

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**

A Bill

HOUSE BILL

4 **By: Representatives Walker and Brown**

5

6

7

For An Act To Be Entitled

8 "AN ACT TO PROVIDE A PROCEDURE FOR THE RECALL OF SCHOOL
9 BOARD MEMBERS; AND FOR OTHER PURPOSES."

10

11

12

Subtitle

13 "AN ACT TO PROVIDE A PROCEDURE FOR THE RECALL OF SCHOOL
14 BOARD MEMBERS."

15

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

17

18 SECTION 1. For the purpose of this act "recall" means the voting by the
19 citizens of a school district to ascertain whether or not it is the desire of
20 the majority of the electors therein to allow a school board member to remain
21 in that capacity for the duration of his or her elected term.

22

23 SECTION 2. (a) The qualified electors of any school district or school
24 zone may petition for the recall of any school board member after the first
25 year of the term for which he or she was elected by filing a petition in the
26 form and manner hereafter provided demanding the recall of the school board
27 member.

28 (b) The petition for the recall of any school board member shall be
29 signed by qualified electors of school district or zone from which the school
30 board member was elected. The number required shall be equal to at least
31 thirty-five per cent (35%) of the votes cast in such school district or zone
32 for the issue receiving the most votes in the last school district election.

33

34 SECTION 3. The recall of a school board member shall be instituted by
35 filing with the county board of election commissioners of the county in which

1 the school district is administered a verified petition requesting such
2 recall.

3

4 SECTION 4. The petition for recall of a school board member under the
5 provisions of this Act shall be in substantially the following form:

6 "PETITION FOR RECALL
7 TO the County Board of Election Commissioners)
8 of
9 (County)

10 We, the undersigned legal voters of
11
12 (School District) (School Zone)

13 respectfully order that
14 (Name of School Board Member)

15 be referred to the people of the
16
17 (School District), (School Zone)

18 to the end that the person or persons may be approved or rejected by the vote
19 of the legal voters of
20

21 (School District), (School Zone)
22 at an election to be held for this purpose; and each of us for himself or
23 herself says: I am a qualified elector of

24
25 (School District), (School Zone)

26 and my residence, post office address and voting precinct are correctly
27 written after my name.

28 Name.....Residence.....Postoffice.....Voting Precinct"

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

33 STATE OF ARKANSAS)
34 COUNTY.....)

35 I, being first duly sworn, state the above listed

1 person signed this sheet of the foregoing petition, and each of them signed
2 his or her name thereunto in my presence. I believe that each has stated his
3 or her name, residence, postoffice address and voting precinct correctly, and
4 that each signer is a legal voter of

5

6 (School District), (School Zone)

7 Signature

8 P. O.

9 Subscribed and sworn to before me this the day of, 19...

10 Signature

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

12 P. O.

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

16

17 SECTION 5. Within fifteen (15) days after the petition is filed with
18 the appropriate official, the official shall determine by careful examination
19 whether the petition is sufficient and so state in a certificate attached to
20 the petition. If the petition is found to be insufficient, the certificate
21 shall state the particulars creating the insufficiency. The petition may be
22 amended to correct any insufficiency within thirty (30) days following the
23 affixing of the original certificate. Within seven (7) days after filing the
24 amended petition, it shall again be carefully examined to determine
25 sufficiency and a certificate stating the findings shall be attached.
26 Immediately upon finding an original or amended petition sufficient, the
27 examining official shall notify the appropriate authority who shall call a
28 special election in the manner provided by law for calling special elections,
29 for the purpose of submitting the proposal to the electors.

30

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

33 "For Permittingto

34 Name Office

35 continue to serve the term of office for which elected

1 electors to recall school board members when the electors are dissatisfied
2 with the performance and the manner in which elected public officials carry
3 out the official duties of their respective offices; that elected public
4 officials do not always act in the best interests of the State of Arkansas and
5 the various political subdivisions and the citizenry thereof, and that an
6 appropriate procedure should be established whereby electors may recall such
7 officials; that this Act is designed to establish such procedure and to
8 thereby provide for the more efficient administration and operation of the
9 political system in this State. Therefore, an emergency is hereby declared to
10 exist and this Act being necessary for the preservation of the public peace,
11 health and safety shall be in full force and effect from and after its passage
12 and approval.

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

- 1
- 2
- 3
- 4