

State of Arkansas
87th General Assembly
Regular Session, 2009

A Bill

HOUSE BILL 2187

By: Representative Blount

For An Act To Be Entitled

AN ACT TO AMEND THE PROCEDURE FOR REMOVAL OF A
DIRECTOR IN A CITY MANAGER FORM OF GOVERNMENT;
AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE PROCEDURE FOR REMOVAL OF A
DIRECTOR IN A CITY MANAGER FORM OF
GOVERNMENT.

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

SECTION 1. Arkansas Code § 14-61-119 is amended to read as follows:
14-61-119. Removal of director.

(a) The holder of office of city director or the mayor is subject to removal by the electors qualified to vote for a successor of the incumbent.

(b) The procedure to effect the removal of the incumbent of this elective office ~~shall be~~ is as follows:

(1) A certified letter, return receipt requested, shall be mailed to the incumbent whose removal is sought under this section.

~~(1)(2)(A)(i)~~ A petition shall be filed with the city clerk within ninety (90) days after the collection of signatures began.

(ii) The collection of the signatures for the petition shall not begin before the date the certified letter is mailed under subdivision (b)(1) of this section.

(B) This petition shall be signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least thirty-five percent (35%) of the number of ballots cast for all



1 candidates for the position held by the incumbent sought to be removed at the
2 preceding general election for that position.

3 ~~(2)~~(3) The petition shall contain a statement of the grounds and
4 reasons on account of which the removal is sought.

5 ~~(3)~~(4) The signatures to the petition need not all be appended
6 to one (1) paper, but each signer shall add to his or her signature his or
7 her place of residence, giving street and number, if any.

8 ~~(4)~~(5) One of the signers of each of the papers shall make an
9 oath before an officer competent to administer oaths that:

10 (A) ~~the~~ The statements therein made are true as he or she
11 believes ~~and;~~

12 (B) ~~that each~~ Each signature to the paper appended is a
13 genuine signature of the person whose name it purports to be;

14 (C) The petition contained the information concerning the
15 reason for the removal of the incumbent; and

16 (D) The petition contained the date upon which the
17 collection of signatures began.

18 (c) Within ten (10) days of the date of filing the petition, the city
19 clerk shall ascertain and determine whether or not the petition is signed by
20 the requisite number of qualified electors. If necessary, the board of
21 directors shall allow the city clerk extra help for that purpose.

22 (d) The city clerk shall attach to the petition his or her certificate
23 showing the result of his or her examination.

24 (e) If by the clerk's certificate the petition is shown to be
25 insufficient, it may be amended within ten (10) days.

26 (f) Within ten (10) days after an amendment, the clerk shall make like
27 examination of the amended petition.

28 (1) If his or her certificate shall show the amended petition to
29 be insufficient, it shall be returned to the person filing it, without
30 prejudice, however, to the filing of a new petition to the same effect.

31 (2) If the petition ~~shall be~~ is deemed sufficient, the clerk
32 shall submit it to the board without delay.

33 (g) If Upon receipt from the city clerk certifying that the petition
34 is sufficient, the board shall ~~find the petition thus submitted to it~~
35 ~~contains the requisite number of electors signed thereto and is otherwise~~
36 ~~found to be sufficient, it shall~~ order and fix a date for holding an election

~~in accordance with~~ under § 7-5-103(b). This date shall be not more than ninety (90) days from the date of the clerk's certificate to the board that a sufficient petition is filed.

(h) The board shall make, or cause to be made, publication of notice and all arrangements for holding the election.

(i) The election shall be conducted and returned, and the result thereof declared in all respects as are other such elections ~~under the general election laws of the city.~~

(j) At the election, the proposition submitted to the electors shall be:

FOR the removal of (name of officer) from the Office of
(Director)(Mayor) []
AGAINST the removal of (name of officer) from the Office of
(Director)(Mayor) []

(k) If the majority of votes cast on the issue ~~shall be~~ are in favor of the removal of the officer, the officer shall be ~~deemed~~ removed and his or her office vacated, and it shall be filled in the manner provided for filling vacancies.

(l) If the majority of the votes cast on that issue ~~shall be~~ are against the removal of the officer, the officer shall continue to serve.

(m) No recall petition ~~shall~~ may be filed against any officer until he or she shall have held his or her office for at least six (6) months, nor ~~shall~~ may any officer be subject to more than one (1) recall proceeding ~~between biennial elections~~ during any one (1) term of office.