

*As Engrossed: 1/24/91 2/4/91*

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**  
4 **By: Representative Jones**

**A BILL ACT 49 OF 1991**  
**HOUSE BILL 1293**

**For An Act To Be Entitled**

8 "AN ACT TO REPEAL THE OBSOLETE LAW PERTAINING TO THE  
9 COMMISSION FORM OF GOVERNMENT; TO AMEND ARKANSAS CODE 14-  
10 48-114 TO PROVIDE THAT PETITIONS FOR THE RECALL OF THE  
11 MAYOR OR A MEMBER OF THE BOARD OF DIRECTORS OF A CITY WITH  
12 THE ADMINISTRATOR FORM OF GOVERNMENT MUST BE SIGNED BY A  
13 NUMBER OF ELECTORS EQUAL TO AT LEAST THIRTY-FIVE PERCENT  
14 (35%) OF THE TOTAL NUMBER OF VOTES CAST FOR THAT OFFICE AT  
15 THE PRECEDING ELECTION; AND FOR OTHER PURPOSES."

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

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19 SECTION 1. Arkansas Code 14-48-114(b)(1) is hereby amended to read as  
20 follows:

21 "(1) When petitions requesting the removal of any such officer, signed  
22 by qualified electors equal in number to thirty-five percent (35%) of the  
23 total number of votes cast for all candidates for that office at the preceding  
24 general municipal election at which the office was on the ballot, are filed  
25 with the city clerk, the clerk shall, determine the sufficiency of the  
26 petitions within ten (10) days from the date of the filing."

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28 SECTION 2. Arkansas Code 14-61-119(b)(1) is hereby amended to read as  
29 follows:

30 "(1) A petition shall be filed with the city clerk. This petition shall  
31 be signed by electors entitled to vote for a successor to the incumbent sought  
32 to be removed, equal in number to at least thirty-five percent (35%) of the  
33 number of ballots cast for all candidates for the position held by the  
34 incumbent sought to be removed at the preceding election for that position."

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36 SECTION 3. Chapter 46 of Title 14 of the Arkansas Code is hereby

1 repealed.

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

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7 SECTION 5. If any provision of this Act or the application thereof to  
8 any person or circumstance is held invalid, such invalidity shall not affect  
9 other provisions or applications of the Act which can be given effect without  
10 the invalid provision or application, and to this end the provisions of this  
11 Act are declared to be severable.

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13 SECTION 6. All laws and parts of laws in conflict with this Act are  
14 hereby repealed.

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16 SECTION 7. *EMERGENCY. It is hereby found and determined by the General*  
17 *Assembly that the present law pertaining to the recall of municipal officials*  
18 *is confusing and conflicting; that this Act clarifies the law; and that*  
19 *clarification should go into effect immediately. Therefore, an emergency is*  
20 *hereby declared to exist and this Act being necessary for the preservation of*  
21 *the public peace, health and safety shall be in full force and effect from and*  
22 *after its passage and approval.*

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*/s/ Myra Jones*

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APPROVED: 2-7-91

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