

Hall of the House of Representatives

87th General Assembly - Regular Session, 2009

Amendment Form

Subtitle of House Bill No. 1923

"TO PROVIDE FOR A RECALL ELECTION OF A MEMBER OF A SCHOOL BOARD OF DIRECTORS."

Amendment No. 1 to House Bill No. 1923.

Amend House Bill No. 1923 as originally introduced:

Please delete SECTION 1 in its entirety and substitute the following:

"SECTION 1. Arkansas Code Title 6, Chapter 13, Subchapter 6 is amended to add an additional section to read as follows:

6-13-635. Recall election of a school board of directors member.

(a) As used in this section:

(1) "Clerk" means the county clerk or the municipal clerk where the school district is located and who is the appropriate official to administer the application, preparation, and other administrative duties pertaining to a recall petition;

(2) "Governing body" means the county administration or city administration overseeing the office of the clerk where the school district is located; and

(3)(A) "School district" means the whole school district unless the school district is divided into separate zones.

(B) If the school district is divided into separate zones then "school district" means the school district zone of the school board of directors member subject to the recall.

(b) A member of the school board of directors who is elected or appointed to office may be recalled by a majority vote of qualified electors of a school district after the official has served a minimum of ninety (90) days of the term for which he or she was elected or appointed.

(c) Grounds for a recall are misconduct in office, incompetence, failure to perform prescribed duties, or public dissatisfaction.

(d)(1) An application for a recall petition shall be filed with the clerk and shall contain:

(A) The signatures and residential addresses of at least thirty (30) qualified voters of the school district who will sponsor the petition;

(B) The name and address of the petition sponsor to whom all correspondence relating to the petition may be sent; and

(C) A statement in two hundred (200) words or less of the grounds for recall stated with particularity.



(2) An additional sponsor may be added at any time before the petition is filed by submitting the name of the additional sponsor to the clerk.

(e)(1) If the clerk determines that an application for a recall petition meets the requirements of subdivision (d)(1) of this section, the clerk shall prepare a recall petition.

(2) The petition and order of recall shall be on substantially the following form:

“PETITION FOR RECALL

To the Honorable

County Clerk or Municipal Clerk

We, the undersigned legal voters of the (school district) _____ located in (county) _____, Arkansas, respectfully order by this, our petition, that the recall of (named public school board of directors member) elected on (date) be referred to the people of said (school district), to the end that the same may be approved or rejected by the vote of the legal voters of said (school district) at the next regular general election (or at a special election, as the case may be) to be held on the _____ day of _____, 20____; and each of us for himself or herself says:

I have personally signed this petition; I am a legal voter of the State of Arkansas, and my printed name, date of birth, residence, city or town of residence, and date of signing this petition are correctly written after my signature.”

(3)(A) The clerk shall notify the sponsor in writing when the petition is available.

(B) Copies of the petition shall be provided by the clerk to each sponsor who appears in the clerk’s office and requests a petition, and the clerk shall mail the petition to each sponsor who requests that the petition be mailed.

(f)(1) The signatures on the petition shall be in ink.

(2) The clerk shall determine the number of signatures required on a petition and inform the sponsor in writing, which shall be ten percent (10%) of the total qualified electors who voted in the most recent school board election.

(3) Illegible signatures shall be rejected by the clerk unless accompanied by a legible printed name.

(4) Signatures not accompanied by a legible residential address shall be rejected.

(5) A petition signer may withdraw his or her signature upon written application to the clerk before certification of the petition.

(g)(1) Within ten (10) days after the date a petition is filed, the clerk shall:

(A) Certify on the petition whether it is sufficient; and

(B)(i) Notify the sponsor by certified mail if the petition is insufficient and identify the insufficiency.

(ii) An insufficiency due to a shortage of valid signatures may be supplemented with additional signatures obtained and filed

before the eleventh day after the date on which the petition is rejected if:

(a) The petition contains an adequate number of signatures, counting both valid and invalid signatures; and

(b) The supplementary petition is filed more than one hundred eighty (180) days before the end of the term of office of the official sought to be recalled.

(2) A petition that is insufficient shall be rejected and filed as a public record unless it is supplemented under subdivision (g)(1)(B) of this section.

(h) A sufficient recall petition shall be submitted to the governing body at the next regular meeting or at a special meeting if held before the next regular meeting by the clerk.

(i) A notice of the recall election ballot shall be published in compliance with § 7-9-113.

(j) The recall election ballot shall be submitted to the qualified voters of the school district at the next school board election or the next general election, whichever is sooner.

(k) A recall election ballot shall contain:

(1) The grounds for the recall stated in two hundred (200) words or less on the recall petition;

(2) A statement of two-hundred (200) words or less by the school board of directors member named on the recall petition if the statement is filed with the clerk for publication and public inspection at least twenty (20) days before the election; and

(3) The following question:

"Shall (name of person) be recalled from the office of school board of directors member?

Yes [] or No []."

(1)(1) If a majority vote favors recall, the office shall become vacant upon certification of the recall election.

(2) If the school board of directors member is not recalled at the election by a majority vote, an application for petition to recall the same school board of directors member shall not be filed sooner than six (6) months after the date of the election.

(m)(1) The office of the member of the school board of directors vacated by recall election shall be filled by appointment made by the Commissioner of Education.

(2) The appointed school board of directors member shall serve the remainder of the term vacated by the recalled school board of directors member."

The Amendment was read _____
By: Representative Perry
SAG/LNS - 03-11-2009 15:10 _____
SAG181 **Chief Clerk**