



STATE OF ARKANSAS
ATTORNEY GENERAL
LESLIE RUTLEDGE

Opinion No. 2017-124

December 13, 2017

The Honorable Larry R. Teague
State Senator
P. O. Box 903
Nashville, AR 71852

Dear Senator Teague:

This is in response to your request for my opinion regarding Ark. Code Ann. § 7-5-111 (Supp. 2017), which states:

A person shall not run for election for more than one (1) state, county, municipal, district, or township office if the elections are to be held on the same date.

The words “district” and “township” were added to the statute by Act 158 of 2017, and you pose the following questions in light of the amendment:

- 1) Given the addition of the word “district” to this section, are elected school-district offices now included within the statute’s scope?
- 2) Could a person run for election to the board of directors of a school district and another state, county, municipal, district or township office if the elections were held on the same date?

RESPONSE

In my opinion, the answer to your first question is “no.” Based on standard rules of statutory construction, none of the offices identified in Ark. Code Ann. § 7-5-111 includes the office of school-district director. The answer to your second question is “yes,” in my opinion, with the understanding that the position of school-district director is not “another” state, county, municipal, district, or township office.

DISCUSSION

Question 1: Given the addition of the word “district” to this section, are elected school-district offices now included within the statute’s scope?

This question is one of statutory interpretation. The cardinal rule of statutory interpretation is to construe a statute just as it reads, giving its words their ordinary and usually accepted meaning in common language.¹ Courts will not resort to a strained construction of statutory language for the purpose of restricting or expanding a statute’s plain meaning.² The statute must be “read in a harmonious manner[,] if possible,” with other statutes covering the same subject matter.³ To the extent the statute “conveys a clear and definite meaning, there is no need to resort to the rules of statutory construction.”⁴

Section 7-5-111 is part of the general laws governing elections. When section 7-5-111 is read harmoniously with these laws, as required by the established rules of construction, I believe it becomes clear that the word “district” does not include the office of school-district director.

First and foremost, section 7-5-111’s reference to “state, county, municipal, district, or township office” mirrors the general election laws, which contain various provisions applicable to candidates for “state,” “district,” “county,” “municipal,” and “township” office. A review of these provisions reveals that a school-district office is not included in any of these offices. For example, Ark. Code Ann. § 7-6-102 addresses the filing of political-practices pledges by candidates for “state or district offices” and “county, municipal, or township offices.”⁵ And this statute recognizes that a separate filing provision applies to a

¹ See *Weiss v. McFadden*, 353 Ark. 868, 120 S.W.3d 545 (2003).

² *Thompson v. Younts*, 282 Ark. 524, 669 S.W.2d 471 (1984).

³ *City of Ft. Smith v. Tate*, 311 Ark. 405, 409-10, 844 S.W.2d 356, 359 (1993) (“All statutes on the same subject are *in pari materia* and must be ... made to stand if capable of being reconciled.”). See also *Green v. Mills*, 339 Ark. 200, 205, 4 S.W.3d 493, 496 (1999) (internal citations omitted); accord Op. Att’y Gen. 2016-040 (noting that it is “well established that statutes must be read in context.”).

⁴ *Brock v. Townsell*, 2009 Ark. 224 at 9, 309 S.W.3d 179, 186.

⁵ Ark. Code Ann. § 7-6-102(a)(1), (b), (d) (Supp. 2017).

“school district candidate.”⁶ The distinction between a “school district” office and a “state or district” and “township, municipal, or county office” is also reflected in contribution and expenditure reporting requirements under the general election laws.⁷

My conclusion that a school-district office is not included among the “state,” “district,” “county,” “municipal,” and “township” offices covered by the general election laws is also compelled by the fact that the school election laws specifically address all aspects of filing for the position of “school district director.”⁸ The qualifications to be on the ballot as a “candidate for a position on the board of directors of a school district” are set forth in Ark. Code Ann. § 6-14-111, which establishes the period for filing a political-practices pledge and an affidavit of eligibility.⁹ As noted above, the general election laws recognize this separate filing requirement for a school-district position.¹⁰ Section 6-14-111 also addresses the counting of votes for “a write-in candidate for school district director.”¹¹ These requirements are plainly distinct from the general-election-law write-in provision, which applies to candidates for “state or district office” and “county or township office.”¹² The school election laws also establish specific procedures—apart from the general election laws—for certifying election returns and for notifying those elected to school director.¹³

⁶ *Id.* at § 7-6-102(a)(2) (providing in relevant part that “a school district candidate shall file the political practices pledge at the time of filing the petition for nomination.” The filing of a petition for nomination to a position on a school district board of directors is governed by Ark. Code Ann. § 6-14-111 (Supp. 2017).

⁷ *See* Ark. Code Ann. § 7-6-220(b)(4) (distinguishing, in connection with reports of independent expenditures, between “*school district*, township, municipal, or county office” and “state or *district office*” (emphases added) as set forth in Ark. Code Ann. § 7-6-207).

⁸ *See* Ark. Code Ann. §§ 6-14-102(c)(1) (Supp. 2017) (regarding the number of candidates for a “school district director position” at the annual school election) and 6-14-111(h) (Supp. 2017) (addressing candidate filing procedures).

⁹ *Id.* at § 6-14-111(c), (e).

¹⁰ *Supra* note 6, and accompanying text.

¹¹ Ark. Code Ann. § 6-14-111(g).

¹² Ark. Code Ann. § 7-5-205 (Supp. 2017).

¹³ *See* Ark. Code Ann. § 6-14-115 (Supp. 2017); Ark. Code Ann. § 7-5-701 (Supp. 2017) (general election laws regarding election returns and delivery of certificates of election).

The general election laws concerning eligibility for “state offices,” “district offices,” and “county, municipal, and township offices”¹⁴ plainly do not apply to a school-district office in light of these provisions governing the election of school-district directors. More specific to your question, a school-district office is not a “district” office under the general election laws. Consequently, when construed harmoniously with the general election laws, section 7-5-111 does not include an elected school district office within its scope.

As a final note, I recognize that “[t]he general election laws ... apply to school elections *insofar as they are not in conflict with the school election laws.*”¹⁵ Applying section 7-5-111’s dual-candidacy prohibition to the office of school director would, in my opinion, be in conflict with the school election laws. As noted above, the school election laws establish the qualifications for a position on a school-district board of directors. And there is no provision prohibiting a candidate for school board from running for another office.

Question 2: Could a person run for election to the board of directors of a school district and another state, county, municipal, district or township office if the elections were held on the same date?

Yes. See above discussion. As is apparent from the above discussion, however, the position of school district director is not “another” state, county, municipal, district, or township office.

Sincerely,



LESLIE RUTLEDGE
Attorney General

¹⁴ See Ark. Code Ann. § 7-7-301(a)(1), (2), (3) (Supp. 2017) (addressing the filing of party pledges and affidavits of eligibility by candidates for “state offices,” “district offices, including, but not limited to, the offices of State Representative and State Senator,” and “county, municipal, and township offices.”); see also Ark. Code Ann. § 7-7-203(g)(1) and (h)(1)(B)(i) (Supp. 2017) (providing that a list of all “nominated candidates for county, township, and municipal offices” shall be certified by the county election board to the county clerk, and that certificates of nomination for “Unites States, state, and district offices” shall be filed with the Secretary of State).

¹⁵ Ark. Code Ann. § 6-14-101 (Repl. 2013) (emphasis added).