	Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly. Act 1454 of the Regular Session
1	State of Arkansas As Engrossed: S4/1/09
2	87th General Assembly
3	Regular Session, 2009 HOUSE BILL 2187
4	
5	By: Representative Blount
6	By: Senator Elliott
7	
8	
9	For An Act To Be Entitled
10	AN ACT TO AMEND THE PROCEDURE FOR REMOVAL OF A
11	DIRECTOR IN A CITY MANAGER FORM OF GOVERNMENT;
12	AND FOR OTHER PURPOSES.
13	
14	Subtitle
15	TO AMEND THE PROCEDURE FOR REMOVAL OF A
16	DIRECTOR IN A CITY MANAGER FORM OF
17	GOVERNMENT.
18	
19	
20	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21	
22	SECTION 1. Arkansas Code § 14-61-119 is amended to read as follows:
23	14-61-119. Removal of director.
24	(a) The holder of office of city director or the mayor is subject to
25	removal by the electors qualified to vote for a successor of the incumbent.
26	(b) The procedure to effect the removal of the incumbent of this
27	elective office shall be <u>is</u> as follows:
28	(1) The city clerk shall send to the subject of the recall a
29	certified letter, return receipt requested, and a copy of the petition
30	stating the basis of the recall shall be mailed to the incumbent whose
31	removal is sought under this section.
32	(1)(2)(A)(i) A petition shall be filed with the city clerk
33	within ninety (90) days after the collection of signatures began.
34	(ii) The collection of the signatures for the
35	petition shall not begin before the date the certified letter is mailed under



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1 subdivision (b)(1) of this section. 2 (B) This petition shall be signed by electors entitled to 3 vote for a successor to the incumbent sought to be removed, equal in number to at least thirty-five percent (35%) of the number of ballots cast for all 4 5 candidates for the position held by the incumbent sought to be removed at the 6 preceding general election for that position. 7 (2)(3) The petition shall contain a statement of the grounds and 8 reasons on account of which the removal is sought. 9 (3)(4) The signatures to the petition need not all be appended 10 to one (1) paper, but each signer shall add to his or her signature his or 11 her place of residence, giving street and number, if any. 12 (4)(5) One of the signers of each of the papers shall make an oath before an officer competent to administer oaths that: 13 14 (A) the The statements therein made are true as he or she 15 believes and; 16 (B) that each Each signature to the paper appended is a 17 genuine signature of the person whose name it purports to be; (C) The petition contained the information concerning the 18 reason for the removal of the incumbent; and 19 (D) The petition contained the date upon which the 20 21 collection of signatures began. 22 (c) Within ten (10) days of the date of filing the petition, the city 23 clerk shall ascertain and determine whether or not the petition is signed by 24 the requisite number of qualified electors. If necessary, the board of 25 directors shall allow the city clerk extra help for that purpose. 26 The city clerk shall attach to the petition his or her certificate (d) 27 showing the result of his or her examination. 28 (e) If by the clerk's certificate the petition is shown to be 29 insufficient, it may be amended within ten (10) days. 30 (f) Within ten (10) days after an amendment, the clerk shall make like examination of the amended petition. 31 32 (1) If his or her certificate shall show the amended petition to 33 be insufficient, it shall be returned to the person filing it, without 34 prejudice, however, to the filing of a new petition to the same effect. 35 (2) If the petition shall be is deemed sufficient, the clerk 36 shall submit it to the board without delay.

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1	(g) If Upon receipt from the city clerk certifying that the petition
2	is sufficient, the board shall find the petition thus submitted to it
3	contains the requisite number of electors signed thereto and is otherwise
4	found to be sufficient, it shall order and fix a date for holding an election
5	in accordance with under § 7-5-103(b). This date shall be not more than
6	ninety (90) days from the date of the clerk's certificate to the board that a
7	sufficient petition is filed.
8	(h) The board shall make, or cause to be made, publication of notice
9	and all arrangements for holding the election.
10	(i) The election shall be conducted and returned, and the result
11	thereof declared in all respects as are other such elections under the
12	general election laws of the city .
13	(j) At the election, the proposition submitted to the electors shall
14	be:
15	
16	
17	FOR the removal of (name of officer) from the Office of
18	(Director)(Mayor) []
19	AGAINST the removal of (name of officer) from the Office of
20	(Director)(Mayor) []
21	
22	
23	(k) If the majority of votes cast on the issue shall be are in favor
24	of the removal of the officer, the officer shall be deemed removed and his or
25	her office vacated, and it shall be filled in the manner provided for filling
26	vacancies.
27	(1) If the majority of the votes cast on that issue shall be are
28	against the removal of the officer, the officer shall continue to serve.
29	(m) No recall petition shall may be filed against any officer until he
30	or she shall have held his or her office for at least six (6) months, nor
31	shall may any officer be subject to more than one (1) recall proceeding
32	between biennial elections during any one (1) term of office.
33	
34	/s/ Blount
35	···
36	APPROVED: 4/10/2009

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