Dees, M. McKee, J. Petty, Stone  
6 By: Representatives Painter, Wing, Achor, Andrews, Barker, Beaty Jr., Beck, Bentley, M. Berry, Breaux,  
7 Brooks, K. Brown, M. Brown, Burkes, Joey Carr, C. Cooper, Cozart, Evans, C. Fite, L. Fite, Fortner,  
8 Furman, Gazaway, Gonzales, Gramlich, Haak, Hawk, Hollowell, Jean, Ladyman, Long, Lundstrum,  
9 Lynch, McAlindon, McClure, McCollum, M. McElroy, McGrew, B. McKenzie, McNair, S. Meeks,  
10 Miller, Milligan, K. Moore, Pilkington, Puryear, R. Scott Richardson, Richmond, Rose, Rye, Tosh,  
11 Underwood, Vaught, Womack, Wooten

## For An Act To Be Entitled

12  
13 AN ACT TO AMEND THE CANDIDATE FILING PERIOD FOR A  
14 POSITION ON A SCHOOL DISTRICT BOARD OF DIRECTORS; TO  
15 DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.  
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## Subtitle

18  
19 TO AMEND THE CANDIDATE FILING PERIOD FOR  
20 A POSITION ON A SCHOOL DISTRICT BOARD OF  
21 DIRECTORS; AND TO DECLARE AN EMERGENCY.  
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
26

27 SECTION 1. Arkansas Code § 6-14-111(e)(1)(B), concerning candidate  
28 filing procedures for school board elections, is amended to read as follows:

29 (B) During a one-week period ending at 12:00 noon ninety (90)  
30 days before a ~~general~~ school election held in November.

31  
32 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General  
33 Assembly of the State of Arkansas that confusion exists concerning the  
34 candidate filing periods for a position on a school board of directors at  
35 school elections held in November in odd-numbered years; that this act will  
36 clarify the appropriate filing period for November elections in odd-numbered



1 years to coincide with the one-week period ending ninety (90) days before a  
2 November election in even-numbered years; and that this act is immediately  
3 necessary to bring certainty to the candidate filing requirements for  
4 upcoming school elections and provide clarity to candidates for school board  
5 positions. Therefore, an emergency is declared to exist, and this act being  
6 immediately necessary for the preservation of the public peace, health, and  
7 safety shall become effective on:

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

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

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

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16 **APPROVED: 3/13/23**  
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1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

# A Bill

HOUSE BILL 1534

5 By: Representative Cozart  
6 By: Senator J. English  
7

## For An Act To Be Entitled

9 AN ACT TO REPEAL REQUIREMENTS PLACED ON SCHOOL  
10 DISTRICTS THAT HAVE A TEN PERCENT (10%) OR GREATER  
11 MINORITY POPULATION OUT OF THE TOTAL POPULATION; AND  
12 FOR OTHER PURPOSES.  
13  
14

## Subtitle

15 TO REPEAL REQUIREMENTS PLACED ON SCHOOL  
16 DISTRICTS THAT HAVE A TEN PERCENT (10%)  
17 OR GREATER MINORITY POPULATION OUT OF THE  
18 TOTAL POPULATION.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
23

24 SECTION 1. Arkansas Code § 6-13-631 is repealed.

25 ~~6-13-631. Effect of minority population on election.~~

26 ~~(a) The qualified electors of a school district having a ten percent~~  
27 ~~(10%) or greater minority population out of the total population, as reported~~  
28 ~~by the most recent federal decennial census information, shall elect the~~  
29 ~~members of the board of directors as authorized in this section, utilizing~~  
30 ~~selection procedures in compliance with the federal Voting Rights Act of~~  
31 ~~1965, as amended.~~

32 ~~(b)(1) At least one hundred twenty (120) days before the annual school~~  
33 ~~election held in the second year after the federal decennial census, the~~  
34 ~~local board of directors shall:~~

35 ~~(A) By resolution, choose to elect members of the board of~~  
36 ~~directors from five (5) or seven (7) single-member zones or from five (5)~~



1 ~~single member zones and two (2) at large; and~~

2 ~~(B) With the approval of the controlling county board of~~  
3 ~~election commissioners, divide each school district having a ten percent~~  
4 ~~(10%) or greater minority population into five (5) or seven (7) single member~~  
5 ~~zones in accordance with the federal Voting Rights Act of 1965, as amended.~~

