1493

2011-2012 Regular Sessions

IN ASSEMBLY

January 10, 2011

Introduced by M. of A. TEDISCO, AMEDORE -- 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

Section 1. RESOLVED (if the Senate concur), That article 20 of the 1 2 constitution be renumbered article 21 and a new article 20 be added to 3 read as follows: 4

ARTICLE XX

RECALL

6 SECTION 1. RECALL IS THE POWER OF THE ELECTORS TO REMOVE AN ELECTIVE 7 OFFICER.

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8 2. 1. RECALL OF A STATE OFFICER IS INITIATED BY DELIVERING TO THE S 9 SECRETARY OF STATE A PETITION ALLEGING REASON FOR RECALL. SUFFICIENCY OF 10 REASON IS NOT REVIEWABLE. PROPONENTS HAVE NINETY DAYS TO FILE SIGNED 11 PETITIONS.

2. A PETITION TO RECALL A STATEWIDE OFFICER MUST BE SIGNED BY ELECTORS 12 13 EQUAL IN NUMBER TO TWENTY PERCENT OF THE LAST VOTE FOR THE OFFICE, WITH SIGNATURES FROM EACH OF FIVE COUNTIES EQUAL IN NUMBER TO ONE PERCENT 14 OF VOTE 15 THE LAST FOR THE OFFICE IN THE COUNTY. SIGNATURES TO RECALL SENATORS AND MEMBERS OF THE ASSEMBLY MUST EOUAL IN NUMBER TWENTY PERCENT 16 OF THE LAST VOTE FOR THE OFFICE. THERE SHALL BE NO 17 RECALL POWER TO 18 REMOVE JUDGES.

19 3. THE SECRETARY OF STATE SHALL MAINTAIN A CONTINUOUS COUNT OF THE 20 SIGNATURES CERTIFIED TO THAT OFFICE.

21 S 3. 1. AN ELECTION TO DETERMINE WHETHER TO RECALL AN OFFICER AND, IF 22 TO ELECT A SUCCESSOR SHALL BE CALLED BY THE GOVERNOR AND APPROPRIATE, HELD NOT LESS THAN SIXTY DAYS NOR MORE THAN EIGHTY DAYS FROM THE DATE OF 23 24 CERTIFICATION OF SUFFICIENT SIGNATURES.

25 2. A RECALL ELECTION MAY BE CONDUCTED WITHIN ONE HUNDRED EIGHTY DAYS 26 DATE OF CERTIFICATION OF SUFFICIENT SIGNATURES IN ORDER THAT FROM THE THE ELECTION MAY BE 27 CONSOLIDATED WITH THE NEXT REGULARLY SCHEDULED

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

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

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

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

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

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

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

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