

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative Roberts**

A Bill

HOUSE BILL 1035

For An Act To Be Entitled

8 "AN ACT TO PROVIDE A PROCEDURE FOR THE RECALL OF ELECTED
9 DISTRICT, COUNTY, TOWNSHIP, MUNICIPAL, AND SCHOOL DISTRICT
10 OFFICIALS AND OTHER ELECTED OFFICIALS IN THE STATE; AND
11 FOR OTHER PURPOSES."

Subtitle

14 "AN ACT TO PROVIDE A PROCEDURE FOR THE RECALL OF ELECTED
15 OFFICIALS."

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

19 SECTION 1. For the purpose of this act the term "recall" means the
20 voting by the citizens of the State of Arkansas to ascertain whether or not it
21 is the desire of the majority of the electors therein to allow an elected
22 district, county, township, or municipal official or any other elected public
23 official, *except those covered under Article XV of the Constitution of the*
24 *State of Arkansas*, to remain in that capacity for the duration of his or her
25 elected term and the term "elected official" or "officeholder" means any
26 person elected to any district, county, township, municipal, school district,
27 or other public office, *except those covered under Article XV of the*
28 *Constitution of the State of Arkansas*.

30 SECTION 2. The qualified electors of any district, county, township,
31 municipality, or school district, or of any other political subdivision in
32 which any public official or officials are elected by the electors thereof,
33 may petition for the recall of any elected official, *except an official*
34 *elected to an office with a two-year term*, after the first year of the term
35 for which he or she was elected by filing a petition in the form and manner

1 hereafter provided demanding the recall of the office-holder. The petition
2 for the recall of any other officeholder shall be signed by qualified electors
3 of the county, district, township, municipality, or school district in which
4 the officeholder is serving equal to at least *thirty-five per cent (35%)* of
5 the votes cast in such district, county, township, municipality, or school
6 district for the office of governor in the last General Election at which a
7 governor was elected.

8

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

12 (1) A petition seeking the recall of any district officer shall be
13 filed with the secretary of state.

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

17

18 SECTION 4. The petition for recall of an elected official under the
19 provisions of this Act shall be in substantially the following form:

20 "PETITION FOR RECALL
21 TO
22 (Secretary of State) (County Board of Election Commissioners)
23 of the
24
25 (County) (State of Arkansas)

26 We, the undersigned legal voters of
27
28 (District), (County), (Township), (Municipality), (Other)
29 respectfully order that
30 (Name of Officeholder)
31 be referred to the people of said
32
33 (District), (County), (Township), (Municipality), (Other)
34 to the end that such person or persons may be approved or rejected by the vote
35 of the legal voters of

1
 2 (District), (County), (Township), (Municipality), (Other)
 3 at an election to be held for this purpose; and each of us for himself or
 4 herself says: I am a qualified elector of
 5
 6 (District), (County), (Township), (Municipality), (Other)
 7 Arkansas, and my residence, post office address and voting precinct are
 8 correctly written after my name.

9 Name.....Residence.....Postoffice.....Voting Precinct"

10 Each and every sheet of every such petition containing the signatures
 11 shall be verified in substantially the following form by the person who
 12 circulated said sheet of said petition by his or her affidavit thereon as a
 13 part thereof.

14 STATE OF ARKANSAS)
 15 COUNTY.....)

16 I, being first duly sworn, state the above listed
 17 person signed this sheet of the foregoing petition, and each of them signed
 18 his or her name thereunto in my presence. I believe that each has stated his
 19 or her name, residence, postoffice address and voting precinct correctly, and
 20 that each signer is a legal voter of

21
 22 (District), (County), (Township), (Municipality), (Other)

23 Signature
 24 P. O.

25 Subscribed and sworn to before me this the day of, 19...

26 Signature
 27 (Clerk, Notary, Judge or J.P.)

28 P. O.

29 Forms herein given are not mandatory, and if substantially followed in
 30 any petition it shall be sufficient, disregarding clerical and technical
 31 errors.

32
 33 SECTION 5. Within fifteen (15) days after the petition is filed with
 34 the appropriate official, the official shall determine by careful examination
 35 whether the petition is sufficient and so state in a certificate attached to

1 the petition. If the petition is found to be insufficient, the certificate
2 shall state the particulars creating the insufficiency. The petition may be
3 amended to correct any insufficiency within thirty (30) days following the
4 affixing of the original certificate. Within *seven (7)* days after filing the
5 amended petition, it shall again be carefully examined to determine
6 sufficiency and a certificate stating the findings shall be attached.

7 Immediately upon finding an original or amended petition sufficient, the
8 examining official shall notify the appropriate authority who shall call a
9 special election in the manner provided by law for calling special elections,
10 for the purpose of submitting the proposal to the electors.

11

12 SECTION 6. At the special election the recall issue shall be printed on
13 the ballot in substantially the following form:

14 "For Permittingto

15 Name Office

16 continue to serve the term of office for which elected

17 Against Permitting to

18 Name Office

19 continue to serve the term of office for which elected"

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

24 If at such election a majority of the qualified electors voting on the
25 issue vote for permitting the official to serve the term of office for which
26 elected, such official shall continue to serve the term for which elected.

27

28 SECTION 7. After one (1) recall petition and special election, no
29 further recall petition shall be filed against the same official during the
30 same term of office.

31

32 SECTION 8. All expense of special elections for the recall of elected
33 officials shall be paid by the county in which they are held; provided, if the
34 election is on the question of recalling a municipal, school district or other
35 local district elected official, the municipality or school district or other

1 local district as the case may be shall reimburse the county for the expenses
2 of such election.

3

4 SECTION 9. All provisions of this act of a general and permanent nature
5 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
6 Revision Commission shall incorporate the same in the Code.

7

8 SECTION 10. If any provision of this act or the application thereof to
9 any person or circumstance is held invalid, such invalidity shall not affect
10 other provisions or applications of the act which can be given effect without
11 the invalid provision or application, and to this end the provisions of this
12 act are declared to be severable.

13

14 SECTION 11. All laws and parts of laws in conflict with this act are
15 hereby repealed.

16

17 SECTION 12. Emergency. It is hereby found and determined by the
18 General Assembly that there is currently no appropriate procedure available to
19 electors to recall elected officials when the electors are dissatisfied with
20 the performance and the manner in which elected public officials carry out the
21 official duties of their respective offices; that elected public officials do
22 not always act in the best interests of the State of Arkansas and the various
23 political subdivisions and the citizenry thereof, and that an appropriate
24 procedure should be established whereby electors may recall such officials;
25 that this Act is designed to establish such procedure and to thereby provide
26 for the more efficient administration and operation of the political system in
27 this State. Therefore, an emergency is hereby declared to exist and this Act
28 being necessary for the preservation of the public peace, health and safety
29 shall be in full force and effect from and after its passage and approval.

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/s/Jacqueline Roberts

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As Engrossed: 1/29/93 2/10/93 3/3/93

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