6 ~~(2) Zones shall have substantially equal population, with~~  
7 ~~boundaries based on the most recent available federal decennial census~~  
8 ~~information.~~

9 ~~(c) A board of directors choosing to elect members of the board of~~  
10 ~~directors by five (5) single member zones and two (2) at large positions may~~  
11 ~~fill the two (2) at large positions by drawing lots from among the current~~  
12 ~~members of the board of directors.~~

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

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

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

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

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

25 ~~(f)(1) At least ninety (90) days before the filing deadline for the~~  
26 ~~annual school election held in the second year after each federal decennial~~  
27 ~~census, the school district board of directors, with the approval of the~~  
28 ~~county board of election commissioners of the county where the school~~  
29 ~~district is administratively domiciled, shall:~~

30 ~~(A) Divide each school district having a ten percent (10%)~~  
31 ~~or greater minority population into single member zones; and~~

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

34 ~~(ii) The plan filed with the clerk shall include a~~  
35 ~~map showing the boundaries of the zones and documentation showing the~~  
36 ~~population by race in each zone.~~

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

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

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

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

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

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

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

20           ~~(2) A school district which on August 13, 1993, was in the~~  
21 ~~process of defending a lawsuit brought under the federal Voting Rights Act of~~  
22 ~~1965, as amended, shall also be exempt from the provisions of this section~~  
23 ~~until such time as the lawsuit has been finally resolved.~~

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

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

31           ~~(h)(1)(A) On or before August 1, 2002, and every decade thereafter,~~  
32 ~~each and every school district shall submit to the Division of Elementary and~~  
33 ~~Secondary Education a letter stating whether or not its school district board~~  
34 ~~of directors falls under this section.~~

35                   ~~(B) In that same letter, each school district that falls~~  
36 ~~under this section shall state how it has complied with this section.~~

1                   ~~(C) Furthermore, in the same letter, any school district~~  
2 ~~that believes that it is exempt from this section shall state under which~~  
3 ~~provision it is exempt.~~

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

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

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11                                   **APPROVED: 3/30/23**  
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1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

# A Bill

HOUSE BILL 1535

5 By: Representative Cozart  
6 By: Senator J. English  
7

## For An Act To Be Entitled

9 AN ACT CONCERNING SCHOOL DISTRICT BOARDS OF  
10 DIRECTORS' MEETINGS; TO REQUIRE CERTAIN INFORMATION  
11 BE PROVIDED MONTHLY TO SCHOOL DISTRICT BOARDS OF  
12 DIRECTORS; AND FOR OTHER PURPOSES.  
13  
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## Subtitle

15 TO REQUIRE CERTAIN INFORMATION BE  
16 PROVIDED MONTHLY TO SCHOOL DISTRICT  
17 BOARDS OF DIRECTORS.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

23 SECTION 1. Arkansas Code § 6-13-619(a), concerning meetings of school  
24 district boards of directors, is amended to add an additional subdivision to  
25 read as follows:

26 (5) At each regular monthly meeting of the school district board  
27 of directors, a report or presentation regarding student academic data or  
28 performance shall be provided to the board of directors.  
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31 APPROVED: 3/30/23  
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1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

# A Bill

SENATE BILL 473

5 By: Senator J. Bryant  
6 By: Representative G. Hodges  
7

## For An Act To Be Entitled

9 AN ACT TO PROHIBIT PUBLIC EMPLOYERS FROM DEDUCTING  
10 DUES, FEES, OR CONTRIBUTIONS FROM PAYMENTS TO PUBLIC  
11 SCHOOL EMPLOYEES AND RETIREES ON BEHALF OF A  
12 PROFESSIONAL OR LABOR ORGANIZATION OR POLITICAL FUND;  
13 TO REQUIRE APPLICATIONS FOR LABOR ORGANIZATION  
14 MEMBERSHIP TO CONTAIN A NOTICE OF PUBLIC SCHOOL  
15 EMPLOYEES' RIGHTS TO JOIN OR REFRAIN FROM JOINING A  
16 LABOR ORGANIZATION; AND FOR OTHER PURPOSES.

