

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Representative Thomas

A Bill

HOUSE BILL 1208

For An Act To Be Entitled

"AN ACT TO ESTABLISH A PROCEDURE FOR RECALL BY SPECIAL
ELECTION OF PERSONS ELECTED TO AN STATE, DISTRICT, COUNTY,
TOWNSHIP, MUNICIPAL, SCHOOL DISTRICT OR OTHER PUBLIC
OFFICE, AFTER EXPIRATION OF AT LEAST SIX (6) MONTHS OF THE
TERM OF ANY SUCH OFFICIAL AND TO PROHIBIT MORE THAN ONE
(1) RECALL ELECTION DURING THE SAME TERM OF OFFICE OF ANY
SUCH OFFICIAL; AND FOR OTHER PURPOSES."

Subtitle

"AN ACT TO ESTABLISH A PROCEDURE FOR
RECALL BY SPECIAL ELECTION OF PERSONS
ELECTED TO ANY PUBLIC OFFICE AND TO
PROHIBIT MORE THAN ONE RECALL ELECTION
DURING THE SAME TERM OF OFFICE OF ANY
SUCH OFFICIAL."

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

SECTION 1. As used in this act:

(1) "elected official" or "officeholder" means any person elected to
any state, district, county, township, municipal, school district, or other
public office; and

(2) "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.

1 SECTION 2. The qualified electors of the state or of any district,
 2 county, township, municipality or school district in which any public
 3 official or officials are elected by the electors thereof, may petition for
 4 the recall of any elected official after the expiration of six (6) months of
 5 the term for which he or she was elected by filing a petition in the form and
 6 manner hereafter provided demanding the recall of the officeholder. The
 7 petition for the recall of any officeholder elected by a vote of the electors
 8 of the entire state shall be signed by qualified electors of the State equal
 9 to fifteen percent (15%) of the votes cast for governor at the last general
 10 election at which a governor was elected, and such petition shall include
 11 signatures of qualified electors from each of fifteen (15) counties in the
 12 State equal in number to at least seven and one-half percent (7 1/2%) of the
 13 number of votes cast for governor in each county at such election. The
 14 petition for the recall of any other officeholder shall be signed by
 15 qualified electors of the county, district, township, municipality, or school
 16 district in which the officeholder is serving equal to at least twenty-five
 17 percent (25%) of the *registered voters in such district, county, township,*
 18 *municipality, or school district.*

19

20 SECTION 3. The recall of an elected official shall be instituted by
 21 filing a recall petition requesting such recall.

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

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

27

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

"PETITION FOR RECALL

31 TO _____

32 (Secretary of State)
 33 Commissioners)

(County Board of Election

34 of the _____

35 (County)

(State of Arkansas)

1 We, the undersigned legal voters of _____
 2 (State), (District), (County), (Township), (Municipality),
 3 (Other)
 4 respectfully order that _____
 5 (Name of Officeholder)
 6 be referred to the people of said _____
 7 (State), (District), (County), (Township), (Municipality),
 8 (Other)
 9 to the end that such person or persons may be approved or rejected by the
 10 vote of the legal voters of _____
 11 (State), (District), (County), (Township), (Municipality), (Other)
 12 at an election to be held for this purpose; and each of us for himself or
 13 herself says: I am a qualified elector of _____
 14 (State), (District), (County), (Township), (Municipality), (Other)
 15 Arkansas, and my residence, post office address and voting precinct are
 16 correctly written after my name.

17 Name _____ Residence _____ Postoffice _____ Voting Precinct _____ "

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

22 STATE OF ARKANSAS)
 23 COUNTY _____)

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

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

30 Signature _____

31 P. O. _____

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

33 Signature _____

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

35 P. O. _____

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

4
5 SECTION 5. Within fifteen (15) calendar days after the petition is
6 filed with the appropriate official, the official shall determine by careful
7 examination whether the petition is sufficient and so state in a certificate
8 attached to the petition. If the petition is found to be insufficient, the
9 certificate shall state the particulars creating the insufficiency. The
10 petition may be amended to correct any insufficiency within thirty (30) days
11 following the filing of the original certificate. Within two (2) calendar
12 days (excluding Saturdays, Sundays, and holidays) after filing the amended
13 petition, it shall again be carefully examined to determine sufficiency and a
14 certificate stating the findings shall be attached. Immediately upon finding
15 an original or amended petition sufficient, the appropriate official shall
16 call a special election within forty-five (45) days, for the purpose of
17 submitting the proposal to the electors.

18
19 SECTION 6. At the special election the recall issue shall be printed
20 on the ballot in substantially the following form:

21 "For Permitting _____ to
22 Name Office
23 continue to serve the term of office for which elected /_/
24 Against Permitting _____ to
25 Name Office
26 continue to serve the term of office for which elected /_/"

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

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

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35 SECTION 7. After one (1) recall petition and special election, no

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