

9085

2009-2010 Regular Sessions

I N A S S E M B L Y

July 27, 2009

Introduced by M. of A. TEDISCO -- read once and referred to the Committee on Governmental Operations

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing the addition of a new article 20 to the constitution, in relation to providing for recall of an elective officer

1 Section 1. Resolved (if the Senate concur), That article 20 of the  
2 constitution be renumbered article 21 and a new article 20 be added to  
3 read as follows:

ARTICLE XX

RECALL

4 SECTION 1. RECALL IS THE POWER OF THE ELECTORS TO REMOVE AN ELECTIVE  
5 OFFICER.

6 S 2. 1. RECALL OF A STATE OFFICER IS INITIATED BY DELIVERING TO THE  
7 SECRETARY OF STATE A PETITION ALLEGING REASON FOR RECALL. SUFFICIENCY OF  
8 REASON IS NOT REVIEWABLE. PROPONENTS HAVE NINETY DAYS TO FILE SIGNED  
9 PETITIONS.

10 2. A PETITION TO RECALL A STATEWIDE OFFICER MUST BE SIGNED BY ELECTORS  
11 EQUAL IN NUMBER TO TWENTY PERCENT OF THE LAST VOTE FOR THE OFFICE, WITH  
12 SIGNATURES FROM EACH OF FIVE COUNTIES EQUAL IN NUMBER TO ONE PERCENT OF  
13 THE LAST VOTE FOR THE OFFICE IN THE COUNTY. SIGNATURES TO RECALL  
14 SENATORS AND MEMBERS OF THE ASSEMBLY MUST EQUAL IN NUMBER TWENTY PERCENT  
15 OF THE LAST VOTE FOR THE OFFICE. THERE SHALL BE NO RECALL POWER TO  
16 REMOVE JUDGES, UNITED STATES SENATORS OR MEMBERS OF THE UNITED STATES  
17 HOUSE OF REPRESENTATIVES.

18 3. THE SECRETARY OF STATE SHALL MAINTAIN A CONTINUOUS COUNT OF THE  
19 SIGNATURES CERTIFIED TO THAT OFFICE.

20 S 3. 1. AN ELECTION TO DETERMINE WHETHER TO RECALL AN OFFICER AND, IF  
21 APPROPRIATE, TO ELECT A SUCCESSOR SHALL BE CALLED BY THE GOVERNOR AND  
22 HELD NOT LESS THAN SIXTY DAYS NOR MORE THAN EIGHTY DAYS FROM THE DATE OF  
23 CERTIFICATION OF SUFFICIENT SIGNATURES.

24 2. A RECALL ELECTION MAY BE CONDUCTED WITHIN ONE HUNDRED EIGHTY DAYS  
25 FROM THE DATE OF CERTIFICATION OF SUFFICIENT SIGNATURES IN ORDER THAT

26 EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
27 [ ] is old law to be omitted.

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1 THE ELECTION MAY BE CONSOLIDATED WITH THE NEXT REGULARLY SCHEDULED  
2 ELECTION OCCURRING WHOLLY OR PARTIALLY WITHIN THE SAME JURISDICTION IN  
3 WHICH THE RECALL ELECTION IS HELD, IF THE NUMBER OF VOTERS ELIGIBLE TO  
4 VOTE AT THAT NEXT REGULARLY SCHEDULED ELECTION EQUAL AT LEAST FIFTY  
5 PERCENT OF ALL THE VOTERS ELIGIBLE TO VOTE AT THE RECALL ELECTION.

6 3. IF THE MAJORITY VOTE ON THE QUESTION IS TO RECALL, THE OFFICER IS  
7 REMOVED AND, IF THERE IS A CANDIDATE, THE CANDIDATE WHO RECEIVES A  
8 PLURALITY IS THE SUCCESSOR. THE OFFICER MAY NOT BE A CANDIDATE, NOR  
9 SHALL THERE BE ANY CANDIDACY FOR AN OFFICE FILED PURSUANT TO SECTION TWO  
10 OF ARTICLE SIX.

11 S 4. THE LEGISLATURE SHALL PROVIDE FOR CIRCULATION, FILING, AND  
12 CERTIFICATION OF PETITIONS, NOMINATION OF CANDIDATES, AND THE RECALL  
13 ELECTION.

14 S 5. IF RECALL OF THE GOVERNOR OR SECRETARY OF STATE IS INITIATED, THE  
15 RECALL DUTIES OF THAT OFFICE SHALL BE PERFORMED BY THE LIEUTENANT GOVER-  
16 NOR OR COMPTROLLER, RESPECTIVELY.

17 S 6. A STATE OFFICER WHO IS NOT RECALLED SHALL BE REIMBURSED BY THE  
18 STATE FOR THE OFFICER'S RECALL ELECTION EXPENSES LEGALLY AND PERSONALLY  
19 INCURRED. ANOTHER RECALL MAY NOT BE INITIATED AGAINST THE OFFICER UNTIL  
20 SIX MONTHS AFTER THE ELECTION.

21 S 7. THE LEGISLATURE SHALL PROVIDE FOR RECALL OF LOCAL OFFICERS. THIS  
22 SECTION DOES NOT AFFECT COUNTIES AND CITIES WHOSE CHARTERS PROVIDE FOR  
23 RECALL.

24 S 2. Resolved (if the Senate concur), That the foregoing amendment be  
25 referred to the first regular legislative session convening after the  
26 next succeeding general election of members of the assembly, and, in  
27 conformity with section 1 of article 19 of the constitution, be  
28 published for 3 months previous to the time of such election.