

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senators Gordon and Snyder**

S.J.R. 1

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7 **SENATE JOINT RESOLUTION**

8 FOR AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF
9 ARKANSAS TO ESTABLISH A PROCEDURE FOR RECALL BY SPECIAL
10 ELECTION OF PERSONS ELECTED TO ANY STATE, DISTRICT,
11 COUNTY, TOWNSHIP, MUNICIPAL, SCHOOL DISTRICT, OR OTHER
12 PUBLIC OFFICE, AFTER EXPIRATION OF AT LEAST ONE (1) YEAR
13 OF THE TERM OF ANY SUCH OFFICIAL AND TO PROHIBIT MORE THAN
14 ONE (1) RECALL ELECTION DURING THE SAME TERM OF OFFICE OF
15 ANY SUCH OFFICIAL.

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17 BE IT RESOLVED BY THE SENATE OF THE SEVENTY-EIGHTH GENERAL ASSEMBLY OF THE
18 STATE OF ARKANSAS AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL
19 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

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21 That the following is hereby proposed as an amendment to the
22 Constitution of the State of Arkansas, and upon being submitted to the
23 electors of the state for approval or rejection at the next general election
24 for Senators and Representatives, if a majority of the electors voting thereon
25 at such election, adopt such amendment, the same shall become a part of the
26 Constitution of the State of Arkansas, to wit:

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28 "SECTION 1. As used in this Amendment:

29 (1) 'Recall' means an election to ascertain whether or not it is the
30 desire of the majority of the electors to allow an elected official to remain
31 in office for the duration of his or her elected term.

32 (2) 'Elected official' means any person elected to any state,
33 district, county, township, municipality, school district, or other public
34 office. *The term 'elected official' shall also include any person appointed*
35 *to any elective office.*

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SECTION 2. (a) The qualified electors of the state or of any district, county, township, municipality, or school district, or of any other political subdivision in which any elected official or elected officials are elected by the electors thereof, may petition for the recall of any elected official after the *six (6) months* of the term for which he or she was elected by filing a petition in the form and manner hereafter provided demanding the recall of the elected official.

(b) The petition for the recall of any elected official elected by a vote of the electors of the entire state shall be signed by qualified electors of the state equal to fifteen percent (15%) of the *votes cast for Governor in the last preceding General Election at which a Governor was elected*, and the petition shall include signatures of qualified electors from each of fifteen (15) counties in the state equal in number to at least seven and one-half percent (7 1/2%) of the number of votes cast for governor in each such county at such election.

(c) The petition for the recall of any other elected official shall be signed by qualified electors of the county, district, township, municipality, or school district in which the elected official is serving equal to at least twenty-five percent (25%) of the *votes cast in the district, county, township, municipality, or school district for the office of governor in the last General Election at which a governor was elected*.

SECTION 3. The recall of an elected official shall be instituted by filing with the appropriate official a verified petition requesting the recall.

(1) A petition seeking the recall of any state or district elected official shall be filed with the Secretary of State.

(2) A petition seeking the recall of any county, township, municipal, or school district elected official shall be filed with the county board of election commissioners of the appropriate county.

SECTION 4. *The General Assembly shall prescribe by law the form of the petition for recall of an elected official.*

SECTION 5. Within fifteen (15) days after the petition is filed with

1 the appropriate official, the official shall determine by careful examination
 2 whether the petition is sufficient and so state in a certificate attached to
 3 the petition. If the petition is found to be insufficient, the certificate
 4 shall state the particulars creating the insufficiency. The petition may be
 5 amended to correct any insufficiency within thirty (30) days following the
 6 affixing of the original certificate. Within two (2) days after filing the
 7 amended petition, it shall again be carefully examined to determine
 8 sufficiency and a certificate stating the findings shall be attached.
 9 Immediately upon finding an original or amended petition sufficient, the
 10 examining official shall notify the appropriate authority who shall call a
 11 special election in the manner provided by law for calling special elections,
 12 for the purpose of submitting the proposal to the electors.

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14 SECTION 6. (a) At the special election the recall issue shall be
 15 printed on the ballot in substantially the following form:

16 'For Permitting _____ to
 17 Name Office
 18 continue to serve the term of office for which elected()
 19 Against Permitting _____ to
 20 Name Office
 21 continue to serve the term of office for which elected()'

22 (b) If at the election a majority of the qualified electors voting on
 23 the issue vote against permitting the elected official to serve the term of
 24 office to which elected, an immediate vacancy shall exist in the office, and
 25 the vacancy shall be filled in the manner prescribed by law.

26 (c) If at the election a majority of the qualified electors voting on
 27 the issue vote for permitting the elected official to serve the term of office
 28 for which elected, the elected official shall continue to serve the term for
 29 which elected.

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31 SECTION 7. After one (1) recall petition and special election, no
 32 further recall petition shall be filed against the same elected official
 33 during the same term of office.

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35 SECTION 8. All expenses of special elections for the recall of elected

1 officials of the state, district, county, township, municipality, or school
2 district, or other elected officials shall be paid by the county. If the
3 election is on the question of recalling a municipal, school district or other
4 local district elected official, the municipality or school district or other
5 local district as the case may be shall reimburse the county for the expenses
6 of the election.

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8 SECTION 9. This Amendment shall become effective on January 1, 1993."

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/s/Gordon

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