## Subtitle

18  
19  
20 CONCERNING PUBLIC SCHOOL EMPLOYEE  
21 PROFESSIONAL OR LABOR ORGANIZATIONS.  
22  
23

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

26 SECTION 1. Arkansas Code § 6-17-202 is amended to read as follows:

27 6-17-202. Right to join professional organization.

28 (a) School district boards of directors or their representatives shall  
29 not take or threaten actions that interfere with, restrain, or coerce a  
30 teacher in the exercise of the teacher's right to join a professional  
31 organization.

32 (b) However, nothing in this section shall be construed as requiring a  
33 school district board of directors or representatives of a school district  
34 board of directors to deduct or collect dues, fees, or contributions from the  
35 pay of a teacher on behalf of a professional organization.  
36



1 SECTION 2. Arkansas Code § 6-17-805 is amended to read as follows:

2 6-17-805. Deduction for professional membership dues prohibited -  
3 Definitions.

4 ~~(a) Upon the written request of any teacher or classified employee,~~  
5 ~~the board of directors of any school district of the state shall deduct from~~  
6 ~~the salary of that teacher or classified employee such sums as the teacher or~~  
7 ~~classified employee shall specify for the payment of membership dues in any~~  
8 ~~bona fide teacher's or employee's educational professional organization~~  
9 ~~designated by the teacher or classified employee in the request.~~

10 ~~(b) The teacher or classified employee may request a lump-sum~~  
11 ~~deduction or have the sum to be deducted spread over the school year.~~

12 ~~(c) The board of directors, or its authorized representative, shall~~  
13 ~~transmit the sum deducted to the organizations designated by the teacher or~~  
14 ~~classified employee in the request.~~

15 ~~(d) All requests shall bear the manual signature of the teacher or~~  
16 ~~classified employee.~~

17 ~~(e) The request shall be filed with the contract of the teacher or~~  
18 ~~classified employee and shall be subject to audit by Arkansas Legislative~~  
19 ~~Audit A school district board of directors or representatives of a school~~  
20 ~~district board of directors shall not deduct dues, fees, or contributions~~  
21 ~~from the pay of a teacher or classified employee on behalf of any~~  
22 ~~professional or labor organization or political fund.~~

23 ~~(f)~~(b) As used in this section:

24 (1) "Classified employee" means any person employed by a school  
25 district under a written annual contract who is not required to have a  
26 teaching license issued by the Division of Elementary and Secondary Education  
27 as a condition of employment; and

28 (2) "Labor organization" means an organization of any kind:

29 (A) In which a teacher or classified employee may  
30 participate; and

31 (B) That exists for the purpose, in whole or in part, of  
32 dealing with public school employers concerning grievances, labor disputes,  
33 wages, rates of pay, hours of employment, or conditions of work; and

34 (3) "Teacher" means any person holding a license issued by the  
35 State of Arkansas and employed by a school district in a teaching,  
36 instructional, supervisory, administrative, or educational and scientific

1 capacity.

2

3 SECTION 3. Arkansas Code § 6-17-908(a), concerning the items that may  
4 be paid from the teacher’s salary fund, is amended to read as follows:

5 (a) Only warrants or checks in payment of the following shall be paid  
6 from the teachers’ salary fund:

- 7 (1) Salaries of teachers;
- 8 (2) ~~Dues of teachers to professional organizations;~~
- 9 ~~(3) Teachers’ contributions to the Arkansas Teacher Retirement~~  
10 ~~System; and~~

11 ~~(4)(A)(3)(A)~~ Insurance or other fringe benefits for teachers.

12 (B) However, insurance or other fringe benefits must be  
13 approved by a majority of the teachers in the school district voting in a  
14 secret election.

15

16 SECTION 4. Arkansas Code § 19-4-1602(a)(18), concerning permissible  
17 deductions from the payrolls of state employees, both regular and extra help,  
18 is repealed.

