

1 **State of Arkansas**

2 **79th General Assembly**

3 **Regular Session, 1993**

S.J.R.

4 **By: Senators Bearden, Beebe, Bell, Bookout, Canada, Chaffin, Dowd, Edwards, Everett,**
5 **Fitch, Gordon, Gwatney, Hardin, Harriman, Holiman, Hoofman, Jewell, Lewellen, Miles,**
6 **Scott, Smith, Todd**

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SENATE JOINT RESOLUTION

10 FOR AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF
11 ARKANSAS TO ESTABLISH A PROCEDURE FOR RECALL BY SPECIAL
12 ELECTION OF PERSONS ELECTED TO ANY STATE, DISTRICT,
13 COUNTY, TOWNSHIP, MUNICIPAL, SCHOOL DISTRICT, OR OTHER
14 PUBLIC OFFICE, AFTER EXPIRATION OF AT LEAST ONE (1) YEAR
15 OF THE TERM OF ANY SUCH OFFICIAL AND TO PROHIBIT MORE THAN
16 ONE (1) RECALL ELECTION DURING THE SAME TERM OF OFFICE OF
17 ANY SUCH OFFICIAL; TO REPEAL AMENDMENT 73 TO THE
18 CONSTITUTION OF THE STATE OF ARKANSAS; TO PROVIDE TERM
19 LIMITATIONS FOR MEMBERS OF THE UNITED STATES HOUSE OF
20 REPRESENTATIVES FROM ARKANSAS AND FOR MEMBERS OF THE
21 UNITED STATES SENATE FROM ARKANSAS AFTER TERM LIMITATIONS
22 ARE ADOPTED IN AT LEAST TWENTY-FIVE OTHER STATES; AND TO
23 LIMIT THE TIME DURING WHICH ANY CANDIDATE OR ANY PERSON OR
24 COMMITTEE ACTING ON BEHALF OF THE CANDIDATE CAN SOLICIT OR
25 ACCEPT CAMPAIGN CONTRIBUTIONS.

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Subtitle

28 A PROPOSED CONSTITUTIONAL AMENDMENT CONCERNING RECALL OF
29 PUBLIC OFFICIALS; TERM LIMITATIONS; SOLICITATION AND
30 ACCEPTANCE OF CAMPAIGN CONTRIBUTIONS.

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

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1 That the following is hereby proposed as an amendment to the Constitution
2 of the State of Arkansas, and upon being submitted to the electors of the
3 state for approval or rejection at the next general election for Senators and
4 Representatives, if a majority of the electors voting thereon at such
5 election, adopt such amendment, the same shall become a part of the
6 Constitution of the State of Arkansas, to wit:

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8 "SECTION 1. As used in this Amendment:

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

12 (2) Elected official means any person elected to any state, district,
13 county, township, municipality, school district, or other public office. The
14 term elected official shall also include any person appointed to any
15 elective office.

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17 SECTION 2. (a) The qualified electors of the state or of any district,
18 county, township, municipality, or school district, or of any other political
19 subdivision in which any elected official or elected officials are elected by
20 the electors thereof, may petition for the recall of any elected official
21 after the first year of the term for which he or she was elected by filing a
22 petition in the form and manner hereafter provided demanding the recall of the
23 elected official.

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

32 (c) The petition for the recall of any other elected official shall be
33 signed by qualified electors of the county, district, township, municipality,
34 or school district in which the elected official is serving equal to at least
35 twenty-five percent (25%) of the votes cast in the district, county, township,

1 municipality, or school district for the office of governor in the last
2 General Election at which a governor was elected.

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

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

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

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

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

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

32 _For Permitting _____ to
33 Name Office
34 continue to serve the term of office for which elected()
35 Against Permitting _____ to

1 House of Representatives and United States Senate.

2

3 SECTION 11. It is unlawful for any candidate for public office or any
4 person acting in the candidate_s behalf or any exploratory committee to
5 solicit or accept campaign contributions except during the ninety (90) day
6 period immediately preceding an election at which the candidate seeks
7 nomination or election. Provided this section shall not prohibit the
8 solicitation or acceptance of contributions solely for the purpose of raising
9 funds to retire a previous campaign debt. Any person or entity violating this
10 section shall be guilty of a Class A misdemeanor and shall be subject to a
11 fine not to exceed one thousand dollars (\$1,000) and imprisonment not more
12 than one (1) year, or both."

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