

JAN 19 2007

A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE II OF THE CONSTITUTION OF THE STATE OF HAWAII TO PROVIDE FOR RECALL.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of this Act is to propose an
2 amendment to article II of the Constitution of the State of
3 Hawaii to provide for recall. The legislature finds that no
4 method exists for the recall of state elected officials in
5 Hawaii and that such a political mechanism would be in the best
6 interest of the citizenry.

7 SECTION 2. Article II of the Constitution of the State of
8 Hawaii is amended by adding a new section to be appropriately
9 designated and to read:

10 "RECALL"

11 Section . Every elected public officer of the State may
12 be removed from office by the electors entitled to vote for a
13 successor of the incumbent, through the procedure and in the
14 manner set forth in this section. This procedure shall be known
15 as recall and is in addition to any other method of removal
16 provided by law. This section is self-executing, but the
17 legislature may enact legislation to facilitate its operation;



1 provided that the legislation may not restrict or limit the
2 provisions of this section or the powers reserved in this
3 section.

4 A recall measure shall be submitted to the people for a
5 recall vote with the signatures of registered voters of not less
6 than twenty-five percent of all votes cast for all candidates
7 for the office subject to recall at the general election
8 preceding the filing of the recall petition.

9 In districts in which the people cast their votes for
10 multiple representation in a particular office in that district,
11 the total votes cast for all candidates for that office in the
12 last general election shall be divided by the number of persons
13 in that particular office to obtain the number of signatures
14 needed.

15 Only those registered voters who are entitled to cast votes
16 for the officer named on the recall petition shall be qualified
17 to sign the recall petition and to vote in the recall election.

18 The recall petition shall state the reason for the recall
19 vote. Unresponsiveness to the needs of the officer's
20 constituents shall be adequate reason for the recall of any
21 elected state officer.



1 No recall petition shall be filed against any elected state
2 officer unless the officer has served more than six months of
3 the officer's term of office. No recall petition shall be filed
4 within one year of a primary election in which an elected
5 officer is required to seek nomination for reelection. If a
6 recall petition is against an elected state officer whose term
7 of office expires at a general election after a forthcoming
8 primary election and the petition is filed no more than one
9 hundred eighty days and not less than ninety days prior to the
10 primary election, the chief election officer shall cause the
11 recall measure to be submitted to the people at that general
12 election. All other recall measures shall cause a recall special
13 election to be proclaimed by the chief election officer between
14 fifteen and thirty days after the petition has been determined
15 to be sufficient.

16 A recall shall be approved by the majority of the votes
17 cast indicating "yes" or "no" thereon but not including blank
18 ballots. Any vacancy that may be created shall be filled as
19 prescribed by law.

20 If a recall vote fails to recall the affected officer, the
21 affected officer shall not be subject to another recall vote for



1 the remainder of the term of office to which the officer was
2 elected to serve.

3 Prior to the circulation of any recall petition for
4 signature, a copy shall be submitted to the attorney general who
5 shall prepare a title and summary of the chief purpose and aim
6 of the proposed measure within seven business days. The title
7 shall not exceed ten words and the summary shall not exceed
8 fifty words.

9 All recall petitions shall be submitted for certification
10 to the chief election officer. Every sheet of the petition
11 containing signatures shall be attached to the title, summary
12 and text of the recall petition. No laws shall be enacted
13 limiting the number of copies of a petition which may be
14 circulated. Any registered voter of this State shall be
15 competent to solicit signatures. No person circulating a
16 petition shall be eligible to receive any compensation for
17 services as a petition circulator. All signers shall add their
18 name and address as shown on their voter registration form, and
19 the date upon which they signed the petition. When fewer than
20 five thousand signatures are required on a petition, the
21 petition circulators shall have sixty days in which to obtain
22 the required number of signatures of qualified voters; when



1 between five thousand and ten thousand signatures are required,
2 the petition circulators shall have ninety days; when between
3 ten thousand and fifty thousand signatures are required, the
4 petition circulators shall have one hundred twenty days; when
5 between fifty thousand and one hundred thousand signatures are
6 required, the petition circulators shall have one hundred sixty
7 days; and when more than one hundred thousand signatures are
8 required, the petition circulators shall have one hundred eighty
9 days.

10 Every sheet of the petition containing signatures shall be
11 verified by affidavit of the petition circulator that each name
12 on the sheet was signed in the presence of the affiant and that
13 in the belief of the affiant each signer is a registered voter
14 of the State, and of the affected district in the case of a
15 recall petition so limited. The chief election officer shall
16 certify that the signers are registered voters of this State,
17 and of the affected district in the case of a recall petition so
18 limited.

19 The chief election officer shall not release a petition for
20 inspection by the public or any governmental agency, except
21 where the supreme court orders inspection of the petition, when
22 a question has been raised regarding the sufficiency of the



1 petition. If any petition under this section has been determined
2 to be insufficient, the petition shall be returned to the
3 circulators within sixty days of its filing with a statement of
4 the specific insufficiencies. Petition circulators shall have
5 additional time in which to correct the specific insufficiencies
6 of a petition, in accordance with the provisions of this section
7 governing the amount of time allowed to obtain petitioners'
8 signatures.

9 Any measure under this section shall be presented to the
10 people in such a form that a "yes" vote, on a yes or no ballot,
11 shall indicate an affirmative vote for the measure as the
12 measure is written.

13 The recall measure shall be effective, if approved, one day
14 after the election results are announced unless otherwise
15 provided for in the measure.

16 The petitioners shall bear all costs of the preparation and
17 circulation of the petition, except for the services performed
18 by the attorney general under this section. After the petition
19 has been filed with the chief election officer, all further
20 costs shall be part of the usual expenditures of the State."

21 SECTION 3. The question to be printed on the ballot shall
22 be as follows:



S.B. NO. 184

1 "Shall the State Constitution be amended to provide for the
2 recall of state elected officials?"

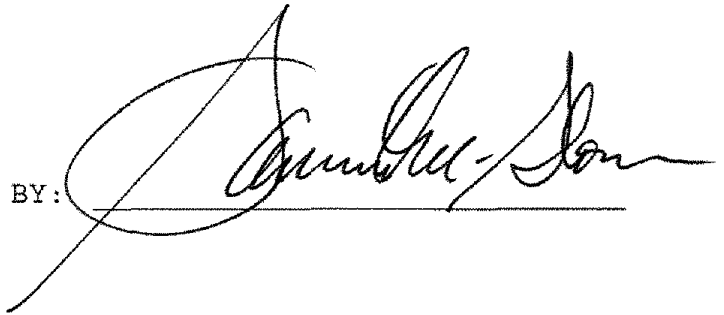
3 SECTION 4. In codifying the new section added to article II
4 of the Constitution of the State of Hawaii, by section 2 of this
5 Act, the revisor of statutes shall substitute the appropriate
6 section number in the new section designation of this Act.

7 SECTION 5. New constitutional material is underscored.

8 SECTION 6. These amendments shall take effect upon
9 compliance with article XVII, section 3, of the Constitution of
10 the State of Hawaii.

11

INTRODUCED BY:

A handwritten signature in black ink, written over a horizontal line. The signature is cursive and appears to read "Amelia Jones".

Report Title:

Recall

Description:

Amends article II of the state constitution to provide for recall.

