

State of Arkansas

76th General Assembly

Regular Session, 1987

HOUSE BILL 1161

By: Representatives Hutchinson and Matthews

"AN ACT TO PROVIDE A PROCEDURE FOR THE RECALL OF ELECTED STATE, DISTRICT, COUNTY, TOWNSHIP, MUNICIPAL, AND SCHOOL DISTRICT OFFICIALS AND OTHER ELECTED OFFICIALS IN THE STATE; AND FOR OTHER PURPOSES."

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

SECTION 1. For the purpose of this act the term "recall" means the voting by the citizens of the State of Arkansas to ascertain whether or not it is the desire of the majority of the electors therein to allow an elected state, district, county, township, or municipal official or any other elected public official to remain in that capacity for the duration of his or her elected term and the term "elected official" or "officeholder" means any person elected to any state, district, county, township, municipal, school district, or other public office.

SECTION 2. The qualified electors of the state or of any district, county, township, municipality, or school district, or of any other political subdivision in which any public official or officials are elected by the electors thereof, may petition for the recall of any elected official after the first year of the term for which he or she was elected by filing a petition in the form and manner hereafter provided demanding the recall of the officeholder. The petition for the recall of any officeholder elected by a vote of the electors of the entire state shall be signed by qualified electors of the State equal to twenty-five percent (25%) of the votes cast for governor at the last General Election at which a governor was elected, and such petition shall include signatures of qualified electors from each of fifteen counties in the State equal in number to at least seven and one-half percent (7½%) of the number of votes cast for governor in each such county at such election. The

petition for the recall of any other officeholder shall be signed by qualified electors of the county, district, township, municipality, or school district in which the officeholder is serving equal to at least twenty-five percent (25%) of the votes cast in such district, county, township, municipality, or school district for the office of governor in the last General Election at which a governor was elected.

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

(1) A petition seeking the recall of any state or district officer shall be filed with the secretary of state.

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

SECTION 4. The petition for recall of an elected official under the provisions of this Act shall be in substantially the following form:

"PETITION FOR RECALL

TO _____
(Secretary of State) (County Board of Election Commissioners)

of the _____
(County) (State of Arkansas)

We, the undersigned legal voters of _____

(State), (District), (County), (Township), (Municipality), (Other)
respectfully order that _____

(Name of Officeholder)

be referred to the people of said _____

(State), (District), (County), (Township), (Municipality), (Other)
to the end that such person or persons may be approved or rejected by the
vote of the legal voters of _____

(State), (District), (County), (Township), (Municipality), (Other)
at an election to be held for this purpose; and each of us for himself or her-
self says: I am a qualified elector of _____

(State), (District), (County), (Township), (Municipality), (Other)
Arkansas, and my residence, post office address and voting precinct are

correctly written after my name.

Name _____ Residence _____ Postoffice _____ Voting Precinct _____ "

Each and every sheet of every such petition containing the signatures shall be verified in substantially the following form by the person who circulated said sheet of said petition by his or her affidavit thereon as a part thereof.

STATE OF ARKANSAS)

COUNTY _____)

I, _____ being first duly sworn, state the above listed person signed this sheet of the foregoing petition, and each of them signed his or her name thereunto in my presence. I believe that each has stated his or her name, residence, postoffice address and voting precinct correctly, and that each signer is a legal voter of _____

(State), (District), (County), (Township), (Municipality), (Other)

Signature _____

P. O. _____

Subscribed and sworn to before me this the _____ day of _____ 19____.

Signature _____

(Clerk, Notary, Judge or J.P.)

P. O. _____

Forms herein given are not mandatory, and if substantially followed in any petition it shall be sufficient, disregarding clerical and technical errors.

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

the purpose of submitting the proposal to the electors.

SECTION 6. At the special election the recall issue shall be printed on the ballot in substantially the following form:

"For Permitting _____ to
Name Office
continue to serve the term of office for which elected /_/
Against Permitting _____ to
Name Office
continue to serve the term of office for which elected /_/"

If at such election a majority of the qualified electors voting on the issue vote against permitting the official to serve the term of office to which elected, an immediate vacancy shall exist in the office, and such vacancy shall be filled in the manner prescribed by law.

If at such election a majority of the qualified electors voting on the issue vote for permitting the official to serve the term of office for which elected, such official shall continue to serve the term for which elected.

SECTION 7. After one (1) recall petition and special election, no further recall petition shall be filed against the same official during the same term of office.

SECTION 8. All expense of special elections for the recall of elected state, district, county, township, municipal, or school district officials, or other elected officials; provided, if the election is on the question of recalling a municipal, school district or other local district elected official, the municipality or school district or other local district as the case may be shall reimburse the county for the expenses of such election.

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

SECTION 10. EMERGENCY. It is hereby found and determined by the General

Assembly that there is currently no appropriate procedure available to electors to recall elected officials when the electors are dissatisfied with the performance and the manner in which elected public officials carry out the official duties of their respective offices; that elected public officials do not always act in the best interests of the State of Arkansas and the various political subdivisions and the citizenry thereof, and that an appropriate procedure should be established whereby electors may recall such officials; that this Act is designed to establish such procedure and to thereby provide for the more efficient administration and operation of the political system in this State. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

