

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: H3/13/09

A Bill

HOUSE BILL 1923

5 By: Representative Perry
6
7

For An Act To Be Entitled

9 AN ACT TO PROVIDE FOR A RECALL ELECTION OF A
10 MEMBER OF A SCHOOL BOARD OF DIRECTORS; AND FOR
11 OTHER PURPOSES.
12

Subtitle

14 TO PROVIDE FOR A RECALL ELECTION OF A
15 MEMBER OF A SCHOOL BOARD OF DIRECTORS.
16
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

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

22 6-13-635. Recall election of a school board of directors member.

23 (a) As used in this section:

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

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

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

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

36 (b) A member of the school board of directors who is elected or



1 appointed to office may be recalled by a majority vote of qualified electors
2 of a school district after the official has served a minimum of ninety (90)
3 days of the term for which he or she was elected or appointed.

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

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

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

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

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

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

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

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

23 “PETITION FOR RECALL

24 _____
25 To the Honorable
26
27 County Clerk or Municipal Clerk
28

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

1 says:

2
3 I have personally signed this petition; I am a legal voter of the State
4 of Arkansas, and my printed name, date of birth, residence, city or town of
5 residence, and date of signing this petition are correctly written after my
6 signature.”

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

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

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

14 (2) The clerk shall determine the number of signatures required
15 on a petition and inform the sponsor in writing, which shall be ten percent
16 (10%) of the total qualified electors who voted in the most recent school
17 board election.

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

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

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

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

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

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

29 (ii) An insufficiency due to a shortage of valid
30 signatures may be supplemented with additional signatures obtained and filed
31 before the eleventh day after the date on which the petition is rejected if:

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

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

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

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

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

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

12 (k) A recall election ballot shall contain:

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

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

19 (3) The following question:

20
21 "Shall (name of person) be recalled from the office of school board of
22 directors member?

23 Yes [] or No []."
24

25 (1)(1) If a majority vote favors recall, the office shall become
26 vacant upon certification of the recall election.

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

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

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

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/s/ Perry