

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009  
4

As Engrossed: S4/1/09  
**A Bill**

HOUSE BILL 2187

5 By: Representative Blount  
6 By: Senator Elliott  
7

8  
9 **For An Act To Be Entitled**

10 AN ACT TO AMEND THE PROCEDURE FOR REMOVAL OF A  
11 DIRECTOR IN A CITY MANAGER FORM OF GOVERNMENT;  
12 AND FOR OTHER PURPOSES.  
13

14 **Subtitle**

15 TO AMEND THE PROCEDURE FOR REMOVAL OF A  
16 DIRECTOR IN A CITY MANAGER FORM OF  
17 GOVERNMENT.  
18

19  
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

22 SECTION 1. Arkansas Code § 14-61-119 is amended to read as follows:  
23 14-61-119. Removal of director.

24 (a) The holder of office of city director or the mayor is subject to  
25 removal by the electors qualified to vote for a successor of the incumbent.

26 (b) The procedure to effect the removal of the incumbent of this  
27 elective office ~~shall be~~ is as follows:

28 (1) The city clerk shall send to the subject of the recall a  
29 certified letter, return receipt requested, and a copy of the petition  
30 stating the basis of the recall shall be mailed to the incumbent whose  
31 removal is sought under this section.

32 ~~(1)(2)(A)(i)~~ A petition shall be filed with the city clerk  
33 within ninety (90) days after the collection of signatures began.

34 (ii) The collection of the signatures for the  
35 petition shall not begin before the date the certified letter is mailed under  
36 subdivision (b)(1) of this section.



1            (B) This petition shall be signed by electors entitled to  
2 vote for a successor to the incumbent sought to be removed, equal in number  
3 to at least thirty-five percent (35%) of the number of ballots cast for all  
4 candidates for the position held by the incumbent sought to be removed at the  
5 preceding general election for that position.

6            ~~(2)~~(3) The petition shall contain a statement of the grounds and  
7 reasons on account of which the removal is sought.

8            ~~(3)~~(4) The signatures to the petition need not all be appended  
9 to one (1) paper, but each signer shall add to his or her signature his or  
10 her place of residence, giving street and number, if any.

11           ~~(4)~~(5) One of the signers of each of the papers shall make an  
12 oath before an officer competent to administer oaths that:

13            (A) ~~the~~ The statements therein made are true as he or she  
14 believes ~~and;~~

15            (B) ~~that each~~ Each signature to the paper appended is a  
16 genuine signature of the person whose name it purports to be;

17            (C) The petition contained the information concerning the  
18 reason for the removal of the incumbent; and

19            (D) The petition contained the date upon which the  
20 collection of signatures began.

21            (c) Within ten (10) days of the date of filing the petition, the city  
22 clerk shall ascertain and determine whether or not the petition is signed by  
23 the requisite number of qualified electors. If necessary, the board of  
24 directors shall allow the city clerk extra help for that purpose.

25            (d) The city clerk shall attach to the petition his or her certificate  
26 showing the result of his or her examination.

27            (e) If by the clerk's certificate the petition is shown to be  
28 insufficient, it may be amended within ten (10) days.

29            (f) Within ten (10) days after an amendment, the clerk shall make like  
30 examination of the amended petition.

31            (1) If his or her certificate shall show the amended petition to  
32 be insufficient, it shall be returned to the person filing it, without  
33 prejudice, however, to the filing of a new petition to the same effect.

34            (2) If the petition ~~shall be~~ is deemed sufficient, the clerk  
35 shall submit it to the board without delay.

36            (g) ~~If~~ Upon receipt from the city clerk certifying that the petition

1 ~~is sufficient,~~ the board shall ~~find the petition thus submitted to it~~  
 2 ~~contains the requisite number of electors signed thereto and is otherwise~~  
 3 ~~found to be sufficient, it shall~~ order and fix a date for holding an election  
 4 ~~in accordance with~~ under § 7-5-103(b). This date shall be not more than  
 5 ninety (90) days from the date of the clerk's certificate to the board that a  
 6 sufficient petition is filed.

7 (h) The board shall make, or cause to be made, publication of notice  
 8 and all arrangements for holding the election.

9 (i) The election shall be conducted and returned, and the result  
 10 thereof declared in all respects as are other such elections under ~~the~~  
 11 ~~general~~ election laws ~~of the city.~~

12 (j) At the election, the proposition submitted to the electors shall  
 13 be:

14  
 15

16 FOR the removal of (name of officer) from the Office of  
 17 (Director)(Mayor) [ ]  
 18 AGAINST the removal of (name of officer) from the Office of  
 19 (Director)(Mayor) [ ]

20  
 21

22 (k) If the majority of votes cast on the issue ~~shall be~~ are in favor  
 23 of the removal of the officer, the officer shall be ~~deemed~~ removed and his or  
 24 her office vacated, and it shall be filled in the manner provided for filling  
 25 vacancies.

26 (l) If the majority of the votes cast on that issue ~~shall be~~ are  
 27 against the removal of the officer, the officer shall continue to serve.

28 (m) No recall petition ~~shall~~ may be filed against any officer until he  
 29 or she shall have held his or her office for at least six (6) months, nor  
 30 ~~shall~~ may any officer be subject to more than one (1) recall proceeding  
 31 ~~between biennial elections~~ during any one (1) term of office.

32  
 33  
 34  
 35  
 36

*/s/ Blount*