

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1702

By: Representative Unger
By: Senator J. Bryant

For An Act To Be Entitled

AN ACT TO CREATE RECALL ELECTIONS FOR MEMBERS OF
SCHOOL DISTRICT BOARDS OF DIRECTORS; TO AMEND THE LAW
CONCERNING SCHOOL DISTRICT BOARDS OF DIRECTORS; AND
FOR OTHER PURPOSES.

Subtitle

TO CREATE RECALL ELECTIONS FOR MEMBERS OF
SCHOOL DISTRICT BOARDS OF DIRECTORS; AND
TO AMEND THE LAW CONCERNING SCHOOL
DISTRICT BOARDS OF DIRECTORS.

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

SECTION 1. Arkansas Code § 6-13-611(a), concerning vacancies on a school district board of directors, is amended to add an additional subdivision to read as follows:

(9) Is subject to a recall petition that is approved by a majority vote of the electors qualified to vote for the office held by the member to be removed.

SECTION 2. Arkansas Code Title 6, Chapter 13, Subchapter 6, is amended to add an additional section to read as follows:

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

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



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

- (1) A moral failing leading to pending charges; and
- (2) The loss of public trust.

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

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

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

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

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

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

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

(3) The petition shall:

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

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

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

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

(4) A signer on the petition shall:

(A) Sign his or her legal name; and

(B) List his or her residential address.

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

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

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

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

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

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