19 ~~(18) American Association of University Professors dues, when~~  
20 ~~requested in writing by those employees;~~

21

22 SECTION 5. Arkansas Code § 24-7-206 is repealed.

23 ~~24-7-206. Withholding association membership dues.~~

24 ~~(a)(1) Upon receipt of a written request signed by a retiree who is~~  
25 ~~receiving an annuity from the Arkansas Teacher Retirement System, the~~  
26 ~~retirement system shall withhold membership dues of the Arkansas Education~~  
27 ~~Association — Retired, the National Education Association — Retired, and the~~  
28 ~~Arkansas Retired Teachers’ Association from the monthly annuity checks of the~~  
29 ~~retiree.~~

30 ~~(2) The withholding request authorized by this section shall be~~  
31 ~~on forms provided to retirees by the system.~~

32 ~~(b) After a withholding request is received by the system and after~~  
33 ~~withholding of a retiree’s dues is started under the provisions of subsection~~  
34 ~~(a) of this section, it shall be discontinued only upon receipt of a written~~  
35 ~~notice of cancellation signed by the retiree.~~

36 ~~(c) The system shall transmit all dues which are withheld under the~~

1 ~~provisions of this section to the Arkansas Education Association — Retired,~~  
2 ~~the National Education Association — Retired, and the Arkansas Retired~~  
3 ~~Teachers' Association after each monthly payroll is made to retirees.~~

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**APPROVED: 4/12/23**

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

# A Bill

SENATE BILL 254

5 By: Senators Crowell, K. Hammer, Dees, M. McKee, J. Petty, Stone  
6 By: Representatives Schulz, Wing, Achor, Andrews, Barker, Beaty Jr., Beck, Bentley, M. Berry, Breaux,  
7 Brooks, K. Brown, M. Brown, Burkes, Joey Carr, C. Cooper, Cozart, Evans, C. Fite, L. Fite, Fortner,  
8 Furman, Gazaway, Gonzales, Gramlich, Haak, Hawk, Hollowell, Jean, Ladyman, Long, Lundstrum,  
9 Lynch, McAlindon, McClure, McCollum, M. McElroy, McGrew, B. McKenzie, McNair, S. Meeks,  
10 Miller, Milligan, K. Moore, Painter, Pearce, Pilkington, Puryear, R. Scott Richardson, Richmond, Rose,  
11 Rye, Steimel, Tosh, Underwood, Vaught, Womack, Wooldridge, Wooten  
12

## For An Act To Be Entitled

13  
14 AN ACT TO ELIMINATE WRITE-IN CANDIDATES IN ELECTIONS;  
15 TO AMEND ELECTION PROCEDURES; TO AMEND THE LAW  
16 CONCERNING ELECTION; AND FOR OTHER PURPOSES.  
17  
18

## Subtitle

19  
20 AN ACT TO ELIMINATE WRITE-IN CANDIDATES  
21 IN ELECTIONS; TO AMEND ELECTION  
22 PROCEDURES; AND TO AMEND THE LAW  
23 CONCERNING ELECTION.  
24  
25

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
27

28 SECTION 1. Arkansas Code § 6-14-111(c), concerning candidate filing  
29 procedures for school elections, is amended to read as follows:

30 (c) A candidate for a position on the board of directors of a school  
31 district may qualify for the ballot by filing a political practices pledge,  
32 an affidavit of eligibility, and ~~either:~~

33 ~~(1) A a petition; or~~

34 ~~(2) A notice of write in candidacy.~~  
35

36 SECTION 2. Arkansas Code § 6-14-111(g), concerning candidate filing



1 procedures for school elections, is repealed.

2 ~~(g)(1) Votes for a write-in candidate for school district director~~  
 3 ~~shall not be counted or tabulated unless the candidate files with the county~~  
 4 ~~clerk during the one-week period under subdivision (e)(1) of this section.~~

5 ~~(A) A written notice of his or her intention to be a~~  
 6 ~~write-in candidate identifying the position sought, including without~~  
 7 ~~limitation the position number or other identifying information if~~  
 8 ~~applicable;~~

9 ~~(B) An affidavit of eligibility; and~~

10 ~~(C) The political practices pledge.~~

11 ~~(2)(A) Upon receipt of the candidate's notice of intention to be~~  
 12 ~~a write-in candidate, the county clerk shall immediately verify that:~~

13 ~~(i) The address where the candidate is registered to~~  
 14 ~~vote is within the election zone, if applicable, represented by the position~~  
 15 ~~on the board of directors that the candidate has indicated on the notice of~~  
 16 ~~intention to be a write-in candidate; and~~

