

2 State of Arkansas
3 91st General Assembly
4 Regular Session, 2017

A Bill

HOUSE BILL 1583

5
6 By: Representative Dotson

7 Filed with: House Committee on Education
8 pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

9
10 AN ACT TO CREATE RECALL ELECTIONS FOR MEMBERS OF
11 SCHOOL DISTRICT BOARDS OF DIRECTORS; TO AMEND THE LAW
12 CONCERNING SCHOOL DISTRICT BOARDS OF DIRECTORS; AND
13 FOR OTHER PURPOSES.

Subtitle

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17 TO CREATE RECALL ELECTIONS FOR MEMBERS OF
18 SCHOOL DISTRICT BOARDS OF DIRECTORS; AND
19 TO AMEND THE LAW CONCERNING SCHOOL
20 DISTRICT BOARDS OF DIRECTORS.

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

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

27 6-13-636. Recall elections – School district boards of directors.

28 (a) A member of the school district board of directors is subject to
29 removal by a majority vote of the electors qualified to vote for the office
30 held by the member to be removed.

31 (b)(1) If a petition signed by at least thirty-five percent (35%) of
32 the electors who are qualified to vote for the office held by the member to
33 be removed is filed with the circuit court, the circuit clerk shall:

34 (A) Verify the signatures on the petition within ten (10)
35 days of its filing;

1 (B) Certify the petition that has been verified to have
2 the requisite number of qualified signatures under this section promptly
3 after verification; and

4 (C) Promptly notify the school district board of directors
5 and the county board of election commissioners of the certification of the
6 petition.

7 (2) The petitioner may have an additional ten (10) days to
8 circulate the petition if:

9 (A) At the time the petition is filed, the petition
10 contains the number of signatures equal to at least thirty-five percent (35%)
11 of the electors who are qualified to vote for the office held by the member
12 to be removed; and

13 (B) The number of signatures that are verified by the
14 county clerk as qualified and valid under this section is less than thirty-
15 five percent (35%) of the electors who are qualified to vote for the office
16 held by the member to be removed.

17 (3) The petition shall:

18 (A) State the name of the member of the school district
19 board of directors to be removed;

20 (B) Identify the office held by the member of the school
21 district board of directors;

22 (C) State that the petition is to hold a recall election
23 for removal of the member of the school district board of directors from his
24 or her office; and

25 (D) State the reason for which removal is sought with an
26 affidavit signed by the petitioner affirming the truthfulness of that
27 statement.

28 (4) A signer on the petition shall:

29 (A) Sign his or her legal name; and

30 (B) List his or her address of residence.

31 (c)(1) Except as provided under subdivision (c)(2) of this section, a
32 recall election under this section shall be held at the next annual school
33 election.

34 (2) If the next annual school election is less than sixty (60)
35 days after the petition is certified by the county clerk, the recall election

1 shall be held at the annual school election that is to be held in the year
2 following the next annual school election.

3 (3) Except as provided under this section, the recall election
4 shall be held in accordance with the laws governing the annual school
5 election.

6 (d)(1) If a person is removed from his or her office under this
7 section, there is a vacancy in office.

8 (2)(A) Except as provided in subdivision (d)(2)(B) of this
9 section, when a vacancy is created under this section the vacancy shall be
10 filled by a majority vote of the remaining members of the school district
11 board of directors.

12 (B) If there is more than one (1) year left in the term of
13 the vacant office at the time the office is vacated:

14 (i) An election to fill the vacancy shall be held at
15 the next annual school election; and

16 (ii) The person who is elected by a majority vote of
17 the remaining members of the school district board of directors shall serve
18 until his or her successor is elected at the next annual school election
19 after the vacancy is created.

20 (C) An election to fill a vacancy held under this section
21 shall be held in accordance with the laws governing the annual school
22 election.

23 (D) A person elected to fill a vacancy under this section
24 shall serve the remainder of the term of the vacated office.

25 (3)(A) A person who is elected to fill the vacancy by a majority
26 vote of the remaining members of the school district board of directors may
27 be a candidate for the office in the election to fill the vacancy held at the
28 next annual school election.

29 (B) A member of a school district board of directors who
30 has been removed from his or her office by a recall election shall not be a
31 candidate in the election to fill the vacancy created by his or her removal.

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34 Referred by the Arkansas House of Representatives

35 Prepared by: VJF

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