

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senators Gordon and Beebe**

S.J.R.

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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.

16
17 **Subtitle**

18 A PROPOSED CONSTITUTIONAL AMENDMENT CONCERNING RECALL
19 ELECTIONS.

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23 BE IT RESOLVED BY THE SENATE OF THE SEVENTY-NINTH GENERAL ASSEMBLY OF THE
24 STATE OF ARKANSAS AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL
25 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

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27 That the following is hereby proposed as an amendment to the Constitution
28 of the state of Arkansas, and upon being submitted to the electors of the
29 state for approval or rejection at the next general election for Senators and
30 Representatives, if a majority of the electors voting thereon at such
31 election, adopt such amendment, the same shall become a part of the
32 Constitution of the state of Arkansas, to wit:

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34 "SECTION 1. As used in this Amendment:
35 (1) Recall means an election to ascertain whether or not it is the

1 desire of the majority of the electors to allow an elected official to remain
2 in office for the duration of his or her elected term.

3 (2) Elected official means any person elected to any state, district,
4 county, township, municipality, school district, or other public office. The
5 term elected official shall also include any person appointed to any
6 elective office.

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8 SECTION 2. (a) The qualified electors of the state or of any district,
9 county, township, municipality, or school district, or of any other political
10 subdivision in which any elected official or elected officials are elected by
11 the electors thereof, may petition for the recall of any elected official
12 after the first year of the term for which he or she was elected by filing a
13 petition in the form and manner hereafter provided demanding the recall of the
14 elected official.

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

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

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

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

35 (2) A petition seeking the recall of any county, township, municipal,

1 or school district elected official shall be filed with the county board of
2 election commissioners of the appropriate county.

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

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7 SECTION 5. Within fifteen (15) days after the petition is filed with
8 the appropriate official, the official shall determine by careful examination
9 whether the petition is sufficient and so state in a certificate attached to
10 the petition. If the petition is found to be insufficient, the certificate
11 shall state the particulars creating the insufficiency. The petition may be
12 amended to correct any insufficiency within thirty (30) days following the
13 affixing of the original certificate. Within two (2) days after filing the
14 amended petition, it shall again be carefully examined to determine
15 sufficiency and a certificate stating the findings shall be attached.
16 Immediately upon finding an original or amended petition sufficient, the
17 examining official shall notify the appropriate authority who shall call a
18 special election in the manner provided by law for calling special elections,
19 for the purpose of submitting the proposal to the electors.

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

23 _For Permitting _____ to
24 Name Office
25 continue to serve the term of office for which elected()

26 Against Permitting _____ to
27 Name Office
28 continue to serve the term of office for which elected()_

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

33 (c) If at the election a majority of the qualified electors voting on
34 the issue vote for permitting the elected official to serve the term of office
35 for which elected, the elected official shall continue to serve the term for

1 which elected.

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

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7 SECTION 8. All expenses of special elections for the recall of elected
8 officials of the state, district, county, township, municipality, or school
9 district, or other elected officials shall be paid by the county. If the
10 election is on the question of recalling a municipal, school district or other
11 local district elected official, the municipality or school district or other
12 local district as the case may be shall reimburse the county for the expenses
13 of the election."

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