17 ~~(ii) The position on the board of directors that the~~  
 18 ~~candidate has indicated on the notice of intention to be a write-in candidate~~  
 19 ~~is scheduled to be filled during the current election.~~

20 ~~(B) The county clerk shall reject a notice of intention to~~  
 21 ~~be a write-in candidate that does not comply with subdivision (g)(2)(A) of~~  
 22 ~~this section.~~

23 ~~(C) The county clerk shall inform the candidate:~~

24 ~~(i) That the candidate's notice of intention to be a~~  
 25 ~~write-in candidate was accepted or rejected; and~~

26 ~~(ii) If the candidate's notice of intention to be a~~  
 27 ~~write-in candidate was rejected, the reason for the rejection.~~

28  
 29 SECTION 3. Arkansas Code § 6-14-111(j), concerning candidate filing  
 30 procedures for school elections, is amended to read as follows:

31 ~~(j)(1)~~ On the day after the deadline for candidates to file for a  
 32 position on the board of directors by petition, the county clerk of the  
 33 county in which the school district is domiciled for administrative purposes  
 34 shall certify to the county board of election commissioners the names of  
 35 those candidates who are registered voters in the school district and the  
 36 electoral zone, if applicable, and who have qualified for the ballot by

1 petition.

2 ~~(2) Immediately after the close of the write-in filing period,~~  
3 ~~the county clerk of the county within which the school district is domiciled~~  
4 ~~for administrative purposes shall certify to the county board of election~~  
5 ~~commissioners any write-in candidates who have filed the affidavit of~~  
6 ~~eligibility, the notice of write-in candidacy, and the political practices~~  
7 ~~pledge with the county clerk of the county within which the school district~~  
8 ~~is domiciled for administrative purposes.~~

9

10 SECTION 4. Arkansas Code § 6-14-111(1), concerning candidate filing  
11 procedures for school elections, is amended to read as follows:

12 (1) When a candidate has identified the position sought on the  
13 petition ~~or notice of write-in candidacy~~, the candidate shall not be allowed  
14 to change the position on that petition ~~or notice of write-in candidacy~~ but  
15 may withdraw a petition ~~or notice of write-in candidacy~~ and file a new  
16 petition ~~or notice of write-in candidacy~~ designating a different position  
17 before the deadline for filing.

18

19 SECTION 5. Arkansas Code § 7-5-205 is amended to read as follows:

20 7-5-205. Write-in candidates' votes ~~—When counted.~~

21 ~~No votes for write in candidates shall be counted or tabulated unless:~~

22 ~~(1) The candidate notifies in writing the county board of~~  
23 ~~election commissioners of each county in which the candidate seeks election~~  
24 ~~at least ninety (90) days prior to the election and files the notice with~~  
25 ~~either:~~

26 ~~(A) The Secretary of State, if a candidate for the United~~  
27 ~~States Senate, the United States House of Representatives, or any state or~~  
28 ~~district office; or~~

29 ~~(B) The county clerk, if a candidate for a county or~~  
30 ~~township office;~~

31 ~~(2) The candidate files with the county clerk or the Secretary~~  
32 ~~of State, as required, a political practices pledge and an affidavit of~~  
33 ~~eligibility for the office at the same time the candidate files his or her~~  
34 ~~notice of write in candidacy;~~

35 ~~(3) The notice of write in candidacy, the political practices~~  
36 ~~pledge, and the affidavit of eligibility are filed during the party filing~~

1 ~~period, and~~

2 ~~(4) The name written on the ballot is the same name listed on~~  
 3 ~~the write-in candidate's political practices pledge, except that any~~  
 4 ~~abbreviation, misspelling, or other minor variation in the form of the name~~  
 5 ~~of the candidate shall be disregarded if the intention of the voter may be~~  
 6 ~~ascertained.~~

7 (a) No person shall file as a write-in candidate.

8 (b) No vote for a write-in candidate shall be counted.

9  
 10 SECTION 6. Arkansas Code § 7-5-208(c), concerning the form of ballots,  
 11 is amended to read as follows:

12 ~~(c)(1)~~ Every ballot shall contain the name of each candidate who has  
 13 been nominated or has qualified in accordance with law for each office. The  
 14 names of the candidates shall be listed in a perpendicular column under the  
 15 name of each office to be filled.

