



STATE OF ARKANSAS
OFFICE OF THE ATTORNEY GENERAL
JUSTICE BUILDING, LITTLE ROCK 72201

STEVE CLARK
ATTORNEY GENERAL

(501) 371-2007

OPINION NO. 85-95

March 29, 1985

Hon. Jack McCoy
State Representative
712 McNeil Street
Malvern, Arkansas 72104

Dear Rep. McCoy:

This is in response to your opinion request wherein you posed the following inquiry:

Is there any way for the Malvern Special School District to hold another school election this year?

In answering your question, it is important to emphasize that the assumption is being made that you are referring to another school election in which the millage rate would be on the ballot.

Dispositive of your inquiry is Amendment 40, Article 14, § 3, Amendment No. 11 Amended, to the Arkansas Constitution which provides in pertinent part as follows:

The Board of Directors of each school district shall prepare, approve and make public not less than sixty (60) days in advance of the annual school election a proposed budget of expenditures deemed necessary to provide for the foregoing purposes, together with a rate of tax levy sufficient to provide the funds therefor, including the rate under any continuing levy for the retirement of indebtedness. If a majority of the qualified voters in said school district voting in the annual school election shall approve the rate of tax so proposed by the Board of Directors, then the tax at the rate so approved shall be collected as provided by law. In the event a majority of said qualified electors voting in said annual school election shall disapprove the proposed rate of tax, then the tax shall be collected at the rate approved in the last preceding annual school election. (Emphasis added.)

Hon. Jack McCoy
March 29, 1985
Page 2

In response to your inquiry then, it is the opinion of this Office that Amendment 40 limits to a single annual school election the determination of what a particular school district's annual millage rate will be.

The foregoing opinion which I hereby approve was prepared by Assistant Attorney General C. Randy McNair, III.

Sincerely,



STEVE CLARK
Attorney General

JSC:CRM:jk