

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

# A Bill

HOUSE BILL 1702

5 By: Representative Unger  
6 By: Senator J. Bryant  
7

## For An Act To Be Entitled

9 AN ACT TO CREATE RECALL ELECTIONS FOR MEMBERS OF  
10 SCHOOL DISTRICT BOARDS OF DIRECTORS; TO AMEND THE LAW  
11 CONCERNING SCHOOL DISTRICT BOARDS OF DIRECTORS; AND  
12 FOR OTHER PURPOSES.  
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## Subtitle

15 TO CREATE RECALL ELECTIONS FOR MEMBERS OF  
16 SCHOOL DISTRICT BOARDS OF DIRECTORS; AND  
17 TO AMEND THE LAW CONCERNING SCHOOL  
18 DISTRICT BOARDS OF DIRECTORS.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code § 6-13-611(a), concerning vacancies on a  
25 school district board of directors, is amended to add an additional  
26 subdivision to read as follows:

27 (9) Is subject to a recall petition that is approved by a  
28 majority vote of the electors qualified to vote for the office held by the  
29 member to be removed.  
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31 SECTION 2. Arkansas Code Title 6, Chapter 13, Subchapter 6, is amended  
32 to add an additional section to read as follows:

33 6-13-636. Recall elections – School district boards of directors.

34 (a) A member of a school district board of directors is subject to  
35 recall and removal by a majority vote of the electors qualified to vote for  
36 the office held by the member to be removed.



1           (b) A member of a school district board of directors is subject to  
2 recall and removal for the following reasons, including without limitation:

3           (1) A moral failing leading to pending charges; and

4           (2) The loss of public trust.

5           (c)(1) If a petition signed by at least thirty-five percent (35%) of  
6 the electors who are qualified to vote for the office held by the member who  
7 is to be removed is filed with the circuit court, the circuit clerk shall:

8           (A) Verify the signatures on the petition within ten (10)  
9 days of its filing;

10           (B) Certify the petition that has been verified to have  
11 the requisite number of valid signatures under this section promptly after  
12 verification; and

13           (C) Promptly notify the school district board of directors  
14 and the county board of election commissioners of the certification of the  
15 petition.

16           (2) The petitioner shall have an additional ten (10) days to  
17 circulate the petition if:

18           (A) At the time the petition is filed, the petition  
19 contains a number of signatures equal to at least thirty-five percent (35%)  
20 of the electors who are eligible to vote for the office held by the member to  
21 be removed; and

22           (B) The number of signatures that are verified by the  
23 county clerk as valid under this section is less than thirty-five percent  
24 (35%) of the electors who are eligible to vote for the office held by the  
25 member to be removed.

26           (3) The petition shall:

27           (A) State the name of the member of the school district  
28 board of directors to be removed;

29           (B) Identify the office held by the member of the school  
30 district board of directors who is to be removed;

31           (C) State that the petition is to hold a recall election  
32 for removal of the member of the school district board of directors from his  
33 or her office; and

34           (D) State the reason for which removal is sought with an  
35 affidavit signed by the petitioner affirming the truthfulness of that  
36 statement.

1           (4) A signer on the petition shall:

2                   (A) Sign his or her legal name; and

3                   (B) List his or her residential address.

4           (d)(1) Except as provided under subdivision (d)(2) of this section, a  
 5 recall election under this section shall be held at the next annual school  
 6 election.

7           (2) If the next annual school election is less than sixty (60)  
 8 days after the petition is certified by the county clerk, the recall election  
 9 shall be held at the annual school election that is to be held in the year  
 10 following the next annual school election.

11           (3) Except as provided under this section, the recall election  
 12 shall be held in accordance with the laws governing the annual school  
 13 election.

14           (e)(1) If a person is removed from his or her office under this  
 15 section, there is a vacancy in office.

16           (2) When a vacancy is created under this section the vacancy  
 17 shall be filled as under § 6-13-611.

18           (f) A member of a school district board of directors may be subject to  
 19 no more than (1) recall petition during the member's elected term in office.

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