



STATE OF ARKANSAS
OFFICE OF THE ATTORNEY GENERAL
JUSTICE BUILDING, LITTLE ROCK 72201

(501) 371-2007

STEVE CLARK
ATTORNEY GENERAL

OPINION NO. 85-150

June 21, 1985

Honorable Luther "Lu" Hardin
State Senator
2505 West Second Court
Russellville, AR 72801

Dear Senator Hardin:

This is in response to your letter wherein you requested an opinion concerning the following question:

Is there a provision for the recall of a mayor of a second class city?

There is no statute specifically providing for the recall of a mayor in Arkansas. The only statute addressing the removal of a mayor is Ark. Stat. Ann. §19-919 which states:

19.919. Removal from office for failure to execute laws.--If the Mayor or Police Judge, member of the City Council or any other elective officer of any city of the first class, second class, or incorporated town in this State, shall wilfully and knowingly fail, refuse, or neglect to execute or cause to be executed any of the laws or ordinances within their jurisdiction, they shall be deemed guilty of nonfeasance in office; and it shall be the duty of the Circuit Court of any County within which any such officer may be commissioned and acting, upon indictment charging any such officer with nonfeasance in office, to hear and determine such charges, and if upon hearing the charges be proven to be true, to enter a judgment of record removing such guilty officer from office, provided the Council of any city or incorporated town may provide by proper ordinance for the removal of any appointive officer upon a majority vote of such Council.

Honorable Luther "Lu" Hardin
June 21, 1985
Page 2

Therefore, unless the aforementioned statute is applicable it would not appear that a statutory method for removal from office is available.

This opinion, which I hereby approve, was prepared by Special Assistant Attorney General George A. Harper.

Sincerely,

A handwritten signature in dark ink, appearing to read "Steve Clark", written in a cursive style.

STEVE CLARK
Attorney General

JSC:GAH:jk