16 ~~(2) In all elections in which votes for a write-in candidate may~~  
 17 ~~be counted, at the bottom of each list of names for each position or office~~  
 18 ~~appearing on the ballot, there shall be a blank line for a possible write-in~~  
 19 ~~vote for that position or office. However, the blank line shall not appear on~~  
 20 ~~the ballot with respect to those offices and candidates for positions in~~  
 21 ~~which no person has qualified as a write-in candidate by filing his or her~~  
 22 ~~notice of intention to be a write-in candidate within the time prescribed in~~  
 23 ~~§ 7-5-205.~~

24  
 25 SECTION 7. Arkansas Code § 7-5-525 is repealed.

26 ~~7-5-525. Write-in votes.~~

27 ~~(a) Votes for any person whose name does not appear on the voting~~  
 28 ~~machine as a qualified candidate for office are referred to in this section~~  
 29 ~~as write-in votes.~~

30 ~~(b)(1) The voting machine shall be programmed to allow a voter to~~  
 31 ~~enter the name of a qualified write-in candidate on the ballot.~~

32 ~~(2) A write-in vote shall be cast in the appropriate place on~~  
 33 ~~the ballot, or the vote for that candidate shall be void and not counted.~~

34 ~~(c) Write-in votes shall not be counted in primary elections.~~

35  
 36 SECTION 8. Arkansas Code § 7-5-610 is repealed.



1           ~~7-5-610. Write in ballots.~~

2           ~~In all elections in which write in candidacies are allowed, the ballot~~  
3 ~~shall permit electors to submit the names of persons who have qualified as~~  
4 ~~write in candidates and whose names are not on the ballot.~~

5

6           SECTION 9. Arkansas Code § 7-5-613 is amended to read as follows:

7           7-5-613. Counting ballots ~~and write in votes.~~

8           In precincts where an electronic vote tabulating device is used, as  
9 soon as the polls are closed+

10           ~~(1) The the poll workers shall compare the total number of~~  
11 ~~voters indicated by the electronic vote tabulating device with the list of~~  
12 ~~voters to ensure that the number recorded by the tabulator is the same as the~~  
13 ~~number of voters shown on the list of voters who received a ballot at the~~  
14 ~~polling site. If the totals are different, this fact shall be reported in~~  
15 ~~writing to the county board of election commissioners with the reasons, if~~  
16 ~~known; and~~

17           ~~(2) The poll workers shall count the write in votes and prepare~~  
18 ~~a return of the votes on forms provided for that purpose.~~

19

20           SECTION 10. Arkansas Code § 7-7-204(a)(2), concerning the prohibition  
21 on candidacy for multiple nominations, is amended to read as follows:

22           (2) Be an independent ~~or write in~~ candidate for the same office  
23 at the general or special election.

24

25           SECTION 11. Arkansas Code § 7-7-204(b), concerning the prohibition on  
26 candidacy for multiple nominations, is amended to read as follows:

27           (b) A person who is certified as an independent candidate shall not be  
28 eligible to be a ~~write in candidate or~~ the nominee of any political party for  
29 the same office at the same general or special election.

30

31           SECTION 12. Arkansas Code § 7-10-103(a), concerning filing as a  
32 candidate, is amended to read as follows:

33           (a) A candidate for a nonpartisan office under this chapter shall:

34           (1) Pay a filing fee; or

35           (2) File a petition; ~~or~~

36           ~~(3) File as a write in candidate.~~

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SECTION 13. Arkansas Code § 7-10-103(d), concerning filing as a candidate, is repealed.

~~(d)(1) Votes for a write-in candidate in a nonpartisan election shall not be counted or tabulated unless the candidate or his or her agent gives notice in writing of his or her intention to be a write-in candidate to:~~

~~(A) All county boards of election commissioners in the judicial district; and~~

~~(B) The Secretary of State.~~

~~(2) The written notice shall be given no later than eighty (80) days before the nonpartisan election.~~

~~(3) A write-in candidate shall file a political practices pledge at the same time as filing a notice of intention.~~

**APPROVED: 3/16/23**